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UNITED STATES DEPARTMENT OF LABOR
FRANCES PERKINS, SECRETARY
WOMEN'S BUREAU
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Progress Under the Fair Labor Standards Act

WOMEN, as had been expected, were quickly affected by the Fair Labor Standards Act, which went into operation October 24. The Bureau of Labor Statistics reports that about 35,000, or approximately one-tenth, of the workers in cotton mills in the United States received wage increases as a result of the minimum-wage provision of the act, which requires the payment of at least 25 cents an hour for the first year of the law's operation. Almost all the workers benefited were in southern States. It is likely that a considerable number of these were women, since about two-fifths of the workers in this industry are women, and since many studies have shown women to be the lowest-paid workers.

Early reports that 50,000 pecan shellers were thrown out of work by the act were denied in November by Everett L. Looney, chairman of the Texas Industrial Commission and head of a board named by the Governor to investigate the pecan-shelling industry of the State. He said the number of pecan shellers out of work because of closing of the plants was only 8,000, and recommended that the Administrator of the Wage and Hour Division deny any request of the industry for exemption from paying a minimum of 25 cents an hour. He declared that the industry was in good financial condition but that workers averaged only 5 cents an hour or \$2.50 a week, and the best workers were paid only 10 cents an hour and \$5 a week.

What Workers Come Under the Law?

Many workers, as well as employers, are not clear as to the coverage and terms of the law, as shown by the fact that of 1,200 complaints received from workers by the end of November, only 25 percent seemed to indicate that there had been a violation

in a business covered by the law. Many complaints, the Administrator said, were from persons in intrastate industries, such as retail or service trades, local industries, or one of those categories specifically exempted by Congress.

Questions as to which workers in borderline industries are covered by the act and which are excluded are being decided from week to week as the Administrator issues interpretative rulings and as exemptions are granted or denied to employers who object to meeting the terms of the law.

Most questionable thus far has been the status of workers on the processing of agricultural products, such as bean sorters and cleaners, tobacco workers, turkey pluckers, fruit and vegetable packers, and so on. Others who raise problems of administration are learners, handicapped, and apprentices.

Hearings have been in progress in Washington on exemptions for learners in textile, apparel, hosiery, and knit wear. The textile industry has withdrawn its request for such exemptions. Thus far, no learners' exemptions have been granted. In the case of apprentices a blanket temporary certificate of exemption has been granted by a regulation effective until February 1, 1939. A similar temporary certificate has been granted until the same date to handicapped workers employed under certain conditions.

The status of newspaper employees was settled early when the Administrator ruled that newspapers could not be exempted as service industries under the act, since the act specifically exempts only small papers, weeklies or semiweeklies, with less than 3,000 circulation, the major part within the county of publication, from paying the minimum wage and the overtime pay required in the law.

An early ruling also decided the status of

clerical and maintenance workers employed in interstate industries. It was decided that they are protected by the act as much as are production workers. On the other hand, telephone operators, even when handling long-distance calls, are exempt from provisions of the act, because they are service employees the greater part of whose operations are within the State.

Exemptions Asked on Farm Products

Hearings were held in Washington in November on the question of whether women engaged solely in hand picking and cleaning dry beans in country elevators in Michigan could be denied the protection of the law. Pending a decision they are exempt if they work on the farm that produces the beans or in an establishment that gets the beans from the farms in the immediate vicinity and that does not employ more than seven persons.

Hearings were to be held January 9, 1939, in Washington on petitions for exemption filed by fruit and vegetable growers and shippers of California, Texas, Michigan, and other States. Like the employers of the Michigan bean pickers, these employers objected to the definition of "area of production" that had been issued by the Administrator of the Wage and Hour Division.

The definition was necessary because of two clauses in the act: one exempting from the hour provisions, for not more than 14 workweeks during the year, workers employed in the "area of production" on the first processing of agricultural or horticultural commodities during seasonal operations; the other exempting from both the wage and the hour provisions those individuals employed within the "area of production" in specified operations on agricultural or horticultural products ("handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products").

The Administrator decided to consider

the work within the "area of production" if it is conducted *on a farm on commodities produced exclusively on that farm or in a processing establishment that obtains its commodities in the immediate locality and does not employ more than seven persons.*

This definition thus exempts small enterprises closely related to agriculture, located in the country or in small rural communities. Within the exemption come most employers engaged in making dairy products, most cotton ginneries, country grain elevators, and plants that assemble and ship agricultural commodities in general farming areas.

It has been ruled that no industry can claim a 14-week period of exemption as "seasonal" just because it has peaks of activity during the year. A seasonal industry is one which, because of climate or other natural conditions affecting the supply of the materials worked on, operates only a limited part of the year.

Overtime Rulings

Under the Fair Labor Standards Act overtime beyond 44 hours a week must be paid for at one and one-half times the employee's *regular rate of pay* and *not* time and a half the minimum-wage rate.

An employer who reduces hourly rates in anticipation of a sudden rush of business that will make him want to work his employees overtime is responsible for paying overtime at the original higher rate.

If an employer reduces hourly rates with the intent of working the same number of hours as before at the same total wages, he may still be subject to penalty for breaking the law.

Hours lost in one week cannot be made up in the next without overtime pay for hours over 44. This is true whether the hours are lost because of holidays, sickness, vacations, or insufficient business.

Overtime payments cannot be waived by agreement with employees. Employers who attempt to get a waiver from their employees or a statement that they have worked fewer hours than they actually have worked are subject to the penalties of the act.

Eighth Minimum-Wage Conference

THE protection of State minimum-wage laws should be extended to all workers, but existing laws for women should not be repealed nor in any way weakened by new State legislation supplementing the Federal Fair Labor Standards Act.

This is the gist of a resolution adopted unanimously by the Eighth Minimum-Wage Conference called by the Women's Bureau and held at the Labor Department November 9 and 10. Representatives of State minimum-wage administrations of 15 States, the District of Columbia, and Puerto Rico attended, the States including Arizona, California, Colorado, Illinois, Kentucky, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Utah, and Wisconsin. Also in attendance were members of the Women's Bureau Advisory Committee, including representatives from the National League of Women Voters, the National Board of the Young Women's Christian Association, the National Consumers' League, and the National Council of Jewish Women. Numerous observers from government, labor, and other groups were present at all sessions. For the first time, State minimum-wage inspectors, those who do the work of checking up on compliance, were invited to the conference.

Safeguarding Wage Laws for Women

The conference endorsed the policy of extending minimum-wage legislation to men, but expressed the conviction that in so doing the greatest precaution must be taken to prevent the loss of any of the ground gained for women under existing minimum-wage laws. Conference members emphasized the importance, now that the constitutionality of minimum-wage legislation for women has been established by the United States Supreme Court, of avoiding any action that may interfere with the continuous adminis-

tration and enforcement of such laws. Future minimum-wage legislation covering men should be so drawn as to guarantee that minimum-wage regulations for women will not be involved in court cases on the yet unanswered question of the constitutionality of such legislation for men.

Scarcely a State has set a rate so low as 25 cents an hour, it was pointed out. In all, 105 wage orders have been issued, and—including the rates set in laws—minimum-wage rates are in effect in 21 States, the District of Columbia, and Puerto Rico. Of the rates set for experienced women, 90 percent exceed 25 cents an hour, more than 70 percent are at least 30 cents, and nearly 30 percent are 35 cents or more. The repeal of existing minimum-wage laws for women would have the effect of wiping out wage orders issued under them, and it would be years before similarly high standards could be attained through the recommendations of wage boards established under new State wage and hour laws.

Wage Orders for Factory Workers

In spite of the existence of the Federal Fair Labor Standards Act, State minimum-wage administrators should continue to establish minimum-wage rates for manufacturing industries, it was decided at the conference. Many small industries may not be reached by Federal industry boards for some years, it was pointed out, and meanwhile under State laws minimum-wage rates may be established for these industries higher than the 25 or 30 cents provided in the Federal Act. Among low-wage manufacturing industries that are fit subjects for immediate State action were cited candy, paper boxes, leather goods, and jewelry.

State minimum-wage directors recommended that they meet in conference when planning to establish a minimum-wage rate for interstate industries, in order to avoid

problems of interstate competition. Even in industries that are not interstate in character, such as laundries and restaurants, it is a good thing for State administrators to work together in establishing rates, if only to benefit from each other's experience.

The resolution adopted by the conference and presented at the Fifth National Con-

ference on Labor Legislation the following week reads as follows:

It is the unanimous opinion of those participating in the Eighth Minimum-Wage Conference that the protection of State minimum-wage laws should be extended to all wage earners and that any minimum-wage legislation introduced in any State legislature should not in any way jeopardize existing State minimum-wage laws, or their effective administration or enforcement.

National Conference on Labor Legislation

Labor Laws for Agricultural and Household Workers

STEPS by which household and agricultural workers can be brought under the protection of State labor laws were outlined at the Fifth National Conference on Labor Legislation, called by the Secretary of Labor in November at Washington and attended by governors' representatives, including labor department officials, and representatives of organized labor and of national organizations from 41 States, Alaska, the District of Columbia, and Puerto Rico. In the report of the Secretary's Committee on the Extension of Labor Law Protection to All Workers, it was recommended that these two large groups of workers, now generally exempted from labor laws, should be brought under their protection as rapidly as possible.

Wage collection and workmen's compensation provisions can be applied immediately to agricultural and household workers, and have been applied in some States, the committee declared. "Workers injured in these occupations should be assured regular compensation and medical care in the same manner as workers in other occupations."

Minimum-Wage Laws for Domestics.

As the first step in regulating the work of household employees, the committee suggested that State minimum-wage laws should be applied. The committee urged that wage boards for domestic service be

set up in States whose laws make this possible, nine in number, and that in States where this cannot be done under existing laws, the laws should be amended. In drafting new minimum-wage legislation, it was recommended, coverage should be broad enough to permit wage boards to be set up for domestic service.

Hours of domestic workers could be indirectly affected through wage orders by setting a standard workweek and an overtime rate. However, the committee also recommended that, wherever possible, domestic service should be included under the general hour law of the State, though it recognized that special provisions would have to be made.

"It is felt," the committee stated, "that special efforts must be made to overcome the opposition to extending the labor laws to domestic service, and that these efforts must take the form of educating employers, particularly women, to the advantages of setting standards of employment for household help, as one of the means of attracting a more efficient labor supply."

Standards for Farm Labor.

As for agricultural laborers, the committee suggested that States begin now to experiment with setting minimum-wage rates under wage-board procedure, where the coverage of the law permits. The difficulty of regulating the hours of agricultural field workers was recognized, but the committee

felt that some of the exemptions now contained in hour laws could be narrowed in order to bring processing and packing operations within the laws.

The successful experience of the Farm Security Administration and certain other governmental agencies in setting standards of employment for agricultural workers was commended.

Organized labor must be on the watch for discrimination against racial and other groups who may be displaced when standards are raised, the committee urged. It pointed out that many workers covered by labor laws, including racial groups and rural workers, do not actually enjoy the benefits of those laws because of public opinion, difficulties of inspections, due to inadequate staffs and appropriations, and difficulties of securing convictions.

State Wage-Hour Acts Proposed

The conference adopted a resolution urging prompt State action to extend the

benefits provided by the Federal Fair Labor Standards Act to all workers, either by amendment to existing statutes or by the introduction of new legislation. This was in accordance with the report of the Committee on State Wage and Hour Legislation, which recommended that States supplement the Federal Fair Labor Standards Act by enacting combined minimum-wage and maximum-hour laws patterned after the Federal law.

It was recommended by the committee, however, that "Until such time as the constitutionality of wage and hour legislation for men has been definitely determined, it is important to protect existing laws or orders for women and minors. To safeguard such regulatory measures until they are superseded by equivalent or higher standards applicable to both men and women, the State bill expressly provides that existing laws or orders establishing higher wages or shorter hours than these provided under the bill itself are to continue in full force and effect."

Southern Conference for Human Welfare

ENCOURAGING news for women workers in the South has come from the Southern Conference for Human Welfare recently held in Birmingham, Ala. Among the resolutions recommended by the round table on women wage earners and passed by the conference as a whole, with its 1,300 delegates from all parts of the South, was one urging the passage of State wage and hour laws, with special efforts to safeguard standards already set for women and to extend the benefits of such standards. This gives impetus to the movement for improving the working conditions of the 329,000 southern women in manufacturing and the 148,000 women agricultural wage earners in the South, as well as of many women in service industries.

The conference recommended that the States pass labor-relations acts guaranteeing

the right to organize for collective bargaining; that States create women's bureaus in their labor departments to administer labor laws for women; that qualified personnel and tenure of office be guaranteed by adequate civil-service laws; that States seek to abolish industrial home work; and that laws and regulations discriminating against women in government service because of sex or marital status be condemned.

The conference was called after the attention of southerners had been focused on their section of the country by the report of the National Emergency Council and the declaration of the President that the South is the "Nation's Economic Problem No. 1." A group of 200 prominent persons from 13 southern States issued the call to the conference. The governing body formed by the conference for permanent organization

is a council of 117 members, with a smaller executive board including the officers: Chairman, Dr. Frank P. Graham, of the University of North Carolina; secretary, Miss Mollie Dowd, of Alabama, a member of the board of the National Women's Trade Union League; treasurer, Clark Foreman, of Georgia; and 15 vice chairmen—one from each of the 13 States and two at large.

The outstanding quality of the leadership in this meeting, representing as it does those of progressive mind from all parts of the South, including men and women from colleges, labor organizations, the United States Congress, and other groups, shows that women wage earners, among others, have strong sponsorship for improving their situation.

Conference discussions included—besides the subject of Women Wage Earners—Child Labor, Youth Problems, Labor Relations and Unemployment, Education, Health, Housing, Constitutional Rights, Suffrage, Prison Reform, Race Relations, Farm Tenancy, Freight Rate Differentials, and

Credit. Feature addresses were given by Dr. Frank P. Graham, Mrs. Franklin D. Roosevelt, and Justice Hugo L. Black.

The resolution seeking to improve wage and hour conditions for southern women workers was as follows:

Resolved: 1. That this conference recommend that the 13 Southern States enact wage and hour legislation that will supplement and extend the standards already set by the Federal wage and hour law, for both men and women.

2. In those States where hour or wage legislation for women is already on the statute books, it is recommended that any new legislation for both men and women should be so worded that the standards already set for women be safeguarded so that they cannot be lowered or repealed.

3. Because the constitutionality of hour and wage legislation for all persons has not yet been settled by the courts, while such legislation for women is definitely constitutional, it is recommended that new State wage and hour legislation be so worded that if the act is held invalid for men it will still stand for women.

4. When it is not possible to get legislation covering all persons it is recommended that the States extend their laws for women wage earners, shortening hours and extending the coverage of existing hour laws, enacting hour laws for women where none now exist, and enacting minimum-wage legislation for women.

Women in Unions

At the A. F. of L. Convention

WOMEN delegates to the fifty-eighth annual convention of the American Federation of Labor at Houston, Tex., October 3 to 13, included: Mrs. Florence Marston, New York, representing the Associated Actors and Artistes; Anastasia Becker, Fort Worth, Tex., International Brotherhood of Bookbinders; Mrs. D. A. Houck, New York City, United Garment Workers of America; Berniece B. Heffner, Washington, D. C., American Federation of Government Employees; Helen Caren, Toronto, Canada, Hotel and Restaurant Employees' International Alliance and Bartenders' International League of America; Mrs. Mary Foley Grossman, Philadelphia, Pa., American Federation of Teachers; Mrs. Ida Lee Merchant, Mobile, Ala., Alabama State

Federation of Labor; Mary Lillie Price, Birmingham, Ala., Birmingham (Ala.) Trades Council; Laura Iglesias, New York City, Harriette Peterson, Oklahoma City, Okla., Mrs. M. E. Roberts, Miami, Fla., and Rena Mae Chadick, Houston, Tex., all representing locals of the Stenographers, Typists, Bookkeepers and Assistants' Union; and Mrs. Mary Cramer, Hannibal, Mo., Women's International Union Label League.

Resolutions Considered.

Among resolutions introduced of special interest to women workers was one protesting against the practice of replacing Negro maids on railroad trains by white stewardess nurses, in disregard of the seniority of the Negro maids. The resolution declared that the Negro maids had performed practically all duties now being performed by the white

stewardess nurses, besides giving the additional service of manicure and hair dressing. The Brotherhood of Sleeping Car Porters, of which the maids were members, introduced the resolution, which declared that the union did not protest against displacement of one color by another, but against the violation of the "principle of seniority, for which the trade-union movement has fought so long and hard." This resolution was referred to the Executive Council.

Another resolution proposed reduction of hours of work in proportion to the increase in productivity of industries (unless such increase has been accompanied by proportionate decreases in price) over a period of years. The increase in production would be determined for each industry through surveys conducted by a commission in cooperation with the United States Department of Labor and the Works Progress Administration. It was noted that increased productivity per worker through new machines and methods had not brought a proportionate decrease in price, or improvement in quality, but had served to create a great increase in the number of unemployed, and that while millions work 48 or 54 hours a week other millions have no work at all. This also was referred to the Executive Council.

A delegate from the Stove Mounters' International Union introduced a resolution urging the delegates to work for State laws to prohibit the employment of women in enamel plants between midnight and 7 a. m., because such employment was considered injurious to the health of women. The resolution was adopted unanimously.

A resolution calling for a minimum old-age pension of \$30 a month was referred to the committee on social security, and a resolution calling for compulsory health insurance, with cooperative payments by the National Government, State, employers, and employees, was referred to the Executive Council.

Organizational Progress.

The Executive Council reported that the Federation had extended organization in the

past year to many thousands of workers in industries never before organized. Among important woman-employing industries cited were agricultural and cannery and citrus workers on the Pacific coast, with 64 local unions formed, and 21,305 members; white-collar workers, with 68 locals; and beet-sugar workers, 23 locals in 8 States.

At the CIO Convention

Women delegates to the First Constitutional Convention of the Committee for Industrial Organization at Pittsburgh, Pa., in November, at which the Congress of Industrial Organizations was formed, included Kathryn Lewis, Washington, D. C., District No. 50, United Mine Workers of America; Eleanor Nelson, Washington, D. C., United Federal Workers of America; Alice Live-right, Philadelphia, Pa., United Office and Professional Workers of America; Vita Friend, Cleveland, Ohio, State, County, and Municipal Workers of America; Jane Taylor, Pittsburgh, Pa., United Building and Maintenance Workers Local Industrial Union, No. 800; M. Bernice Welsh, Richmond, Va., United Laundry Workers Local Industrial Union, No. 331; Clara J. Fuller, Middletown, Ohio, Pioneer Tobacco Workers Local Industrial Union, No. 55; and Virginia Browning, Anniston, Ala., Industrial Union Council of that locality.

Southern Campaign Planned.

The Congress set itself, as one of its main tasks, the organizing of the unorganized, especially in the South. It was decided to call a conference of representatives of CIO organizations interested in organizing the South, to lay plans for a joint campaign. The poll tax in the South and wage differentials between North and South were condemned.

The convention unanimously endorsed the 30-hour 6-day week and called on the Executive Board to propose legislation toward this end and other measures that would assure workers full employment and just distribution of the benefits of technological improvements.

The convention supported the principles of the Federal Fair Labor Standards Act of 1938 and called for immediate action by industry committees to raise the minimum-wage rate above 25 cents an hour and for supplementing Federal and State legislation to extend and improve wage and hour standards.

Legal Protection for Farm Labor.

Another resolution urged Government protection of farm labor and food packing, processing, and canning workers through amendment of the Agricultural Adjustment Act and the Agricultural Marketing Agreements Act so as to require recipients of benefits to meet minimum-wage and labor standards; larger appropriations for the Farm Security Administration's labor camp, farm-labor housing, and relief programs; amendment and extension of State industrial labor laws to cover farm labor; and Congressional authorization for the Departments of Labor and Agriculture to make studies of farm-labor problems.

The convention endorsed the program of the President's Interdepartmental Committee to Coordinate Health and Welfare Activities, as presented at the National Health Conference last summer. (See September *WOMAN WORKER*.)

It was resolved that Federal and State unemployment compensation laws should be amended to extend coverage to all workers and increase benefits to an adequate minimum amount; to provide a waiting period of only 2 weeks of either partial or total unemployment; benefits of no less than \$7 a week; and duration of benefits for 18 weeks.

Another resolution urged that the old-age insurance provisions of the Social Security Act be amended to extend coverage of the law; begin payments in 1940 instead of 1942; reduce the age limit for receipt of benefits; increase the amount to provide a decent standard of living; provide immediate payment of benefits for permanent disability; and obtain necessary additional funds from the general revenues of the Federal Government.

Gains in Union Agreements

Texas Home Workers' Wages Raised 400 Percent.

Texas women who embroider children's dresses at home must receive at least 25 cents an hour, compared with the 5 to 7 cents they formerly received, as the result of a union agreement signed October 29 at San Antonio between the infants' and children's dress manufacturers of the city and an industrial union. More than 3,000 hand embroiderers, 98 percent of them of Mexican extraction, are affected. The agreement also provides for the gradual abolition of the industrial home-work system in the embroidering of children's clothes in the State of Texas. Meanwhile no children below legal age may be employed, all workers must be union members, piece rates shall be set by the union and shop management together, and a joint inspection department, established by the manufacturers and the union, shall inspect sanitary and living conditions in the homes of the workers.

Under the old wage system in the industry whole families embroidered day and night in order to make a living. The Texas home-work law passed in 1937 proved ineffective in limiting home work, according to the union. The passage of the Federal Fair Labor Standards Act of 1938, with its present minimum-wage provision of 25 cents an hour, is credited by the union with finally making possible the present agreement.

Alabama Textile Mill Reopened.

An agreement recently signed with an Alabama cotton mill stipulates that the mill, which had been closed for a year, would reopen with 400 workers and build up its personnel from its old employees until a maximum of 800, the normal number, are working. Departmental seniority is recognized, arbitration is established, hours are fixed at 40 a week, and the important innovation of leave of absence for maternity and for illness is provided.

The plant was shut down in October 1937 because of economic conditions, according to the manufacturer. The union charged, however, that the shutdown was an attempt to break the local union, which had negotiated a contract with the mills in April 1937.

Wage Cut Reduced in Carpets.

The 6,000 New York and Connecticut carpet workers who struck last May against a 10-percent wage cut (as reported in the September *WOMAN WORKER*) won a decision from the New York State Mediation Board reducing the cut to 5 percent and providing that the reduction would be in effect only until December 31, 1938. The union renewed its agreement with the company, with sole collective-bargaining rights, payment for reporting and waiting time, and arbitration of grievances.

Minimum Wages and Pay for Reporting.

A California textile plant, employing 1,500, has signed an agreement providing a 60-cent minimum hourly wage for all employees and a 65-cent minimum for warehousemen.

A new agreement in Massachusetts with a textile firm employing 150 provides for 2 hours of pay for days on which employees are called to report for work, the 8-hour day and 40-hour week, and negotiation of wage adjustments, arbitration, and preferential shop.

Two hours of reporting pay is provided also in a new agreement in an Ohio textile plant with 125 employees. A minimum-wage scale of 50 cents an hour for women and 60 cents an hour for men is agreed upon; also 5 holidays a year, seniority in hiring and lay-off, arbitration of grievances, and establishment of a joint standards committee with representatives of company and union to regulate standards of production.

\$15 Minimum in Retail Stores.

A contract signed in Oregon with two branches of the Associated Employers of the State and a union of retail clerks provides separate wage scales for men and

women as follows: In the general contract, \$15 for the first 6 months, to \$18 after 1 year's service, for women; \$18 the first year, \$22.50 the second, and \$27.50 thereafter, for men. Hours for women are limited to 44 a week by State law; for men the union has set a limit of 51 a week. Time-and-a-half pay is provided for women after 8 hours, for men after 8½ hours, and for both on Sunday and holiday work.

A special contract for grocery stores provides minimum-wage rates for women ranging from \$16.50 for less than 6 months to \$22.50 after the first year. For men the same rates apply as under the general contract, but hours for men are 54 a week with time and a half for hours in excess of 9 a day. Hours for women are the same as in the general contract.

Notes on Labor Disputes

San Francisco Store Workers Win Demands.

The nearly 2 months' strike of several thousand department store workers in San Francisco was settled November 1, when an agreement was signed by 26 retail stores, effective through July 31, 1940.

Many of the terms of the previous year's agreement were continued. Among changes were the raise in the basic minimum pay for salespeople from \$18 to \$20 a week; a guarantee of 4 hours' pay for each day that an employee is directed to report (except culinary workers); and 2 weeks' vacation with pay for workers with 2 years' continuous service (instead of 3 years as formerly).

The agreement included a continuation of the 40-hour 6-day week, with time and a half for overtime, and the open shop. Seniority prevails in rehiring and lay-offs for persons of equal merit or ability, but the decision of merit and ability remains with the employer, subject to appeal through the union to the adjustment board and to arbitration if necessary. Employees transferred from one department to another retain their seniority.

Other terms of the agreement include \$1 extra pay each day that a split shift is

worked; \$16 a week minimum pay for apprentices in all departments; no more than 1 apprentice for every 20 employees, an apprentice to be one with less than 6 months' experience in the trade; 1 week's vacation with pay for 1 year's continuous service; overtime for Sundays and holidays and for hours worked before 8 in the morning and after 6:30 or 7 at night; 1 hour for lunch and not more than 5 hours without a lunch period (unless paid overtime).

Minimum-wage rates agreed upon include: \$20 to \$32.50 a week for salespeople on

various types of goods; \$18 to \$40 a week for different categories of nonsales service people, from bundle girls to tailors; \$18 to \$25 a week for office workers, and \$35 a week for artists; \$4.67 for an 8-hour day for restaurant countermen and women on regular work, and \$5 a day for extras; \$3.25 a day for regular waiters and waitresses working 7½ hours, \$4 a day for extras; \$22.50 a week for general beauty operators, and \$20 for manicurists and body masseurs with provisions for extra pay on a commission basis.

Toward Minimum Fair Wages¹

Utah Law Held Constitutional

THE UTAH minimum-wage law of 1933, subject of court action for the past year, was upheld December 14 by the State Supreme Court as being legal under the State Constitution. The one order issued under the law, that for the retail trade, was, however, declared void, because of faulty administrative procedure.

The more than 120 small retailers who brought suit a year ago had complained that the law was unconstitutional because it deprived them of property without due process of law and interfered unreasonably with freedom of contract. The court dismissed both complaints. On the first it declared that the law did not deprive the plaintiffs of property either with or without due process of law, for no property right was involved. On the second, the court found that "within the realm of police power the legislature may act in any matter not forbidden by the Constitution. We find no restrictions in the Constitution on the right of the State to prescribe maximum hours, minimum wages, or general conditions of labor in the State."

While upholding the law, the court voided the wage-hour order for retail trade because the procedure followed by the State Industrial Commission before issuing the order did not constitute due process of law, and

because no findings of fact were made by the commission on which to base the order.

The record reveals that a public meeting was held at the capitol pursuant to notice, and the opponents and proponents were allotted 3 hours each to talk about the matters. No witnesses were sworn; no record made of their statements; and as far as the proponents were concerned none of them appeared to be either employers or employees, or in any way connected with the retail trades or familiar with the questions under discussion. It appears to have been a public meeting and not a public hearing; a case of "we should" or "we should not" instead of a presentation of facts on the questions up for hearing. It appears to have been primarily a meeting which might reflect public sentiment rather than a hearing where testimony under oath is taken and preserved in the record as mandatorily required by the act.

The record . . . discloses that no findings of fact were made by the commission upon which to base any order. The commission seems to have proceeded on the theory that the wage board fixed the wages, the hours, and conditions of labor, and the commission merely determined at a public meeting whether or not public sentiment supported the action of the wage board.

Though the Utah minimum-wage law was enacted in 1933, because of want of funds no effort was made to put it into operation until 1937. After investigations and informal hearings the commission issued an order, effective February 1, 1938, covering women and minors in retail trade, providing a 7-hour day, a 42½-hour week, and a minimum wage of \$16 a week. The order was never enforced, because of court injunction.

¹ For Women's Bureau Minimum-Wage Conference see p. 5.

State Minimum-Wage Activities

In the District of Columbia hearings have been held on a minimum wage for office workers.

In New York, the Division of Women in Industry and Minimum Wage is conducting a State-wide investigation of wages, hours, and other working conditions in the glove industry, including leather, fabric, and knit gloves. The information will be related to the minimum-wage and home-work laws.

Recent Minimum-Wage Orders

Arizona—Retail Trade.

The first wage order issued under the Arizona minimum-wage law of 1937 provides for experienced female employees in retail trade a basic minimum wage of \$16 for a 6-day week of 48 hours or a 7-day week of 42 hours. The order covers the entire State except the area around Nogales, on the Mexican border. The minimum wage for learners or apprentices is \$12.50 for a standard workweek for the first 6 months and \$14 for the second 6 months. Part-time employees, those who work less than 4 days of 8 hours a day in any one week, must be paid 27½ cents an hour for the first 6 months; 30 cents an hour for the second 6 months; and 35 cents an hour when experienced workers. The order became effective in directory form on December 1, 1938, and will become mandatory on February 1, 1939.

Colorado—Retail Trade.

Effective January 16, women and minors in retail trade in Colorado must be paid at least \$11 to \$14 for a 48-hour week. The State is divided into three zones: Zone A, consisting of cities of 30,000 or more and surrounding territory within 5 miles of the boundaries; Zone B, consisting of cities and towns of 5,000 but less than 30,000 population; Zone C, consisting of towns and communities of less than 5,000 population.

For Zone A the minimum rates are \$14 a week, for Zone B \$13 a week, and for Zone C \$11 a week. Workers must not be employed more than 48 hours a week except in 7 peak

weeks during the year. Part-time workers receive the same hourly rate as full-time workers and must be paid for at least one half day when called to work. A 4-month learning period is provided for adults at 75 percent of the minimum rate for experienced workers.

New York—Confectionery.

Effective November 14, a minimum wage of \$14 for a 40-hour week and a basic hourly rate of 35 cents must be paid women and minors in the New York confectionery industry. This rate should raise the wages of nearly one-third of the women in the industry, since the study of women's earnings in the first week of December 1937 showed nearly 32 percent to be less than 35 cents.

To protect workers from irregular employment in this seasonal industry, the order provides that during the period from September 1 to April 1, which covers the two busy seasons of the industry, all workers employed 3 days or less in any week are to be paid not less than \$10 for that week. During the slack season from April to September, employees working 2 days or less in a week are to be paid at least \$7. This guaranteed minimum wage is expected to help to regularize employment as well as income of candy workers. Formerly a candy worker in slack seasons might be employed only 1 day a week, receiving between \$2 and \$3 pay, just enough for her to lose claim to unemployment compensation under New York laws.

New Public Contracts Rates in Woman-Employing Industries.

Tags.—A minimum wage of 33 cents an hour or \$13.20 for a 40-hour week has been ordered by the Secretary of Labor for workers in the tag industry employed on Government orders of \$10,000 or over for which bids are solicited on or after October 31, 1938.

The wage rate was arrived at after the Public Contracts Board of the United States Department of Labor had found it to be the

prevailing minimum wage in the industry. The tag industry is defined as the industry primarily engaged in the manufacture of shipping and system tags, merchandise and marking tags, and pin tags. Somewhat over 2,000 workers are employed in an estimated 40 plants.

Wool Carpets and Rugs.—A minimum wage of 40 cents an hour or \$16 for a week of 40 hours has been ordered by the Secretary of Labor for workers in the wool-carpet and rug industry (exclusive of rag rugs) engaged on Government contracts of \$10,000 or more. The rate applies to contracts for which bids are solicited on or after October 15, 1938.

About 27,600 wage earners in 17 States are employed in the wool-carpet and rug industry, excluding rag rugs, according to the Census of Manufactures of 1935. At hearings conducted by the Public Contracts Board, a representative of the Textile Workers' Organizing Committee testified that 13,400 rug workers in 6 States, out of 22,000 who were members of the T. W. O. C., were employed under wage agreements providing for an hourly rate of 40 cents.

Fireworks Industry.—Minimum-wage rates in the manufacture or supply of commercial fireworks and fuses, flares, and ship and railroad torpedoes, for Government use, have been determined by the Secretary of Labor, effective October 15. For commercial fireworks the minimum rates are 31¼ cents an hour or \$12.50 a week of 40 hours. In the fusee division of the fireworks industry, minimum-wage rates are 37.5 cents an hour or \$15 for a 40-hour week. These wages were found to be the prevailing minima in a survey of the industry by the Bureau of Labor Statistics. An average of 1,587 workers are employed in all branches of the fireworks industry, according to the 1935 Census of Manufactures.

Sugar Workers' Wage Rates.

Minimum-wage rates to be paid sugarcane workers in Louisiana and Florida, whose employers apply for 1938 payments

under the Sugar Act of 1937, have been determined by the Secretary of Agriculture after public hearings and investigation. In Louisiana men harvesting cane on a time basis must be paid at least \$1.50 and women at least \$1.20 for a 9-hour day. Hourly rates apply for days longer or shorter than 9 hours; for men the minimum rate is 17 cents, for women 13 cents. The sex differentials conform to local customs, which are among factors taken into account in establishing rates. On a tonnage basis, the rate for cutting, topping, and stripping cane must be not less than 75 cents a ton.

In Florida rates have been set on a tonnage basis ranging from 65 cents to \$1.19 a ton for cutting different types and sizes of cane.

In both States the rates apply from September 1, 1938, to June 30, 1939. The producer must supply the laborer without charge the usual perquisites, such as a "habitable house," a suitable garden plot with facilities for cultivation, pasture for livestock, medical attention, and so forth.

New Jersey Conference on Labor Laws

An estimated 200,000 New Jersey women will benefit from the Federal Fair Labor Standards Act, it was reported at the conference on labor legislation called in November by the Labor Standards Committee of the Consumers' League of New Jersey.

In attendance also were representatives of labor groups, especially locals of the International Ladies' Garment Workers' Union; State labor officials; and delegates from the Young Women's Christian Association, and the League of Women Voters.

Publication Note

The mimeographed bulletin containing "Factors To Be Considered in Preparing Minimum-Wage Budgets for Women" and "Retail Pricing of a Budget for a Minimum Wage" is now available in printed form under the first of these titles as Miscellaneous Publication No. 324 of the United States Department of Agriculture. Copies may be obtained from the Women's Bureau.

News Notes

Housing Needs Revealed in California Cotton Strike

IN SUPPORT of 6,000 California cotton pickers who struck spontaneously against a 25-percent cut in wages, a conference was held in Bakersfield, Calif., in October to consider the main problems of agricultural labor in the State—housing, relief, and health. In attendance were officials of the American Federation of Labor and the Committee for Industrial Organization, members of the CIO agricultural workers' union, government officials, farmers, social workers, and others.

Following is a story told by one of the women strikers about her life as a migratory laborer:

Last February we left Bakersfield after having worked in the cotton here. I have four children and two of them were very sick. We left Bakersfield with \$9. When we got to Santa Maria, where we went to pick peas, the floods had washed away the peas. We found that we could have no help (relief).

There were three families of us who had lost our tents. Overnight the river rose so high we were cut off without food and without tents, and for 5 weeks we sat in a 1933 Chevie and except for some of the farmers who felt sorry for us we would not have been able to eat. We went to Westley, but the farmers would not allow us to come in. We went to Vestal's ranch to pick peaches. On the grounds they had had sheep grazing, and the manure was 2 and 3 inches deep. The men worked for 2 days trying to clean it up well enough for us to live there. There were 185 families, and they had one toilet and one place where we could get water, and then we had to walk three blocks for the water. There were no showers.

We got 5 cents a box for peaches and were never allowed to work longer than to make 75 cents or \$1, and sometimes 50 cents a day was the most we could make.

Some of the workers are fortunate enough to be in the Government camp (Farm Security Administration). There is hot water. We can take a shower any time we want it. The children have a safe place to play. The school buses come to get the children and take them to school. It is just like heaven to be in a Government camp.

Though the 25-percent cut was the immediate cause of the strike, the conference found that wretched housing and health conditions such as described by this woman were the real grievance. The conference therefore adopted a program calling for 60 new camps for migratory workers to be built by the Farm Security Administration and the State Division of Immigration and Housing; extension of health services to agricultural workers, with Federal and State funds, and establishment of mobile clinics; relief for transients; State financing of education for children of migratory workers; wage standards established by the Secretary of Agriculture on all crops for which Federal subsidies are given; extension of the Federal Fair Labor Standards and Social Security Acts to agricultural workers; and various measures designed to bring about a balance between labor supply and labor demand in California agriculture.

The cotton pickers returned to work after 5 weeks with no contract but with some increase in wages.

Vote on Married Women Workers

Legislation barring married women from public service if their husbands are employed was favored by a majority of voters in the 57 Massachusetts voting districts in which this question was put on the ballot in the November elections. In most districts the question did not get on the ballot.

The sentiment was recorded on the ballots in answer to a question as to whether or not the voters favored instructing their State legislators to vote for legislation that would bar married women, with husbands employed, from public service. A bill to this effect was passed last year by the Massachusetts House but was defeated by the Senate.

Among outspoken opponents of the referendum was Herbert C. Parsons, director of The Massachusetts Child Council, Inc., of Boston, who pointed out in an address at Faneuil Hall, Boston, prior to the election, that the raising of legal barriers against employment of any group of persons in the public service is a direct attack on democracy.

"Not the least of the achievements of democracy in our community has been the establishment of merit as the basis for public employment * * *," he said. "Any denial of opportunity in the service other than on the basis of capacity to perform the duties is against the interest of the people for whom the service is performed. The merit system pays respect to the common right of the people that there shall be a proved fitness for each particular form of public employment. * * * The proposed legislation as to married women creates an excluded group. It sets up a class distinction which is totally repugnant to the democratic mind and does violence to the principle of equality which is American. * * *"

Consumers' League Annual Conference

The National Consumers' League held its thirty-eighth annual meeting in New York early in December, considering especially wage and hour legislation in action and labor policy here and abroad. Mindful of the recent advances in legislation and keenly alive to the possibilities for further developments in the workers' interests, this veteran organization passed the following resolution for the extension of wage and hour legislation while at the same time safeguarding existing gains:

Whereas, the passage of the Federal Fair Labor Standards Act marks a significant gain in the raising of labor standards and offers greatly needed protection to workers in interstate occupations, but leaves outside its coverage large numbers of the Nation's most underprivileged workers laboring under sweatshop conditions in purely intrastate employments; therefore be it

Resolved, That the National Consumers' League endorse the model State wages and hours bill as presented to the Fifth National Conference on Labor Legislation and unanimously approved by the official delegates of 42 State governments there represented; and urges its passage upon the States, with the recommendation that every precaution be taken to safeguard existing, sound, State wage and hour legislation.

Recent Women's Bureau Publications¹

Printed Bulletins

- INDUSTRIAL INJURIES TO WOMEN AND MEN, 1932 to 1934. Bul. 160. 1938. 37 pages. 10 cents.
- WOMEN IN INDUSTRY. A SERIES OF PAPERS TO AID STUDY GROUPS. (Revision of Bul. 91.) Bul. 164. 1938. 90 pages. 15 cents.
- THE NEGRO WOMAN WORKER. Bul. 165. 1938. 17 pages. 10 cents.
- THE EFFECT OF MINIMUM-WAGE DETERMINATIONS IN SERVICE INDUSTRIES: ADJUSTMENTS IN THE DRY-CLEANING AND POWER-LAUNDRY INDUSTRIES. Bul. 166. 1938. 44 pages. 10 cents.
- THE LEGAL STATUS OF WOMEN IN THE UNITED STATES OF AMERICA, JANUARY 1, 1938. Latest reports issued are Arizona (Bul. 157-2), Arkansas (Bul. 157-3), and Georgia (Bul. 157-10). 1938. Price 5 cents each.

Mimeographed Material

- STATE MINIMUM-WAGE BUDGETS FOR WOMEN WORKERS LIVING ALONE. November 1938. 13 pages.

- STATE MINIMUM-WAGE ORDERS FOR LAUNDRY AND DRY-CLEANING OCCUPATIONS. (Revised.) October 1938. 64 pages.

- INFORMATION ON WOMAN-EMPLOYMENT IN MAJOR MANUFACTURING INDUSTRIES. November 1938. 16 pages.

Leaflets

- SHORT HOURS PAY. (Revised.) August 1938. 8 pages.
- THE SOUTH: ASSETS AND NEEDS. November 1938. 8 pages.

¹ Bulletins may be ordered from the Superintendent of 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 material and leaflets may be obtained free of charge from the Women's Bureau.