

V. UNIFORMITY OF RESTRICTION

The arguments in favor of allowing overtime in seasonal trade or in cases of supposed emergency have gradually yielded to the dictates of experience which show that uniformity of restriction is essential to carrying out the purposes of the act.

A. Allowance of Overtime Dangerous to Health

Report of the British Chief Inspector of Factories and Workshops, 1873.

To my mind it seems very fallacious reasoning to attempt to justify overtime amongst females . . . on the ground that, taking the year through, the hours of work average less than sixty weekly. A girl is not a whit less likely to be injured physically and morally by working fourteen hours a day in May and June because she has not to work more than seven hours in September and October. (Page 43.)

In regard to milliners and dressmakers, I strongly deprecate the granting of "fourteen-hour permissions," which only unsettle the trade, and are quite unnecessary. Such hours are very injurious to the girls employed. (Page 134.)

Report of the British Chief Inspector of Factories and Workshops, 1898.

Sixty hours' actual work in a normal week may be considered as a reasonable amount by the average laundry girl, but when one day in the week is a whole holiday, prescribed by the Factory Act, and she is still required to work sixty hours in the remaining five days, she apparently seems to feel that she is not being fairly dealt by, and that the law is taking away with one hand what it gave with the other. Several complaints have been received of sixty hours' employment in a laundry on the five consecutive days following a statutory holiday, as of something illegal, and a visit

paid in response to one of these on a Saturday following a Monday Bank (holiday) found managers, women, and girls tired out and murmuring that a holiday which had to be made up for as they had made it up was no holiday. (Page 107.)

Report of the British Chief Inspector of Factories and Workshops, 1901.

It is often said that the rigidly fixed hours for work and meals in factories tend to make of the worker a machine, taking no actual personal interest in her work, while actually the effect is to help her, if the work does not occupy too great a part of the day, to be a person of some vigor interested in the work, but not entirely to the exclusion of other things, for which she can count on regular periods of leisure. (Page 178.)

B. Uniformity Essential for Purposes of Enforcement

In order to establish enforceable restrictions upon working hours of women, the law must fix a maximum working day. Without a fixed limit of hours, beyond which employment is prohibited, regulation is practically nullified. Exemptions of special trades from the restriction of hours not only subject the workers in such industries to injurious overwork, but go far to destroy the whole intent of the law.

The difficulties of inspection become insuperable.

The Case for the Factory Acts. Edited by Mrs. SIDNEY WEBB. London, 1901.

To accede to the demand for greater elasticity is to suppose a higher code of morals on the part both of employers and of employed than experience justifies, and it would also render necessary a far more elaborate and irritating system of inspection than at present exists. The efficiency of modern factory industry depends very greatly upon automatic working — upon its standardization of conditions; and the existing factory law with its inelastic provisions is, in reality, a great aid in maintaining those conditions of efficiency. (Page 93.)

Report of the British Chief Inspector of Factories and Workshops, 1873.

From the point of view of one empowered to carry out the law, I consider these modifications in favor of "season trades" as most unfortunate. They immensely increase the difficulties of inspection, and it introduces an element of uncertainty and dissatisfaction into the relations between inspector and inspected, which cannot but be productive of ill results. For a law to be thoroughly respected and obeyed, there should be no apparent partiality or contradiction in its provisions, and if it is to work with ease and efficiency these cannot be too completely simplified. (Page 134.)

Report of the British Chief Inspector of Factories and Workshops, 1873.

The difficulty of acquiring evidence too, of this overwork is very great, for the danger of loss of employment on the disclosure of facts is so deterrent of exact information by the oppressed workers that they will not appear before the magistrates to support the Sub-Inspector in his attempt to protect them, however urgently or indignantly that protection has been claimed. (Page 44.)

Report of the British Chief Inspector of Factories and Workshops, 1898.

Nothing has been more striking than the difficulties surrounding the law affecting laundries. The immensely long hours, the absence of any conditions as to mealtimes other than that there shall be at least half an hour in every five hours' spell, and the extraordinary manner in which over-time is at present worked, combine to make the inspection of laundries more difficult and more ineffectual than in any trade I have had under my notice. (Page 107.)

Report of the British Chief Inspector of Factories and Workshops, 1900.

The existence of an exemption in the fish-curing trade has rendered the administration difficult and uncertain in result. It is noteworthy that in this trade, in which over-time is permissible to women on sixty occasions in the year, I have never found over-time notices in use in any workshop. The occupiers do not find them

necessary. Starting with an exemption for one process, that of "gutting, salting, and packing," the industry would seem to have shaken itself gradually free from control, until now we find fish that have been in salt for several weeks dealt with as perishable articles. Given plenty of time and unsuitable surroundings, every article of food is to some extent perishable, and when a herring has been kept in salt for some weeks there is no reason for working on it at night except the reason that the day will bring other work, and in this seems to lie the cause of much of the late and irregular hours of the fish-curing trade. . . .

One of the evils to which this want of regulation leads is the practice of employing the same person in the same day in processes controlled by the Acts, and in those outside their control.

. . . In another case in which a curer had a factory and also a kippering shop in the same town, the workers went from one to the other, always sure of their full day's work in the factory, followed very often by five or six hours' work in the other shop. (Page 388.)

The Case for the Factory Acts. Edited by Mrs. SIDNEY WEBB. London, 1901.

The fact that exceptions lead always to illegalities — that a permission to work till ten at night leads constantly to work till one or two in the morning — appears frequently. (Page 153.)

Report of the British Chief Inspector of Factories and Workshops, 1902.

After six years' experience of the effect of the present regulations, it is impossible not to feel greatly depressed by the result; the elasticity of the law has tended to encourage rather than check these unsettled hours. (Page 174.)

Labor Laws for Women in Germany. DR. ALICE SALOMON. Published by the Women's Industrial Council. London, 1907.

Unfortunately, however, the law provides for a number of exceptions to the above rules respecting the hours of labour, exceptions which render adequate control difficult and greatly weaken the effect of the law. (Page 5.)

C. Uniformity Essential to Justice to Employers

To grant exceptions from the restriction of hours to certain industries places a premium upon irregularity and the evasion of law. When restrictions are uniform, the law operates without favor and without injury to individuals. Few employers are able to grant their employees reductions of hours, even if they are convinced of its advantages, when their competitors are under no such obligation. Justice to the employer as well as to the employee therefore requires that the law set a fixed limit of hours for working women and a limit fixed for all alike.

Report of the British Chief Inspector of Factories and Workshops, 1873.

In regard to "season trades" modification, the employers in favor of the modifications, argue, that it would be, firstly, a hardship upon them should they be unable to fulfil a large order unexpectedly coming in; that it would be calculated to drive their trade from them to others, either employing more workers or not at that time so busy.

To this I answer . . . that the hardship to themselves that the employers here complain of is only one which they would share in common with every other trader and manufacturer in the country, which are happily prevented by legislative enactment from gratifying their cupidity or caprice at the expense of others; and that the establishment of a uniform system of hours of labor would place all upon a more equal footing in the very matter complained of than in point of fact they are on now.

There can be no doubt that much uncertainty and dissatisfaction exists amongst trades generally at the granting unusual privileges to certain selected ones, and that this is a serious obstruction to the performance of the duties of inspection. (Page 134.)

Report of the Massachusetts Bureau of Labor Statistics, 1881.

As a further result, we have found that a large majority of the manufacturers would prefer ten hours to any greater num-

ber, "if only all would agree to it." Repeatedly has it occurred, when our agents have made known their errand, that almost the first words of the manufacturer would be, "It (ten hours) would be better for manufacturer and operative, if it could only be made universal"; and these words, always spoken so spontaneously as to show that they were the expression of a settled conviction, may be fairly taken to express the united wisdom of the manufacturers of textile fabrics in New York and New England. (Page 458.)

As one reason for this it was constantly said, that, if all worked but ten hours, then it would be the same for all, and so everybody would have just as fair a chance for success under ten as now under more hours. (Page 459.)

Report of the British Chief Inspector of Factories and Workshops, 1900.

A lack of loyal adherence to reasonable hours of employment by many laundry occupiers increases the difficulty for those who make the attempt in real earnestness. Many employers gladly welcome further regulation as a means of organizing and controlling their workers. "What is the use of my making the effort to so organize my work that the laundry shall close at 8 p. m. like other reasonable work-places do," said a disheartened employer; "all the neighboring laundries are open until nine, ten, or even eleven o'clock, and my women find it suits their irregular habits to go and work in these places after they leave my premises; they are then too tired out to arrive at my laundry till 9.30 or 10 next morning. If we all had to keep the same rules and close at the same time, the law would work fairly; as it is I must just scramble on with the others in the stupid expensive old way." (Page 385.)

The Case for the Factory Acts. Edited by Mrs. SIDNEY WEBB. London, 1901.

Now and again an employer complains of some hard experience, and forgets that a departure from rigid rule would destroy the certainty which he feels that the law is treating him exactly as it is his competitors. Such a feeling of security is essential to business enterprise. (Page 93.)

Report of the British Chief Inspector of Factories and Workshops, 1902.

I have discussed this matter with numbers of all classes concerned, even to those who are at present availing themselves to the full of the concessions under the law, and with hardly any exceptions they have agreed that if we, as factory inspectors, could insure that nowhere should the unprincipled be able to steal a march on those who observed the law, and all overtime abolished, they would be more than satisfied. They freely admit the evils resulting from overtime, and these can be spoken to by all my colleagues, and I think in all large towns by the police. (Page 88.)

The innumerable loopholes and subterfuges which it affords to a sharp and unscrupulous employer places his more stupid or more scrupulous competitor at an unfair disadvantage, which is preventable, and therefore should be prevented. The broad, clear limitations, easily understood and capable of being exactly and thoroughly enforced, which apply to other industries under the Act, impose the same obligations and provide the same protection for all alike. This is impossible where regulations cannot be properly enforced and can be continually evaded with success. (Page 174.)