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# THE WOMAN WORKER

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UNITED STATES DEPARTMENT OF LABOR

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# The Federal Wage-Hour Law and Women Workers

**T**HE Federal wage-hour bill has become law. On June 14 the United States Congress outlawed the long hours in sweatshops and factories and the wages of 10, 15, and 20 cents an hour that have been the lot of thousands of women workers. The Women's Bureau hails the Fair Labor Standards Act of 1938 for the benefits it provides for women in interstate industries and for the principles it establishes of Federal responsibility for the welfare of the Nation's wage earners and of equal wage rates for women and men.

## What the Act Does for Women

Beginning next fall, no person in the industries affected may be paid less than 25 cents an hour or be employed more than 44 hours a week without overtime pay at time and a half the usual rate. Beginning a year from next fall, no person in the industries affected may be paid less than 30 cents an hour or be employed more than 42 hours a week without overtime pay. Two years from next fall, the 40-hour week goes into effect, and 7 years from next fall the 40-cent minimum wage will be the standard.

At any time after industry committees have begun to function, they may recommend, and the Administrator may order, a higher rate than the 25-cent or 30-cent absolute minimum for a given industry or classification of industries, but not more than 40 cents an hour. Hence, there is a possible range in minimum-wage rates of from 25 to 40 cents.

The Federal Fair Labor Standards Act of 1938 establishes the principle of equal pay for women and men in section 8 (c) (3), which states: "No classification [referring to wage differentials] shall be made \* \* \* on the basis of age or sex."

## Relation to State Laws

In spite of the great advantages to be found in a Federal law, the need for State minimum-wage laws remains as great as before. The majority of women workers are employed in occupations not covered by the Federal minimum-wage provisions. The Federal Act applies to interstate industries and apparently the minimum-wage section does not cover the following large groups of women wage earners: Saleswomen, laundry and dyeing and cleaning operatives, cannery and allied workers, waitresses, other hotel and restaurant employees, beauty operators, agricultural laborers, household employees, and clerical workers in industries not interstate in character.

In the interstate industries as well, the need for State minimum-wage standards continues. States whose laws require that the minimum wage shall equal the cost of living may find it necessary to establish rates for women factory workers higher than those provided under the Federal law.

Where a State has already established higher standards than those of the Federal Act, the State standard will take precedence. Section 18 of the Act provides: "No provision of this act or of any order thereunder shall excuse noncompliance with any Federal or State law or municipal ordinance establishing a minimum wage higher than the minimum wage established under this act or a maximum workweek lower than the maximum workweek established under this act."

In respect to hour regulation, few questions as to State and Federal jurisdiction need be raised. In almost all States the Federal act brings a marked reduction in the hours that women may legally be employed without overtime pay in the interstate industries covered by the law.

## The League of Nations and Status of Women

THE SPECIAL committee of the League of Nations on status of women, at its first meeting in Geneva this spring, blocked out the pattern of the study of women's status that it is undertaking and referred the various parts to international legal bodies, which were directed to report back on the proposed plan of study at the next committee meeting in January 1939. It was estimated when the committee was appointed by the Council of the League of Nations in 1937 that the study would take 3 years.

This projected survey of women's legal status is "the greatest study of comparative law" ever attempted, according to the chairman, Prof. H. C. Gutteridge, of Cambridge, England. It includes an investigation of women's status under private law, public law, and criminal law. For the present at least, the investigation will be confined to the legal systems of European countries and those of related civilizations, since results might be delayed interminably if efforts were made now to examine the entire systems of Indian and Mohammedan laws, as well as hundreds of tribal customs.

### American Woman on Committee

Serving on the committee with Professor Gutteridge are Miss Dorothy Kenyon, New York lawyer; Mme. Paul Bastide, professor of law at the University of Lyons, France; Mme. Anka Godjevac, Yugoslav woman lawyer; Dr. Paul Sebestyen and Dr. de Ruelle, legal advisers to the Hungarian and Belgian Governments, respectively; and Miss Kerstin Hesselgren, veteran woman delegate to the League from Sweden and member of the Swedish Parliament. The modest sum of 25,000 Swiss francs (something over \$6,000) was appropriated for this committee, with 20,000 of it allocated to the expenses of two meetings.

The legal bodies that will conduct the detailed work of the inquiry are the International Institute for the Unification of Private Law, the International Institute of Public Law, and the International Bureau for the Unification of Penal Law.

### Scope of the Study

To be investigated under *private law* is the position of women in the various countries in regard to marriage and divorce, including the questions of guardianship of children; rights of married women to acquire, manage, or dispose of their own property, and to carry on business or industry; laws of succession; and financial arrangements between husband and wife.

Under *public law* the position of women will be considered as to their right of national and local franchise, eligibility for public office, and right to participate in the civil services. Under *criminal law* will be described the codes dealing with criminal responsibility of women. This last section of the investigation will include participation of women in police activities, as officers in administration of prisons or detention homes, and as magistrates in the administration of justice in criminal courts.

### Women's Organizations Consulted

After preparing this plan of procedure the committee invited representatives of international organizations of women to a public hearing to discuss the proposed arrangement of study. It was felt that these organizations were in a particularly good position to know of cases in which laws bearing upon the status of women no longer apply. Hence they were especially asked to inform the committee of such instances as well as to give their practical comments and suggestions on the legal survey.

The hearing brought out the great interest in women's economic position, especially in the disparity between men's and women's rates of pay. Women may seldom expect payment for their work at the same rate as men even though they may have the legal right to enter the professions and public services, it was pointed out. On this issue the women's organizations were reminded that disparity in pay often arises not from any legal situation but from social attitudes based on custom and prejudice, and that such economic questions had been referred to the International Labor Organization for study. However, the committee of legal experts may make some contribution to this subject through its study of women's right to enter professional work.

### Earlier Action of the League

The plan for the present study is a next step following several actions taken in the past by the Assembly of the League of Nations.

The question of status of women in all its aspects was first considered officially by the Assembly at its session in September 1935.<sup>1</sup> At that time, the Assembly passed a resolution calling for study of "the existing political, civil, and economic status of women under the laws of the countries of the world." The question of political and civil status was "referred by the Secretary General to the Governments for their observations \* \* \* and information as to the existing political and civil status of women under their respective national laws." The resolution also recommended that "The women's international organizations should continue their study of the whole question of the political and civil status of women." The question of economic status (especially referring to "conditions of employment") was considered "a matter which properly falls within the sphere of the International Labor Organization" and was

<sup>1</sup> Further adherence to the Convention on Certain Questions Relating to the Conflict of Nationality Laws, adopted at The Hague in 1930, had been discussed in the Assembly in 1931 and in following years. This convention dealt with the nationality of women and related matters.

referred to it with the hope that it would "undertake an examination of those aspects of the problem within its competence."

The report of the director of the International Labor Office for 1935 stated:

The Governing Body agreed that the suggestion made by the Assembly should be carried out and that a report should be prepared in regard to the legal status of women in industry with particular reference to any discriminatory measures which may have been taken against their employment. This is to be followed by a more extensive investigation covering not only the legislation affecting women's employment but also their actual position in respect of conditions of employment, wages and economic status.

The question of general status of women had been placed on the agenda of the Assembly for 1935 by request of 10 member countries, all Latin-American. In that part of the world much interest had centered around an Equal Rights Treaty signed by four countries represented at the International Conference of American States at Montevideo in 1933. The Conference itself officially passed a resolution declaring that "it would seem unwise to conclude a treaty on the granting of civil and political rights to men and women."

### Information Sent by 38 Countries

By the time of the 1937 meeting of the League Assembly, 38 widely scattered countries had contributed information on women's political and civil status either through their governments or through international women's organizations. Much wider interest had been aroused in the subject of women's status than in 1935, as shown by the fact that the question was put on the agenda at the request of 15 widely scattered countries, including 5 Latin-American, 7 European (chiefly Balkan), 2 Eastern, and 1 South Pacific.

The information supplied from the various countries was summarized for the First Committee (legal committee of the Assembly, to which the question was referred) and for the Assembly itself by Miss Hesselgren (the "Rapporteur," or committee

member in charge of this subject), who declared that the reports showed greater progress toward the complete emancipation of women than was generally supposed. She felt that the information so far collected, however, was not sufficient to serve as a basis for action by the League of Nations on the question of improving women's status and that further study should be made. The First Committee thereupon decided that "the question of the status of women cannot usefully be further discussed by the League until after a study such as now is contemplated has been completed."

### Functions of the Committee

The recommendations of the committee were accepted and the Council, at the request of the Assembly, appointed the committee that met this spring. The committee was directed to decide the scope of the study, assign the parts to scientific institutes, coordinate the work of these bodies, and be responsible for the final form in which the report should appear. It was directed not to deal with questions of the nationality of women, on which the Assembly had already made decisions, nor on conditions of employment, which had been referred in 1935 to the International Labor Organization.

Miss Hesselgren had stated in her report: "The committee of experts will have full and entire responsibility for the form and content of the publications which are the result of the contemplated inquiry," and shall decide in "what shape the results of particular inquiries or communications which the committee may have received from organizations are to be printed \* \* \*. The League, on the completion of the proposed inquiry, will be put in possession of an entirely objective picture of the actual legal position of women. The publication of such a comprehensive survey should be of assistance to Governments and to all organizations and persons interested in the problem."

### Surveys in the United States

The Women's Bureau has assisted both in the survey of women's political and civil status and in the survey of economic status. The Bureau was instructed by the Secretary of Labor to furnish the information on civil and political status in the United States originally requested of the Secretary of State by the League of Nations in 1935. Accordingly, it undertook a study now in progress that will supply for this country much of the information sought by the special committee appointed in 1937. The study covers thoroughly, State by State, insofar as statutes and recorded cases are concerned, the branches of the law included in the committee's outline under private law, as well as some of the information listed under public law. It does not cover the third section of the proposed study, that on criminal law.

A preliminary report of the Women's Bureau study was sent to Geneva prior to the 1937 session of the Assembly and was published by the League Secretariat as an official document, as was done with information furnished by other countries (League of Nations, Official No. A.14(e). 1937. V).

The Women's Bureau is now publishing the results of this study for each State as they are completed, and will later bring the whole together in a single volume. Reports have been issued for Alabama, Connecticut, Florida, Illinois, Iowa, Kansas, Maine, Minnesota, Missouri, and New York, and those for practically half the States are in press. Before the material for any State is put into final form, it is sent to two separate authorities within the State for a careful reading and for suggestions.

The request that the Women's Bureau assist in the study of economic status came from the women's organizations that had been asked by the International Labor Office to furnish this information. The Women's Bureau responded by making a compilation of available material on certain phases of women's economic status. This was sent to the International Labor Office and later

published, in the fall of 1937, in a bulletin "Women in the Economy of the United States." The Bureau also sent the I. L. O. its regular compilation of labor laws affecting women in this country, lent a staff member

to the Division of Women's Work of the I. L. O. for several months, and continues to cooperate with the Division by furnishing it with pertinent information as it is obtained in Women's Bureau research and surveys.

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## Household Employment Problems

**S**OLUTION of the job problem of household workers and of the "servant problem" of household employers is to be found in general education of employer and employee, job training, extension of labor legislation to household workers, and union organization.

These appear to be the conclusions of several recent discussions of the household employment problem both at employee and employer conferences and in published material. Apparently, a shortage of skilled domestic help in a period of widespread unemployment has brought home to a growing number of civic and employer groups and governmental bodies the realization that something must be done to bring jobs and workers together. On the other hand, domestic employees themselves have seen other workers winning more and more protection through trade-unions and labor laws, and are becoming aroused to the need for some organized action if they are to share in the general advance of labor.

This increased interest and activity in the field of household employment is reflected in the recent meetings reported here, in the first annual report of the Philadelphia Institute on Household Occupations, and in such publications as *The Women in the House*, reviewed on page 16.<sup>1</sup>

### Y. W. C. A. Members Urge More Public Funds for Training

Local action of Y. W. C. A. groups to obtain public funds for training household

workers was urged by the industrial assembly of the fifteenth national convention of the Young Women's Christian Association held in Columbus, Ohio, in April. The assembly was composed of 150 industrial workers, 50 of them household employees, elected as delegates from the industrial departments of local associations.

The assembly recommended to the local groups that they take necessary action to release Federal and State funds for promoting training for household workers in local schools under union or community auspices.

On the question of organization of household workers, the assembly concluded that some usual union methods, such as picketing, striking, and so forth, were unsuitable for workers in the home. It recommended that local groups experiment during the coming year with different techniques of group action in order to discover the best methods for establishing standards of household employment.

On legislation, the assembly proposed that local groups study labor laws in their localities with respect to coverage of household workers, and that they try to extend labor laws to this group.

The Y. W. C. A. convention as a whole also discussed the problem of household employment at separate meetings of employers and employees. At both meetings the director of the Philadelphia Institute on Household Occupations described this experiment in training for greater occupational skill. Methods that proved successful in securing a 60-hour-week law for household workers in the State of Washington

<sup>1</sup> For a discussion of "Domestic Workers and Unions" by a member of the Women's Bureau staff, see the *American Federationist*, May 1938. Reprints are available in the Bureau.

were explained to the employees by State Senator Mary U. Farquharson and a member of a Washington Y. W. C. A. club. Margaret Bondfield, British labor leader, reminded the employers that though their cooperation would be helpful in improving standards, in the last analysis domestic workers, like all others, must work out their salvation through their own collective efforts. A representative of the Women's Bureau, who served as consultant at the industrial assembly, addressed the employees' meeting on the mechanics of organizing household workers.

### Philadelphia Training School Reports Progress in Year

Intelligent, capable, healthy girls are willing to train for jobs as domestic workers if they can be guaranteed hours and wages approximating those of industrial workers and an opportunity to live some life of their own. Moreover, employers are willing to shorten hours and increase wages if they can be assured of competent employees. These are the most significant conclusions in a report of the first year's work of the Philadelphia Institute on Household Occupations.

This institute is a research project established in February 1937 for two purposes—"to shed light on the maladjustment which at the present time characterizes and distinguishes the household industry from all other industries offering employment to women, and to point the way, as a result of research and analysis, to procedures that may alleviate this maladjustment." Conducted jointly by the Philadelphia Board of the Young Women's Christian Association and the Philadelphia Board of Public Education, the institute engages in recruitment, training, placement, and follow-up of household workers.

Early difficulties in finding desirable girls willing and able to take the free training course were soon overcome after news of the first placements got around. It took 2 months to recruit the first class of 6 girls; but as others heard of the jobs in which the

graduates had been placed, the number of applicants increased until at the end of the first year the school was full to its capacity of 25 students, including 2 men training as butlers, with a waiting list of 3 women and 1 man. Standards are high. Girls must be attractive, intelligent, and capable of doing other jobs but with a liking for housework under satisfactory working conditions. Women forced into domestic service because they cannot hold other jobs or are on relief are not accepted.

A 3-month course is offered. Students, who include both white and Negro workers, put in a 5-day, 29-hour week—8 hours in a cooking class in a public trade school and the other 21 hours in a 9-room house equipped for the routine of ordinary family life. Emphasis in the home is on organization of work, budgeting of time, and keeping up to a schedule.

Graduates are placed with employers willing to accept the wage and hour standards established by the institute. These were arrived at after study of wages and hours in industrial employment. They include the 48-hour week for girls who go home at night and the 54-hour week for girls who live in, since the latter lose no time going to and from the job. The worker living at home receives \$10 a week to start and \$12 a week when she proves that she can handle the job satisfactorily. The worker living in begins at a cash wage of \$8, to be raised to \$10. Overtime in both cases must be paid for at 25 cents an hour. The institute follows up each placement at regular intervals to see that the employer is living up to her agreement.

Once the work of the school was publicized, placement became an easy matter. A large number of employers proved willing to meet the wage and hour standards in return for high-class workers. One feature story, in a Philadelphia Sunday paper, describing the experiment, resulted in 200 telephone calls in 3 days and hundreds of letters from interested employers "who saw in these graduates the solution to the servant problem."



### Chicago Women Ask \$12 for 60 Hours

A 60-hour week through legislation or union agreement was one of the goals set up by the first city-wide conference on problems of household workers, held in Chicago May 19-22 under the sponsorship of the Domestic Workers' Association of that city.

The conference voted to assign the drafting of a State 60-hour bill for household workers to a committee appointed for the purpose which should submit its draft to a later meeting for consideration.

The conference endorsed a contract to be signed by employers, providing:

A 60-hour week and 10-hour day for weekly workers and an 8-hour day for day workers.

For weekly workers, a minimum wage of \$12 a week; for day workers, 40 cents an hour with a minimum of 4 hours' work guaranteed per day; both weekly and day workers to be paid time and one-half for overtime.

One full day's rest in 7 in addition to 2 full Sundays' rest in each month, rest on 4 of the important holidays in each year, and a week's vacation with pay after a year's work in the same position.

Weekly workers living in shall be furnished comfortable sleeping quarters with a bed and use of bath, adequate food, and allowance of at least 30 minutes to eat each meal.

Uniforms, if required, shall be furnished and laundered at employer's expense.

Workmen's compensation insurance covering domestic workers shall be carried by the employer.

The Domestic Workers' Association shall be the bargaining agent between employer and employee.

The position of an employee temporarily absent from the job because of such reasons as illness or accident must be kept open; the association may furnish a substitute.

The adjustment committee of the association will confer with the employer in case a worker feels she has been unjustly discharged. In event of failure to reach an understanding, the employer and the association will submit the case to an arbitrator.

After a 2 weeks' trial period the employer, upon discharging a worker, must give 2 weeks' notice or 2 weeks' dismissal pay.

The association decided to work for greater organization, better training facilities for domestic service, other types of education, and the extension of labor legislation

to cover household workers. As urgent reasons for such efforts were cited the bad working conditions under which many of Chicago's more than 40,000 household workers are employed.

Sessions were held at the headquarters of the Chicago Women's Trade Union League, which has lent its support to the Domestic Workers' Association during the 5 years of its existence. The metropolitan industrial secretary of the Chicago Y. W. C. A. also took an active part in promoting the conference. Speakers included representatives of the Chicago Women's Trade Union League, the Chicago Teachers' Union, and the Women's Bureau of the United States Department of Labor. The Women's Bureau representative also served as national consultant on household employment problems.

The first number of the Domestic Workers' Association's new monthly bulletin, *The Domestic Worker*, was issued during the conference. Copies are available at the association's headquarters, 3451 Michigan Avenue, Chicago.

### New Jersey Women Study Problem

Problems of household employment were discussed at the annual employment committee meeting of the New Jersey State Federation of Colored Women's Clubs in Asbury Park, June 2. The committee has made its special project for the past year the study of household employment. At this meeting the fact was stressed that special training is particularly essential for Negro household workers, since domestic employment is likely to be less a stop-gap and more a permanent occupation for Negro workers than for white. Instead of having a perspective of leaving this type of employment, Negro workers should seek to improve its working conditions and their own fitness for the jobs. A representative of the Women's Bureau spoke on labor problems of household employment.

## Toward Minimum Fair Wages

### Oklahoma Law Declared Constitutional

State minimum-wage legislation for men has met its first test of constitutionality. A State District Court held on June 10 that the Oklahoma minimum-wage law and the nine obligatory orders issued under it were, with two exceptions, valid according to both Federal and State Constitutions. The Oklahoma law is the first State minimum-wage law to apply to men as well as to women and minors. The portions of the orders establishing minimum wages for men and minors were declared invalid under the Oklahoma Constitution only because of a technical defect in the law—the subject of minimum wages for men and minors was not clearly covered in the title of the act. The provisions of the orders applying to contiguous and unallocated territories “within the discretion of the Commission” outside cities and towns of given population were declared invalid because the standards as expressed were “indefinite and indeterminable.”

The decision made clear that in providing minimum-wage and maximum-hour regulations for men the Oklahoma act did not violate the fourteenth amendment of the United States Constitution. It said: “The Opinion of the United States Supreme Court in the case of the *West Coast Hotel v. Parrish*, has settled the question as regards women, and logical reason cannot suggest that the liberties of men to manage their own affairs and contracts is any more sacred than the rights of women, nor that the general health and morals, as affected by conditions of labor of men, are any less a proper subject for the exercise of the police power of the State than that of women.”

The decision also overruled the contention of the Associated Industries that the act violated the Oklahoma Constitution by delegating general legislative powers.

The court’s decision was appealed both by the Associated Industries of Oklahoma, which had challenged the constitutionality of the act, and by the Industrial Welfare Commission, which challenged the two exceptions made by the court. Thereupon the court continued, for a period of 20 days, the order restraining the Industrial Welfare Commission from any attempt to enforce the penal provisions of the law.

The court permanently enjoined the Industrial Welfare Commission from enforcing or attempting to enforce the law and orders 1 to 9, insofar as they apply to men and minors, and from enforcing or attempting to enforce any orders as they cover or attempt to cover territory contiguous to or unallocated territory adjacent to cities and towns covered by such orders.

When the temporary injunction is lifted it is understood that the nine minimum-wage and maximum-hour orders can be enforced for women workers except in the unallocated and contiguous territory referred to. It is expected also that the minimum-wage portions of the law can be made applicable to men and minors through amending the title of the law at the next session of the legislature.

### Coordinating Committees Report

To secure full protection of minimum-wage laws for both workers and employers in manufacturing industries, while at the same time establishing fair standards of interstate competition, is a primary aim of State minimum-wage administrators. They are concerned also with the problem of reducing, so far as consistent with sound administrative procedure, the work and expense involved in making industry surveys.

With these objectives in view, the two committees of State minimum-wage administrators appointed at the Seventh Minimum



trators can benefit by conferring before such boards are called.

The Committee on Statistical Procedure for State Minimum Wage Divisions recommended at its recent meeting that State minimum-wage divisions continue to make detailed surveys of industries before issuing wage orders. The committee felt that comprehensive information is necessary to meet questions raised during wage-board deliberations and also to serve as court evidence in case the orders should be challenged. Various means of economizing on time and money involved in these studies were proposed, and State administrators who had found other such short-cuts were urged to report their experiences to the Women's Bureau so that they could be passed along to others.

The committee on scope is composed of State labor department representatives from Illinois, New Jersey, New York, Rhode Island, Utah, and Wisconsin and the director of minimum wage of the Women's Bureau. On the statistical procedure committee are the representatives of the labor departments of Connecticut, Illinois, Minnesota, New York, and Pennsylvania, and the director of minimum wage of the Women's Bureau. The chief statistician of the Women's Bureau also met with this committee.

### **The Booth-Renting Evasion**

When is a beauty operator an employee and when is she an independent contractor?

This question is being raised in every State with minimum-wage rates in effect or contemplated for the beauty-culture industry. Beauty-shop proprietors have been attempting to evade the law in some places by changing the status of their employees to that of tenant. The device is not new, for it has been used in almost every State in connection with workmen's compensation, unemployment insurance, and other labor laws. Recently, however, the practice seems to be increasing.

In Massachusetts, where the Minimum Wage Commission is preparing to establish minimum-wage rates for beauty operators,

the legislature foresaw the possibility of this type of evasion and amended the minimum-wage law to make such disguising of employees' status illegal and punishable by fine or imprisonment. The amendment, signed by the Governor on April 26, reads:

"No person shall, for the purpose of evading the provisions of this chapter, establish any arrangement or organization in his business, by contract, lease, agreement, whether written or oral, whereby a woman or minor who would otherwise be an employee of such person does not have the status of such an employee." The amendment provides that if the commissioner of labor and industries has reason to believe that this law is being violated he shall hold a public hearing on the charges, and if he finds that the violation exists, order the violator to cease and desist. Any person who fails to cease such practice within 30 days after the order shall be punished by a fine of not less than \$100 or by imprisonment of from 10 to 90 days, or both.

In New Hampshire, where a minimum-wage order for beauticians went into effect March 15, attempts of employers to evade the order by booth-renting have been met by a ruling of the attorney general, requiring rented booths to be licensed as independent shops.

In New York the recommendations of the minimum-wage board for beauty shops includes the provision that "all persons who perform beauty service shall be deemed employees within the order unless and until the Industrial Commissioner has ruled upon adequate proof that the order does not apply to them." This recommendation is based on an opinion of the attorney for the Division of Women in Industry and Minimum Wage of the State Department of Labor. After studying many such cases that had arisen under other labor laws, the attorney found that no general rule for distinguishing between a contractor and an employee could be formulated and that therefore the minimum-wage order should assume that booth renters were employees until proved otherwise.

In Wisconsin the minimum-wage adminis-

trator may handle the problem of booth-renting by resorting to rulings of the State Board of Health and to the State Recovery Act. The Board of Health requires a full-time licensed manager in every beauty parlor and provides that operators and apprentices cannot conduct beauty parlors nor be interested in beauty parlors except as employees of the parlors in which they work; they cannot perform their trade in any place except a beauty parlor, and then only under the supervision and direction of a licensed manager. The Wisconsin Recovery Act prohibits a malefic partnership in or lease of a shop or chair in such manner as to defeat any provision of the fair practice standards of the act.

The Social Security Board has provided the Women's Bureau with a compilation of legal rulings on this point arising under old-age assistance and unemployment insurance acts. In most of these rulings the Women's Bureau found that so long as the proprietor exercises any control over the worker in the performance of his or her duties, or has the right to exercise such control, the worker is an employee and entitled to the protection of the labor laws.

To help State minimum-wage administrators in deciding how they may best meet the problem of booth-renting, the Women's Bureau has assembled all pertinent legal rulings and decisions on the subject in mimeographed form.

### Recent Minimum-Wage Orders

#### Colorado—Laundry Industry.

Substantial gains in earnings and some reduction in hours of women in laundries will result from the wage order effective June 20, providing a guaranteed weekly wage for plant and office workers. The State is divided into two zones: Zone A including Denver and Pueblo and, from June 1 to September 1, Colorado Springs and Estes Park; and zone B, the remainder of the State. In zone A, the weekly rate is \$12.80 for any hours up to and including 40 a week; an additional 32 cents to be paid for each of the next 5 hours and 48 cents for each hour over 45, resulting in a minimum wage of

\$15.84 for a 48-hour week, the longest work-week permitted by the order. In zone B, the order guarantees a weekly wage of \$11.20 for hours worked up to and including 40, and calls for 28 cents an hour for the next 5 hours, and 42 cents an hour for over 45 hours, thus providing \$13.86 for a full 48-hour week. The guaranteed feature applies after the first week of employment.

Workers employed regularly for less than 24 hours a week may be granted a permit by the Industrial Commission as part-time workers. They shall be paid for at least one-half day's time and shall receive at least 32 cents an hour in zone A and 28 cents in zone B. Permits for part-time employment may be granted only at the request of workers who express a desire to work less than 24 hours a week.

A study made in the summer of 1937 by the Minimum Wage Division of the Colorado Industrial Commission, with the assistance of the Women's Bureau, showed that over three-fourths of the 1,386 women plant employees surveyed in 56 laundries in 14 cities and towns had earned less than 28 cents an hour, that the average was 25 cents, and the range from 10 to 57 cents. Average weekly earnings were \$11.60. Three-fourths of the women had worked 40 hours or more, three-fifths had worked at least 44 hours, and one-fifth had worked more than the 48 hours now permitted by the minimum-wage order.

#### Connecticut—Laundry Industry.

Minimum-wage rates were set for the laundry industry, effective June 1. All women and minors, including those in offices, must receive at least 30 cents an hour for more than 35 hours' work. For a week of 32 up to and including 35 hours they shall receive at least \$10.50, and for 31 hours or less the minimum hourly rate is 33 cents. (These rates differ slightly from those recommended by the wage board, as reported in the *MAY WOMAN WORKER*.) The order covers not only commercial laundries but also those operated for their own use by clubs, business establishments, or other public or private institutions (except State institutions).

**New York—Beauty Culture.**

A minimum wage of \$16.50 for a week of more than 3 days up to 45 hours becomes effective August 1, 1938, for all employees in the beauty-culture industry, except maids. Maids must be paid \$15 for a week of more than 3 days up to 45 hours. Hours worked over 45 up to and including 48 must be paid for at one and one-half the usual rate and hours worked above 48 must be paid double time. Part-time workers, those employed 3 days or less in any 1 week, must be paid at least \$4 a day of 8 hours or less.

**Collection of Wages****New York Workers Aided.**

Collection of \$1,215.75 in back wages due 458 women and minor laundry workers under the new laundry minimum-wage order was made by the inspectors of the Division of Women in Industry and Minimum Wage of the State Department of Labor in the first 6 weeks of enforcement, March 21 to April 30.

In June the State Department of Labor released to the press the names of 124 New York City laundries that had failed to comply with the laundry wage order, effective March 14. Publication of names is the penalty provided for nonobservance of a directory wage order under the New York minimum-wage law.

**Increase in Ohio Collections.**

During the first 4 months of 1938 the Ohio Division of Minimum Wage collected \$16,855 for 669 employees, who were due back wages under wage orders covering laundries, dry cleaners, and food and lodging establishments. In contrast, during the entire year of 1937, \$21,676 was collected for 1,302 employees under the three orders.

**Wage and Hour Surveys****Retail Trade in Colorado.**

A study prepared for use of a retail-trade wage board in Colorado shows that median week's earnings of full-time women employees in the summer or early fall of 1937 were

\$13.45 in limited-price stores, \$15.55 in department stores, \$15.95 in women's-apparel stores, and \$15.45 in miscellaneous stores. Average hourly earnings were 29.2 cents in limited-price stores, 35.6 cents in department stores, and 35.7 cents in women's-apparel stores.

The survey was conducted by the Minimum Wage Division of the Colorado Industrial Commission with the assistance of the Women's Bureau. It covered 4,911 women.

**All Industries in Kansas.**

One-fifth of 17,000 employed women in Kansas earned less than \$10 a week in a reporting period in the summer and fall of 1937, according to a survey conducted by the Women's Division of the Kansas Commission of Labor and Industry. More than one-third earned between \$10 and \$15 a week. The 17,000 women represented a 30-percent sample of all women in the woman-employing industries of the State, exclusive of supervisors.

Average earnings in each of the groups studied were as follows: Amusements, \$8.99; laundries, \$9.12; hotels and rooming houses, \$10.08; restaurants, \$10.34; trade (wholesale and retail stores), \$12.90; beauty parlors, \$13.79; manufacturing, \$14.73; telephone companies, \$15.84; clerical occupations, \$19.26. (The wages for hotel and restaurant workers include the estimated value of meals and room where supplied.)

The women covered by the study had worked an average of nearly 44 hours a week. The longest average workweek was reported for women in trade, about 50 hours, and the shortest in manufacturing, about 40 hours.

**Other Minimum-Wage Activity**

In Massachusetts the order covering the manufacture of women's and children's underwear and cotton garments was made mandatory July 1. Steps are being taken to form wage boards for office and other building cleaners, and for canning, preserving, and minor lines of confectionery.

The April issue of the *Hairdressers' News*, an organ of employers in the trade, welcomed the establishment of a minimum wage for beauty shops in New Hampshire and expressed the hope that such orders would be adopted in other New England States. It said: "State minimum wages for operators are, unquestionably, the solution

to our most perplexing problem" (competition of cut-rate shops).

The New Hampshire Commissioner of Labor has made the minimum-wage order for the laundry industry mandatory as of July 1. The order has been directory since May 1, 1936.

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## News Notes

### South Carolina Shortens Workweek

**F**OLLOWING closely on the introduction of a 40-hour-week law for South Carolina textile plants, effective in February, shorter hours of work have been provided in several industries by a law approved May 11.

Hours of women are limited to 8 a day and 40 a week in garment factories. Hours of men, women, and minor employees in finishing, dyeing, and bleaching plants are limited to 48 a week. The law provides that these provisions shall become inoperative May 1, 1939, "unless prior to that date the Congress of the United States shall enact similar laws limiting the hours of labor in garment factories to 40 hours per week and finishing, dyeing, and bleaching plants to 48 hours per week or less."

Hours of all employees are limited to 12 a day and 56 a week in mercantile establishments, public eating places, laundries, dry-cleaning plants, bakeries, mines, quarries, and manufacturing not covered by other laws. Some overtime is permitted on payment of time and one-half rates.

A list of exempt manufacturing industries includes only two important woman-employers, the canning of fruits and vegetables and the canning of sea foods. Other exemptions include executive and professional pursuits, printing establishments, eating places in communities of less than 3,000 population, and other industries except manufacturing in communities of less than 2,500.

The provision of the law prohibiting employment of any female after 10 p. m. in

mercantile establishments is repealed, but employment of all minors under 18 is prohibited in any industry.

### New Jersey Night-Work Law Amended

The law prohibiting the employment of women between 12 midnight and 7 a. m. was amended during the regular session of the legislature so that all restaurants are omitted from the provisions. Previously, only hotel restaurants were omitted. The amendment took effect on approval, April 28, 1938.

### Bedspread Workers Win Agreement

The first important union wedge has been made in the candlewick bedspread trade, according to a recent issue of *Justice*, published by the International Ladies' Garment Workers' Union. A contract has been signed with the southern office of the union by the largest bedspread factory in the country, located at Chattanooga, Tenn., and employing 400 workers. The contract stipulates union hours and scaled wages, and provides for shop machinery to deal with the employers.

The I. L. G. W. U. reports that it has been doing quiet organization work for the past year among the bedspread workers, who include thousands of women employed in factories and homes in the mountain areas of southern States. The Chattanooga agreement is the first fruit of the year's work. Earlier efforts to unionize the home workers on the part of other labor groups had not resulted in permanent organization.

### Fewer Home-Work Employers

Since the enactment of the industrial home-work law in Pennsylvania, effective September 1, 1937, 187 employers and contractors have registered with the Bureau of Women and Children of the Department of Labor and Industry and paid the fees required of firms using home workers. This number is approximately 34 percent of the total number of firms registered with the bureau before the passage of the legislation regulating the home-work situation. While there has been a decline of approximately 66 percent in the number of firms using the home-work device, yet the number of home workers certificated remains at about the same level as before the new legislation went into effect. This indicates that home workers not previously reported by their employers have now been brought under the jurisdiction of the Bureau of Women and Children as a result of the new law.

Investigations by the Pennsylvania Bureau of Women and Children disclosed that the all-time high for the known number of industrial home workers was 12,659, in 1927.

Except for a slight increase in 1929 over 1928, the yearly decrease in the number of workers was unbroken until 1936. The N. R. A. caused a sharp drop—36 percent in 1934. In 1936 and again in 1937 increases brought the number up almost to the pre-N. R. A. level.

About 1 in 5 of the homes investigated in 1931 were violating the child-labor law. The women's night-work law was violated frequently. The new home-work law was designed to provide more adequate enforcement of the woman's law and the child-labor law.

Investigation found 3 cents to 6 cents an hour typical earnings of women hand knitters who were working on garments retailing up to \$145. Wages were so low that 13½ percent of the families working at home were on relief. A previous investigation disclosed that, though they worked for long hours trying to stay off relief, 9 out of every 10 families of home workers actually made less than they would have received on relief alone. One-half made less than \$3.54 a week.

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### Reviews

**THE WOMEN IN THE HOUSE. STORIES OF HOUSEHOLD EMPLOYMENT.** Edited by Ruth Sergel. The Woman's Press. New York. 1938. Price \$1.

This "case book in household employment relationships" was compiled by the Household Employment Committee of the Chicago Young Women's Christian Association as a means of stimulating "inquiry and objective thinking" on the problems of household employment, among both household employees and their employers.

Case histories, presented from the viewpoint of the household worker, the employer, or both, are grouped under such headings as "The Nature of the Job," "Wages," "Hours," "Living Arrangements," "Vacations," and so forth. Each history is fol-

lowed by questions for discussion, and each section concludes with a summation of the problems raised.

### Recent Women's Bureau Publications<sup>1</sup>

#### Printed Bulletins

**THE LEGAL STATUS OF WOMEN IN THE UNITED STATES OF AMERICA.** January 1, 1938. Latest reports issued are Illinois (bul. 157-12), Kansas (bul. 157-15), Maine (bul. 157-18), Missouri (bul. 157-24), New York (bul. 157-31), and Minnesota (bul. 157-22). 1938. Price 5 cents each.

#### Mimeographed Material

**STATE MINIMUM-WAGE ORDERS FOR BEAUTY CULTURE OCCUPATIONS.** June 1938. 33 pages.

<sup>1</sup> Bulletins may be ordered from the Superintendent of Public Documents, Washington, D. C., at prices listed. A discount of 25 percent on orders of 100 or more copies is allowed. Single copies of the bulletins or several copies for special educational purposes may be secured through the Women's Bureau without charge as long as the free supply lasts. Mimeographed reports are obtainable only from the Women's Bureau.