UNITED STATES DEPARTMENT OF LABOR
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WOMEN'S BUREAU
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STATE LABOR LAWS FOR WOMEN WITH WARTIME MODIFICATIONS

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PART V: EXPLANATION AND APPRAISAL

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LETTER OF TRANSMITTAL

UNITED STATES DEPARTMENT OF LABOR,
WOMEN'S BUREAU,
Washington, February 7, 1946.

SIR: I have the honor to transmit the fifth and final bulletin in the series covering State labor laws for women with wartime modifications, as of December 15, 1944. The laws included in this series are: Hour laws; laws regulating sanitary and other plant facilities in establishments employing women; laws prohibiting and regulating certain occupations, and prohibiting employment before and after childbirth; and industrial home-work laws.

The four bulletins of this series previously published constitute summaries, in legal-chart form, of the laws of each State. The present bulletin is an explanation of the basic purpose of such legislation, its historical development including leading decisions handed down by the courts, the character and extent of modification during the war period, and basic standards applicable in peacetime.

The series of bulletins is the work of the staff of the Division of Labor Legislation and Administration. The present bulletin was written by Alice Angus of that Division.

Respectfully submitted.

FRIEDA S. MILLER, *Director.*

HON. L. B. SCHWELLENBACH,
Secretary of Labor.

STATE LABOR LAWS FOR WOMEN WITH WARTIME MODIFICATIONS

December 15, 1944

Explanation and Appraisal

CHAPTER I.—BACKGROUND OF STATE LABOR LEGISLATION FOR WOMEN

In a panoramic view of the development in the United States of labor legislation for women, which now covers a period of almost three-quarters of a century, two trends stand out: The first is the continuous progress not only in the number of laws regulating women's hours and working conditions, but also in the standards they prescribe. Beginning with the year 1879, when the first enforceable law regulating women's hours of employment was enacted in Massachusetts, labor legislation for women has been constantly added to or increased, so that as of December 15, 1944, each of the 48 States, the District of Columbia, and all the territories except Hawaii regulate by law some phase of woman's employment. The same period of time has seen a gradual but constant improvement in the standards which these laws establish. Though much still remains to be accomplished, it is noteworthy that at the beginning of World War II 18 States had set a maximum 8-hour day for women in some or most occupations, and a substantial number required a day of rest, time for meals, and good working-conditions standards.

The second, though perhaps less obvious, of the trends discernible in the long history of labor legislation for women is the growing appreciation of the sound practical basis on which such laws rest. Whereas such legislation throughout most of its first 50 years of growth was generally considered to be largely an altruistic effort to improve the condition of one group of the population, it is now almost universally recognized to result in broad social and economic advantages for other groups as well.

The war has directed special attention to the practical benefits to be derived from fair labor standards. At a time when maximum production is imperative, many firms have found that best results are obtained over long periods by employing women for moderate hours and under desirable conditions. The relationship between long hours and substandard working conditions, on the one hand, and fatigue and unsatisfactory performance, on the other, has been newly demonstrated. The experience accumulated during the present war emergency constitutes new evidence that moderate hours and desirable standards help, rather than hinder, production.

The shift in emphasis from an altruistic or welfare basis to a practical or economic basis, which has been taking place with respect to labor legislation for women, may be expected to act as

a stimulus to the establishment of higher and more desirable standards for women's employment in the future. This may well result not only in the adoption of additional legal standards in States that now regulate only one or a few aspects of the broad subject of women's employment but also in the improvement of standards previously adopted.

The present chapter on "Background of State Labor Legislation for Women" will consider the following main topics: (1) Economic and social basis; (2) history; and (3) constitutionality.

ECONOMIC AND SOCIAL BASIS

Accepted Standards

As a result of long industrial experience, certain minimum standards have come to be generally recognized as best designed to preserve the health of wage-earning women. Of outstanding importance among such standards are those governing hours of employment. Accepted standards include a work schedule of not more than 8 hours a day, 48 hours and 6 days a week, a lunch period of at least 30 minutes, and a rest period of 10 or 15 minutes' duration in each half of the workday. For women who carry the double job of industrial employment and homemaking, reduction of the work schedule to less than 48 hours and 6 days is highly desirable from a health standpoint. It is also desirable that no woman worker in peacetime should be employed at night except as absolutely necessary in essential public service occupations.

Certain working-conditions standards are also commonly accepted as fundamental health requirements for women workers. Prominent among these are provisions for adequate toilets, dressing rooms, and rest rooms, separate and apart from those provided for the opposite sex. The desirability of lunch rooms for all employees is also recognized. The most commonly accepted of all working-conditions standards for women relates to seating facilities. Provision for seats and opportunity to change from a standing to a sitting position are known to do much to eliminate strain and fatigue.

Laws regulating or prohibiting industrial employment at home are essential to prevent the many injustices incident to the home-work system, such as low wages, long hours, and labor of small children. Regulation of home work protects the public against the manufacture of goods outside the factory under insanitary conditions. Home-work laws also help to maintain desirable working-conditions standards inside the factory by eliminating the unfair competition caused by manufacture of goods where the employer does not carry the expense of factory upkeep and overhead.

Some States regulate the manner of women's employment, such as the amount of weight that a woman may lift. Others regulate the type of employment, prohibiting that considered to be injurious such as work in mines, quarries, or saloons. A few States prohibit the employment of women for specified periods before and after childbirth.

Health as a Basis for Labor Legislation

Conservation of the health of wage-earning women is the basic purpose of laws regulating the hours of employment or working conditions of women. Laws regulating working conditions and other phases of women's employment differ widely both in the kind and the adequacy of the standards they establish. Unfortunately, many of the laws now in effect set standards lower than those cited in the foregoing paragraphs. Nevertheless, despite their great diversity, they have the common purpose of safeguarding the health of women workers.

Early labor laws for women placed special emphasis on woman's dual function as wage earner and potential mother. The public interest in preserving the welfare of the race was the chief basis of early legislation applicable to women only, or jointly to women and minors, and it is also one of the principal grounds on which such legislation has been upheld by the courts.

The urgent need to safeguard the health of women workers and thus protect the welfare of the race, is today just as valid a consideration for the establishment of desirable legal standards for women's employment as it was when the first such law was enacted almost 70 years ago. The social interest in the welfare of the race is no longer urged solely for its own sake, however. Studies and experiments carried on for the most part during and since the First World War have demonstrated that a reasonable hour schedule and desirable working conditions are sound from a business or financial point of view, i.e., they are "a good business proposition." By maintaining the worker's health and efficiency, such standards also facilitate production.

The Fatigue Factor in Industry.—Scientific experiments conducted over a period of years show that the labor of a worker results in fatigue, which in turn results in a diminished capacity for work and decreased power of concentration. Science has established that work not only uses up the energy of the body but also generates certain poisons which debilitate the worker. These poisons cannot be removed by medicine or stimulants, but only by rest. Fatigue which is not removed by change of activity and by rest gradually accumulates until it impairs the health of the worker and leads to decreased production.

Long daily or weekly hours of work are perhaps the most obvious employment conditions that lead to excessive fatigue. Even more serious from a health standpoint is the 7-day week, through which the worker is deprived of a weekly day of rest. Other common conditions which cause or contribute to fatigue include inadequate time for meals, constant or prolonged standing, and lack of scheduled rest periods or other suitable breaks in the routine. These and many other avoidable employment conditions all tend to intensify the physical strain on the worker. The danger inherent in such conditions is that the fatigue may become chronic if the worker does not have sufficient rest to overcome it and it is too long accumulated.

Night work brings special liability to fatigue because it deprives the worker of an opportunity to sleep during the customary hours. Most workers find it difficult to obtain sufficient sleep during the daytime because their natural rhythm is thrown out of balance and also because there is often considerable noise and confusion around them. Rotation of shifts at proper intervals, by reducing the amount of night work, helps the worker to ward off fatigue. Nevertheless, it is generally recognized that even with suitable shift rotation night work induces an accumulation of fatigue and is detrimental to health.

Hours of Work and Production.—The fact that long hours cause fatigue and result in decreased output has been demonstrated by numerous experiments in the factory itself. Studies of the relation of hours of work to output indicate that the effects of fatigue can be traced in a number of ways—directly, in diminished daily and weekly output, and indirectly, in work spoilage, accidents, sickness, and lost time. The direct effect—a lowered daily or weekly output—is obvious, but the indirect effect—accidents, sickness, and lost time—also influences productivity over extended periods.

Experiments showing the relation between hours of work and output have been made in various ways. A common type of study consists in measuring variations in output under work periods of varying lengths. By giving close attention to the work performed by the same individuals under controlled conditions over specified periods, experts have been able to determine the effect of a reduction in hours of work on the output of individual workers. This has been demonstrated in two ways—first, by the difference in hourly output before and after the change, and second by the difference in total output for a calendar period. Experiments show that where excessively long working hours are decreased to approximately 8-48, or less, the output per unit of work, i. e., hourly output, is increased in nearly all types of work; and further, that in many types of work, especially where the human factor predominates, the rate of hourly increase is so great that total output for the calendar period is maintained despite the reduction in hours.

Another common type of study is the "work curve" which consists of recording the average output of each consecutive hour of a series of workdays. Experiments using this method indicate that the longer the workday the greater the variation in output in different hours of the day. Production, particularly on work involving considerable physical effort, normally slumps sharply toward the end of the shift, largely as a result of increasing fatigue.

The comparative frequency and ratio of accidents under a 10-hour day and an 8-hour day also have been the subject of study. At the end of an excessively long work period, the fatigue engendered affects muscular coordination and control and tends to make the worker less alert. Mistakes and work spoilage increase and the worker becomes more susceptible to accidents as the workday is extended. It also has been shown that long work schedules lead to excessive absenteeism, and that workers take

time off not provided for in the schedule. Fatigue also leads to lowered morale on the job, and results in a higher rate of turnover and quits.

The general conclusion to be drawn from industrial experiments is that for a majority of occupations the longest work period that is desirable from the standpoint of maximum output is 48 hours a week. However, the length of the work period that leads to excessive fatigue depends not only on the type of work but on many "outside" factors intimately tied up with the life of the individual worker. Many workers must spend 2 or even 3 hours a day traveling to and from work. Numbers of women employees have heavy household duties that must be taken care of outside of working hours. Activities of this kind, while not part of the worker's employment, result in the material shortening or even elimination of necessary time for rest and recreation, and therefore must be taken into account in determining the optimum work period from a health standpoint. Consideration of the many outside factors that add to the workday point to the desirability of reducing the workday for women workers in the future.

Government Wartime Policy on Hours of Work

The relationship between hours of work and production is of special importance in wartime. In any consideration of the work schedule that is most desirable in the war program the question of health is necessarily subordinate to the demand for maximum production. Moderate work schedules can be supported only if they contribute to the major national interest of winning the war.

In the summer of 1942, the eight United States Government agencies chiefly responsible for success of the war program[1] issued their "Recommendation on Hours of Work for Maximum Production." It is significant that the working hours found to be most productive under peacetime conditions were declared to be the official Government policy during the war period. As a testament to the practical value of reasonable work schedules and adequate time off for rest, the Government wartime policy is of such far-reaching importance that that part of the statement which relates to working hours is quoted here in full:

> **Introduction.**
>
> In view of the wide discrepancy in labor policy on hours of work among establishments—both private and governmental—working on war production, and in order to secure observance of those standards which experience shows are best for sustained maximum output, the following statement of policy is issued as a guide to Government establishments, to field representatives of procurement agencies, and to contractors working on war production.
>
> Nothing herein contained in any way diminishes the urgency of securing round-the-clock, 7-day-week operation of plants and tools. The primary reason for this statement of policy is to secure increased production by calling attention to certain practices that have been found to increase the efficiency of the human factor in production.

[1] War Department, Navy Department, Maritime Commission, Public Health Service, War Manpower Commission, War Production Board, Commerce Department, Labor Department.

1. Weekly day of rest.

One scheduled day of rest for the individual, approximately every 7 days, should be a universal and invariable rule. The 7-day workweek for individuals is injurious to health, to production, and to morale. It slows down production because of the cumulative effects of fatigue, when not broken by a period of rest and relaxation, and it leads to increased absenteeism. Only in extreme emergencies and for a limited period of time should workers or supervisors forego the weekly day of rest.

2. Meal periods.

A 30-minute meal period in mid-shift is desirable for men and women from the standpoint of the worker's health and from the standpoint of productivity. In occupations that involve contact with poisonous substances workers must have time to wash before eating, as an elementary health precaution.

3. Daily and weekly hours.

Daily and weekly hours of employees in war production plants should be reexamined to assure those schedules which will maintain maximum output over a long war period. Hours now worked in some plants are in excess of those which can be sustained without impairing the health and efficiency of workers and reducing the flow of production.

When daily and weekly hours are too long, the rate of production tends after a period to decrease, and the extra hours add little or no additional output; the quality of work may deteriorate during the whole period of work, not only during the hours of overtime; absenteeism rises sharply; the loss of time due to accidents and illnesses tends to increase. Effects upon the health and morale of the worker may be slow in appearing but are cumulative in nature. Irregular attendance disrupts the flow of production because certain operations call for a balance of trained forces. In order to conserve irreplaceable skilled and supervisory manpower, uneconomical schedules should be revised.

When plants drawing on the same labor market compete for labor through the device of offering heavy overtime payment, the resulting unrest and turn-over interfere with war production. In order to stop this type of labor pirating there should be uniformity in the hours-schedules of plants in the same industrial area.

While a 40-hour week is generally accepted in peacetime there is a widespread and increasing agreement as a result of actual experience, both in this country and abroad, that for wartime production the 8-hour day and 48-hour week approximate the best working schedule for sustained efficiency in most industrial operations. While hours in excess of 48 per week have proved necessary in some instances due to a limited supply of supervisory and skilled manpower, there has been some tendency to continue longer schedules after sufficient opportunity has been afforded to train additional key employees.

Plants which are now employing individual workers longer than 48 hours a week should carefully analyze their present situation with respect to output and time lost because of absenteeism, accident, illness, and fatigue. They should reexamine the possibilities of training additional workers now, in order to lessen the need for excessive overtime during the long pull ahead. As rapidly as is feasible these plants should introduce the hours-schedules that will maintain the best possible rate of production for the duration.

Benefits of Leisure

The benefits to be derived from leisure are often mentioned as one of the strongest arguments for the moderate work schedule. Very great benefits, both to the community and to the individual workers themselves, result from women workers' active efforts toward community betterment, or participation in adult education or in organized recreation. Unfortunately, however, present-

day legal limitations of working hours do not allow sufficient time for constructive use of leisure, but merely provide for rest and recovery from fatigue. No State has a legal workday shorter than 8 hours; only 3 States have legal workweeks of less than 48 hours for manufacturing plants in peacetime, while 23 have established workweeks in excess of 48 hours for this industrial group. When time for transportation is added, the actual time spent by most women in connection with their employment is considerably longer than the scheduled legal work period. Not so closely connected with employment as traveling time but equally incompatible with the enjoyment of leisure is the multiplicity of inescapable household and personal duties which devolve upon practically all employed women. Routine duties like mending and laundering, which must be taken care of even by women living alone, are multiplied many times for women with families.

From a health standpoint, present State laws which limit working hours to 8 and 48, or less, serve the indispensable purpose of preventing the accumulation of excessive fatigue on the job. It is safe to say, however, that under even the best legal hour standards which State legislatures so far have enacted, the majority of women workers can hope for little free time outside of working hours beyond the amount actually needed for home responsibilities and rest. Under present legal standards so much of the woman worker's day is necessarily spent in connection with her employment, that the few remaining waking hours scarcely afford her the time necessary for a constructive program for the hours outside of work.

Though no State hour law has as yet made adequate allowance for leisure-time activities, it is nevertheless true that before the war some workers in organized groups enjoyed certain of the benefits to be derived from shorter working hours. In a few industries, the rank and file of workers not only had time for needed recreation but sufficient leisure to avail themselves of opportunities for adult education and to participate in programs for community betterment.

As has often been remarked, law follows experience. In the future it is not impossible that legal hour standards sufficiently short to provide some leisure for the majority of women workers may eventually be adopted. There is reason to hope that once the shorter workday has become widespread in practice, work schedules that allow some leisure for women workers will find legislative recognition and support. Establishment of legal hour standards which would allow time not merely for recovery from fatigue but for mental and spiritual growth would be highly beneficial to workers themselves and to society as a whole.

HISTORY

To be adequate for its purpose, a law establishing a standard for women's employment must meet at least three tests: First, the law must be enforceable. Irrespective of its other virtues, a law so worded that it allows loopholes for evasion is of little if

any value to women workers whose health it is designed to safeguard. Second, the law must set standards high enough to be of real benefit. It must constitute a realistic approach to present-day industrial conditions and meet the problem of fatigue in a practical manner. Finally, the law to be adequate must have wide coverage. If it is to be of maximum benefit it must apply to women in all or nearly all occupations.

The history of State labor legislation for women shows continuing effort to meet these three objectives. The struggle to obtain laws with "teeth" was won first. The earlier laws were not enforceable, but in most cases this objection was overcome. Today many laws still contain vestiges of the exception provisions and other clauses that weaken their force, but the main provisions generally are enforceable. The struggle for higher standards, while not by any means completed, also has made considerable progress over the years. The length of the workday and workweek has been gradually decreased, the 6-day week has been adopted in many States, and various other employment practices to preserve the health and well-being of women workers have found increasing recognition in State law. Probably the least gains have been made in the direction of universal coverage. Though the scope of many laws has been broadened to include the more important woman-employing industries, few laws extend coverage to women workers as such, irrespective of the occupation in which they may be engaged. Considerable improvement in both standards and coverage would increase the efficacy of many laws regulating the hours and working conditions of women.

For many reasons, legal standards for the employment of women are slow to change. Various factors, such as the cross-currents of economic interests, employer opposition due to fear of competition from other States, or the mere lack of sufficient public interest, militate against revision of existing statutes and impede the progress of such laws. This is especially true where the statute itself sets the only standard provided for, and where legislative action is necessary to make even a minor change. It is somewhat less likely to be the case where the power to set standards is delegated by the legislature to a State administrative agency such as the State labor department. The record shows that most of the State labor commissioners authorized to do so have issued a succession of orders gradually raising standards over a period of years. However, administrative action, surrounded as it is by legal safeguards such as the public hearing, is also necessarily a lengthy process. An appraisal of the background and history of labor legislation for women demonstrates that improvement in standards cannot be attained summarily but must be the object of persevering effort.

One of the most noteworthy facts in the development of labor legislation for women is the extent to which women, especially women workers, have participated and been influential in obtaining laws to improve their hours and conditions of work. Long before the enactment of the earlier laws women workers felt an

acute need for legal safeguards. Establishment of standards by law was usually the result of many years of directed effort by groups of women workers and by labor as a whole.

The present section on the history and constitutionality of labor laws for women will trace briefly the chronological development of each of the principal types of hour laws and of home-work laws and other special health laws, and will then describe the leading court decisions which have played an important part in the progress of such legislation.

Hour Laws

Maximum-Hour Laws.—As early as the 1830's, groups of workers began to press for legislation to reduce their excessively long hours of work. Women's employment at that time was largely concentrated in the textile mills, where they were obliged to work as much as 12 or 13 hours a day and often averaged as high as 78 hours a week. In 1845, a group of women textile workers in Massachusetts joined together to improve their condition, forming at Lowell the New England Female Labor Reform Association. Similar organizations developed in other cities in the New England States and in Pennsylvania and New Jersey. The chief objective of these organized women was the establishment of the 10-hour day by law. In this they were aided by the various workingmen's associations, which tried to obtain the same benefits for labor as a whole.

Efforts to obtain 10-hour laws succeeded in several of the Eastern industrial States. The first 10-hour law was enacted by New Hampshire in 1847, followed within a few years by passage of 10-hour laws in Pennsylvania (1848), Maine (1848), New Jersey (1851), and Rhode Island (1853). These laws, which applied to men as well as women, were of an essentially different character from present-day maximum-hour legislation for women. Instead of prohibiting employment beyond a specified number of hours, they merely established a standard for a day's work and permitted workers to contract for additional hours. The employer could be penalized only if the worker was "compelled" to work excess hours. Since workers could easily be found who were willing to make such contracts, these early laws had little or no effect in reducing working hours.

Though the movement to reduce working hours through legislation originated in the Eastern industrial States, the first hour legislation applicable to women as a special group was enacted by Central and North Central States. The first such law was one establishing a 10-hour day for women enacted by Ohio in 1852. The Minnesota law enacted in 1858 was second. A 10-hour law for women enacted by the Territory of Dakota in 1863 remained in effect when the Territory was divided and organized as two separate States. All of these laws were defective because no penalty was provided except where the employer "willfully" employed or "compelled" women to work longer than 10 hours. With amendment in 1879 of the Massachusetts 10-hour law en-

acted in 1874, maximum-hour legislation for women was established on an enforceable basis.

Meanwhile a movement was spreading to reduce the workday to 8 hours. Eight-hour leagues were formed in numerous States, resulting in establishment of the organized labor movement as it is known today. Passage of a Federal law in 1868 setting an 8-hour day for laborers, workmen, and mechanics employed by or on behalf of the Government stimulated the 8-hour movement. The first State 8-hour law for women was enacted by Wisconsin in 1867. Like the 10-hour laws of that period it was unenforceable because the penalty was applicable only where women were required to work excess hours. The first enforceable 8-hour law for women was enacted by Illinois in 1893, but it was soon rendered inoperative by court decision. The California and Washington laws, enacted in 1911, were the first enforceable 8-hour laws for women to have practical effect. Today over a third of the States have an 8-hour law. Though no State has a maximum of less than 8 hours, 3 States—Ohio, Oregon, and Pennsylvania—have a weekly hour standard of less than 48.

At the time of passage of the earlier laws, manufacturing was practically the only industry in which large numbers of women were employed outside their homes. Most of the earlier laws applied to manufacturing and mechanical establishments only. With the entrance of women into retail trade, coverage was increased to include "mercantile establishments," as in the Massachusetts law of 1883. Similarly, in other States where regulation of women's hours of employment developed gradually through a series of laws, extension of coverage quite naturally took the form of an enumeration of the more usual woman-employing occupations. In 1905 Pennsylvania discarded the original method of listing or enumerating the occupations covered, and passed a law applicable generally to "any occupation." At the present time, hour laws that do not enumerate occupations or industries covered but instead provide universal coverage with specified exemptions are found in a small group of States: Arizona, Nevada, North Carolina, Ohio, Pennsylvania, South Dakota, and Utah.

Since most of the hour laws which currently apply to any occupation also carry numerous specific exceptions, they do not in fact effect universal coverage. Agriculture and domestic employment are commonly excluded and exceptions are made for various types of food processing. However, despite the multitude of weakening exceptions in many of the present laws, the advantages of the "any occupation" method of coverage are obvious. Laws which are thus generally applicable to women workers as such are adjustable to changing conditions. When new industries are developed or women in increasing numbers enter industries formerly virtually closed to them, such laws are automatically applicable. Furthermore, they give protection to the thousands of women in relatively small and inconspicuous occupations which are not important enough to include in a law of enumerated coverage. After the war, new industries may well develop for women, as did the beauty culture industry in the 1920's. Coverage is one

phase of women's hour legislation in which existing laws show urgent need of improvement.

Day-of-Rest Laws.—Day-of-rest laws are not only one of the most recent developments in labor legislation for women, but also one of the most important. The first day-of-rest law to be adopted in any State was enacted by California in 1893. It was not until 1909 that the second such law was enacted, by Massachusetts. Thereafter, other States passed day-of-rest laws at a fairly steady rate. In addition, some States provided for a 6-day week in connection with laws limiting maximum hours of employment. As a result, legislation of this type was in effect in almost half the States at the beginning of the present war.

The so-called "Sunday laws," which all but a few States enacted during the nineteenth century, are often mentioned as the forerunner of day-of-rest legislation. Actually, however, the Sunday laws were entirely different from day-of-rest laws in purpose and content. They were intended primarily as religious precepts rather than as employment regulations. Though they differed in details, all of them provided that no person should himself perform unnecessary work on Sunday. Some of them also specifically prohibited the employment of others but such a requirement was incidental to their main purpose of enforcing observance of the Sabbath. The North Dakota law as given in the Revised Codes of 1895 sums up in its last paragraph the essential purpose of such laws: "Every person guilty of Sabbath breaking is punishable by a fine***."

The early day-of-rest laws, like the Sunday laws, applied to workers generally. However, instead of restricting the conduct of an individual, they were directed against the employer. They provided not that an individual could not work on a particular day, but that any person who employed another must give him at least one day a week as opportunity for rest and relaxation. In doing so, these laws recognize that Sunday could not be a universal day off because it is necessary that some workers who perform essential public services be employed on that day. The earliest day-of-rest law—the California law of 1893—did not mention Sunday, but provided merely that "it shall be unlawful for any employer of labor to cause his employees *** to work more than six days in seven." The Massachusetts law of 1909, however, referred to "the Lord's Day" as the preferable day of rest but provided that an alternative day off might be allowed "during the six days next ensuing." The Connecticut law of 1911 contained a requirement essentially like that of Massachusetts, i.e., "one full regular working day during the six days next ensuing." Judged by present standards, the New York law of 1913 was the most adequate of the earlier laws. It provided for "at least 24 consecutive hours of rest in every seven consecutive days," and required the employer to post in a conspicuous place on the premises a schedule containing a list of names of persons required to work on Sunday and designating the day of rest for each.

The posting provision in the New York law is indicative of the progress or improvement in day-of-rest laws from the standpoint

of enforceability. The first such law, that of California, 1893, was made almost meaningless by the proviso that "the provisions of this section shall not apply to any case of emergency." The Massachusetts law of 1909 was prefaced by the statement "except in cases of emergency or except at the request of the employee, it shall not be lawful***." The Connecticut law of 1911, which is still in effect, contains the prefatory clause, "Except in cases of emergency***." The New York law of 1913 was the first day-of-rest law to be fully adequate from an enforcement standpoint. Though this New York law also contains an exception provision, employment on the 7th day of a series is safeguarded by the requirement that a copy of any change in schedule also must be posted and filed with the State commissioner of labor. As will be seen in a later chapter, a majority of day-of-rest laws make no provision for 7-day employment under peacetime conditions. Most of the laws that do make such provision are safeguarded by a requirement that the employer must first obtain permission from the administrative agency.

From the standpoint of coverage, also, day-of-rest laws have made considerable progress. In the earlier laws it was superfluous to list certain exempted occupations as the broad emergency clause meant that employers in any or all occupations could exempt themselves from the law at will. Except for this serious limitation, the California law of 1893 would have been universally applicable as it did not list either excluded or included occupations. The Massachusetts law of 1909 expressly excluded certain types of work none of which was an important woman-employing occupation. The Connecticut law of 1911, in addition to exempting specific occupations, made practically a blanket exemption by excluding also "such commercial occupations or industrial processes as by their nature are required to be continuous." Since the New York law of 1913 covering factory and mercantile establishments allowed no apparent loopholes, the exemption of specific occupations was of real significance. It is therefore notable that none of the few occupations exempted was an important field of activity for women. Since the New York day-of-rest law like many of the others covers men as well as women, the effect of the exemptions seems to have been to make the law more workable with respect to men employees without substantially decreasing its value to women workers.

Unfortunately from the standpoint of coverage, most day-of-rest laws now in effect, like most maximum-hour laws, enumerate the occupations covered instead of applying broadly to women employed in any occupation. Moreover, the few laws that have general coverage are weakened by numerous exemptions.

Night-Work Laws.—The first night-work law was enacted by Massachusetts in 1890 and was applicable to women employed in manufacturing establishments. The law was the result of continuing protest by organized textile workers against employment during the evening hours in excess of the scheduled workday. As was stated in a preceding section, Massachusetts did not have an enforceable maximum-hour law until 1879. The agitation for a

night-work law originated under the earlier maximum-hour law which provided in effect that an employee might "agree" to work overtime. However, the first night-work law did not stop the practice of evening employment beyond the usual 6 o'clock closing hour, because the period in which work was prohibited did not begin until 10 p.m. Under the maximum-hour law, employers operating their plants day and evening could not employ their own workers overtime, but the first night-work law did not prevent them from hiring for the evening shift workers who had already been employed a full workday in another establishment. In 1907, overtime employment of women in textile mills was eliminated in Massachusetts by a law prohibiting such employment after 6 p.m.

New Jersey in 1892 fixed the hour periods when women might be employed in factories, workshops, or manufacturing establishments other than canneries and glass factories at from 7 a.m. to noon and from 1 p.m. to 6 p.m. on every working day but Saturday, when only the morning hours were allowed. This act, however, was repealed in 1904 and no further legislation was enacted until 1923.

The first New York night-work law applicable to adult women was enacted in 1899. It prohibited employment in factories between 9 p.m. and 6 a.m. This law was declared unconstitutional in 1907, and thereafter New York did not prohibit night work for adult women until 1913, when laws were enacted covering both manufacturing and mercantile establishments. Gradually other laws were passed prohibiting night work in such industries or occupations as restaurants, street railways, and messengers.

Nebraska and Indiana also passed night-work laws in 1899 prohibiting the employment of women from 10 p.m. to 6 a.m. The Nebraska statute had broad coverage applying to manufacturing, mechanical, and mercantile establishments and hotels and restaurants. Indiana's law applied to manufacturing plants only. Missouri prohibited night work in its hour law of 1909 but failed to include any such provision in the reenactment of the law in 1911 and has no such provision now. Other States which pioneered in laws prohibiting the employment of women at night were South Carolina in 1911 and Pennsylvania in 1913. The South Carolina law applied to mercantile establishments and the Pennsylvania law to adult women in manufacturing; in the former the prohibited hours were after 10 p.m. and in the latter, from 10 p.m. to 6 a.m.

Meanwhile several States had adopted another type of law which regulated, but did not prohibit, night work for women. The first such law, enacted in Connecticut in 1909, provided that no woman working in mercantile establishments should be employed after 10 p.m. except that an employer with two or more shifts could employ a woman at night for not over 10 hours in any 24. In 1911 Wisconsin enacted a law which provided that work done between 8 p.m. and 6 a.m. on more than one night a week must not exceed 8 hours a night or 48 hours a week. The law applied to manufacturing and mercantile establishments, laundries, restaurants, and a few other enumerated industries. In 1917, the Industrial Commission of Wisconsin through the authority granted to it by a 1913 statute, issued an order establishing an absolute

prohibition of women's employment in manufactories and laundries between 6 p.m. and 6. a.m. Two other States adopted the regulatory type of law, namely, Maryland and New Hampshire.

Though approximately one-third of the States at the beginning of the war regulated night work for women by law, no law had universal coverage and a few covered only one of the less usual occupations. Most of the night-work laws applied to manufacturing and mercantile establishments and some covered various other enumerated occupations. The hours between which employment most often was prohibited were 10 p. m. to 6 a. m.

Meal-Period Laws.—The early hour laws did not expressly provide for a meal period. Due to this lack, employers were able to squeeze additional man-hours out of a fixed over-all day by encroaching in various ways on the worker's meal period. Many abuses became common, such as having workers eat at their machines or requiring one group of workers to tend two sets of machines while another group was at lunch. Requiring a specified period for meals facilitated enforcement of the maximum-hour laws because it prevented employers from requiring work in excess of the legal maximum hours within a longer scheduled over-all period.

The first meal period requirement was adopted by Michigan in 1885. Applicable to manufacturing establishments, it required at least one hour a day "in the labor period" for dinner.

Massachusetts, amending its posting law in 1886 required that the time of starting and stopping work and the time allowed for dinner should be posted. It did not, however, specify any definite length of time for a meal period nor was the granting of a meal period expressly required. The next year, 1887, a meal-period law more like modern meal-period regulations was enacted. This law required at least one-half hour for lunch and specified the maximum period of work that might precede a meal period, with certain exceptions if the over-all day's work was within a specified total number of hours and ended at a specified time in the early afternoon. The law was also aimed at other abuses of the period, in that no worker was permitted to operate the machine of another in addition to her own during the other worker's lunch period. That the law was designed primarily to prevent employer abuses of this kind is indicated by the fact that it was applicable only to factories and workshops where 5 or more women, young persons, or children were employed.

Louisiana in its hour law of 1886 provided that women employed in factories, warehouses, workshops, and clothing establishments should be allowed one hour for dinner. Another law, enacted by this State in 1900, specified the hours within which retail-trade businesses employing women must allow a meal period. This law required that every employee be given at least 30 minutes for lunch or recreation each day between 10 a. m. and 3 p. m.

A one-hour meal period was an apparently incidental requirement of the first New Jersey maximum-hour law for women, enacted in 1892. In addition to a provision that 55 hours should constitute a week's work in manufacturing establishments, the

law specified that the periods of employment should run from 7 o'clock in the morning to 12 noon and from 1 to 6 o'clock in the afternoon of every workday except Saturday, when the working hours should be from 7 a. m. to 12 noon.

The Indiana factory law of 1899 contained a provision applicable to employees of both sexes. This law, which is still operative in peacetime, provides for a noonday meal period of not less than 60 minutes, but authorizes the chief inspector to issue written permits in special cases allowing a shorter mealtime at noon. The requirements of this law are an interesting commentary on the customs commonly in effect at the date of its origin—namely a meal period of an hour or longer which would enable the worker to go home for lunch and the implied assumption that all workers would necessarily be employed on a day shift.

A meal-period law enacted by Minnesota in 1909 recognized the possibility of evening employment in factories, stores, or mills but regarded such employment as overtime rather than as work within regularly scheduled hours. The law required at least one hour for the noonday meal, and it provided that employees required to work more than 1 hour after 6 p. m. should be allowed at least 20 minutes for lunch "before beginning to work overtime." Provision for meals in the event of overtime employment was found also in a few other laws of this period.

Most present-day meal-period requirements contain provisions similar to those in the early meal-period laws of Massachusetts and Indiana. With only a few exceptions, all of them specify a minimum rather than a fixed period of time for meals. The employer must allow at least the time specified but he may allow more. The maximum period that may elapse between the beginning of the work shift and the lunch period is usually stated, thus insuring that from a health standpoint the meal period will not be too long delayed.

Some of the meal-period laws refer to the meal-period break as being for the purpose of "meals or rest," using the two terms synonymously. Rest periods, as distinct from meal periods, also are provided for in a few States—California, Colorado, Oregon, and Utah. Colorado, Oregon, and Utah provide for a rest period of 10 minutes in addition to a meal period. California requires a 10-minute rest period after 2 or 2½ hours if nature of work requires continuous standing. In each of these States, the rest period must be given some time during each 4 hours of work. Unfortunately, State rest-period regulations, besides being few in number, are usually limited in application to one or a few industries of which retail trade is the most common. Despite the fact that a 10- or 15-minute rest period midway in each 4-hour shift is a common industrial practice, only two States at the beginning of the war had a midshift rest-period requirement for women employed in general manufacturing. From a health standpoint, present labor legislation for women could be greatly strengthened by the requirement of 15 minutes' rest in each 4-hour work period.

Other Special Health Legislation

Due to the impracticality of tracing the history of all types of other special health laws applicable to women workers, one type in each minor group has been singled out for consideration.

Plant Facilities Laws.—Laws in this group relate primarily to seats, lunch rooms, dressing rooms and rest rooms, and toilet rooms. The most numerous are the seating laws, which are one of the earliest types of labor legislation for women. The first law requiring seats to be provided was enacted by New York in 1881. It was quickly followed by other States, so that 27 States had such laws by 1900. Other States adopted similar laws soon after the turn of the century, and in the interval between that period and the beginning of World War II every State except Mississippi had legislation of this type. At the time this bulletin was written, however, the Illinois seating law was no longer in effect.

From an enforcement standpoint, many of the seating laws are very unsatisfactory, due to the absence of definitive standards. They often provide merely for "adequate seats" or "an adequate number of seats" without specifying what is adequate. Nevertheless, such laws by their mere existence have helped call attention of employers to the practical benefits to be derived from reducing employee-fatigue through proper seating arrangements. Industrial practice is supplying scientific details that were not known at the time the laws were enacted.

Regulatory Laws.—The most usual type of regulatory law for women is that which prohibits the employer from permitting a woman to lift a weight beyond a specified amount, on the ground that to do so would endanger her health. Most such restrictions are imposed by commission order rather than by statute. Five States adopted such orders prior to the First World War. The earliest related to work in core rooms. Massachusetts in 1912 issued an order prohibiting women employed in core rooms from lifting weights over 40 pounds. This was followed by a law in 1913 prohibiting the moving of boxes or receptacles of specified size by women employed in manufacturing and mechanical establishments, unless such receptacles are equipped with pulleys or mechanical devices to assist in moving them with a minimum of effort. An amendment of the statute in 1914 struck out the dimensions and made the law applicable to boxes or receptacles weighing 75 pounds or more.

A 1915 order in Pennsylvania and a 1916 order in Ohio restricted to 15 pounds the weights that women were permitted to lift in core rooms. A similar order issued by New York in 1915 set 25 pounds as the maximum weight for women making or handling cores. California issued an order in 1916 that prohibited employers in the fruit-and-vegetable-canning industry to require or permit women to carry boxes, receptacles, or any heavy burden. In 1919 an order applicable to factories in general prohibited the lifting or carrying of excessive burdens by women. A law adopted by Ohio in 1919 prohibits the employment of women in any work requiring the frequent or repeated lifting of weights over 25

pounds. Though other States have since regulated weight lifting by women, no State has a stricter regulation than this Ohio statute enacted 25 years ago. The Pennsylvania Department of Labor rescinded its weight-lifting order within the past two years and in its place adopted a policy of advising employers concerning proper methods and standards for weight-lifting.

Prohibited Occupations.—The occupation most commonly prohibited for women is that of mining. Employment in taverns and saloons also frequently is prohibited. The earliest law prohibiting employment of women in mines was enacted by Illinois in 1872. In the next few years laws were adopted by half a dozen other States, including Missouri, 1881; Pennsylvania and Colorado, 1885; West Virginia, 1887; Wyoming, 1890; Washington, 1891. At the present time, practically all the mining States, as well as a number of States in which mining is a less important industry, have laws of this type.

Industrial Home Work

The New York home-work law of 1884 was both the first State legislation relating to home work and the strictest regulation of that field until comparatively recent years. This New York law prohibited the manufacture of cigars and other tobacco products in tenement houses in cities of the first class. Due to the fact that this law was almost immediately declared to be unconstitutional, succeeding laws attempted to control home work through regulation of the sanitary conditions under which it was performed. The method adopted in a number of States was to license either the home workers or the employer.

A provision in the New York factory law of 1886, as amended through 1893, prohibited the manufacturing of certain articles of clothing and cigars and cigarettes in a tenement or dwelling house by persons other than the immediate members of the family living therein. The law required the employer, before employing persons for home work on other articles, to obtain a written permit from the factory inspector. The permit, which could be issued only after inspection of the premises, had to be posted in a room in which the manufacturing was carried on and had to show the maximum number of persons allowed to be employed on the premises. The employer was required to keep a written record of the names and addresses of all home workers. The law directed the factory inspector to affix a label to any goods he found that had been manufactured without a permit, and also to label any article made on premises that were unclean or insanitary in which case the label could be removed only by the board of health.

The New Jersey law of 1893 and the Pennsylvania law of 1895 contained similar provisions in regard to permits, posting, and inspection of the premises by the State inspector. The Massachusetts law of 1891 (amended in 1894) provided that any dwelling place in which specified articles of wearing apparel intended for sale were manufactured or processed by persons other than the family was a "workshop" and that a person occupying or having control must notify the inspector within 14 days from the time

home work was begun there. Members of the family doing such work in their own home were each required to procure a license. The law required that workrooms be kept in a sanitary condition, and it authorized the inspector to examine the premises and required him to attach a label to garments manufactured in a tenement used as a workshop.

Several other States in which home work was a growing problem passed laws making it illegal to manufacture wearing apparel under conditions detrimental to the public health. The Maryland law enacted in the last decade of the 19th century is evidence that home work was recognized as an evil though the Act itself made no attempt to control it through a licensing system.

The disadvantages of the licensing method of controlling home work are obvious. Much home work was carried on without a license. State labor departments could not maintain sufficient staffs to inspect even all places which were licensed. The social and economic evils incident to home work flourished, including employment of small children, long hours, low wages, insanitary workrooms, and other depressed conditions. Industrial home work was formerly called "the sweating system," a term which suggests the conditions that home work engendered.

In 1913 New York made a second attempt at the prohibitory type of regulation. The law prohibited certain types of commercial manufacturing in homes, including food products, dolls or dolls' clothing, and children's and infants' wearing apparel, on the grounds that use of goods so manufactured was dangerous to the public health.

Interest in prohibition of home work was stimulated during the 1930's, first, by the regulation of home work under some of the NRA Codes, and later, through the drafting in 1936 of a "model bill" by a committee of State labor-law administrators in cooperation with the U. S. Department of Labor. Laws containing provisions substantially similar to those in the model bill were adopted by a number of large industrial States, including Massachusetts, New York, Pennsylvania, and Rhode Island. Laws in these States completely prohibit home work on certain commodities and empower the State labor commissioner to prohibit it in any industry upon finding that certain conditions exist. Chief among the conditions set forth as justifying outright prohibition of home work by the commissioner are potential injury to the home worker's health and jeopardizing of factory standards. Though health had long been a basis for regulation of home work, these States are the first to give formal recognition to the social importance of maintaining desirable working-conditions standards in the factory by prevention of undercutting through cheaper manufacture made possible through exploitation of home workers. These laws also seek to reduce and gradually eliminate home work by requiring the employer, as a condition precedent to sending work into homes, to obtain a permit for which he must pay a substantial fee. The amount of the fee is fixed by law and is graduated according to the number of home workers employed. The home worker is required to obtain an annual certificate, which is

free. Both the employer's permit and the home worker's certificate are subject to revocation for violation of the conditions under which each is issued, one of which is that the daily hours may not exceed maximum legal factory hours in the State.

Orders prohibiting home work in specific industries have been issued under authority of the home-work laws in California, New York, and Pennsylvania. In addition, two States—Oregon and Rhode Island—have prohibited home work in connection with State minimum-wage orders. The principle on which the latter home-work prohibitions are based is that there is no way to insure that legal rates will be paid to home workers, hence prohibition of home work is essential to safeguard established minimum-wage rates.

Laws Prohibiting Employment Before and After Childbirth

Only 6 States have laws concerning the employment of women immediately before or after childbirth—Connecticut, Massachusetts, Missouri, New York, Vermont, and Washington. These laws were adopted before, or at about the time of, the First World War.

The first childbirth employment law was adopted by Massachusetts in 1911. It forbids an employer "knowingly" to employ a woman for 2 weeks before or 4 weeks after childbirth. The New York law enacted in 1912 prohibited employment for 4 weeks after, but did not mention employment immediately before, childbirth. The Vermont law of 1912 specified 2 weeks before and 4 weeks after; the Connecticut law of 1913, 4 weeks before and 4 weeks after; the Missouri law of 1919, 3 weeks before and 3 weeks after. In all of these laws, and in the Washington order of 1921 which fixed 4 months before and 6 weeks after, the prohibition was directed against "knowingly" employing women during the prohibited periods, thus allowing a loophole for evasion. In most of these laws coverage was limited either to specified industrial establishments or to factories and mercantile establishments only.

In Washington, the first regulation pertaining to the employment of women immediately before and after childbirth was contained in a war order issued late in 1918. It forbade employment for 2 months before and 6 weeks after childbirth and covered all occupations. An order issued in 1921 for one industry provided that a woman might not be knowingly employed for the 4 months before and the 6 weeks after birth of a child, but an order issued in 1922 and applying to manufacturing and mercantile omitted the word "knowingly" and thus increased enforceability.

However, none of the present maternity laws is entirely satisfactory from either a health or an economic standpoint. Present-day medical science recommends that women should not be employed for 6 weeks before and 2 months after childbirth. With respect to the period preceding the 6 weeks before childbirth, the present view is that a woman's health may be safeguarded by transferring her to lighter work, thus enabling her to earn a living as long as possible. Moreover, considerable sentiment exists that the law should not merely prohibit her employment for 2 months after childbirth but should also provide the right of sub-

sequent reemployment. None of the present State laws contains a reemployment provision.

CONSTITUTIONALITY

The constitutionality of hour laws for women has been challenged on the grounds that they violate liberty of contract, are class legislation, and are not a valid exercise of the police power. Up to the first decade of the 20th century, decisions as to constitutionality in both State and Federal Courts were conflicting. Happily, however, the Supreme Court of the United States in 1908 adopted a realistic position as to the social importance of employment regulations to safeguard the health of women workers. The result is that for over a third of a century the constitutionality of hour legislation for women has been upheld.

Early State court decisions on the validity of hour laws do not follow any one line. The constitutionality of the Massachusetts 10-hour law was upheld by the State Supreme Court as early as 1876 (*Commonwealth* v. *Hamilton Manufacturing Company*, 120 Mass. 383). However, the usual reaction of State courts to women's hour legislation is perhaps better typified by the decision of the Illinois Court in 1895 invalidating the first 8-hour law for women (*Ritchie* v. *People*, 155 Ill. 98).

Early decisions of the United States Supreme Court with respect to the constitutionality of hour laws also are conflicting. Two important cases involving the application of maximum-hour laws to specific trades or occupations reached the Supreme Court of the United States before the constitutionality of hour legislation for women came before it. In the earlier case, *Holden* v. *Hardy*, 169 U. S. 366 (1898), the Court upheld the Utah 8-hour law for workers in underground mines and smelters. The opinion in this case—the first in which the U. S. Supreme Court adopted a liberal position concerning legal hours regulation—is notable for several reasons. Of primary importance is the fact that the Court recognized that protection of the health of workers is as much a valid exercise of the State police power as the protection of life itself. Equally important is the fact that the Court not only recognized that inequality of bargaining positions exists between employers and workers, but expressly stated that this constituted a legitimate basis for State interference to protect the worker. Also significant, from the standpoint of future legislation, is the Court's statement that law is a progressive science and that other laws designed to obtain justice between individuals might be expected in the future. Following are a few of the more noteworthy statements from the opinion:

> But if it be within the power of a legislature to adopt such means for the protection of the lives of its citizens, it is difficult to see why precautions may not also be adopted for the protection of their health and morals. It is as much for the interest of the State that the public health should be preserved as that life should be made secure.
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> These employments, when too long pursued, the legislature has judged to be detrimental to the health of the employees, and, so long as there are reasonable grounds for believing that this is so, its decision upon this subject cannot be reviewed by the Federal courts.

> ... the proprietors of these establishments and their operatives do not stand upon an equality, and their interests are, to a certain extent, conflicting. The former naturally desire to obtain as much labor as possible from their employees, while the latter are often induced by the fear of discharge, to conform to regulations which their judgment, fairly exercised, would pronounce to be detrimental to their health or strength. In other words, the proprietors lay down the rules and the laborers are practically constrained to obey them. In such cases, self-interest is often an unsafe guide, and the legislature may properly interpose its authority.
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> ... But the fact that both parties are of full age and competent to contract does not deprive the State of the power to interfere where the parties do not stand upon an equality, or where the public health demands that one party to the contract shall be protected against himself.
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> ... in passing upon the validity of State legislation under that amendment [the 14th], this Court has not failed to recognize the fact that the law is, to a certain extent, a progressive science; that in some of the States methods of procedure, which at the time the Constitution was adopted were deemed essential to the protection and safety of the people, or to the liberty of the citizen, have been found to be no longer necessary; that restrictions which had formerly been laid upon the conduct of individuals, or of classes of individuals, had proved detrimental to their interests; while, upon the other hand, certain other classes of persons, particularly those engaged in dangerous or unhealthful employments, have been found to be in need of additional protection.
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> They are mentioned only for the purpose of calling attention to the probability that other changes of no less importance may be made in the future, and that while the cardinal principles of justice are immutable, the methods by which justice is administered are subject to constant fluctuation.

Though the Hardy case itself applied only to the occupation of mining, the language of the Court served as an impetus to the passage of maximum-hour legislation in other fields. As a result, the second important case to reach the United States Supreme Court was one involving the constitutionality of the New York law limiting the employment of bakers to 10 hours a day and 60 hours a week, *Lochner* v. *New York*, 198 U. S. 45 (1905). The unfavorable decision in this case was a serious set-back to the progress of maximum-hour legislation. As in the Hardy case, the law involved was not limited to women nor did it even relate to an important woman-employing occupation. Nevertheless, since the constitutionality of hour legislation for women had not yet been specifically tested, the language of the Court appeared to be unfavorable to the constitutionality of maximum-hour legislation as such. The Court held that the New York law in question violated liberty of contract and was not a proper exercise of the police power, stating as follows:

> We think the limit of the police power has been reached and passed in this case. There is, in our judgment, no reasonable foundation for holding this to be necessary or appropriate as a health law to safeguard the public health or the health of the individuals who are following the trade of a baker. If this statute is valid ... there would be no length to which legislation of this nature might not go.

In view of the previous conflicting decisions and particularly the unfavorable outcome in the Lochner case only 3 years earlier, the fact that the first case involving the constitutionality of an hour law for women met with a favorable decision from the Court was regarded as highly significant. In *Muller* v. *Oregon*, 208 U. S. 412

(1908), the Court upheld the Oregon 10-hour law covering women employed in mechanical establishments, factories, and laundries. The Court observed that not only were legislative safeguards for women proper because women were in a weaker bargaining position than men, but also that because of women's child-bearing function, the health of women is an object of public interest to preserve the vigor of the race.

With reference to the social importance of laws safeguarding women's health, the Court made the following statement:

> That woman's physical structure . . . place her at a disadvantage in the struggle for subsistence is obvious . . . by abundant testimony of the medical fraternity continuance for a long time on her feet at work, repeating this from day to day, tends to injurious effects upon the body, and as healthy mothers are essential to vigorous offspring, the physical wellbeing of woman becomes an object of public interest and care in order to preserve the strength and vigor of the race . . . The limitations which this statute places upon her contractual powers, upon her right to agree with her employer as to the time she shall labor, are not imposed solely for her benefit, but also largely for the benefit of all.

With the constitutionality of maximum-hour legislation for women thus established as valid under the police power, the question to arise next was whether a limitation of working hours to 8 a day was a reasonable exercise of that power. The constitutionality of the California 8-hour law for women was at issue in the case of *Miller* v. *Wilson*, 236 U. S. 373 (1915), the Court upholding the constitutionality of the California law. The Court there held that liberty of contract as guaranteed by the Constitution was not violated by the California 8-hour law because the Constitutional guaranty is applicable only to arbitrary restrictions, not to legislation reasonably designed to safeguard the public interest. The Court, referring specifically to the limitation of hours to 8 a day, made the following statement:

> It is manifestly impossible to say that the mere fact that the statute of California provides for an 8-hour day, or a maximum of 48 hours a week, instead of 10 hours or 54 hours a week, takes the case out of the domain of legislative discretion. This is not to imply that a limitation of the hours of labor of women might not be pushed to a wholly indefensible extreme, but there is no ground for the conclusion here that the limit of the reasonable exertion of protective authority has been overstepped.

In *Riley* v. *Massachusetts*, 232 U. S. 671 (1914) the Court upheld a Massachusetts 10-hour law which contained a provision requiring employers to post notices stating the number of hours to be worked and the hours of starting and stopping. The Court stated that "* * * the purpose of the posting of the hours of labor is to secure certainty in the observance of the law and to prevent the defeat or circumvention of its purpose by artful practices." The Court held that this was not an unreasonable requirement and that the State could provide "administrative means against evasion" of the maximum-hour law.

Later, in *Bosley* v. *McLaughlin*, 236 U. S. 385 (1915), the Court upheld the amended California 8-hour law for women, which covered lodging houses, apartment houses, hospitals, and places of amusement, in addition to the more commercial occupations such as manufacturing, mechanical, and mercantile establishments,

laundries, etc. In *Bunting* v. *Oregon,* 243 U. S. 426 (1917), the Court upheld a 10-hour-day law applicable to both men and women. The law contained a provision allowing 3 hours' overtime a day provided that it was paid for at time and a half. The Court also upheld an Arizona statute which provided not only that the workday must not exceed 8 hours but that it must fall within an over-all period of 12 hours, *Dominion Hotel* v. *Arizona,* 249 U. S. 265 (1919). In *Radice* v. *New York,* 264 U. S. 292 (1924), the Court upheld the constitutionality of the New York night-work law which prohibits the employment of women in restaurants between 10 p.m. and 6 a.m.

CHAPTER II.—EFFECT OF THE WAR ON HOUR LAWS FOR WOMEN

GENERAL STATEMENT

At the time the United States entered the Second World War, 44 States [1] and the District of Columbia had laws regulating the hours of employment of women. The most common type of regulation was the statutes and orders establishing maximum daily or weekly hours by prohibiting the employment of women beyond a certain number of hours per day or per week. In December 1941, such laws were in effect in the District of Columbia and in all but one [2] of the 44 States that had women's hour legislation.

Twenty-two States [3] and the District of Columbia had laws which provided penalties for employing women more than 6 days a week; 17 States [4] regulated the employment of adult women at night, all but 2 of them—Maryland and New Hampshire—absolutely prohibiting such employment in one or more occupations; 25 States [5] and the District of Columbia required that women be given meal or rest periods of specified length during their workday.

What was the effect of the war on this great body of beneficial social legislation built up by great effort over a period of many years? At first glance, it may appear that laws regulating women's hours of employment would necessarily be jeopardized, or even sacrificed entirely, in the change from a peacetime to a wartime economy. The paramount national interest during a war period is to bring the war to an early and successful conclusion. To accomplish this purpose women admittedly are the chief source of available labor reserve. Notwithstanding the fact that the number of female workers in this country rose from nearly 13 million at the outset of the war to the unprecedented total of 17¼ million in December 1944, after 3 years of war [6], the United States Employment Service reported a continuing demand in many parts of the country for yet additional women workers.

The question at the beginning of the war was whether it would be possible to use available workers at maximum capacity necessary for the war program and at the same time preserve the social legislation designed to safeguard the health of women workers through regulation of their hours of employment. That both purposes have been accomplished during 3 years of war is due largely to a wise and efficient administration of State hour laws made possible by the laws themselves. Obviously even in wartime, some regulation of working hours is desirable. All-out production can be

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1 All States except Alabama, Florida, Iowa, West Virginia.

2 Indiana.

3 Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Illinois, Kansas, Louisiana, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Utah, Washington, Wisconsin.

4 California, Connecticut, Delaware, Indiana, Kansas, Maryland, Massachusetts, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Carolina, Washington, Wisconsin.

5 Arkansas, California, Colorado, Delaware, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Utah, Washington, Wisconsin.

6 The Labor Force, Monthly Report of the Bureau of the Census. Issue of May 14, 1945.

achieved only if and when the health and efficiency of the individual worker are maintained. In wartime as in normal years, workers, especially women, cannot be employed under detrimental conditions for long periods without impairing their efficiency and output. Though occasional crises may arise when it is necessary to abandon customary standards in order "to get the job done," continued employment in excess of health requirements would soon defeat its own purpose, namely, maximum production.

The problem of reconciling women's hour laws with the needs of the war program, therefore, depended for its solution not on the absolute abandonment or throwing aside of all regulation but instead on providing for sufficient flexibility in the laws to take care of the unique emergencies of a war economy. It was recognized from the beginning of the war that during sudden peak periods of work or in the event of unforeseen contingencies arising out of war production needs, the interests of the war program are best served by laws which require observance of a desirable normal work schedule as a day-by-day routine and permit extension or relaxation of that schedule.

To serve the purposes outlined in the preceding paragraph, not all peacetime hour laws required modification or amendment. Some were already sufficiently adaptable to wartime conditions because they contained flexible "emergency provisions" or because the standards they set in peacetime were so lenient that no change was required to meet wartime needs. Laws in some States still had broad emergency provisions of the type noted in the preceding chapter, (p. 7), which impaired their enforceability by providing for outright suspension of standards in emergencies. In addition, a number of States had laws which were entirely enforceable but at the same time were flexible in that they provided for relaxation of standards under certain enumerated conditions. It is true that some of the flexible laws did not give the employer much latitude, as they provided merely for minor variations in the normal work schedule and not for relaxation of standards in emergencies. Nevertheless, at the beginning of the war a fairly representative number of States had peacetime laws which not only set high standards but were sufficiently flexible to allow the employer to adjust to emergency war needs.

In other States the peacetime laws, though in some cases entirely inflexible, did not require modification through legislative action because their basic standards were already so low that any relaxation would have been superfluous. At the outbreak of the war, for example, more than half a dozen States had laws setting 60 hours as a legal workweek for women in one, a few, or all industries. Such a standard, rendered virtually obsolete by modern industrial practices, obviously could be expected to have little or no practical bearing on the normal schedule adopted by most employers. In fact, the unfavorable effect on production of such overlong hours has been so generally recognized that few employers presumably would wish to employ women, even under war conditions, for as many hours as these State laws permit in peacetime. There

was, therefore, little or no occasion to enact wartime legislation modifying existing hour standards in States having legal hour standards so out of touch with industrial practices, or in States having laws with high standards which already contained adequately flexible provisions.

Wartime modification might be expected, however, in States where the law set desirable peacetime hour standards but did not allow for the flexibility called for by wartime requirements. Under State hour laws which established moderate workweeks but made no provision for variation in any circumstances, employers in peacetime could obviate the need for excessively long working hours by hiring additional employees during rush periods or by keeping a relatively large work force the year around. In wartime, however, the scarcity of the labor supply in practically all areas and the necessity for maximum production and full use of equipment made either policy impracticable. In spite of careful planning, employers sometimes had now to meet sudden emergency demands of a wartime character, and the obvious, quickest way to do this is to extend the working hours of regular employees. In a considerable number of States, laws were of the inflexible, high-standard type, and many, though not all of these States, found it expedient to enact wartime legislation providing for modifications of existing standards during the war period.

It is notable, however, that most of the States that adopted wartime hour legislation did not provide for outright exemptions from basic standards for all employers but instead delegated power to the State labor official to grant administrative exceptions, or "permits," to individual employers or industries in special cases. The development or expansion of the permit system is the outstanding characteristic of wartime hour legislation. Though before the war State labor officials in a number of States were authorized to grant administrative exceptions from various legal standards, emergency provisions of the administrative type increased greatly in both number and importance during the war period. Administrative-exception provisions are obviously well suited to wartime needs as they permit relaxation of standards if and when extraordinary conditions arise, but at the same time make it possible to restrict such relaxations to temporary periods and to cases of genuine need.

STATE HOUR LAWS IN WARTIME

The foregoing pages explain in general terms the effect of the war on State hour laws for women. This present section constitutes a technical discussion of the impact of the war on legal hour standards. In this discussion, the term "wartime legislation" is used to denote not merely duration legislation but all legislation enacted during the three war years 1942 through 1944; the temporary or permanent character of such legislation is discussed in some detail.

To show the effect of the war, State hour laws have been analyzed to show: (1) The occasion for legislative modification of standards as indicated by a comparison between the adoption of

wartime legislation and the incidence of high standards and reasonably flexible provisions in laws before the war; and (2) the principal characteristics of emergency provisions in effect under laws modified in wartime and laws that continued in effect without change during the war period. Of perhaps major interest is the discussion of administrative-exception provisons under the second topic (p. 43) since emergency provisions of this type have assumed outstanding importance during the war period.

OCCASION FOR LEGISLATIVE MODIFICATION OF STANDARDS

During the three war years, 1942 through 1944, 24 States [7] and the District of Columbia enacted legislation governing the hours of employment of women. In only two of these States—Rhode Island and Nevada—did any of this legislation relate to subjects for which no previous legal standards existed in the State. Rhode Island enacted a meal-period law and Nevada enacted legislation requiring that women workers be granted one day of rest in seven. Other wartime legislation in these two States and all wartime legislation in the remaining 22 States provided for modification of some or all existing legal hour standards for women during the war emergency. The great number of States that enacted wartime legislation relating to the modification of existing hour standards indicates the prevailing temper of the legislatures to adjust previous legal standards to wartime needs rather than to adopt new requirements. The present chapter, therefore, will relate exclusively to laws that modified standards, and will not consider the two laws enacted by Rhode Island and Nevada which set new types of standards in these States.

Flexibility of Maximum-Hour Standards—General Manufacturing

The close relationship that obtains between the adoption of wartime hour legislation and the existence in prewar laws of both high standards and inflexible provisions may be illustrated by surveying legal maximum-hour provisions for the general manufacturing industry. Maximum-hour laws are selected for study because they are the most usual type of hour regulation, being in effect, as noted previously in this study, in 43 States [8] and the District of Columbia. All but two such laws [9] cover all branches of the manufacturing industry, and hence their operation has a direct bearing on the war effort. In fact, as will be seen in a later section (p. 46), wartime hour legislation is more generally applicable to general manufacturing than to other industries.

No attempt is made here to show a similar correlation in industries other than manufacturing or in any specialized branch of the manufacturing industry. Not only do maximum-hour laws vary in legal hour standards and in industry coverage as between the different States, but such laws often set diverse standards for

[7] Arkansas, California, Connecticut, Delaware, Illinois, Indiana, Louisiana, Maine, Massachusetts, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Wyoming.

[8] All States except Alabama, Florida, Indiana, Iowa, and West Virginia.

[9] In Georgia and South Carolina, maximum-hour laws apply to textile manufacturing only.

different industries even within one State. Since a study of the relationship of wartime legislation to the maximum-hour standards in effect for all industries would thus involve more detail than appears desirable here, the present section will be limited to the industry of greatest wartime importance, i.e., manufacturing.

Of the 41 States [10] having legal maximum-hour standards for the employment of women in "general manufacturing," 19 [11] and the District of Columbia enacted legislation providing for extension in certain circumstances of maximum daily or weekly hours during the war emergency. As would reasonably be expected, the majority of these States had laws prior to the war which both established moderate workweeks and made little or no provision for variation in hour standards either in the normal course of operation or to take care of special emergencies. It is not true, however, that all States with 48-hour laws and high standards enacted legislation providing for modification in wartime or, conversely, that all States that did not enact such legislation already had liberal overtime provisions for the general manufacturing industry. Some States, either because they were not highly industrialized or for other less apparent reasons, did not find it necessary to provide for modification of standards.

Prior Standards in States that Enacted Wartime Modifications

A review of the maximum daily and weekly hour laws in the 19 States [11] and the District of Columbia that adopted legislation in the three war years 1942-44 providing for emergency extension of women's maximum hours of employment in manufacturing, shows that basic legal hour and overtime provisions at the beginning of the war were as follows:

Standards of 48 Hours or Less.—Of the 20 jurisdictions enacting wartime legislation for general manufacturing, 14 States [12] and the District of Columbia had a weekly standard of 48 hours or less set by statute or administrative order prior to the war. Ten [13] of these and the District of Columbia previously had made no provision for weekly overtime in manufacturing in any circumstances. Five [14] of the 10 States did, however, permit a variation in daily hours, if the weekly maximum was not exceeded. Though a variation in daily hours within the legal maximum workweek may enable the employer to meet certain minor emergencies, it does not result in additional total man-hours which may be necessary to meet a major crisis in production.

Connecticut and New Hampshire limited both the total amount of daily and weekly overtime and the total number of weeks per year that the employer might avail himself of the longer hours.

10 Idaho's statute does not specify manufacturing but it includes mechanical establishments, and accordingly is included in this count.

11 Arkansas, California, Connecticut, Illinois, Louisiana, Maine, Massachusetts, New Hampshire, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, Wyoming. Vermont in 1917 enacted a law authorizing the commissioner of industries to permit relaxation of the women's hour law "while the United States is at war." This legislation has remained on the statute books since that time.

12 California, Connecticut, Illinois, Louisiana, Massachusetts, New Hampshire, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, Virginia, Wyoming.

13 California, Illinois, Louisiana, Massachusetts, New York, North Carolina, North Dakota, Ohio, Rhode Island, Virginia.

14 Illinois, Massachusetts, New York, North Dakota, Rhode Island.

Pennsylvania and Wyoming set no limitation on the amount of overtime; Wyoming, however, penalized the employer for work in excess of the stated maximum by requiring overtime pay.

Comparison of Variation Provisions in Maximum-Hour Laws for Women in General Manufacturing, in Effect During War Period and Before the War

State and maximum-hour standard	Wartime provision	Law before war allowed—		
		Daily variation only	Weekly overtime	No variation
STATES HAVING WEEK OF 48 HOURS OR LESS				
Arizona (8–48)				(★)
California (8–48)	(★)			(★)
Connecticut (9–48)	(★)		(★)	
District of Columbia (8–48)	(★)			(★)
Illinois (8–48)	(★)	(★)		
Louisiana (8–48)	(★)			(★)
Massachusetts (9–48)	(★)	(★)		
Nevada (8–48)			(★)	
New Hampshire (10–48)	(★)		(★)	
New Mexico (8–48)			(★)	
New York (8–48)	(★)	(★)		
North Carolina (9–48)	(★)			(★)
North Dakota (8½–48)	(★)	(★)		
Ohio (8–45)	(★)			(★)
Oregon (8–44)			(★)	
Pennsylvania (8–44)	(★)		(★)	
Rhode Island (9–48)	(★)	(★)		
Utah (8–48)			(★)	
Virginia (9–48)	(★)			(★)
Washington (8–48)				(★)
Wyoming (8–48)	(★)		(★)	
STATES HAVING WEEK IN EXCESS OF 48 HOURS				
Arkansas (9–54)	(★)			(★)
Colorado (8–56)				(★)
Delaware (10–55)		(★)		
Idaho (9–63)				(★)
Kansas (9–49½)			(★)	
Kentucky (10–60)				(★)
Maine (9–54)	(★)	(★)		
Maryland (10–60)				(★)
Michigan (9–54)		(★)		
Minnesota (54)			(★)	
Mississippi (10–60)			(★)	
Missouri (9–54)				(★)
Montana (8–56)				(★)
Nebraska (9–54)				(★)
New Jersey (10–54)				(★)
Oklahoma (9–54)				(★)
South Dakota (10–54)				(★)
Tennessee (10½–57)	(★)			(★)
Texas (9–54)	(★)		(★)	
Vermont (9–50)	(★)			(★)
Wisconsin (9–50)			(★)	

Standards in Excess of 48 Hours.—Five of the States enacting wartime hour legislation had legal maximum workweeks in excess of 48 hours in peacetime: Vermont had 50 hours; Arkansas, Maine, and Texas, 54 hours; and Tennessee, 57 hours. Prior to 1943, Arkansas and Tennessee had not provided for any variation in general manufacturing. The Maine law in peacetime provided for variation in daily hours but not for weekly overtime and the wartime legislation made no change in this respect. The Texas law authorized unlimited employment beyond the standard maximum in emergencies but required payment of double time for such employment. Vermont did not allow variations in its hour law in peacetime until 1943. During the First World War the State

passed a war emergency Act and this legislation has remained on the statute books since that time.

Standards in States That Did Not Enact Wartime Modification

In the 22 States [15] with maximum hour laws for general manufacturing that did not enact wartime legislation providing for extension of daily or weekly hours in that industry, the following maximum-hour and overtime provisions existed prior to the war:

Standards of 48 Hours or Less.—Only 6 [16] of the 22 States have a maximum workweek as low as 48 hours. The laws of 2 of these—Arizona and Washington—permit no variation in general manufacturing; the 4 others provide for some leeway in emergencies, as follows: Nevada provides for 8 hours of weekly overtime, and New Mexico for 2 hours, if overtime is paid; Utah permits overtime if a permit is obtained. Oregon with a 44-hour week does not limit the amount and duration of overtime but regulates it by the issuance of permits and by requiring overtime pay.

Standards in Excess of 48 Hours.—Sixteen [17] of the States that did not enact wartime legislation providing for modification of women's maximum hours of employment in manufacturing, normally permit women to be employed in excess of 48 hours a week. Though 12 [18] of these States permit no variation of their weekly maximum, even in emergencies, their legal workweek was already long, ranging from 54 to 63 hours. In the 4 other States, the peacetime laws provide for some variation in emergencies: Kansas and Wisconsin allow only a limited amount of overtime, 4½ and 5 hours a week, respectively, and in Wisconsin this is limited to 4 weeks a year. Minnesota which has set no daily maximum allows unlimited weekly overtime 4 weeks a year; and Mississippi, with a 60-hour legal workweek, provides for unlimited employment in emergencies.

Conclusion.—Of the 19 States [11] and District of Columbia that enacted wartime legislation providing for modification of maximum-hour standards in general manufacturing during the war emergency, such legislation in one State—Maine—permitted daily overtime only; in the 18 other States and the District of Columbia provision was made for extension of total weekly hours. Fourteen [12] of the 19 States and the District of Columbia previously had a maximum legal workweek of 48 hours or less in general manufacturing. Ten [13] of these previously had made no provision for weekly overtime in general manufacturing in any circumstances. Four States,[19] though they provided for overtime, limited either the amount or conditions of such overtime.

Of the 19 States that enacted legislation for modification of the legal maximum workweek in wartime, only 5 [20] had legal hour

15 Arizona, Colorado, Delaware, Idaho, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin.

16 Arizona, Nevada, New Mexico, Oregon, Utah, Washington.

17 Colorado, Delaware, Idaho, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, Oklahoma, South Dakota, Wisconsin.

18 Colorado, Delaware, Idaho, Kentucky, Maryland, Michigan, Missouri, Montana, Nebraska, New Jersey, Oklahoma, South Dakota.

19 Connecticut, New Hampshire, Pennsylvania, Wyoming.

20 Arkansas, Maine, Tennessee, Texas, Vermont.

standards in excess of 48 hours. One of these—Texas—normally regulates such overtime by requiring double pay for these hours; the 4 other States, however, have no provision in their laws for overtime.

Variation Provisions in Other Hour Laws

In day-of-rest laws, night-work laws, and meal-period laws, the presence of high basic standards and the absence of variation provisions undoubtedly were factors which contributed jointly to the adoption of wartime legislation. The high standards established by some of these peacetime laws—such as a one-hour minimum lunch period, one day of rest in every seven days, no employment between early evening and sunrise—obviously would be difficult for all employers to maintain without some deviation, under the demands for production for a world war. A degree of flexibility was sought to facilitate the necessary adjustment to war conditions. Though because of their complexity an analysis of the basic standards of the laws is not practical here, the chart that follows may be of some interest to indicate the relationship between the existence of variation provisions in laws before the war and the adoption of wartime legislation.

ADMINISTRATIVE CONTROL OR AUTOMATIC RELAXATION

As was seen in the preceding section, hour laws in effect at the outbreak of the war fell into two general groups—inflexible laws which set absolute standards permitting of no exception, and flexible laws that provide for some variation in standards. However, as was pointed out in connection with maximum-hour standards, flexible laws differ not only in the extent, but also in the character of the permissible variation. Some of the flexible laws provide for minor adjustments in the regular work schedule; others provide for relaxation or suspension of hour standards to meet unforeseen emergencies.

At the outbreak of the war, provisions that authorized either outright suspension or substantial relaxation of basic hour standards in emergencies were less common than were provisions for minor adjustments in the normal schedule. The scarcity of the labor supply and the increased difficulty of operation brought about by the war, coupled with the necessity of meeting production schedules promptly, gave rise to a much greater need in wartime than under normal conditions for temporary emergency relaxation of standards. In such circumstances, a number of States in which hour laws already provided for adjustment of the regular schedules found it desirable to enact wartime legislation to provide for special emergencies.

It is with variation provisions of the emergency type, i.e., those that make special provision for exceptional circumstances, that this discussion of emergency provisions in effect during the war period deals. For present purposes, it is immaterial whether the emergency provision was enacted during the war or was contained in the law before the war; whether it is applicable to the war

Variation Provisions Existing Before the War and Enacted During the War in Laws for Women in General Manufacturing

State	Day-of-rest law			Night-work law			Meal-period law		
	Wartime modification enacted	Law before war		Wartime modification enacted	Law before war		Wartime modification enacted	Law before war	
		Had variation provision	Had no variation provision		Had variation provision	Had no variation provision		Had variation provision	Had no variation provision
Arizona		(★)							
Arkansas	(★)		(★)						
California	(★)	(★)		(★)	(★)		(★)		(★)
Connecticut	(★)	(★)		(★)	(★)		(★)	(★)	
Delaware			(★)			(★)			
District of Columbia			(★)						(★)
Illinois	(★)		(★)						(★)
Indiana				(★)		(★)			
Kansas [1]		(★)			(★)			(★)	
Kentucky								(★)	
Louisiana									
Maine			(★)						(★)
Maryland							(★)		(★)
Massachusetts	(★)	(★)			(2★)		(★)		(★)
Nebraska				(★)		(★)			(★)
Nevada					(★)		(★)	(★)	
New Hampshire	(★)	(★)							(★)
New Jersey				(★)	(2★)				(★)
New Mexico			(★)			(★)	(★)		
New York									(★)
North Carolina	(★)	(★)		(★)		(★)	(★)	(★)	(★)
North Dakota	(★)		(★)						
Ohio	(★)	(★)							
Oregon			(★)					(★)	
Pennsylvania		(★)							(★)
Rhode Island	(★)	(★)		(★)		(★)	(★)	(★)	(★)
South Carolina							(3)		
Utah	(★)	(4★)							(3)
Washington [1]								(★)	
West Virginia		(★)					(3)		
Wisconsin [1]		(★)				(★)		(★)	(3)

[1] Kansas, Washington, and Wisconsin did not enact wartime legislation but permitted wartime variations on authority of Act empowering commission to establish basic hours or working-conditions standards.

[2] Maryland and New Hampshire laws do not prohibit but limit such employment to 8 hours.

[3] Rhode Island and West Virginia had no meal-period law before the war but each adopted a permanent law in the first years of the war. Neither of these laws permits peacetime variation.

[4] Variation provision in effect before war applicable to textiles only.

emergency only or to other unforeseen and exceptional circumstances as well; and whether it effects an outright relaxation of standards for all employers or merely authorizes exceptions in individual cases. All provisions that permit the employer to operate under relaxed standards in temporary emergencies will be considered.

Type of Emergency Provisions

Emergency provisions in State hour laws for women may be divided into two principal groups based on the presence or absence of administrative control over the employment of women by individual employers under the relaxed standards. A number of the hour laws that provide for relaxation of standards in emergencies authorize the agency charged with the duty of enforcement to determine the existence of the emergency. Under laws of this type, the employer is required to obtain a permit before he can avail himself of the exception provision in the statute.

In contrast to emergency provisions that authorize the granting of administrative exceptions, some hour laws contain provisions under which the occurrence of certain conditions automatically relieves the employer from the legal obligation of complying with basic-hour standards. In some laws, automatic provisions operate to suspend all hour standards so that no regulation of women's hours is in effect during the emergency; in other laws, such provisions relax basic standards but substitute other requirements of a broader nature so that during the emergency some regulation still exists. Where standards are automatically relaxed in either of these ways, the employer can legally employ women in accordance with the terms of the emergency provision, without seeking or obtaining a permit from the administrative agency.

As noted in chapter I, provisions that automatically relax or suspend standards in an emergency weaken the enforceability of an hour law and impair its effectiveness. Some States have been able through the years gradually to eliminate the broad automatic emergency provisions found in the earlier laws. Nevertheless, at the beginning of the war in over half the States having emergency provisions in their hour laws, such provisions were of the automatic type and permitted the employer to take advantage of the statutory relaxation immediately upon occurrence of the conditions specified in the statute. Several of these provisions continued in effect without change during the war period. On the other hand, relatively little of the hour legislation enacted in the war years provided for automatic relaxation of standards. Consequently, the combined result of the emergency provisions enacted in wartime and such provisions of prewar origin as were not modified by wartime legislation may be said to be an increase in the number and significance of administrative-exception provisions and a reduction in the number of automatic-relaxation provisions.

This fact is well illustrated by a survey of the maximum-hour laws covering women in general manufacturing in the 41 States having such laws. Of the 13 that permitted weekly overtime before

the war, 7 [21] provided for automatic relaxation, whereas 6 [22] required the employer to obtain a permit.

Of the 18 States and the District of Columbia, which in 1942 through 1944 enacted wartime legislation providing for modification of women's weekly hours, only 3 [23] provided for automatic relaxation, while 15 [24] and the District of Columbia provided for administrative control over relaxation. Of the 3 States that provided for automatic relaxation through wartime legislation, the laws of only one—Wyoming—contained a provision of this same type before the war. Of the 15 States [24] that enacted wartime legislation establishing administrative control, the laws of 2—Massachusetts and Texas—previously provided for automatic relaxation: Massachusetts had permitted relaxation of daily hours, Texas, of weekly hours.

Summary of Emergency Provisions in Effect During War Period

As of December 1944, of the 41 States and the District of Columbia with maximum-hour laws or orders covering general manufacturing, 26 [25] and the District of Columbia currently provide for weekly overtime in wartime or certain other emergency circumstances. In 18 of these States and the District of Columbia, provisions now in effect were of wartime origin, whereas in the 8 others [26] no wartime legislation was adopted but previous provisions of law made such relaxation possible.

Of the 20 States and the District of Columbia with day-of-rest laws applicable to manufacturing, 17 [27] currently provide for employment of women seven days a week in certain circumstances. Twelve [28] of these States enacted wartime legislation even though all but 3 of them—Arkansas, Illinois, and Ohio—already had some provision for emergency employment on seven days in their laws. The 5 other States [29] permit emergency seventh-day employment under provisions that existed before the war.

Each of the 11 States [30] with laws that before the war prohibited the employment of women at night in manufacturing permitted such employment during the war in certain circumstances. Most of the relaxation provisions in effect during wartime were enacted during the war period. Connecticut, which had a provision in its law many years prior to 1941 authorizing the Governor to suspend the limitations on night work "in event of war or other serious emergency," enacted additional wartime legislation covering night

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21 Kansas, Mississippi, Nevada, New Mexico, Texas, Wisconsin, Wyoming.
22 Connecticut, Minnesota, New Hampshire, Oregon, Pennsylvania, Utah.
23 North Dakota, Ohio, Wyoming.
24 Arkansas, California, Connecticut, Illinois, Louisiana, Massachusetts, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia.
25 Arkansas, California, Connecticut, Illinois, Kansas, Louisiana, Massachusetts, Minnesota, Mississippi, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, Virginia, Wisconsin, Wyoming.
26 Kansas, Minnesota, Mississippi, Nevada, New Mexico, Oregon, Utah, Wisconsin.
27 Arizona, Arkansas, California, Connecticut, Illinois, Kansas, Massachusetts, New Hampshire, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Washington, Wisconsin.
28 Arkansas, California, Connecticut, Illinois, Massachusetts, New Hampshire, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina.
29 Arizona, Kansas, Oregon, Washington, Wisconsin.
30 California, Connecticut, Delaware, Indiana, Kansas, Massachusetts, Nebraska, New Jersey, New York, Pennsylvania, Wisconsin.

work in 1943. California and Nebraska had prohibited night work unless a permit was granted by the labor commissioner; California enacted wartime legislation but Nebraska made no change in its law during the 3 first years of war.

Two States regulated the employment of women at night by limiting the number of hours they might be employed. One of these—New Hampshire—modified its night-work law for the war's duration; the other—Maryland—made no change in the existing legislation of this type.

Of the 23 States and the District of Columbia with meal-period laws applicable to women employed in manufacturing, 14 currently provide for relaxation of the meal-period requirement: In 9 [31] of these, provisions now in effect were adopted during the war period and in 5 [32] relaxation is permitted under provisions previously in effect.

PRINCIPAL CHARACTERISTICS OF WARTIME HOUR LEGISLATION

As was previously indicated, hour legislation enacted during the war years 1942 through 1944, commonly referred to here as "wartime hour legislation"—constitutes only a part, albeit a major part, of currently existing provisions for relaxation of legal hour standards in emergencies. Before discussing in detail the tenor and scope of all emergency provisions in effect during the war period, it may be of interest to note some of the principal characteristics of that special group of provisions enacted into law during the present war emergency.

Wartime hour legislation may be said to have two outstanding characteristics: (1) Most of the wartime laws providing for modification of standards are of war duration only; and (2) most of them provide for the issuance of permits to individual employers in cases of actual need rather than for a blanket suspension of standards for all employers or an entire industry. With respect to the first characteristic, the wartime hour laws are of course unlike emergency provisions enacted before the war period. Regarding the second characteristic, wartime hour laws follow a trend which originated long before the war period and which had assumed constantly increased importance in recent peacetime years.

Recommendations of Labor Law Administrators

The fact that wartime relaxation of standards was limited to the war period and generally was set up under administrative control may be accounted for in large measure by the position taken by State and Federal labor law administrators both at the beginning, and during the course, of the war. At each of a series of conferences called by the Secretary of Labor in Washington, these officials agreed on the following policy: First, basic standards of existing laws should be preserved for the postwar period; secondly, such standards should be relaxed only to the extent necessary to expedite the war program; and finally, relaxations

[31] Arkansas, California, Louisiana, Maine, Massachusetts, New Jersey, New York, Pennsylvania, Ohio (for certain branches of manufacturing only).
[32] Indiana, Kansas, North Dakota, Utah, Wisconsin.

should be handled administratively through the issuance of permits rather than through an outright suspension of standards by the legislature.

At the first such conference after the outbreak of war, called by the Secretary of Labor in January 1942 and attended by State labor officials and representatives of principal Federal departments responsible for defense production, including War, Navy, Labor, and Office of Production Management, delegates to the Conference agreed that the optimum hours for war work were the 8-hour day, 6-day and 48-hour week, and recommended that State departments permit employment in excess of such hours only for limited periods of time and after certain administrative requirements had been satisfied.[33] At subsequent conferences, including one in March 1944, State labor officials gave their continued support to a program calling for general observance of legal hour standards with relaxation for individual employers in emergencies only.

Duration of Wartime Legislation

To show the predominantly temporary character of wartime hour legislation a brief analysis of all such laws enacted during the first 3 years of the war appears here. This analysis covers all wartime legislation providing for relaxation of women's hours of employment. It is not limited to any one industry nor to any particular type of hour law. It does not, however, include the two laws that did not modify existing standards but instead established new standards, i.e., the day-of-rest law in Nevada, and the meal-period law in Rhode Island.

Permanent Changes in Standards

Of the 24 States[34] and the District of Columbia that enacted legislation in the years 1942 through 1944 providing for modification of existing hour standards, only 8[35] adopted changes that will be operative under other than war conditions. Of these, 5 States—Arkansas, Delaware, Louisiana, Maine, and Vermont—made permanent changes in their hour provisions; 2—Arkansas and Connecticut—enacted permanent provisions relating to permits; and 5—Arkansas, Connecticut, Louisiana, New Hampshire, and New York—adopted permanent changes in coverage. It will be noted that the wartime legislation in 3 of these States—Arkansas, Connecticut, and Louisiana—affected standards of more than one type.

On the whole it may be said that legislative changes of a permanent nature in State hour laws made during the first 3 years of the war either were of a minor nature or affected only a small group of women. Changes that were more far-reaching in character or had broad application to women in all or a majority of occupations were adopted for the war period only. A detailed explanation of laws in which wartime changes were permanent

[33] Statement of Federal War Policy with Reference to State Labor Laws. Mimeo. Release dated Jan. 27, 1942.
[34] For list see footnote 7 on p. 27.
[35] Arkansas, Connecticut, Delaware, Louisiana, Maine, New Hampshire, New York, Vermont.

Permanent Hour Legislation Enacted in Wartime Years, 1942 Through 1944

State	Legal hour standards affected and type of modification[1]											
	Outright change in legal hour standards				Outright change in coverage				Provision for permits			
	Maximum hours	Day of rest	Night work	Meal period	Maximum hours	Day of rest	Night work	Meal period	Maximum hours	Day of rest	Night work	Meal period
Arkansas	(★)				(★)			(★)	(★)	(★)		(★)
Connecticut					(2★)	(2★)			(2★)			
Delaware			(★)									
Louisiana				(★)	(★)	(★)		(★)				
Maine	(★)			(★)								
New Hampshire					(2★)							
New York					(2★)		(2★)					
Vermont	(★)											

1 All modifications included irrespective of industries to which applicable.
2 Not applicable to general manufacturing.

appears in the discussion in chapter III, of standards that will be operative upon termination of the war.

The chart that follows shows the States in which changes of a permanent nature were made by wartime legislation and the type of standard that was affected.

War Duration Changes

By far the greater number of wartime hour-law provisions were adopted for the duration only. Of the 24 States [36] and the District of Columbia that passed wartime legislation providing for relaxation of various peacetime standards regulating women's hours of employment, 16 [37] and the District of Columbia enacted only provisions applicable during the war emergency. Of the 8 remaining States [38] all but 1 [39] enacted some legislation of a war-duration character in addition to the permanent changes referred to in the preceding paragraphs and summary. Thus in the first 3 years of war, 23 States and the District of Columbia enacted war-duration legislation modifying hour standards.

Scope.—Since the war-duration laws were enacted not only for the period of war but also in a strict literal sense because of the war, it is not surprising that most of them permit widespread changes in basic-hour or working-condition standards. Of the 23 States and the District of Columbia, in which duration legislation was enacted in these years, the war legislation in 16 States was so broad that it potentially affected all existing hour standards in the State concerned. This includes 8 States [40] in which war-duration legislation applies broadly to any regulation of employment; 7 States [41] in which such legislation applies specifically to all existing hour laws in the State; and 8 States [42] and the District of Columbia, in which the duration legislation affects only part of existing hour standards. For example, in the District of Columbia, the war-duration legislation provides for wartime relaxation of maximum daily and weekly hours but does not permit employment on the 7th day nor allow a variation in the meal-period law. New Jersey provides for wartime relaxation of the meal-period and the night-work laws but not for extension of daily and weekly hours. Delaware provides for wartime suspension of the night-work law but not for extension of daily and weekly hours or relaxation of the meal-period law. Nevada exempts from the maximum-hour law, for the duration, women employed in the communications industry or on common carriers for hire.

Period Covered.—Though most of the duration legislation was specifically limited to the war period, some legislatures apparently acted on the belief that a period of adjustment ranging from 60

36 For list see footnote 7 on p. 27.
37 California, Illinois, Indiana, Massachusetts, Nevada, New Jersey, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Wyoming.
38 For list see footnote 35 on p. 36.
39 Vermont has retained on its statute books a war emergency provision enacted in 1917.
40 California, Connecticut, Louisiana, Massachusetts, New Hampshire, New York, North Carolina, Pennsylvania.
41 Arkansas, Maine, Ohio, Tennessee, Texas, Virginia, Wyoming.
42 Delaware, Illinois, Indiana, Nevada, New Jersey, North Dakota, Rhode Island, South Carolina.

days to a year after the termination of the war would be advisable before resuming basic peacetime hour standards. In 4 States the law provides that wartime provisions will remain in effect during a specified period after the war, as follows: One year: Arkansas, hours and meal-period laws; 6 months: Connecticut, maximum daily and weekly hours and Delaware, night work; approximately 2 months: Louisiana, maximum daily and weekly hours.

The chart that follows shows the States that enacted duration legislation, the legal hour standards affected, and the type of modification authorized.

Conclusion.—Analysis of hour legislation enacted in the 3-year period, 1942 through 1944, indicates that while many of the wartime laws provide for relaxation of practically all existing legal hour standards in the State concerned, in most such laws the relaxed standards are applicable only during the war emergency. The ultimate effect of wartime hour legislation, therefore, is to make a temporary concession to war needs, but little permanent change in the flexibility of laws regulating women's hours of employment. Barring legislative changes subsequent to the writing of this bulletin, not only will the basic standards of most laws be the same after the war as they were before the war, but also there will be only a negligible increase in the number or scope of emergency variation provisions in such laws.

It is of course debatable whether increased flexibility in hour laws under peacetime conditions is desirable. Laws that provide for temporary departures from basic standards tend to place the burden of adjusting to unusual or unforeseen conditions, not on the employer, who in normal times can increase or decrease his work force at will but on the employee, who often has no freedom of choice in jobs and hence must put up with undesirable work schedules. Where the law allows standards to be relaxed in emergencies, there is an ever-present danger that some employers will abuse the privilege. While the necessity of operating under strict hour standards may sometimes inconvenience the employer, the inconvenience is more than outbalanced by consideration of the employee's health. In view of the social interest in maintaining high hour-standards for women workers, it would appear desirable to maintain hour laws with the minimum provision for relaxation of, or exception to, basic standards.

ANALYSIS OF EMERGENCY PROVISIONS IN EFFECT DURING WAR PERIOD

Wartime hour legislation is notable chiefly for the fact of its passage and for the impermanence of its provisions. In the type of relaxation provided and the method by which such relaxation is accomplished, wartime hour legislation presents no significant difference from emergency provisions adopted in hour laws before the war. This fact will be demonstrated in the present section, which relates not to wartime legislation alone but to all provisions for emergency relaxation of standards in effect during the war period. The two main types of emergency provisions will be con-

War-Duration Legislation Enacted in 1942 Through 1944

State	Legal hour standards affected and type of modification[1]											
	Outright change in legal hour standards				Outright change in coverage				Provision for permits			
	Maximum hours	Day of rest	Night work	Meal period	Maximum hours	Day of rest	Night work	Meal period	Maximum hours	Day of rest	Night work	Meal period
Arkansas												
California									(★)	(★)		(★)
Connecticut									(★)	(★)	(★)	(★)
Delaware			(★)						(★)	(★)	(★)	
District of Columbia								(★)				
Illinois									(★)			
Indiana			(★)						(★)	(★)		
Louisiana												
Maine	(2★)			(★)					(★)	(★)		(★)
Massachusetts												
Nevada									(★)	(★)	(★)	(★)
New Hampshire					(3★)							
New Jersey									(★)	(★)	(★)	
New York											(★)	(★)
North Carolina									(★)	(★)	(★)	(★)
North Dakota	(★)								(★)	(★)		
Ohio	(★)	(★)	(3★)	(3★)	(★)	(★)						
Pennsylvania												
Rhode Island									(★)		(★)	(★)
South Carolina									(★)			
Tennessee										(★)		
Texas									(★)			
Virginia[4]	(★)								(★)			
Wyoming	(★)								(★)			

1 All modifications included irrespective of industries to which applicable.
2 Applicable to daily hours only.
3 Not applicable to general manufacturing.
4 Virginia enacted two emergency laws.

sidered separately: (1) Automatic-relaxation provisions; (2) administrative-exception provisions.

Provision for Automatic Relaxation

Though before the war a few hour laws that contained provisions for automatic relaxation of standards in emergencies limited such provisions to businesses affected with a public interest, most such laws made the application of the emergency provision as broad as the coverage of the law itself. Where the law covered both manufacturing and the principal service industries, provision for automatic relaxation in emergency before the war usually applied to employers in both industries. Where the legal hour standards are established by commission order rather than by legislation, the emergency provision is necessarily limited to the industry covered by the commission's order.

Emergency provisions in wartime legislation which allow relaxation without a permit also apply in nearly all cases to all industries covered by the original laws. The legislature usually made no attempt to confine the relaxation to war-production industries or industries essential to the war effort. For this reason there is a more widespread lowering of standards in wartime laws that provide for automatic relaxation than in wartime laws which give the agency control over relaxation.

Scope of Automatic Relaxation

Provisions which authorize employers to relax hour standards for women's employment without obtaining permission from the administrative agency were in effect during the war period as follows:

Maximum-Hour Laws.—Seven States [43] provide for automatic relaxation of maximum-hour standards in emergencies. In most of them the emergency provision is applicable to all of the industries covered by the hour law. One of these States—Maine—allowed relaxation of daily hours only.

Three of the States mentioned—Mississippi, Nevada, and New Mexico—did not enact wartime legislation modifying maximum-hour standards, but relied on an emergency provision adopted before the war. In each of them, the emergency provision, like the law itself, has broad industry coverage: In Nevada it applies to "private employment"; in Mississippi and New Mexico it covers a variety of enumerated occupations including both industrial and service establishments. The 4 other States—Maine, North Dakota, Ohio, and Wyoming—modified their previous maximum-hour standards through wartime legislation in effect for the duration. The wartime laws, insofar as they effect an outright modification of standards, cover the same industries and employers as were covered by the original law, which in North Dakota, Ohio, and Wyoming include manufacturing and the principal service industries, but in Maine comprise only those of a manufacturing or mechanical nature.

[43] Maine, Mississippi, Nevada, New Mexico, North Dakota, Ohio, Wyoming.

Day-of-Rest Laws.—Two States—North Dakota and Ohio—provide through wartime legislation for automatic relaxation in emergencies. In North Dakota, where the original law applied to enumerated industries including manufacturing and the principal service occupations, the wartime law had the same application. Ohio is the one State in which the coverage of this type of relaxation is not as broad as the original law: The original law covered "any employment" and the wartime modification is limited to "employers engaged in the furnishing of goods or services to the United States."

Night-Work Laws.—Three States—Delaware, Indiana, and Ohio—suspended their night-work laws through wartime legislation. The Delaware wartime law covers offices, manufacturing and mechanical establishments, and laundries; the Indiana law covers only manufacturing; the Ohio law, only ticket sellers. The war legislation lifted the limitations on night work for industries covered by the peacetime laws, except that in Delaware the wartime law did not permit night work in offices and printing and dressmaking establishments.

Meal-Period Law.—Modification of the meal-period requirement in emergency without permission of the State administrative agency was permitted in only one State—Ohio; there the modification applied to several enumerated industries, including glass manufacturing, retail gas stations, financial institutions, and transportation.

Summary.—The following chart shows the States that provided for automatic relaxation of hours standards during the war period, and the type of standard affected.

Provision for Automatic Relaxation in Hour Laws in Effect During the War Period

State	Maximum hours	Day of rest	Night work	Meal period
Delaware			(★)	
Indiana			(★)	
Maine	(1★)			
Mississippi	(★)			
Nevada	(★)			
New Mexico	(★)			
North Dakota	(★)	(★)		
Ohio	(★)	(★)		(★)
Wyoming	(★)			

1 Daily.

Provision for Administrative Exceptions

Of all emergency clauses in effect during the war period, provisions for administrative control over relaxation of hour standards greatly outnumber provisions for automatic relaxation.

Administrative control over relaxation of hour standards is provided for by wartime hour legislation in the District of Columbia and 18 States.[44] In an additional 7 States [45] administrative control during the war is exercised by virtue of provisions enacted previously.

44 Arkansas, California, Connecticut, Illinois, Louisiana, Maine, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia.

45 Indiana, Kansas, Minnesota, Nebraska, Oregon, Utah, Wisconsin.

Extent of Administrative Control

In 8 [46] of the 18 States in which the legislatures enacted wartime measures delegating authority to relax legal hours-of-work standards, such authority was vested in the Governor, either alone or jointly with the State labor official. In practice, however, the primary responsibility, and in some States the full responsibility, for determining whether the facts warrant application of the emergency provision, rests with the State labor official. In Massachusetts, the legislature passed two Acts—an earlier one delegating power to the Governor and a subsequent one delegating permit power to the Labor Commissioner. In 5 States—Connecticut, New Hampshire, New Jersey, North Carolina, and Rhode Island—the legislature granted power of exemption to the Governor. In 1 of these—North Carolina—the Governor delegated to the State labor official authority to ascertain the facts and recommend the issuance or denial of a permit; in the other 4, permits were handled as a practical matter by the State labor department. In the 2 remaining States of this group—California and Tennessee—the statute itself fixes the agency's responsibility. For present purposes, therefore, it appears to be unnecessary to distinguish between provisions for executive exceptions and provisions for administrative exceptions, since in any case the administrative agency has the responsibility in actual practice of applying the law to the facts. Consequently, the present discussion of administrative-exception provisions will include all hour laws that authorize issuance of permits to individual employers in emergencies.

In a majority of the 7 States [45] in the group that did not enact hour legislation in wartime, authority to relax standards exists by virtue of a broad grant of administrative power to the agency. In 3 [47] of these States, the legislature authorized the agency to set hour standards in the first instance. The administrative agency in Oregon wrote broad emergency provisions into its peacetime orders; in the other two States—Kansas and Wisconsin—the agencies set up restricted emergency provisions in their orders but during the war they have granted special administrative exceptions which relax hour standards to a greater extent than is provided by the emergency clause incorporated in the order. In the 4 other States in this group [48] the legislature followed the more customary practice of itself fixing normal hour standards while authorizing the agency to permit relaxation in emergencies.

46 California, Connecticut, Massachusetts, New Hampshire, New Jersey, North Carolina, Rhode Island, Tennessee.
47 Kansas, Oregon, Wisconsin.
48 Indiana, Minnesota, Nebraska, Utah.

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Analysis of Administrative Exceptions in Effect in Wartime

Provisions authorizing the State agency to issue permits to individual employers were in effect during the war period under State laws and orders in the following States:

Maximum-Hour Laws.—Permits authorized in 20 States and the District of Columbia.

Authorized by: (1) Wartime legislation: Arkansas, California, Connecticut, Illinois, Louisiana, Massachusetts, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia.
(2) Previously existing provisions: Kansas, Minnesota, Oregon, Utah, Wisconsin.

Day-of-Rest Laws.—Permits authorized in 13 States.

Authorized by: (1) Wartime legislation: Arkansas, California, Connecticut, Illinois, Louisiana, Massachusetts, New Hampshire, New York, North Carolina, Pennsylvania, South Carolina.
(2) Previously existing provisions: Kansas, Wisconsin.

Night-Work Laws.—Permits authorized in 9 States.

Authorized by: (1) Wartime legislation: California, Connecticut, Massachusetts, New Jersey, New York, Pennsylvania.
(2) Previously existing provisions: Kansas, Nebraska, Wisconsin.

Meal-Period Laws.—Permits authorized in 13 States.

Authorized by: (1) Wartime legislation: Arkansas, California, Louisiana, Maine, Massachusetts, New Jersey, New York, Pennsylvania.
(2) Previously existing provisions: Indiana, Kansas, North Dakota, Utah, Wisconsin.

It may be noted in passing that not all States with authority to grant administrative exceptions from some or all hour standards have exercised such authority to any appreciable extent, and on the other hand, that some States not enumerated in the foregoing

Provision for Administrative Exception in Hour Laws in Effect During the War Period

State	Maximum hours	Day of rest	Night work	Meal period
Arkansas	(★)	(★)		(★)
California	(★)	(★)	(★)	(★)
Connecticut	(★)	(★)	(★)	
District of Columbia	(★)			
Illinois	(★)	(★)		
Indiana				(★)
Kansas	(★)	(★)	(★)	(★)
Louisiana	(★)	(★)		(★)
Maine				(★)
Massachusetts	(★)	(★)	(★)	(★)
Minnesota	(★)			
Nebraska			(★)	
New Hampshire	(★)	(★)		
New Jersey			(★)	(★)
New York	(★)	(★)	(★)	(★)
North Carolina	(★)	(★)		
North Dakota				(★)
Oregon	(★)			
Pennsylvania	(★)	(★)	(★)	(★)
Rhode Island	(★)			
South Carolina		(★)		
Tennessee	(★)			
Texas	(★)			
Utah	(★)			(★)
Vermont	(★)			
Virginia	(★)			
Wisconsin	(★)	(★)	(★)	(★)

summary are in fact issuing wartime permits for relaxation of

standards by individual employers. The present discussion, however, relates primarily to provisions of law, and agency practices are not under consideration except as they implement or interpret the law.

Standards for Administrative Action

Laws that authorize a State labor official to grant exceptions in emergencies are based on the principle that the legislature may delegate to an administrative official authority to determine facts and conditions upon which the operation of a statute depends. It is very desirable from the standpoint of just and efficient administration, in addition to the constitutional ends which are also served thereby, that such laws express a definite legislative policy and establish standards or conditions for administrative action.

In the wartime laws, as well as in those of prior origin, the general policy of the legislature in authorizing administrative exceptions is clearly indicated. All of the States and the District of Columbia that enacted temporary wartime legislation providing for administrative exceptions based such action on the need to further the war effort. The declared policy of the New York State War Emergency Dispensation Act is illustrative of the purpose and intention of temporary wartime legislation: "It is the declared policy of the State of New York to retain all peacetime labor standards and statutes heretofore achieved for working men, women, and minors after so many years of legislative and educational effort; but to permit wartime dispensations from law wherever required by, and prudently consistent with, the National and paramount effort to conclude successfully and expeditiously the war in which we are involved."

In the 2 States—Arkansas and Vermont—in which administrative exception provisions adopted during the war period were permanent rather than for the duration, provision for emergency relaxation was, of course, not related to the war program but to the needs of individual employers. Similarly, in laws and orders adopted before the war the policy in providing for administrative exceptions in emergencies was to prevent unnecessary hardship to individual employers.

Laws that provide for administrative control of relaxation should also set standards of criteria to guide the administrator in carrying out the legislative policy. Some wartime laws establish express standards for administrative action while others are little more than a mandate vesting discretionary power in the State labor official or the Governor.

In some States in which the emergency provision does not contain express standards, an advisory body has been established to assist the State labor official in the exercise of his discretionary power. In most States, however, the official acts independently in the exercise of his function of granting administrative exceptions.

Standards for administrative action established in emergency clauses of hour laws relate principally to the following subjects: (1) Industries or employers eligible for permits; (2) extent and duration of modification permitted; (3) procedure governing

agency action. Though laws in a few States set express standards on all of these matters, most of them establish only one or two criteria to guide the administrator in carrying out the intent of the legislature. Where the law does not expressly state the degree of relaxation permitted, the administrator must necessarily be guided by the purpose of the emergency legislation and by standards of the original law.

Industries Covered by Administrative-Exception Provisions.—Of the 18 States and the District of Columbia that enacted wartime laws authorizing administrative exceptions from hour standards, coverage provisions range between two extremes—on the one hand, a narrow restriction to war-production industries, on the other, a total absence of express standards for determining which employers are entitled to exceptions. A substantial group of laws fall into a middle group, i.e., by authorizing the issuance of permits to essential industries, the laws restrict relaxation of standards to industries that play a vital part in the wartime economy but at the same time make it possible for civilian manufacturing and service industries to employ women under relaxed standards where such employment is demonstrably necessitated by, and of benefit to, the war effort.

In 5 [49] of the States that enacted legislation in wartime, authority to issue permits is expressly restricted to war production or to work furthering the war effort. In 10 [50] such States and the District of Columbia issuance of permits to essential industries is authorized. In 2 of these—New York and Louisiana—the laws originally applied only to war industries but were later amended to authorize the issuance of permits to essential civilian industries; in another State—Massachusetts—the law authorizes issuance of permits for manpower shortages "due directly or indirectly to the existing state of war." Laws in 3 States [51] do not establish any express requirements as to the nature of the industries to which permits may be issued.

In the 7 States [45] that authorize granting of administrative exceptions under laws and orders not modified during the war period, the administrative-exception provisions are as broad as the coverage of the law or order and generally do not restrict the issuance of permits to any particular type of industry or employer.

Extent and Duration of Modification Permitted.—In wartime legislation, the kind and amount of permissible relaxations are variously defined. Some laws that provide for modification of maximum-hour standards fix the maximum hours permissible where administrative exceptions authorizing relaxation of standards are granted. Other wartime laws relating to maximum-hour or day-of-rest standards specify the number of weeks or months per year that an employer may be authorized to employ women under relaxed standards. Of the 15 States [52] and the District of Columbia that enacted maximum-hour legislation of the permit

49 California, New Jersey, South Carolina, Tennessee, Virginia.
50 Connecticut, Louisiana, Massachusetts, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, Texas, Vermont.
51 Arkansas, Illinois, Maine.
52 See first item in Summary on p. 40.

type in the wartime years, only 8 [53] and the District of Columbia specify the maximum hours that may be established by relaxation in lieu of basic standards. The other wartime laws [54] do not specify the maximum hours that may be permitted when relaxations are granted. The administrator in his discretion presumably may write such standards into a permit but the laws do not expressly authorize or require him to do so.

Laws in 6 States [55] specify the maximum period of time during which relaxation of various hour standards may continue in effect. However, a majority do not limit the number of permits which the employer may obtain in a year's period. Instead, 4 of them—Illinois, Louisiana, New York, Texas—make provision for renewal. In addition, the Arkansas day-of-rest law, while it does not specifically provide for renewal, does not expressly prohibit it.

Laws which limit the duration of a permit without at the same time limiting the total number of permits in a year apparently serve the purpose of flexibility and at the same time enable the agency to exercise strict control over the conditions of relaxation. When application for renewal is made, the agency again has occasion to investigate the need for relaxation. In contrast, the preponderance of wartime laws which establish no standard at all concerning the duration of a permit make it possible for the administrator to grant relaxations effective for the entire period of the war. However, even though the law does not specify any period, the commissioner is not required to issue indefinite permits. Under most wartime laws he has general authority to define the terms and conditions of a permit and thus may restrict permits to short periods, subject to extension or reissuance where the circumstances warrant it.

Procedural Requirements.—The principal procedural requirements found in wartime legislation are formal application by the employer and investigation by the State labor official preliminary to issuance of a permit. Wartime laws in a few States show the intent of the legislature to require a formal, written application from the employer. Thus in 3 States—Arkansas, Louisiana, and New York—laws authorizing relaxation of maximum-hour standards specifically provide that the application shall be filed upon such forms and pursuant to such regulations as the commissioner shall prescribe. In 3 other States—California, North Carolina, and Texas—wartime hour laws provide for the filing of a formal application.

In the District of Columbia and 7 States [56] wartime laws by their wording do not show legislative intent to require a formal application and in a few instances they make no reference to application by the employer.

Most of the wartime laws expressly direct the commissioner to investigate the employer's need before acting on an application.

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53 Connecticut, Illinois, New Hampshire, North Carolina, Pennsylvania, Texas, Vermont, Virginia.

54 Arkansas, California, Louisiana, Massachusetts, New York, Rhode Island, Tennessee.

55 Arkansas, day-of-rest law; Illinois and Louisiana, maximum-hour and day-of-rest laws; New York, all hour laws; Texas and Vermont, maximum-hour law.

56 Connecticut, Illinois, Massachusetts, New Hampshire, Pennsylvania, Tennessee, Vermont.

Only a few of them establish the criteria to be employed in determining that need or set out the detailed procedure which the State labor official is required to follow. Omission of specific procedural standards in the law does not of course mean that State labor officials cannot set up such standards on their own initiative, as they have ample authority to do so under most wartime laws. However, where the law expressly sets out detailed procedure which must be followed, the official is in a much better position to resist unjustified requests for exceptions.

The wartime laws of Louisiana and New York set forth procedural standards in much greater detail than most other such laws. The New York State War Emergency Act makes it the duty of the industrial commissioner to investigate an application for an exception before taking final action on it. He may issue a provisional permit for a period not to exceed one month, subject to revocation if subsequent investigation demonstrates that the exception is not justified. The law further provides that no permit shall be granted to any employer "who can by utilization of available labor supply or by organizational or other reasonable adjustments, maintain maximum efficiency and production without sacrifice of existing peacetime labor standards." Wartime legislation in Louisiana established criteria similar to those set up in the New York law. Other laws that specifically require the State labor commissioner to investigate the employer's need for a permit are: Arkansas (maximum hour, meal period), Texas (maximum hour), North Carolina (all labor laws), New Hampshire (all labor laws). The New Jersey meal-period law, while not specifically calling for an investigation, requires the State official to make a determination or finding that certain conditions are met, i.e., that a relaxation of standards will not endanger the health or productivity of employees.

A few wartime laws place an affirmative duty on the employer to show the need for relaxation of standards. Although such laws do not expressly require an investigation by the State labor official, an investigation presumably would be necessary in order to verify the employer's statements. Provisions of this kind are found in the wartime laws of: Illinois (day or rest, maximum hour), District of Columbia (maximum hour).

Conclusion.—One of the primary objectives of legislation which instead of modifying standards outright, authorizes a State labor official to issue permits in individual cases, is that relaxation of standards may thus be restricted to cases of actual need. Hour laws that provide for administrative control over relaxation undoubtedly afford the employee greater security in his work schedule than laws which provide for automatic relaxation. Notwithstanding this fact, standards provided by such laws to govern issuance of permits are often extremely inadequate. The administrator can better carry out the purpose of the legislature where the law makes express provisions for such matters as duration of permit, time and frequency of renewal, and particularly, the standards in effect during relaxation.

Chapter III.—STATE LABOR LAWS FOR WOMEN IN THE POSTWAR YEARS

Conditions that led to the wartime relaxation of legal hour standards for women, such as the demand for maximum production and the scarcity of labor supply, are expected to be greatly modified by the termination of the European war and to disappear entirely at the end of the total war. The sudden closing-down of war production and the gradual resumption of civilian-goods manufacturing inevitably will result in a renewed need for State laws to safeguard the hours and employment conditions of women workers. At the time this chapter is written—late 1944—it is impossible to predict whether these or other factors will lead State legislatures to take action at their coming sessions. The first part of this chapter is necessarily based on the premise that legislative changes will not be made. On this assumption, it is possible here to discuss: (1) The basic-hour and working-conditions standards for women which will be in effect under existing laws at the end of the war; and (2) employment standards which are recommended for consideration in future legislation to safeguard the welfare of women workers in the postwar years.

HOUR STANDARDS AT END OF WAR

As noted in the preceding chapter, few States during the war period made permanent changes in their existing hour legislation for women. Most of the State legislation enacted in the war years 1942 through 1944 was for the duration only. Most of these duration laws did not repeal but merely provided for suspension or temporary relaxation of the laws in effect at the beginning of the war. This method was used in order to preserve intact peacetime standards, so that the legal safeguards applicable to women workers in prewar years would automatically become operative again in the postwar period.

RECONVERSION PERIOD

None of the duration hour laws is limited to any one phase of the war; on the contrary, each is written in such terms as to be applicable throughout the entire course of the war on all fronts. In fact, as noted in the preceding chapter,[1] some duration laws do not expire at the end of the total war but terminate only after varying periods of adjustment, ranging from 60 days to a year. A few make no provision whatsoever for automatic termination but instead remain operative until issuance of an official proclamation that the emergency has ended.

The first phase of reconversion may come at the end of the war in Europe. If so, the need for relaxation of hours and working-conditions standards may be greatly reduced during the period the laws permitting such relaxations remain in effect. This does not mean that relaxations will necessarily continue as a matter of practice. The extent to which they will continue depends primarily on whether the wartime law provides for administrative exceptions

1 See p. 36.

or establishes outright exemptions. Under many of the laws that provide for administrative exceptions, the power to issue permits continues through the early reconversion period but the administrator may be guided in the use of that power by developments which indicate the continuing need for relaxation. Thus, if the reconversion period is accompanied by a slackening of production and a decreased demand for workers, administrators will actually be carrying out the purpose of the law if they refuse to permit relaxation of standards, notwithstanding the fact that the wartime law is still operative.

In contrast, under duration laws that establish automatic exceptions, the mere continuance of the war enables employers in the reconversion period to employ women under relaxed standards irrespective of need. Obviously, continuance of relaxations beyond the period of actual need deprives women workers of legal safeguards to which they are entitled, contributes to temporary unemployment, and complicates the difficulties of transition from a wartime to a peacetime economy. But, unless such duration laws are repealed or modified at coming legislative sessions, the relaxations they permit seem destined to remain effective until the end of the total war and in some cases for even a longer period.

CHANGES IN PEACETIME HOUR STANDARDS THROUGH WARTIME LEGISLATION

Though at the present writing it appears that most of the basic hour provisions in effect before the war will automatically become operative again following the war, a few laws contain certain major changes as a result of wartime legislation. Of the 24 States and the District of Columbia that enacted legislation in 1942, 1943, or 1944 providing for the modification of previously existing hour standards, 8 [2] adopted modifications that will remain operative under returning peacetime conditions. In 3 of the 8 States—Arkansas, Delaware, and Louisiana—the permanent legislation related to basic-hour standards; in the other States in this group, permanent legislative changes related to overtime or to occupations covered by the law. Following is a brief summary of wartime hour legislation which establishes different basic standards for the period after the war than were in effect before the war.

Basic-Hour Standards

The maximum daily and weekly hour limitations, and the day-of-rest requirement, were revised in one State—Arkansas. The former 9-hour day, 54-hour week maximum work period for women was changed to provide for a basic 8-hour day, 6-day week, with overtime at time and one-half the regular rate at which the worker is employed. The statute requires the employer to obtain a permit from the commissioner of labor for overtime of a permanent nature in excess of one hour a day, but it does not set a limit to the daily or weekly hours a woman may be employed under permit. For employment on the seventh day, however, the statute sets a 90-day maximum period. All work on the seventh

[2] Arkansas, Connecticut, Delaware, Louisiana, Maine, New Hampshire, New York, Vermont.

day as well as employment beyond 8 hours a day must be paid for at time-and-one-half the worker's regular rate.

The night-work law was modified in one State—Delaware—by an amendment which changed from 10 p.m. to 11 p.m. the beginning hour of the period during which night work is prohibited.

Louisiana amended its lunch-period law by shortening the required time from 45 minutes to 30 minutes.

The previous discussion relates only to legislation modifying existing standards, and does not include laws establishing standards where none existed before. Two States established new standards: Nevada adopted a 6-day week law; Rhode Island adopted a lunch-period law.

Overtime

Provisions authorizing the emergency or seasonal employment of women in peacetime beyond the daily or weekly limits set in maximum-hour laws for some occupations were adopted in Connecticut, Maine, and Vermont. Since all of these States previously made some provision for overtime, the effect of the wartime legislation was to liberalize existing provisions.

Prior to the wartime amendment, the Connecticut 8- and 48-hour law for mercantile establishments permitted: (1) Overtime during the week before Christmas provided that employer grants at least 7 holidays with pay annually and (2) one 10-hour day in week to make a shorter workday. The wartime amendment, without changing the existing overtime provisions, authorizes the commissioner of labor upon application of an employer to grant emergency permits for seasonal or peak demand, allowing employment for 10 hours a day, 52 hours a week for not more than 4 weeks a year.

Prior to the wartime amendment, the maximum-hour law in Maine applicable to factories permitted no weekly overtime, but allowed daily overtime in order to make one shorter workday in the week. The amendment provides that daily hours shall not exceed 10, except during the war period. The permanent effect of the amendment, therefore, was to strengthen the law by the addition of a new provision setting an absolute maximum length to the workday.

The Vermont 9-50 hour law applicable to manufacturing and mechanical establishments prior to the 1943 amendment contained no emergency or overtime provision except for an employer "engaged in public service." The amendment provides for employment up to 10 hours a day, 60 hours a week, for a period not to exceed 10 consecutive weeks in 1 year, during seasonal or peak demand, provided the employer obtains permission in advance.

Coverage

In Arkansas, the permanent hour legislation enacted in wartime increased coverage by making the law applicable to all businesses "whatsoever" except those specifically exempted. On the other hand, legislation in Connecticut, Louisiana, New Hampshire, and New York resulted in excluding groups of workers previously cov-

ered. In one of these States—Louisiana—such legislation at the same time brought under coverage of the law two groups not previously covered: Thus the maximum-hour law was amended not only to exempt women office workers in certain industries and women processing sugarcane and sorghum, but also to extend coverage to women employed in theaters and in the operation of elevators. In Connecticut, the maximum-hour law establishing an 8-hour day, 6-day and 48-hour week for women in mercantile establishments was amended to exclude women in executive, managerial, or supervisory positions earning not less than $175 a month. In New Hampshire, the 10¼-hour day, 54-hour week law was amended to exempt women engaged in canning of perishable fruits and vegetables. In New York, the night-work law was amended to exclude women employed in book or pamphlet binderies; the 8-hour day, 40-hour week law for women bindery workers was repealed.

HOUR-LAW PROVISIONS IN EFFECT AFTER THE WAR [3]

The legislatures of 44 States [4] are scheduled to meet in regular session during 1945. Legislative action in 1945 may affect either basic legal standards, duration laws, or both. The following analysis of laws in effect at the end of the war is necessarily subject to revision on the basis of legislative action or authorized administrative action occurring subsequent to the time this bulletin is written but previous to the end of the total war.

Maximum-Hour Laws [5]

Forty-three States and the District of Columbia limit daily or weekly hours of employment of women in one or more industries. States that do not limit maximum hours by law are: Alabama, Florida, Indiana, Iowa, and West Virginia.

8-Hour Day and/or 48-Hour Week (or Less).—Twenty-four States and the District of Columbia set 8 hours a day and/or 48 hours a week or less in one or more industries as the maximum period women may be employed. Employment of women in the manufacturing industry is covered by all but one of such laws: In Kansas, the 8-48 hour maximum applies only to public housekeeping occupations and telephone exchanges, while the maximum in manufacturing establishments is 9 and 49½ hours. In Connecticut the 8-48 hour standard applies to mercantile; maximum hours for manufacturing are 9 and 48. In South Carolina, the 8- and 40-hour law [6] applies to only one branch of manufacturing—textiles.

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3 Subject to legislative or administrative changes after Dec. 15, 1944.

4 All States except Kentucky, Louisiana, Mississippi, and Virginia.

5 Where the State establishes different legal hour standards for different industries, the highest standard is included here. Compare with chart on p. 29 showing maximum hour laws before the war.

6 This South Carolina law is inoperative since court injunction was issued October 31, 1938. See 10-55 hour law on next page.

Arizona	8–48	New Mexico	8–48
California	8–48	New York	8–48
Colorado	8	North Carolina	9–48
Connecticut	8–48	North Dakota	8½–48
	9–48	Ohio	8–45
District of Columbia	8–48	Oregon	8–44
Illinois	8–48	Pennsylvania	8–44
Kansas	8–48	Rhode Island	9–48
Louisiana	8–48	South Carolina	8–40 (men and women)[6]
Massachusetts	9–48	Utah	8–48
Montana	8	Virginia	9–48
Nevada	8–48	Washington	8
New Hampshire	10–48	Wyoming	8–48

9-Hour Day and/or 50- or 54-Hour Week.—Ten States set a maximum 9-hour day and 8 of these set a weekly maximum of 50 or 54 hours in their laws. Idaho sets no weekly maximum. The Arkansas law, while not expressly establishing a 54-hour week, achieves this result with the combined 9-hour day, 6-day week provision.

Arkansas	9	Nebraska	9–54
Idaho	9	Oklahoma	9–54
Maine	9–54	Texas	9–54
Michigan	9–54	Vermont	9–50
Missouri	9–54	Wisconsin	9–50

10-Hour Day or Over and/or 54- to 60-Hour Week.—Ten States set either a workday of 10 hours or more, or a workweek of 54 hours or more, or both as their maximum. In Georgia and South Carolina, the law applies only to one or two branches of manufacturing, principally textiles.

Delaware	10–55	Mississippi	10–60
Georgia	10–60		(men and women)
	(men and women)	New Jersey	10–54
Kentucky	10–60	South Carolina	10–55
Maryland	10–60		(men and women)
Minnesota	(no daily) 54	South Dakota	10–54
		Tennessee	10½–57

Day-of-Rest Laws

Twenty-three States and the District of Columbia prohibit employment of women for more than 6 days a week in some or all industries. All day-of-rest laws except Colorado and Utah apply to manufacturing establishments.

Arizona
Arkansas
California (men and women)
Colorado
Connecticut (men and women)
Delaware
District of Columbia
Illinois (men and women)
Kansas
Louisiana
Massachusetts (men and women)
Nevada
New Hampshire (men and women)
New Jersey
New York (men and women)
North Carolina
North Dakota
Ohio
Oregon
Pennsylvania (5½-day week)
South Carolina
Utah
Washington
Wisconsin (men and women)

Meal- and Rest-Period Laws

Twenty-seven States and the District of Columbia require a minimum period of one-third hour to one hour for meals for women

employed in some or all industries. In all but 4 of these States—Colorado, Illinois, North Carolina, and Washington—the meal-period provision is applicable to manufacturing establishments.

Arkansas
California
Colorado
Delaware
District of Columbia
Illinois
Indiana (men and women)
Kansas
Kentucky
Louisiana
Maine
Maryland
Massachusetts
Nebraska (men and women)
Nevada
New Jersey (men and women)
New Mexico
New York (men and women)
North Carolina
North Dakota
Ohio
Oregon
Pennsylvania
Rhode Island
Utah
Washington
West Virginia
Wisconsin

Four States—California, Colorado, Oregon, and Utah—in addition to the meal period require a rest period of 10 minutes during a work period of 4 consecutive hours or a half day. In Oregon the rest-period provision applies to retail-trade employees only; in Colorado to retail trade and laundries; in California, to occupations which require continuous standing; in Utah, to any establishment or industry.

Night-Work Laws

Seventeen States regulate the employment of women at night. Fifteen of these prohibit such employment in one or more industries or occupations; 2 do not prohibit night work but regulate it by fixing maximum hour limits for night work lower than those set for employment at other hours. Four additional States and the District of Columbia prohibit night work for persons under 21 years of age only.

Night Work Prohibited for Adult Women.[7]—Of the 15 States that prohibit night work for women 21 years of age and over, the prohibition exists by virtue of commission order only in 5 States—California, Kansas, North Dakota, Washington, and Wisconsin. In the 10 other States, night work is prohibited by statute. The statutory prohibition applies to only one occupation or industry in 5 States: In Indiana and Pennsylvania, to manufacturing; in South Carolina, to mercantile; in Nebraska, to offices (in large cities); in Ohio, to ticket sellers. The statutory prohibition in the remaining 5 States applies to manufacturing together with certain other specified industries. The 15 States prohibiting night work are:

California
Connecticut
Delaware
Indiana
Kansas
Massachusetts
Nebraska
New Jersey
New York
North Dakota
Ohio
Pennsylvania
South Carolina
Washington
Wisconsin

Night Work Prohibited for Persons Under 21 Only.—The States that prohibit night work for adult women as discussed in the preceding paragraph also prohibit night work for women under 21 years of age. In some instances the same provision applies to both age groups; in others, women under 21 are covered by separate

provisions establishing stricter standards or broader coverage. In addition, the District of Columbia and 4 States that have no night-work laws for adult women prohibit night work for persons under 21 employed as messengers. In Arizona, Kentucky, and Rhode Island, the prohibition applies to messengers of both sexes; in Virginia and the District of Columbia to female messengers only.

Special Maximum-Hour Regulations for Night Work.—Night-work hours for women are limited to 8 in Maryland and New Hampshire, the maximum-hour limitations for other than night work in these States being 10 and 10¼, respectively. The night-work provisions in both States are set by statute and apply to manufacturing and a variety of other occupations. Wisconsin also limits the maximum number of hours women may be employed at night in certain industries not covered by commission orders prohibiting night work.

OTHER SPECIAL HEALTH LEGISLATION IN EFFECT AFTER THE WAR

Grouped under this heading are the laws relating to plant facilities; weight lifting and other conditions of work; and prohibited occupations. Wartime changes in the legal requirements of these laws are usually stated to be of a duration character. Consequently, it is possible, on the basis of provision in effect before the war, to summarize provisions expected to be in effect after the war. As in the case of hour laws, it should be noted, however, that all such requirements are subject to change by legislative enactment and some of them by administrative regulation.

Plant-Facilities Laws

Seating.—The District of Columbia and all States but two—Illinois and Mississippi—have seating laws. In Florida alone, the seating law applies to men as well as women. All of the States with seating laws cover mercantile establishments. In 4 States—Alabama, Maryland, North Dakota, and South Carolina—mercantile establishments are the only ones subject to the law. In contrast, in 7 States—California, Idaho, Indiana, Kentucky, Nebraska, Pennsylvania, Washington—seating laws are applicable broadly to "any establishment," or "every employer," or other general category showing the intention to cover all employed women. Complete coverage is also obtained in some of the laws by enumerating occupations and adding a catch-all phrase. Thirteen States have laws of this type: Arkansas, Maine, Missouri, Montana, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Texas, Vermont, and Wyoming. The number of occupations covered by laws in the other States varies.

Seating laws vary widely with respect to such matters as number and type of seats. Some States specify the number of seats required, such as one seat for every woman worker or one seat for every two or three workers. Other States require only that a sufficient number of seats be provided. A few laws contain some

description of the type of seat necessary, but most of them merely provide that seats must be "suitable." The usual requirement concerning location is that seats be so placed as to be accessible to workers. Use of seats is specifically limited by most laws to periods when the worker is not engaged in active duties, but a few laws require that workers be permitted reasonable use of seats or use to the extent necessary to safeguard health.

Lunch Rooms.—Laws relating to provisions of lunch-room facilities are found in 14 States:

Arkansas
California
Colorado
Delaware
Illinois
Kansas
Minnesota
Mississippi
New York
Ohio
Pennsylvania
Utah
Washington
West Virginia

Most of these laws apply to employees generally, though a few relate to women only. The specific requirement that the employer provide a place for employees to eat their meals is found in 7 of these laws—Arkansas, Colorado, Kansas, Mississippi, Ohio, Washington, and West Virginia. In 4 States—Delaware, Minnesota, New York, and Pennsylvania—the employer is required to provide a lunch room only for workers exposed to injurious substances. In 3 States—California, Illinois, and Utah—the lunch-room laws do not require the employer to provide a lunch room but instead regulate the location and general conditions of such rooms. Some laws specifically state that the place provided must be elsewhere than the workroom, especially where toxic substances are handled. A few laws require that tables and chairs be provided. No lunch-room law requires the employer to maintain a food service as distinguished from a place to eat.

Dressing Rooms; Rest Rooms.—Thirty-one States have laws relating to dressing rooms or rest rooms, or both. A majority of such laws apply to women only, but a few require that dressing rooms be provided for both sexes. Some laws specify the conditions under which dressing or rest rooms must be provided, while others merely regulate the type or sanitary condition of such rooms. A common requirement is that a room be provided for changing clothes.

California
Colorado
Connecticut
Delaware
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maryland
Massachusetts
Michigan
Minnesota
Mississippi
Missouri
Nebraska
New Jersey
New York
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Rhode Island
South Dakota
Utah
Virginia
Washington
West Virginia
Wisconsin

Of the States listed above, only 11 have laws that specifically require that rest facilities, such as a bed or cot, be furnished: California, Connecticut, Illinois, Kansas, Michigan, New York, Oregon, Pennsylvania, Utah, Washington, and Wisconsin.

Toilets.—Forty-one States and the District of Columbia have laws requiring toilets to be provided. Of the 7 States—Arizona, Florida, Georgia, Idaho, Montana, New Mexico, and Wyo-

ming—that do not have employment regulations concerning toilets, a few provide for maintenance of toilets as a health requirement in certain industries, particularly food industries. Since laws of the latter type are designed primarily to protect the public health rather than to safeguard working conditions of the employee, they have not been included in this bulletin.

Most employment regulations concerning toilets require that toilets be provided separate and apart for each sex. Some of them specify the ratio between number of toilets and number of workers. Provisions as to sanitary conditions and the degree of privacy required vary widely, some laws merely stating that toilets shall be sanitary and private and others specifying detailed standards which must be met.

States that require toilet facilities to be provided for convenience of employees are the following:

Alabama	Maryland	Oklahoma
Arkansas	Massachusetts	Oregon
California	Michigan	Pennsylvania
Colorado	Minnesota	Rhode Island
Connecticut	Mississippi	South Carolina
Delaware	Missouri	South Dakota
District of Columbia	Nebraska	Tennessee
Illinois	Nevada	Texas
Indiana	New Hampshire	Utah
Iowa	New Jersey	Vermont
Kansas	New York	Virginia
Kentucky	North Carolina	Washington
Louisiana	North Dakota	West Virginia
Maine	Ohio	Wisconsin

Regulatory Laws

Weight Lifting.—Lifting or carrying heavy weights is regulated in 9 States. Limitations vary as to the maximum weight that women may lift, ranging from 25 pounds to 75 pounds. Two States—Minnesota and New York—regulate weight lifting by women in core rooms only; Massachusetts regulates lifting of weights of 25 pounds or over in core rooms and moving of weights of 75 pounds or over in manufacturing and mechanical establishments. Washington regulates lifting only in canning, packing, manufacturing or other mercantile establishments, and does not specify the maximum pounds that may be lifted. Limitations in the other 5 States apply to any occupation or industry in which women are employed. In some States, the law refers only to the lifting of weights; in others specific provision is made for carrying weights, and, in a few cases, for ascending stairs. Following is a list of States with weight-lifting requirements.

	Weight limitation in pounds		
	Lifting	*Carrying*	*Ascending stairs*
California	25	25	10
Massachusetts	[1]25 (moving, 75)	—	—
Michigan	35	—	20
Minnesota	[1]25	—	—
New York	[1]25	—	—
Ohio	25	—	—
Oregon	25	15	—
Utah	30	15	—
Washington	Not specified	Not specified	—

[1] Applicable only to workers in core rooms.

Constant Standing.—Laws in 4 States—Arizona, Iowa, Kentucky, Ohio—provide that women shall not be employed at work that requires constant standing. In all such States except Arizona the law applies only to women under 21 years of age.

Other Laws.—A variety of laws directed toward elimination of unhealthful workplaces or hazardous working conditions are found in 9 States—Louisiana, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania. Such laws include regulation of the following types of employment: Cleaning moving machinery in 3 States—Louisiana, Minnesota, and Missouri; handling substances containing more than 2 percent lead in 2 States—New Jersey and Pennsylvania; work on moving abrasives in 3 States—in Michigan, if below the surface of the ground, in New York and Ohio, irrespective of location; work in core rooms in 4 States—Massachusetts, Minnesota, New York, and Pennsylvania; work considered hazardous in Michigan; employment in insanitary, poorly lighted, and unventilated basements of mercantile establishment or restaurants in New York, and in various specified operations in Pennsylvania.

Laws containing broad over-all prohibitions against the employment of women under detrimental working conditions are found in 9 States—Colorado, Kansas, Michigan, North Dakota, Oklahoma, Oregon, Pennsylvania, Washington, and Wisconsin. Most inclusive, but nevertheless typical of other such laws, is that of Wisconsin, which provides that no woman shall be employed in any place or at any employment dangerous or prejudicial to her life, health, safety, or welfare.

Prohibited Occupations

General.—Twenty-nine States prohibit the employment of women in specified occupations:

Alabama	Kentucky	Ohio
Arizona	Louisiana	Oklahoma
Arkansas	Maryland	Pennsylvania
California	Massachusetts [1]	South Carolina [1]
Colorado	Minnesota [1]	Utah
Connecticut	Missouri	Virginia
Delaware [1]	Montana [1]	Washington
Florida [1]	New Jersey	Wisconsin
Illinois	New Mexico [1]	Wyoming
Indiana	New York	

[1] Prohibition applies only to persons under 21 years of age.

Twenty-one such States have only a single prohibition, usually connected with work considered especially dangerous to health: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Illinois, Kentucky, Louisiana, Massachusetts, Minnesota, Missouri, Montana, New Jersey, New Mexico, Oklahoma, South Carolina, Utah, and Wyoming. In contrast, laws in Pennsylvania and Ohio enumerate a list of miscellaneous occupations in which women may not be employed.

Mines.—Employment of women in mines is prohibited by law in 17 States. In 9 of these—Alabama, Arizona, Arkansas, Colorado, Illinois, Missouri, Oklahoma, Utah, and Wyoming—no legal prohi-

bition exists against employing women in any other occupation. Laws of this type vary, some of them prohibiting only underground work, and others prohibiting work "in or about a mine." Some laws cover only coal mining while others apply to the occupation of mining as such. Following are States with laws relating to the employment of women in mining:

Alabama	Maryland	Utah
Arizona	Missouri	Virginia
Arkansas	New York	Washington
Colorado	Ohio	Wisconsin
Illinois	Oklahoma	Wyoming
Indiana	Pennsylvania	

Establishments Handling Intoxicating Liquors.—Employment of women in connection with the manufacture or sale of intoxicating liquors or on premises where such beverages are sold is prohibited by law in 12 States. Such prohibitions apply only to persons under 21 in 7 of the 12 States—Delaware, Florida, Maryland, Massachusetts, Montana, South Carolina, and Virginia. At least 1 State—Illinois—empowers municipal authorities to prohibit such employment by ordinance. Following are States with laws prohibiting such employment:

California	Kentucky	Montana
Connecticut	Louisiana	Ohio
Delaware	Maryland	South Carolina
Florida	Massachusetts	Virginia

Other Prohibited Occupations.—Employment of women as messengers is prohibited by law in 4 States—Minnesota, New Mexico, New York, and Ohio. All such laws apply to women under 21 only. Employment as bellhop is prohibited in Ohio and Washington.

INDUSTRIAL HOME-WORK LAWS IN EFFECT AFTER THE WAR

During the war period no new home-work legislation was enacted. None of the existing laws was repealed or amended, and no duration changes were made. Barring the possibility of legislative or administrative changes between December 1944 and the end of the war, home-work laws will be the same after the war as they were at the beginning.

Twenty States and the District of Columbia have industrial home-work statutes, or regulations issued under authority of minimum-wage laws, or both. Four such laws—Colorado, Oregon, Utah, and the District of Columbia—apply to women and minors only, the Colorado and Utah laws to retail-trade occupations. All others apply to "persons." States with home-work laws and regulations are:

California	Massachusetts	Pennsylvania
Colorado	Michigan	Rhode Island
Connecticut	Missouri	Tennessee
District of Columbia	New Jersey	Texas
Illinois	New York	Utah
Indiana	Ohio	West Virginia
Maryland	Oregon	Wisconsin

All home-work laws regulate the terms and conditions under which home work may be performed and, in addition, some laws prohibit home work in some industries. A few States have incorporated home-work prohibitions in minimum-wage orders for certain industries. States in which home work in one or more industries is entirely prohibited, except in some instances for handicapped persons, are:

California
Illinois
Massachusetts
New Jersey
New York
Pennsylvania
Rhode Island
West Virginia

EMPLOYMENT BEFORE AND AFTER CHILDBIRTH

Employment for a specified period before and after childbirth is prohibited by law in 6 States. No such law establishes any reemployment rights for women or makes any reference to the possibility of a leave of absence. States in which employment is prohibited before and after childbirth are as follows:

Connecticut: 4 weeks before and 4 weeks after.
Massachusetts: 2 weeks before and 4 weeks after.
Missouri: 3 weeks before and 3 weeks after.
New York: ..... 4 weeks after.
Vermont: 2 weeks before and 4 weeks after.
Washington: 4 months before and 6 weeks after.

FUTURE STANDARDS FOR LABOR LEGISLATION FOR WOMEN

The preceding pages have been devoted to a summary review of the principal legislation governing women's hours and working conditions which, barring interim changes, will be in effect after the war. On the basis of that summary two facts are readily apparent: First, that significant gaps or omissions exist in the major types of legislation for women in nearly all States; and second, that some of the laws now in effect fall short of providing adequate working-conditions standards.

All States have a common interest in developing and improving labor-law standards both because of the general effect on the public welfare and because, as was shown in chapter I, good standards are good business. The extent to which existing standards need improvement, as well as the rapidity with which the work can be accomplished, varies of course from State to State. The Women's Bureau believes, however, that the period of reconversion from a wartime to a peacetime economy offers a real opportunity and challenge to all States to review the content of existing legislation with a view toward early initiation of an active program for its improvement.

A summary of the standards which the Women's Bureau recommends for consideration in such a program is presented in the following paragraphs. The Bureau believes that the standards recommended for hour laws are the minimum standards that should be considered. Standards for legislation other than hour laws are still in an experimental stage. Laws may be necessary in the future to cover standards not yet a subject of legislation. On

such standards as have been incorporated in legislation much work remains to be done before definite minimum standards can be established with certainty as to their adequacy and effectiveness. The recommendations that follow are concerned only with subjects covered by existing laws. They are not intended to be final but are suggested for use as guides only.

SUMMARY OF STANDARDS RECOMMENDED BY U. S. WOMEN'S BUREAU PERTAINING TO SUBJECTS COVERED BY EXISTING LEGISLATION

Hour Laws

The Women's Bureau recommends the following minimum standards in statutory enactments:

Maximum Hours of Employment: Weekly Daily

1. A maximum 48-hour week, with overtime pay for hours worked over 40 up to and including 48, and with no provision permitting variation in the length of the workweek for covered employees.
2. A maximum 8-hour day.
   If provision is made for variation in a specific industry, the law should require the employer to obtain a permit from the administrative agency.

Day of Rest

3. One day of rest in every 7 consecutive days.

Lunch Period

4. A lunch period of not less than 30 minutes where food is available on the premises; a longer period where food is not thus available.

Rest Period

5. A rest period of at least 10 minutes in each 4-hour or half-day work period without extension of daily work hours.

Night-Work Laws

Night Work

Questions are being raised concerning existing legal restrictions on night work for women, many of which arise out of problems relating to reconversion and postwar adjustments. A review of these questions and of the fundamental issues involved has led the Women's Bureau to confirm its earlier conclusion, i.e., that considerations of health and opportunity for normal social living make it desirable, insofar as possible, to eliminate night work.

Plant-Facilities Laws

The Women's Bureau recommends the enactment of legislation establishing minimum basic standards, supplemented by the issuance of codes:

Seating

1. Provision for seats in all industries; seats to be accessible, free for use when sitting would not interfere with the active dues of employment, and, where possible, so arranged as to permit alternate standing and sitting.
   Specific requirements as to type of seats should be designated, where feasible, by code.

Toilet Facilities

2. Provision of adequate toilet facilities, separate for men and women; private, easily accessible, properly maintained, and with adequate ventilation.
   Detailed standards covering the construction and maintenance of toilet rooms should be designated by code on the basis of standards established by the American Standards Association.

Washroom Facilities

3. Provision of adequate washroom facilities.
   Detailed regulations should be established by code on the basis of standards established by the American Standards Association.

Dressing Rooms; Rest Rooms

4. Provision of dressing rooms for the exclusive use of women workers; rest rooms with cots available for use when necessary.

Regulatory Laws

The Women's Bureau recommends that:

Weight Lifting

1. Weight lifting be regulated by code to meet the needs of individual industries and particular situations.
   A general statute fixing the maximum number of pounds that women may be permitted to lift is not recommended.

Cleaning Moving Machinery

2. Cleaning moving machinery be prohibited by statute.
   The practice of cleaning moving machinery is inherently unsafe and should be prohibited rather than regulated.

Core Making and Work Similarly Hazardous

3. Work involving exposure to excessive heat or other special hazards be regulated by code in order to minimize the dangers to which workers are exposed.
   Regulations to reduce the hazards of such work are desirable rather than statutory prohibition of women's employment.

Prohibitory Laws

Occupations Now Prohibited to Women

The Women's Bureau recommends that existing legislation prohibiting employment in specific occupations be the object of special study to determine the need for its continuance.

Industrial Home-Work Laws

Industrial Home Work

The Women's Bureau recommends enactment of legislation leading to the elimination of industrial home work.

Specifically, it recommends:

(1) That States in which home work is not yet entrenched enact legislation to prohibit home work outright in all industries, except for handicapped workers entitled to special certificates;

(2) That other States enact legislation that will (a) prohibit home work outright in specified industries where its continuance menaces the public health; and (b) authorize the State labor commissioner to issue orders prohibiting home work in additional industries, as the need is shown, except for handicapped workers entitled to special certificates.

Maternity Laws

Employment Before and After Childbirth

The Women's Bureau recommends enactment of legislation requiring that women be granted a leave of absence for a minimum specified period before and after childbirth with reemployment rights.

Health legislation containing provision for adequate maternity benefits should also be enacted.

APPENDIX.—TYPES OF LABOR LAWS,[1] BY STATE

[For more detailed information, such as coverage, see charts in Women's Bureau Bulletin No. 202, parts I through IV]

Alabama:
- Seats
- Toilets
- Prohibited occupations

Alaska:
- 60-hour week
- Toilets
- Minimum wage

Arizona:
- 8-hour day
- 48-hour week
- Day of rest
- Night work [2]
- Seats
- Regulated occupations
- Prohibited occupations
- Minimum wage

Arkansas:
- 9-hour day
- 54-hour week [3]
- Day of rest
- Meal period
- Seats
- Lunch room
- Toilets
- Prohibited occupations
- Minimum wage

California:
- 8-hour day
- 48-hour week
- Day of rest
- Meal period; rest period
- Night work
- Seats
- Lunch room [4]
- Dressing room; rest room
- Toilets
- Regulated occupations
- Prohibited occupations
- Home work
- Minimum wage

Colorado:
- 8-hour day
- 48-hour week [3]
- Day of rest
- Meal period; rest period
- Seats
- Lunch room
- Dressing room [4]
- Toilets
- Prohibited occupations
- Home work
- Minimum wage

Connecticut:
- 8-hour day
- 9-hour day
- 48-hour week
- 52-hour week
- 58-hour week
- Day of rest
- Night work
- Seats
- Dressing room; rest room [4]
- Toilets
- Prohibited occupations
- Maternity
- Home work
- Minimum wage

Delaware:
- 10-hour day
- 55-hour week
- Day of rest
- Meal period
- Night work
- Seats
- Lunch room
- Dressing room
- Toilets
- Prohibited occupations [2]

District of Columbia:
- 8-hour day
- 48-hour week
- Day of rest
- Meal period
- Night work [2]
- Seats
- Toilets
- Home work
- Minimum wage

Florida:
- Seats
- Prohibited occupations [2]

Georgia:
- 10-hour day
- 60-hour week
- Seats

Hawaii:
- Minimum wage

Idaho:
- 9-hour day
- Seats

Illinois:
- 8-hour day
- 48-hour week
- Day of rest
- Meal period
- Lunch room [4]
- Dressing room; rest room
- Toilets
- Prohibited occupations
- Home work
- Minimum wage

[1] For summary and analysis of minimum-wage laws see Women's Bureau Bulletin 191 and Supplement.
[2] Applicable only to employees under 21 years of age.
[3] Not specified in law. See daily hours and day of rest.
[4] Though the law pertains to this subject, it does not require that such a facility be provided.

Indiana:
- Meal period
- Night work
- Seats
- Dressing room [4]
- Toilets
- Prohibited occupations
- Home work

Iowa:
- Seats
- Dressing room
- Toilets
- Regulated occupations [2]

Kansas:
- 8-hour day
- 9-hour day
- 48-hour week
- 49½-hour week
- 54-hour week
- Day of rest
- Meal period
- Night work
- Seats
- Lunch room
- Dressing room
- Toilets
- Minimum wage

Kentucky:
- 10-hour day
- 60-hour week
- Meal period
- Night work [2]
- Seats
- Dressing room
- Toilets
- Regulated occupations [2]
- Prohibited occupations
- Minimum wage

Louisiana:
- 8-hour day
- 9-hour day
- 48-hour week
- 54-hour week
- Day of rest
- Meal period
- Seats
- Dressing room
- Toilets
- Regulated occupations
- Prohibited occupations
- Minimum wage

Maine:
- 9-hour day
- 54-hour week
- Meal period
- Seats
- Toilets
- Minimum wage

Maryland:
- 10-hour day
- 60-hour week
- Meal period
- Night work
- Seats
- Dressing room
- Toilets
- Prohibited occupations
- Home work

Massachusetts:
- 9-hour day
- 48-hour week
- Day of rest
- Meal period
- Night work
- Seats
- Dressing room
- Toilets
- Regulated occupations
- Prohibited occupations [2]
- Maternity
- Home work
- Minimum wage

Michigan:
- 9-hour day
- 12-hour day
- 54-hour week
- 70-hour week
- Seats
- Dressing room
- Toilets
- Regulated occupations
- Home work

Minnesota:
- 54-hour week
- Seats
- Lunch room
- Dressing room
- Toilets
- Regulated occupations
- Prohibited occupations [2]
- Minimum wage

Mississippi:
- 10-hour day
- 60-hour week
- Lunch room
- Dressing room; rest room
- Toilets

Missouri:
- 9-hour day
- 54-hour week
- Seats
- Dressing room
- Toilets
- Regulated occupations
- Prohibited occupations
- Maternity
- Home work

Montana:
- 8-hour day
- 48-hour week
- Seats
- Prohibited occupations [2]

Nebraska:
- 9-hour day
- 54-hour week
- Meal period
- Night work
- Seats
- Dressing room [4]
- Toilets

For footnotes see p. 63.

Nevada:
- 8-hour day
- 48-hour week
- Day of rest
- Meal period
- Seats
- Toilets
- Minimum wage

New Hampshire:
- 10-hour day
- 10¼-hour day
- 48-hour week
- 54-hour week
- Day of rest
- Night work
- Seats
- Toilets
- Minimum wage

New Jersey
- 10-hour day
- 54-hour week
- Day of rest
- Meal period
- Night work
- Seats
- Dressing room
- Toilets
- Regulated occupations
- Prohibited occupations
- Home work
- Minimum wage

New Mexico:
- 8-hour day
- 48-hour week
- 54-hour week
- Meal period
- Seats
- Prohibited occupations [2]

New York:
- 8-hour day
- 48-hour week
- Day of rest
- Meal period
- Night work
- Seats
- Lunch room
- Dressing room
- Toilets
- Regulated occupations
- Prohibited occupations
- Maternity
- Home work
- Minimum wage

North Carolina:
- 9-hour day
- 10-hour day
- 11-hour day
- 48-hour week
- 55-hour week
- Day of rest
- Meal period
- Seats
- Toilets

For footnotes see p. 63.

North Dakota:
- 8½-hour day
- 9-hour day
- 48-hour week
- 54-hour week
- 58-hour week
- Day of rest
- Meal period
- Night work
- Seats
- Dressing room; rest room
- Toilets
- Minimum wage

Ohio:
- 8-hour day
- 45-hour week
- 48-hour week
- Day of rest
- Meal period
- Night work
- Seats
- Lunch room
- Dressing room
- Toilets
- Regulated occupations
- Prohibited occupations
- Home work
- Minimum wage

Oklahoma:
- 9-hour day
- 54-hour week
- Seats
- Dressing room
- Toilets
- Prohibited occupations
- Minimum wage

Oregon:
- 8-hour day
- 10-hour day
- 44-hour week
- 60-hour week
- Day of rest
- Meal period; rest period
- Seats
- Dressing room; rest room
- Toilets
- Regulated occupations
- Home work
- Minimum wage

Pennsylvania:
- 8-hour day
- 44-hour week
- Day of rest
- Meal period
- Night work
- Seats
- Lunch room
- Dressing room; rest room
- Toilets
- Regulated occupations
- Prohibited occupations
- Home work
- Minimum wage

Philippine Islands:
- 8-hour day
- Meal period
- Seats
- Dressing room
- Toilets
- Regulated occupations
- Prohibited occupations
- Maternity

Puerto Rico:
- 8-hour day
- 48-hour week
- Meal period
- Night work
- Seats
- Maternity
- Home work
- Minimum wage

Rhode Island:
- 9-hour day
- 48-hour week
- Meal period
- Night work [2]
- Seats
- Dressing room [4]
- Toilets
- Home work
- Minimum wage

South Carolina:
- 8-hour day
- 10-hour day
- 12-hour day
- 40-hour week
- 55-hour week
- 60-hour week
- Day of rest
- Night work
- Seats
- Toilets
- Prohibited occupations [2]

South Dakota:
- 10-hour day
- 54-hour week
- Seats
- Dressing room
- Toilets
- Minimum wage

Tennessee:
- 10½-hour day
- 57-hour week
- Seats
- Toilets
- Home work

Texas:
- 9-hour day
- 54-hour week
- Seats
- Toilets
- Home work

Utah:
- 8-hour day
- 48-hour week
- Day of rest
- Meal period; rest period
- Seats
- Lunch room [4]
- Dressing room; rest room
- Toilets
- Regulated occupations
- Prohibited occupations
- Home work
- Minimum wage

Vermont:
- 9-hour day
- 50-hour week
- Seats
- Toilets
- Maternity

Virginia:
- 9-hour day
- 48-hour week
- Night work [2]
- Seats
- Rest room
- Toilets
- Prohibited occupations

Washington:
- 8-hour day
- 48-hour week [3]
- 60-hour week
- Day of rest
- Meal period
- Night work
- Seats
- Lunch room
- Dressing room; rest room
- Toilets
- Regulated occupations
- Prohibited occupations
- Maternity
- Minimum wage

West Virginia:
- Meal period
- Seats
- Lunch room
- Dressing room
- Toilets
- Home work

Wisconsin:
- 8-hour day
- 9-hour day
- 9½-hour day
- 10-hour day
- 50-hour week
- 55-hour week
- 56-hour week
- 60-hour week
- Day of rest
- Meal period
- Night work
- Seats
- Dressing room; rest room
- Toilets
- Prohibited occupations
- Home work
- Minimum wage

Wyoming:
- 8-hour day
- 48-hour week
- Seats
- Prohibited occupations

For footnotes see p. 63.

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