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IN THE UNITED STATES  
AND FOREIGN COUNTRIES



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## MINIMUM-WAGE LEGISLATION IN THE UNITED STATES AND FOREIGN COUNTRIES.

BY CHAS. H. VERRILL.

### INTRODUCTION AND SUMMARY.

The minimum-wage movement in this country, which resulted in the enactment of minimum-wage laws in nine States in 1912 and 1913, while perhaps appearing to be a sudden development, was in fact the result of considerable investigation in this country and of long investigation, agitation, and experiment in New Zealand, Australia, and Great Britain. In Great Britain, especially, investigations of sweated trades and studies of the remedies possible to correct the evil conditions found therein, and especially to deal with low wages, had extended over a period of more than 20 years. The experience with the legal minimum wage as a remedy had in New Zealand and Victoria extended over a period of more than 15 years.

The reason which has led to the enactment of minimum-wage laws has been much the same in most of the countries, namely, low wages. While investigations in the United States have rarely disclosed conditions comparable with those found in some of the sweated industries in Great Britain and in Australia, yet all of them have brought out the fact that in many industries a large proportion of the women were working at wages insufficient to meet the necessary cost of living if dependent upon their own earnings. The development of the movement for a legal minimum wage may be seen from the following list of the foreign and American States having such laws, with the dates of the first enactments.

#### *Minimum-wage Laws of Various Countries, with Dates of First Enactment.*

New Zealand: Industrial conciliation and arbitration act, August 31, 1894.

Victoria: Factories and shops act, July 28, 1896.

South Australia: Factories act, December 5, 1900.

New South Wales: Industrial arbitration act, December 10, 1901.



Western Australia: Conciliation and arbitration act, February 19, 1902.

Commonwealth of Australia: Commonwealth conciliation and arbitration act, December 15, 1904.

Queensland: Wages boards act, April 15, 1908.

Tasmania: Wages boards act, January 13, 1911.

Great Britain: Trade boards act, October 20, 1909; coal mines (minimum wage) act, March 29, 1912.

United States—

Massachusetts: June 4, 1912; March 21, 1913; May 19, 1913.

Oregon: February 17, 1913.

Utah: March 18, 1913.

Washington: March 24, 1913.

Nebraska: April 21, 1913.

Minnesota: April 26, 1913.

Colorado: May 14, 1913.

California: May 26, 1913.

Wisconsin: July 31, 1913.

The minimum-wage law, as it has been known in recent American discussion, and as it is usually understood in Great Britain, Australia, and New Zealand, does not refer to a law in which is fixed a single rate below which no worker may be employed, although such laws are in existence in most of the Australasian States. The minimum wage, as understood in this country and Great Britain, is a wage fixed by some agency created by law, after due investigation has been made. Two methods have grown up in Australia and New Zealand, one or the other of which has been followed in practically all of the States where minimum-wage legislation has been put in force.

In Victoria, since the enactment of the first law, July 28, 1896, minimum wages have been established by wages boards, made up of equal numbers of representatives of employers and employees, presided over by an impartial chairman, who has a deciding vote. These wages boards are set up for each trade or industry and are required to discuss conditions and to determine by agreement the minimum wages to be paid in the various processes and occupations in their own industry. These minimum rates, when fixed and published, are for the time being legally binding upon all employers in the industry within the area for which the board is appointed. This method was introduced in South Australia in 1900, in Queensland in 1908, in Tasmania in 1911, but some modification has been made in more recent legislation.

A second method of fixing the minimum wage has been followed in New Zealand since 1894. The compulsory arbitration law of New Zealand, adopted primarily for the prevention of strikes and lockouts, conferred upon the arbitration court the authority to fix the condi-

tions of employment, including the minimum wage to be paid, in the cases coming before it. This method was adopted by New South Wales in 1901, Western Australia in 1902, and the Commonwealth of Australia in 1904.

In the States which have the industrial arbitration system, industrial agreements of employers and employees under certain conditions may be registered and have the force of awards. They are enforceable against the parties and such other organizations and persons as signify their intention to be bound by agreement. In some of the States these industrial agreements have become very important. Thus, at the end of September, 1914, 89 such agreements were in force in New South Wales and 84 in Western Australia.

An important difference between the wages board and the compulsory arbitration method is that the wages board itself takes the initiative in determining wages and conditions of employment for the industry, without waiting for a dispute to arise, while under the compulsory arbitration method the court itself does not initiate proceedings, but waits until a dispute brings the question of wages or conditions before it for adjustment. Under the wages-board system each trade or industry has its own board, whereas an arbitration court ordinarily deals with all the industries within a district. Another important difference is in the fact that the wages boards consist of persons representing both employers and employees, with an impartial chairman, while the arbitration court usually consists of one member only, who may, however, be assisted by experts or assessors.

A recent tendency in Australia is to combine the most successful features of the two systems. Thus, Victoria since 1903 and South Australia since 1907 have had courts of industrial appeals, which may review the determinations of wages boards. Queensland since 1912 has had an industrial court to which appeals may be made. In Tasmania appeal from a wages-board determination may be made to the supreme court. On the other hand, New South Wales introduced in 1908 wages boards (or "industrial boards") in connection with its system of compulsory arbitration, and New Zealand in the same year added conciliation councils, whose functions and methods are somewhat similar to those of the wages boards in Australia.

In addition to the laws providing for the fixing of a minimum wage by wages boards or courts of arbitration, the laws specifying a wage below which no worker may be employed, which have already been referred to, are important as limiting the wages for children or apprentices. A special reason for their enactment was to prevent the employment of children or apprentices without any wage or at a premium, as was often done under the pretense of teaching the trade. All of the Australasian States except Western Australia now

have such laws. In New Zealand the law specifies a minimum of 5s. (\$1.22) a week for the first year, 8s. (\$1.95) a week for the second year, to be increased 3s. (73 cents) a week for each additional year of employment in the same trade until a wage of 20s. (\$4.87) is reached. No premium may be paid, nor any deduction made from the wages of any boy or woman under 18 except for time lost through the worker's fault or illness, or on account of the temporary closing of the factory for cleaning or repairing of machinery. Under the corresponding laws the minimum in Victoria is 2s. 6d. (60.8 cents) a week; in South Australia, New South Wales, and Tasmania, 4s. (97.3 cents) a week; and in Queensland, 5s. (\$1.22) a week. In Queensland and Tasmania the law provides for an increase in wages, according to years of service, somewhat as in New Zealand.

The minimum-wage laws, both in New Zealand and in Australia, met with much criticism and opposition in the earlier years. In spite of this fact, however, they have been extended from year to year, until they now apply to practically all industries in all the States. Thus in Victoria the act of 1896, which at first applied to 6 sweated trades only, has been renewed by the approval of the legislature five successive times. The gradual application to the factories and industries in Victoria may be seen by the addition by action of Parliament in 1900 of 21 trades, in 1901 of 11 trades, in 1903 of 1 trade, in 1906 of 11 trades, in 1907 of 2 trades, in 1908 of 4 trades, in 1909 of 16 trades, in 1910 of 20 trades, in 1911 of 12 trades, in 1912 of 19 trades, and in 1913 of 2 trades. In addition by action of the governor in council under the general authority of the law 8 boards were appointed in 1911 and 1 in 1912. The number of special boards existing or authorized at the end of 1913 was 134, affecting approximately 150,000 employees. The extent of the system in the several States, as shown by available reports on April 30, 1914, may be seen from the following statement. The industrial agreements referred to have the force of awards:

New South Wales:

Industrial boards, 208.

Number of awards in force, 260.

Industrial agreements in force, 71.

Membership of unions, about 200,000.

Victoria:

Wages boards, 131.

Number of determinations in force, 129.

Persons affected, 150,000.

Queensland:

Industrial boards, 81.

Number of awards in force, 76.

Persons affected, over 90,000.<sup>1</sup>

<sup>1</sup> At the end of June, 1914, the number of persons affected by industrial-board awards in Queensland was reported as 90,000 under 92 awards.

**South Australia:**

- Wages boards, 51.
- Number of determinations in force, 54.
- Persons affected, 25,000.

**Western Australia:**

- Number of awards in force, 18; number of awards pending, 19.
- Number of industrial agreements in force, 93.
- Membership of registered industrial unions, 30,000.

**Tasmania:**

- Wages boards, 21.
- Number of determinations in force, 19.

**Commonwealth of Australia:**

- Number of awards in force, 17.
- Number of industrial agreements in force, 233.

**New Zealand:**

- Number of industrial unions, December 31, 1913, 399.
- Membership of industrial unions, 72,000.
- Number of industrial agreements and awards in force March 31, 1912, 373.

During the period since the enactment of these laws, the industries of the various States have maintained a steady growth and it is reported that the systems of fixing minimum wages have not been found a check upon this growth.

Such reports as are available from the Australasian States do not disclose any tendency, after the many years during which the laws have been in effect, to make the minimum also the maximum rate. A New Zealand report discussing this question in 1910 showed that in trades where minimum rates had been fixed by the arbitration court, employing some 7,400 workers, 62 per cent were receiving in excess of the minimum established by the court. The investigation covered the four principal cities of the colony. In Auckland 63 per cent received in excess of the minimum; in Wellington, 64 per cent; in Christchurch, 63 per cent, and in Dunedin, 56.5 per cent.<sup>1</sup>

In the Australasian States the wage rates fixed by the wages boards and industrial courts are not for unskilled and low-grade workers only, but for all occupations, skilled as well as unskilled. The "living wage" is accepted as the basis for laborers, but above this many rates are fixed, for the several occupations coming under the jurisdiction of a board, according to skill. Thus, in a typical Victorian determination of the engineering board, while a rate of 48s. (\$11.68) for a 48-hour week is fixed for laborers, various higher minimum rates are fixed for the other occupations up to 66s. (\$16.06) for blacksmiths, fitters, turners, etc., and 72s. (\$17.52) for pattern makers.<sup>2</sup>

For apprentices and learners special minimum rates, below the cost of living minimum for adults, are fixed according to age, the rates usually being increased at regular intervals to the end of a fixed period, when the scale for adults comes into effect. An im-

<sup>1</sup> See page 171.

<sup>2</sup> See also page 124 et seq.

portant duty of the Australasian determinations and awards is the fixing of the proportion of apprentices and learners.

Great Britain in introducing minimum-wage legislation took the Victorian system as a model after an investigation by a commissioner in 1908. The first British legislation was the trade boards act of 1909, enacted October 20, 1909, and in effect January 1, 1910. The law as enacted applied to four trades: Chain making by hand, paper-box making, lace finishing, and wholesale tailoring. These trades were estimated to employ about 250,000 persons, more than two-thirds of whom were women. The avowed purpose of the act was to deal with sweated industries, and the four first chosen were chosen because of the low wages which they were known to pay. On August 15, 1913, by the trade boards provisional orders confirmation act of 1913, the law was extended practically without opposition to include four other industries: Sugar confectionery and food preserving, shirt making, hollow ware, and cotton and linen embroidery. These industries have been estimated to employ about 150,000 persons.

Under this act one or more wages or trade boards may be established by the Board of Trade for each of the specified industries. The boards must consist of equal numbers of persons representing employers and employees and a smaller number of appointed members unconnected with the trade. The number of appointed members must be less than half the total number of representative members. One of the members is named by the Board of Trade as chairman. The trade boards are authorized to fix minimum time rates or minimum piece rates, and may fix special rates for any particular class of work. The rates may differ according to district or according to persons. The boards have power to issue permits to slow, aged, or infirm workers to be employed for less than the minimum rate.

Before fixing any minimum rate the trade board must give notice of the rate which it proposes to fix and consider any objections which may be filed with it within three months. At the conclusion of the three months' period the rate may be fixed by the trade board and then comes into operation to a limited extent. Six months later the Board of Trade must issue an order making the rate obligatory upon all employers, unless the Board are of the opinion that the circumstances are such as to make it premature or otherwise undesirable.

For the extension of the act to other trades a provisional order of the Board of Trade is necessary, which must have the approval of Parliament.

The methods of the British trade boards in fixing minimum rates are similar to those followed by the wages boards in Australia. One minimum rate is usually established for workers above a certain age engaged in a process or occupation, while for younger workers a minimum rate considerably lower is established, increasing according to duration of employment. It is claimed that the result of fixing a

graded scale of pay, rising year by year, for apprentices and learners is that employers are induced in their own interest to see that proper instruction is given in order to improve the value of the services of the employee.

The following statement shows in part the minimum rates fixed for the ready-made and wholesale tailoring trade in Great Britain:

	Per hour.
Female workers other than home workers.....	3½d. (6.6 cents).
Female home workers.....	3½d. (6.6 cents).
Female learners, commencing at 14 and under 15 years of age:	
	Per week of 50 hours.
First 6 months.....	3s. (73 cents).
Second 6 months.....	4s. 6d. (\$1.10).
Third 6 months.....	6s. (\$1.46).
Fourth 6 months.....	7s. 3d. (\$1.76).
Fifth 6 months.....	8s. 4d. (\$2.03).
Sixth 6 months.....	9s. 5d. (\$2.29).
Seventh 6 months.....	11s. 5d. (\$2.78).
Eighth 6 months.....	12s. 6d. (\$3.04).

In the trade in question different rates are provided for learners commencing at 15 and under 16 years of age, at 16 and under 21 years of age, and at 21 years of age and over. This grading of minimum rates according to age and experience is a characteristic feature of the determinations of the British and Australian wages boards. It will be noticed that the number of grades and length of the periods fixed for learners and apprentices are greatly in excess of those thus far fixed by American commissions.

An important industry to which the legal-minimum-wage principle has been applied in Great Britain is coal mining, the coal mines (minimum wage) act of 1912 having been enacted March 29, 1912, providing for the establishment of boards for fixing minimum rates for all underground workers in coal mines, numbering over 800,000, the greatest body of workers anywhere under the protection of a minimum-wage act. The act expires by limitation three years after its approval unless extended by Parliament. This law was enacted as a compromise in settlement of an important strike, the workers at the time having made a strong demand for the introduction of a minimum wage into the law itself, a demand which was not granted by Parliament. The measure as passed provided for the establishment of joint district boards, consisting of representatives of employers and employees, with an independent chairman appointed by them. The boards may fix wage rates, rules, and conditions of work. The country, for the purposes of the law, is divided into 22 districts, each of which has a wages board. The application of the legal minimum wage to the coal-mining industry in Great Britain is especially significant, because of the fact that the employees are very largely adult males and very strongly organized.

Statistics are not available to show precisely the gains which have resulted to the workers from the operation of these laws, but such information as is available shows very considerable gains in wage rates in particular cases, especially to the lowest-grade workers. The gains also, it has been stated, extend to workers formerly earning above the minimum fixed.<sup>1</sup>

All of the foreign minimum-wage laws above referred to are applicable to men, as well as to women and children, in this respect differing from the American laws, all of which have one principle in common in that they apply only to women and minors.

Minimum-wage legislation in the United States began with the enactment of the Massachusetts law of June 4, 1912, which, however, did not come into effect until July 1, 1913. Legislation in Massachusetts was followed by similar legislation in eight other States during 1912 and 1913. As regards the scope of the laws, in California, Oregon, and Washington the commissions have authority to fix the conditions of labor, as well as minimum-wage rates, and in California and Oregon to fix maximum hours, but in California the hours fixed may not be in excess of those fixed by specific statute. In Wisconsin the industrial commission under an earlier enactment may fix maximum hours and conditions of labor. In all the other States except Utah the powers granted under these laws are limited to fixing minimum wages. In Utah only the minimum-wage rates are fixed in the act, namely:

For minors under 18, not less than 75 cents a day.

For adult learners and apprentices, not less than 90 cents a day, with the learning or apprenticeship period limited to one year.

For experienced adults, not less than \$1.25 per day.

The basis for determining the minimum wage is in all the other American laws the necessary cost of living, but in Colorado, Massachusetts, and Nebraska consideration must be given also to the financial condition of the business and the probable affect thereon of any increase in the minimum wage. By exception a lower wage may be paid to those who are physically defective. For learners and apprentices a substandard minimum is provided for in some but not in all of the laws.

The American acts do not contain any provision specifically authorizing a commission to limit the number or proportion of apprentices. However, under its power to limit the number of apprentices to those holding licenses, the Washington commission has undertaken to limit the number of apprentices. The Wisconsin act contains a similar provision.

The administration of the laws is, except in the case of Utah, in the hands of a commission, either appointed for the purpose or having general functions in regard to the administration of labor laws.

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<sup>1</sup> See page 129 et seq.

In Utah the administration of the law is in the hands of the commissioner of immigration, labor, and statistics. The commissioners are in all cases appointed by the governor.

Preliminary to the fixing of minimum-wage rates, investigation by the commission, either upon its own initiative or upon complaint, is required, the commissioners having authority to subpoena witnesses, administer oaths, and examine books. The work of determining the proper minimum wage is in all cases, except Colorado and Utah, in the hands of a subordinate wage board, these boards, however, only serving in an advisory capacity to the administrative commission, which may refer back all or any part of the recommendations for further investigation and consideration or may appoint a new wage board.

The wage boards consist of equal numbers of representatives of employers and employees and one or more representatives of the administrative commission or of the public. The boards, upon being established, consider the results of the preliminary investigations and may make further investigations, endeavoring in conference to agree upon the minimum wage to be recommended. When the report of the wage boards has been accepted by the administrative commissions, public hearings must be held, with due notice. If, after the hearings, no change is considered necessary in the recommendations, they are published as orders, which become effective after 30 days in Minnesota and Wisconsin and after 60 days in California, Colorado, Oregon, and Washington. In Massachusetts the commission enters a decree of its findings and at the same time notes thereon the names of employers who fail or refuse to accept the minimum wage. These names may be published by the commission when advisable. In Nebraska the procedure is as in Massachusetts except that the names of employers paying less than the minimum must be published within 30 days.

In all the States except Minnesota special provision is made for court review. In Oregon and Washington only questions of law may be referred to the court. In California, in addition, the court may set aside a determination if the commission act without or in excess of its powers or if the determination was procured by fraud. In California and Wisconsin the determination may be set aside if unreasonable or unlawful; in Massachusetts, if compliance would prevent a reasonable profit; in Nebraska, if likely to endanger the prosperity of the business.

In all the States except Massachusetts and Nebraska a penalty of fine or imprisonment, or in some cases of both, is provided for paying less than the minimum wage fixed or for failure to comply with the other conditions of the determination. In Massachusetts and Nebraska the only power of enforcement given to the commission is such as is contained in the authority to publish the names of employers paying less than the minimum wage fixed.



The preliminary work necessary to fixing minimum-wage rates is considerable and only a few of the States have yet reached this point in the administration of their minimum-wage laws. In Utah, where the rate was fixed in the law, it came into effect with the law without formality. In Minnesota wage orders were issued in October, 1914, fixing wages, but an injunction issued the day before the orders were to become effective suspended their enforcement, and the matter is still awaiting the decision of the State supreme court. In some of the other States action has been delayed pending the decision of the United States Supreme Court upon the constitutionality of the Oregon act.<sup>1</sup> The wage determinations thus far available, and the dates when effective, are as follows. It will be observed that the variations for age and experience in the rates fixed in these determinations are much less numerous than in those of the British and Australian wages boards:

#### OREGON.

October 4, 1913, in manufacturing or mercantile establishments, millinery, dress-making or hairdressing shops, laundries, hotels, restaurants, telephone or telegraph establishments or offices in the State, for girls between 16 and 18 years, a minimum wage of \$1 a day.

November 10, 1913, in manufacturing establishments in Portland, for experienced adult women, a minimum weekly rate of \$8.64.

November 23, 1913, in mercantile establishments in Portland, for experienced adult women, a minimum weekly rate of \$9.25.

February 2, 1914, in offices in Portland, for experienced adult women, a minimum rate of \$40 per month.

February 7, 1914, in any industry in the State, experienced adult women, a minimum weekly rate of \$8.25.

February 7, 1914, for inexperienced adult women, a minimum weekly rate of \$6. Such workers shall be considered inexperienced not more than one year.

August 31, 1914, in millinery and dressmaking trades, for women and girls with no previous experience, a preapprenticeship period of 30 days' employment to test fitness for the trade will be allowed at a weekly rate of less than \$6.

#### WASHINGTON.

June 27, 1914, in mercantile establishments, for any female over 18, a minimum weekly rate of \$10.

June 27, 1914, in mercantile establishments, for any person under 18, a minimum weekly rate of \$6.

August 1, 1914, in factories, for any female over 18, a minimum weekly rate of \$8.90.

August 1, 1914, in factories, for any person under 18, a minimum weekly rate of \$6.

August 24, 1914, in laundries and dye works, for any female over 18, a minimum weekly rate of \$9.

August 24, 1914, in laundries and dye works, for any person under 18, a minimum weekly rate of \$6.

September 7, 1914, in any establishment in connection with the operation of a telephone or telegraph line, for any female over 18, a minimum weekly rate of \$9.

October 7, 1914, in any establishment in connection with the operation of a telephone or telegraph line, for any person under 18, a minimum weekly rate of \$6 (this order does not apply to messengers in third-class cities or towns who are not continuously employed and who are paid by the piece).

<sup>1</sup> See page 66.

February 20, 1915, as stenographer, bookkeeper, typist, billing clerk, filing clerk, cashier, checker, invoice clerk, comptometer operator, or any clerical work of any kind, for any female over 18, a minimum weekly rate of \$10.

February 20, 1915, as stenographer, bookkeeper, typist, billing clerk, filing clerk, cashier, checker, invoice clerk, comptometer operator, or any clerical work of any kind, for any person between 16 and 18, a minimum weekly rate of \$7.50; for any person under 16, a minimum weekly rate of \$6.

Also the following rules in regard to apprentices:

June 27, 1914, in mercantile establishments, for apprentices—

First 6 months, a minimum weekly rate of \$6.

Second 6 months, a minimum weekly rate of \$7.50.

And not more than 17 per cent of the total number of adult female employees shall be apprentices, and not more than 50 per cent of apprentices shall receive a weekly wage of less than \$7.50.

Millinery and dressmaking, one year's apprenticeship—

17 weeks at \$3 a week.

17 weeks at \$5 a week.

18 weeks at \$7.50 a week.

Manicuring and hairdressing, one year's apprenticeship, in 4 periods of 3 months each—

First period, \$1.50 a week.

Second period, \$4 a week.

Third period, \$6 a week.

Fourth period, \$8 a week.

Telephone, 9 months' apprenticeship—

3 months at \$6 a week.

2 months at \$6.60 a week.

2 months at \$7.20 a week.

2 months at \$7.80 a week.

In the smaller exchanges—

4 months at \$6 a week.

5 months at \$7.50 a week.

Laundry, 6 months' apprenticeship—

3 months at \$6 a week.

3 months at \$7.50 a week.

Factories, 6 months to one year's apprenticeship, with two or more periods, beginning at \$6 a week.

Office employment, 6 months' apprenticeship, at \$7.50 a week.

#### MASSACHUSETTS.

Brush industry, August 15, 1914:

For experienced female employees, a minimum wage of 15½ cents an hour.

For learners and apprentices, 65 per cent of the above minimum.

Period of apprenticeship shall not be more than 1 year.

These findings shall apply also to all minors.

The material available for arriving at a judgment of the effect of the minimum-wage laws in the various States is as yet very limited. Such laws must be regarded as still in the experimental stage so far as the United States is concerned. A study of their operations over a considerable period of time and under a variety of conditions will be necessary before any definite conclusion as to their ultimate effect can be reached. In Utah, as the wage scale came into force with the law itself on March 13, 1913, there is a considerable period

of experience to indicate the effect of the law. In the other States where wage rates have come into force, the longest experience is found in Oregon, where the first determination was October 4, 1913. In Washington the first determination dates back only to June 27, 1914, and in Massachusetts only to August 15, 1914. In the last-named State the wage scale is applicable to only one industry, and that one employing only a small number of persons.

In Utah an informal report by the official charged with the administration of the act, after an experience of slightly over a year, stated that (1) the law had been instrumental in raising the wages of a number of women and girls; (2) it had not increased the pay roll, in establishments employing any considerable number of women, over 5 per cent; (3) it had not caused the minimum to become very nearly the maximum wage. A much larger number of employees are drawing a wage in excess of the highest minimum than are paid the legal wage itself. (4) Most employers admit that they have obtained increased efficiency since the law came into effect. (5) The law has tended to equalize the cost of production or of selling among the various manufacturers and merchants.<sup>1</sup>

In Oregon the only official report available furnishes no information in regard to the effect of the wage rates which have been put into force. With the purpose of securing full and accurate information in regard to the effect upon the employees and the industry of a typical minimum-wage law, an intensive study of the Oregon act, as the minimum act longest in operation, was undertaken by the Bureau of Labor Statistics in cooperation with the Commission on Industrial Relations. \*The results of this study will be published as a bulletin of this Bureau within a few months.

In Washington a survey by the State commission of the three leading industries in which the minimum wage was first established, mercantile establishments, laundries, and telephone exchanges, showed that while 60 per cent (50 per cent in the stores) of the women employed were receiving less than the minimum wage prior to the application of the law, the wages of practically all of these workers had been raised to the minimum without serious opposition and without injury to the industries. No leveling down of wages was found, but, on the contrary, a larger number than formerly were receiving in excess of the wage fixed as the established minimum. The women workers have been neither dismissed nor displaced by cheaper employees, and the number replaced by apprentices or minors is reported to be so small as to be a negligible factor.<sup>2</sup>

In Massachusetts no determination has been in effect for longer than six months and no official information is available to show the effect of the new scale of pay upon either the workers or the industry.

<sup>1</sup> See page 75.

<sup>2</sup> See page 78 et seq.

## MINIMUM-WAGE LEGISLATION IN THE UNITED STATES.

### REASONS WHICH HAVE BROUGHT ABOUT MINIMUM-WAGE LEGISLATION IN THE UNITED STATES.

In studying minimum-wage legislation in the United States it may be proper to consider the reasons which have usually been put forward in the States where minimum-wage legislation has been enacted for the passage of the existing laws. These may be summarized briefly as—

1. In many industries a large proportion of the wage earners are women who are dependent upon their own earnings and in many cases are also the principal support of others.

2. A considerable proportion of these women, and, in fact, of all women wage earners, are paid wages inadequate to supply a reasonable standard of living.

3. In a considerable number of these industries, however low the wages paid in some establishments may be, other establishments are to be found in the same localities paying a living wage and successfully competing with those of the lower-wage standard.

While there have been within a few years many local investigations of the wages and conditions of women wage earners, the Bureau of Labor Report on Condition of Woman and Child Wage Earners in the United States has been most often cited as showing conditions throughout a wide area. Thus this report showed<sup>1</sup> that in a group of 1,698 women employed in department and other retail stores in seven of the principal cities, 26.1 per cent were without homes and entirely dependent upon their own earnings, and that of those living at home 68.5 per cent turned in all of their earnings toward the family support. In a similar group of 5,014 women employed in mills and factories in the same cities, 17.5 per cent were found to be without homes and dependent upon their own earnings, and among those living at home 77.2 per cent turned in all their earnings to the family. In another part of the woman and child labor investigation it was found that in a group of some 4,800 families with girls 16 years of age and over at work in the cotton, men's ready-made clothing, glass, and silk industries, these girls contributed nearly all their earnings to the family support, the average per cent of total

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<sup>1</sup> Vol. V., pp. 15 and 19 to 21.

earnings contributed ranging from 86 per cent in the glass industry to 96 per cent in the silk industry and 97 in the cotton industry in New England; or, measured in another way, their contributions constituted of the total family income 27 per cent in the glass industry, 40 per cent in the clothing industry, 35 per cent in the silk industry, and 43 per cent in the New England cotton industry.<sup>1</sup>

In the group of women employed in department and other retail stores already referred to, the average weekly earnings of 30.8 per cent were under \$6 and of 66.2 per cent under \$8. A study of the pay rolls of department and other retail stores in New York, Chicago, and Philadelphia, including 36,000 female employees, showed that the weekly rates of pay of 26.4 per cent fell below \$6 and of 57.7 per cent below \$8. In the group of women employed in mills and factories already referred to, the average weekly earnings of 40.1 per cent fell below \$6 and of 74.3 per cent below \$8.<sup>2</sup>

Similar figures are available from the same report covering the four great industries, cotton, men's clothing, glass, and silk. The percentages of women 16 years of age and over whose wages in a representative week fell below \$6 and \$8 were found to be as follows:

PER CENT OF WOMEN 16 YEARS OF AGE AND OVER EARNING UNDER \$6 AND UNDER \$8 IN A REPRESENTATIVE WEEK.

Industry.	Total number.	Per cent earning—	
		Under \$6.	Under \$8.
Cotton:			
New England.....	13,744	38.0	67.5
Southern.....	12,654	68.0	90.9
Men's ready-made clothing.....	10,149	49.0	73.1
Glass.....	2,774	64.0	91.5
Silk.....	8,596	45.4	71.1

In another section of the woman and child labor investigation, where the wages of over 38,000 women 18 years of age and over were secured, the following percentages were found to be receiving less than \$6 and less than \$8 in a representative week.

<sup>1</sup> Vol. I, pp. 433, 436; Vol. II, pp. 365, 368; Vol. III, pp. 525, 527; Vol. IV, pp. 259, 261.

<sup>2</sup> Vol. V, pp. 41, 45, and 46.

PER CENT OF FEMALE EMPLOYEES 18 YEARS OF AGE AND OVER EARNING LESS THAN \$6 AND LESS THAN \$8 IN A REPRESENTATIVE WEEK, BY INDUSTRIES.

[Source: Report on Condition of Woman and Child Wage Earners in the United States, Vol. XVIII, p. 23.]

Industry.	Number.	Per cent earning—	
		Under \$6.	Under \$8.
Canning and preserving, fruits and vegetables.....	449	59.2	93.5
Canning and preserving, oysters.....	155	99.4	100.0
Cans and boxes, tin.....	225	50.2	79.5
Cigar boxes.....	335	61.8	84.5
Cigarettes.....	1,071	33.1	75.4
Cigars.....	5,994	39.3	71.3
Clocks and watches.....	696	33.5	72.3
Confectionery.....	1,948	55.6	81.3
Core making.....	307	22.1	61.9
Corsets.....	2,789	29.7	58.9
Crackers and biscuits.....	1,273	54.0	82.0
Hardware, etc.....	803	57.9	88.2
Hosiery and knit goods.....	7,251	31.7	64.0
Jewelry.....	129	31.8	67.4
Needles and pins.....	427	27.2	61.6
Nuts, bolts, and screws.....	433	61.7	92.1
Paper boxes.....	2,213	40.1	74.5
Pottery.....	503	45.5	65.8
Rubber and elastic goods.....	233	28.8	56.7
Shirts, overalls, etc.....	2,371	55.5	89.9
Stamped and enameled ware.....	992	45.0	72.7
Tobacco and snuff.....	3,670	55.6	79.9
Woolen and worsted goods.....	3,915	29.7	58.9
Total.....	38,182	41.1	72.7

The wide variation in the wages of women in unskilled occupations in the same industry is illustrated in the following table:

COMPARATIVE AVERAGE WAGES OF WOMEN IN 4 SELECTED OCCUPATIONS IN 13 SELECTED ESTABLISHMENTS IN THE GLASS INDUSTRY.

[Source: Report on Condition of Woman and Child Wage Earners in the United States, Vol. III, Glass Industry, p. 408.]

State.	Total. <sup>1</sup>			Selecting.			Wrapping.			Washing.			Grinding (hand).		
	Es- tab- lish- ment num- ber.	Num- ber of per- sons.	Aver- age wage per hour.	Es- tab- lish- ment num- ber.	Num- ber of per- sons.	Aver- age wage per hour.	Es- tab- lish- ment num- ber.	Num- ber of per- sons.	Aver- age wage per hour.	Es- tab- lish- ment num- ber.	Num- ber of per- sons.	Aver- age wage per hour.	Es- tab- lish- ment num- ber.	Num- ber of per- sons.	Aver- age wage per hour.
Pa.....	1	26	Cts. 5.9	1	16	Cts. 5.7	2	6	Cts. 5.7	1	10	Cts. 5.2	3	6	Cts. 6.2
Ohio....	2	16	6.3	5	6	7.6	4	10	6.4	2	6	5.4	5	3	6.7
Pa.....	3	28	6.7	4	9	7.7	3	9	6.6	3	6	6.0	7	27	7.9
W. Va..	4	24	6.9	9	12	7.7	5	9	7.1	4	5	6.5	10	15	9.7
Pa.....	5	18	7.2	3	7	8.0	10	4	7.2	6	3	7.3	11	2	11.6
Ohio....	6	23	8.1	6	20	8.2	7	24	7.5	12	6	7.5	8	15	12.4
Pa.....	7	79	8.1	8	45	8.4	8	19	7.7	7	6	7.9	9	4	14.3
Ohio....	8	79	9.0	2	4	8.7	11	4	8.7	11	3	9.4	12	4	15.0
Do.....	9	34	9.3	7	22	9.0	9	6	8.9	9	12	9.6	6	.....	.....
Do.....	10	28	9.5	12	2	9.3	13	3	12.2	13	3	10.0	2	.....	.....
W. Va..	11	12	9.7	11	3	10.0	12	6	12.9	5	.....	.....	13	.....	.....
Ohio....	12	18	11.2	10	9	10.0	6	.....	.....	10	.....	.....	4	.....	.....
Do.....	13	29	11.9	13	23	12.1	1	.....	.....	8	.....	.....	1	.....	.....

<sup>1</sup> In the total division the establishments are given consecutive numbers, these numbers being attached to the same establishments in each of the occupational divisions.

As these four occupations are all of a relatively unskilled character, it might fairly be supposed that there would be no great variation in the rate of wages, yet the table shows that for three of them the

average wage paid by the establishments at one extreme is at least double that paid by the establishment at the other extreme, while in the fourth occupation, washing, the variation is little short of 100 per cent. In grinding the variation is particularly great, the difference between 6.2 cents an hour and 15 cents an hour being, on a 58 hour per week basis, the difference between \$3.60 and \$8.70 a week.

The report of the Massachusetts Commission on Minimum Wage Boards disclosed similar variations in rates of pay in the same industry and in the same locality.<sup>1</sup> In England also investigations have shown extraordinary variations in women's wages. In some cases one worker will be getting twice as much for doing a certain piece of work as the woman who works next door. Especially striking instances of this fact have been pointed out in home work, but such examples are not limited to home workers but exist in factories and workshops as well. A firm in Whitechapel has been referred to which pays its tea packers 16s. (\$3.89) a week, while another firm in the same neighborhood pays 7s. 6d. (\$1.82) for the same work. One firm of cocoa manufacturers pays 1s. 3d. (30.4 cents) for the filling of 1,000 bags. Another close at hand pays only 8d. (16.2 cents).<sup>2</sup>

"As showing that at present no standard of payments exists in many women's trades, Miss Macarthur, secretary of the Women's Trade Union League, giving evidence before the select committee of the House of Commons, mentioned the case of two cartridge workers who left one factory in the Edmonton district for another newly opened in the district. The one girl is able to earn now about half what she earned at the Edmonton factory, and the other girl in another department is earning double what she earned at Edmonton. So that would show that in one department that firm is paying nearly 100 per cent more, and in another department 40 or 50 per cent less, than the other firm."<sup>2</sup>

In Massachusetts a commission on minimum-wage boards was appointed in 1911, the object of which as stated in the law was, "To report on the advisability of establishing a board or boards to which shall be referred inquiries as to the need and feasibility of fixing minimum rates of wages for women and minors in any industry." The commission, it was provided, should consist "of five persons, citizens of the Commonwealth, of whom at least one shall be a woman, one shall be a representative of labor, and one shall be a representative of employers."

The commission, after extensive investigations, submitted its report, recommending the enactment of a law providing for minimum-wage boards, in January, 1912.

<sup>1</sup> Pages 58, 117, and 160.

<sup>2</sup> The case for wages boards. By J. J. Mallon. (In *Première conférence internationale des ligues sociales d'acheteurs*, Genève, 24-26 septembre, 1908.) pp. 429-449.

The scope of the investigation of the Massachusetts commission is indicated by its statement in its report that: "To obtain an accurate view of the condition of labor so far as the women and minors are concerned, it is especially of service to ascertain, if possible, not only the wage schedules, but the actual weekly and annual earnings, the variation of these earnings with age and experience, the irregularity of employment due both to industrial conditions and to the physical exhaustion and ill health of the employees, the economic status of the workers in so far as they are aided by other members of a family group, or by charity, or are themselves called on to support others."

The commission collected wage schedules from 6,900 persons, and a certain amount of personal and domestic data from 4,672 persons. Employees in 91 establishments in 18 localities were investigated. The commission also made use of the material relating to female cotton operatives included in the Federal Bureau of Labor Report on Condition of Woman and Child Wage Earners in the United States. "Altogether, information, more or less detailed but all of a thoroughly reliable character, being based upon pay rolls and first-hand inquiries by trained investigators, was gathered covering 15,278 female wage earners engaged in four different occupations in the Commonwealth."

The number of employees included in the investigation whose wages were ascertained is shown in the following table:

NUMBER OF FEMALE WORKERS UNDER 18 YEARS OF AGE AND 18 YEARS OF AGE AND OVER IN THE INDUSTRIES INVESTIGATED.

	Confection- ery.	Stores.	Laundries.	Cotton.	Total.
Under 18 years of age.....	301	467	130	1,088	1,986
18 years of age and over .....	1,218	2,861	847	6,933	11,859
Total.....	1,519	3,328	977	8,021	13,845

The average weekly earnings of the employees included in the investigation in the various industries covered are shown in the following table. The earnings are expressed in percentages of workers receiving under a specified amount per week.

PER CENT OF FEMALE EMPLOYEES 18 YEARS OF AGE AND OVER INVESTIGATED RECEIVING WEEKLY WAGES UNDER SPECIFIED AMOUNTS.

	Per cent of employees receiving weekly wage—				
	Under \$5.	Under \$6.	Under \$7.	Under \$8.	\$8 and over.
Candy factories.....	41.0	65.2	82.3	93.1	6.9
Retail stores.....	10.2	29.5	47.9	60.4	39.6
Laundries.....	16.1	40.7	60.1	75.1	24.9
Cotton.....	23.0	37.9	53.0	66.8	33.2
Total.....	22.2	38.9	55.3	68.6	31.4



By the above figures it is seen that 41 per cent of the candy workers, 10.2 per cent of the saleswomen, 16.1 per cent of the laundry workers, and 23 per cent of the cotton workers earn less than \$5 a week, and that, respectively, 65.2 per cent, 29.5 per cent, 40.7 per cent, and 37.9 per cent of them earn less than \$6 a week. In these four industries, therefore, we find low wage rates for a very considerable number of persons.

The question how far the wages of the above four industries may be taken as representative of conditions broadly prevalent is answered in part by the figures supplied by the [Massachusetts] bureau of statistics.

The following table presents this information in the form of percentages of workers earning specified amounts per week:

PER CENT OF FEMALE EMPLOYEES IN ALL MANUFACTURING INDUSTRIES RECEIVING WEEKLY WAGES UNDER SPECIFIED AMOUNTS.

	Per cent of employees receiving weekly wage—				
	Under \$6.	Under \$7.	Under \$8.	\$8 and over.	Total.
21 years and over.....	17.7	33.8	50.6	49.4	100.0
18 years to 21 years <sup>1</sup> .....	24.2	47.7	65.8	34.2	100.0
Total 18 years and over <sup>1</sup> .....	19.0	36.6	53.7	46.3	100.0

<sup>1</sup> Estimated.

Examination of the findings of our own investigators shows that the lowest range of wages is less uniformly distributed within an industry than the statement of an average would suggest. For instance, in the candy industry, with its 41 per cent of adult women receiving less than \$5 a week, a comparison of wage rates in 11 different establishments shows that the lowest wages are confined to 4 factories, in 1 of which, indeed, 53.3 per cent of the employees received less than \$5, while the other 7 factories paid not one single employee of 18 or over so low a wage. The difference between these factories in the kind and the grade of their product can not account for the differences in the wage scale, as both the higher and the lower wage scale prevailed in the factories manufacturing the cheaper line of confectionery.

Similar differences between different establishments were found in the stores and the laundries. In the stores, indeed, the large and presumably prosperous establishments of Boston in many cases paid a lower wage than was paid in some of the small suburban establishments, and lower wages than were paid in Brockton or Springfield. Doubtless similar inequalities between different establishments would be found to prevail in other industries. In so far as this is the case, it is evidence that the industry will bear a higher rate of compensation than some employers pay. These latter, whether because of inefficient management or because they are making unusual profits, are doing business at the expense of their employees.

These inequalities of wages in the same industry are evidence of the fact to which some of the more thoughtful employers testified—that the rate of wages depends to a large degree upon the personal equation of the employers and upon the helplessness of their employees, and to a very inexact degree upon the cost of labor in relation to the cost of production.

From the foregoing tables it will be seen that a large number of women of 18 years of age and upward are employed at very low wages; it is indisputable that a great part of them are receiving compensation that is inadequate to meet the necessary cost of living.

The commission was further directed to report on the advisability of establishing a board or boards to which shall be referred inquiries as to the need and feasibility of fixing minimum rates of wages for women or minors in any industry. To this part of its duties the commission has given considerable attention. Such a system of legislation has been in operation in the State of Victoria, Australia, since, 1896, and in Great Britain since January, 1910. Some form of fixing legal minimum wages is also in operation in the other Australian States and in New Zealand.

The commission, after discussing the need of minimum-wage legislation in Massachusetts with the reasons for and objections to such legislation, concluded by recommending the enactment of a minimum-wage law, for the following reasons:

1. It would promote the general welfare of the State because it would tend to protect the women workers, and particularly the younger women workers, from the economic distress that leads to impaired health and inefficiency.

2. It would bring employers to a realization of their public responsibilities, and would result in the best adjustment of the interests of the employment and of the women employees.

3. It would furnish to the women employees a means of obtaining the best minimum wages that are consistent with the ongoing of the industry without recourse to strikes or industrial disturbances. It would be the best means of insuring industrial peace, so far as this class of employees is concerned.

4. It would tend to prevent exploitation of helpless women and, so far as they are concerned, to do away with sweating in our industries.

5. It would diminish the parasitic character of some industries and lessen the burden now resting on other employments.

6. It would enable the employers in any occupation to prevent the undercutting of wages by less humane and considerate competitors.

7. It would stimulate employers to develop the capacity and efficiency of the less competent workers in order that the wages might not be incommensurate with the services rendered.

8. It would accordingly tend to induce employers to keep together their trained workers and to avoid, so far as possible, seasonal fluctuations.

9. It would tend to heal the sense of grievance in employees, who would become in this manner better informed as to the exigencies of their trade, and it would enable them to interpret more intelligently the meaning of the pay roll.

10. It would give the public assurance that these industrial abuses have an effective and available remedy.

An investigation which preceded the enactment of the Oregon minimum-wage law, the results of which determined the action of

the legislature, was made by the Consumers' League of Oregon and published in January, 1913.<sup>1</sup>

In presenting its report, the survey committee stated as the outstanding principles and facts which formed the basis of the demand for the proposed minimum-wage legislation the following:

(1) Each industry should provide for the livelihood of the workers employed in it. An industry which does not do so is parasitic. The well-being of society demands that wage-earning women shall not be required to subsidize from their earnings the industry in which they are employed.

(2) Owing to the lack of organization among women workers and the secrecy with which their wage schedules are guarded, there are absolutely no standards of wages among them. Their wages are determined, for the most part, by the will of the employer without reference to efficiency or length of service on the part of the worker. This condition is radically unjust.

(3) The wages paid to women workers in most occupations are miserably inadequate to meet the cost of living at the lowest standards consistent with the maintenance of the health and morals of the workers. Nearly three-fifths of the women employed in industries in Portland receive less than \$10 a week, which is the minimum weekly wage that ought to be offered to any self-supporting woman wage earner in this city.

(4) The present conditions of labor for women in many industries are shown by this report to be gravely detrimental to their health; and since most women wage earners are potential mothers, the future health of the race is menaced by these unsanitary conditions.

For these reasons your committee believes that the passage of the proposed bill for an act creating an industrial welfare commission is most important and we strongly recommend that the Consumers' League urgently petition the legislature for its enactment.

The purpose of the Consumers' League of Oregon in making its investigation of the wages and working conditions of women, as stated in its report, "was to secure accurate data (1) as to the wages paid in all lines of work to self-supporting women in this State, (2) as to the cost of living in Portland and the smaller towns of the State, with a view to determining whether wage-earning women are receiving a wage that permits them to live so as to preserve their health and their morals, and to save against future needs, (3) as to conditions which would affect the health or morals of the workers." \* \* \*

1. Cards were distributed among women workers, and when filled out were collected by investigators. To reach workers, no distinction was made in establishments. A list of different industries employing women was drawn up and every house on the list visited. Over 2,000 cards were distributed; 509 were collected in Portland. Workers were approached at lunch and closing hour and in their homes. \* \* \*

<sup>1</sup> Report of the Social Survey Committee of the Consumers' League of Oregon on the Wages, Hours, and Conditions of Work and Cost and Standard of Living of Women Wage Earners in Oregon with Special Reference to Portland. Portland, Ore., January, 1913.

2. A second method was to solicit wage schedules from employers and to ask their views on the labor conditions of female employees and their opinion as to the feasibility of the proposed bill.

3. A third line pursued was that of engaging to work in different establishments, in order to obtain first-hand information as to conditions and to corroborate both employers' and employees' reports. The investigators worked as employees in 12 factories.

4. A fourth line pursued was that (a) of visiting boarding and rooming houses and private families who advertised room and board, in all sections of the city, to discover the actual cost of food and lodging; (b) of visiting department stores for the lowest and average prices on articles of wear; (c) the director of the investigation went to southern, western, and eastern sections of the State, visiting in all 14 towns, organizing subcommittees to gather wage statistics and collecting information herself on wages, conditions of labor, and cost of living. The result is that information has been gained about 39 occupations employing women, and 8,736 women workers, 7,603 of these being in Portland, 1,133 outside.

The report shows in Portland the weekly wages of 3,217 women employees in various occupations. These are briefly summarized in the following table. It should be noted that in some of the occupations the number of employees for whom wages are reported was somewhat small for use in a generalization.

PER CENT OF WOMEN WHOSE WEEKLY WAGES WERE LESS THAN SPECIFIED AMOUNT—PORTLAND, OREG.

Industry or occupation	Number whose earnings were reported.	Per cent whose weekly wages were—				
		Under \$5.	Under \$6.	Under \$7.	Under \$8.	\$8 and over.
Department stores.....	2,078	2.5	6.6	15.1	7.0	68.8
Factories.....	427	7.3	13.6	13.1	14.3	51.8
Hotels and restaurants.....	213		.5	3.8	1.4	94.4
Laundries.....	140			20.7	27.1	52.1
Office help (not including stenographers).....	126		2.4	10.3	5.6	81.7
Stenographers.....	85		1.2	2.4	5.9	90.6
Printing trades.....	57			19.3	7.0	73.7
Telephone operators.....	52			17.3	9.6	73.1
Miscellaneous.....	39	5.1		5.1	7.7	82.1
Total.....	3,217	2.6	6.2	13.8	8.4	68.9

Outside of Portland information in regard to wages was collected for 1,133 women wage earners in 26 towns. The data in regard to some of the occupations are, as in the case of Portland, somewhat meager.

## WAGE INFORMATION FOR 1,133 WOMEN WAGE EARNERS IN OREGON (OUTSIDE OF PORTLAND).

Industry.	Number of employees.	Average monthly wage.
Canneries.....	88	\$35.00
Condensed milk.....	6	38.00
Woolen mills.....	280	37.50
Hotels and restaurants.....	18	31.65
Laundries.....	518	39.50
Office help.....	45	35.50
Retail stores.....	140	39.21
Stenographers.....	16	50.00
Telephone operators.....	22	33.07
Total.....	1,133	.....

Summarizing its investigation in regard to cost of living in Portland, the commission concluded that—

Ten dollars a week is the very least on which the average self-supporting woman can live decently and keep herself in health in Portland. This means a steady income of \$520 per year. How this would have to be spent were women in all cases living as they should, is indicated by the following schedule:

Room and board, \$25 per month.....	\$300
Clothing.....	130
Laundry bills.....	25
Car fare.....	30
Doctor bills.....	15
Lodge and church dues.....	10
Recreation, including vacation.....	25
Education and reading.....	10
Total.....	545

If we were to omit the sum allowed for recreation, \$25 a year, we would bring the actual cost to \$520 a year, or \$10 a week, for bare necessities. That a legitimate amount of recreation is a necessity to maintain the efficiency of a worker is a theory that some persons insist upon, but which others refuse to admit.

The material in regard to cost of living outside of Portland is based on data secured from 101 young women in the State at large. It showed an average cost of living of \$9.82 a week, or \$42.55 a month. The details are shown in the following statement:

*Average amount spent annually by 101 women wage earners in miscellaneous occupations in Oregon (outside Portland). Information obtained from Ashland, Baker, Eugene, Forest Grove, La Grande, Medford, Oregon City, Pendleton, Salem, and Vale:*

Room and board.....	\$278.62
Clothing.....	137.50
Laundry.....	16.00
Car fare.....	21.00
Doctor and dentist.....	18.00
Church and lodge.....	12.52
Reading.....	6.54
Recreation.....	20.50
Total.....	510.68
\$9.82 a week; \$42.55 a month.	

## NEW YORK.

The most extensive investigation which has been made in this country, with a definite purpose of studying the wages of women and inquiring into the advisability of providing a means for fixing minimum rates by law, has recently been completed by the New York State Factory Investigating Commission. The concluding part of the report is still in press and is not yet available, but a paper by Dr. Howard B. Woolston, director of the investigation, briefly sums up the results.<sup>1</sup>

The scope of the New York investigation is defined as follows:

First. What wages are actually paid in typical industries throughout the State?

Second. Are these wages sufficient to maintain employees in simple decency and working efficiency?

Third. Are the industries able to increase wages upon the basis of the earning capacity of labor?

The investigations of the commission were limited to confectionery, paper-box<sup>2</sup> and shirt factories, and retail stores. In these four branches of industry women and children were found to constitute from 60 to 75 per cent of the working force. Information concerning rates of pay and actual earnings, taken directly from pay rolls, was tabulated for nearly 105,000 wage earners from 29 principal trade centers in New York State. These numbers included from two-thirds to three-fourths of all employees in the industries in question.

Of over 90,000 persons for whom weekly rates of pay were tabulated, more than three-fifths of the males received less than \$15 when working full time, and more than three-fourths of the women and girls less than \$10 a week. In the stores half the males received less than \$14 and half the females less than \$7.50. In shirt and paper-box factories half the males received less than \$12 and half the females less than \$6.50 a week, while in the candy factories wages fell below \$11 for half the males and below \$6 for half the females. More than 7,000 female employees in the four industries (one-sixth of the total number of women and girls) were working at rates under \$5 per week.

As in other investigations of this character, the different rates paid in factories in the same locality for identical work are strikingly shown. One wholesale candy factory in Manhattan is mentioned, where no male laborer and no female hand-dipper was paid as much as \$8 a week, and no female packer as much as \$5.50. In another establishment of the same class, in the same borough, every male laborer received \$8 a week or over and more than half the female dippers and packers exceeded the rates given in the former plant.

<sup>1</sup> Wages in New York. The Survey, Feb. 6, 1915, pp. 505-511.

<sup>2</sup> Third report of the Factory Investigating Commission (1914) gives the results of the investigation of the confectionery and paper-box industries.

One large department store in Manhattan paid 86 per cent of its saleswomen \$10 a week or more; another paid 86 per cent of its saleswomen less than \$10 a week. Apparently no well-established standard of wages existed in these trades. The pay is fixed by individual bargain and labor is worth as much as the employer agrees to pay.

The New York commission as a part of its investigation attempted to ascertain the addition to manufacturing cost or selling price which would result from a minimum-wage law with rates of pay fixed according to the necessary cost of living. As the result of this inquiry, it was estimated that by selling for \$1 articles marked 98 cents or 99 cents, the total increase in wages in the department stores would be covered without causing displacement of workers, decreasing profits, or improving methods of business. This slight addition to prices would secure an average weekly increase of \$1.38 to 4,000 girls and \$2.38 to 13,000 women (29 and 36 per cent above their respective average earnings). In order to raise the wages of over 2,000 young women in New York candy factories from an average of \$5.75 to a minimum of \$8 a week, an additional charge of 18 cents a hundred pounds is all that would be necessary; in other words, by raising the price of candy less than 2 mills a pound, the weekly pay of three-fourths of the women could be raised nearly 40 per cent.<sup>1</sup>

Summing up the results of the investigation of the New York commission in regard to wages in New York, Dr. Woolston says:

The results of the investigation have proved conclusively that half the workers in low-skilled lines do not receive sufficient wages to sustain themselves independently nor to support their families properly. Although the earning capacity of most workers is relatively high, the large numbers of young women who live at home and the constant influx of immigrants with low standards of comfort depress the rates of wages. Moreover, irregular employment entails great loss of earnings and promotion is generally slow and uncertain even for steady workers with years of experience.

The rates fixed by many establishments are not based upon a consideration of the needs or efficiency of the workers, nor upon the capacity of the business to pay more, but upon the judgment of an individual manager and the custom in the trade.

Because of their youth, their inexperience, and their timidity, most workers can not individually secure advancement; because of lack of organization they can not obtain trade agreements upon wages. Meanwhile this situation of a great multitude of underpaid working people has a direct bearing upon the growth of poverty, vice, and degeneracy throughout the community. If employer and employee will not unite to remedy conditions, the State must act in order to secure public welfare.

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<sup>1</sup> This estimate in regard to wages in candy factories is from a statement of Dr. Woolston in the *American Economic Review*, March, 1915, p. 282.

Based upon these investigations and its study of the effect of minimum-wage legislation already existing, the New York commission submitted to the New York Legislature, with its recommendations, a bill providing for the establishment of a minimum-wage commission, modeled upon the Massachusetts act, with enforcement by publication of the names of employers paying less than the minimum rate fixed. The text of this bill is given at the end of this Bulletin.<sup>1</sup>

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<sup>1</sup> Much similar information in regard to the wages and conditions of wage-earning women is given in the various reports on recent investigations devoted to the subject. Some of these reports are the following:

Connecticut.

Report of the Special Commission to Investigate the Conditions of Wage-Earning Women and Minors in the State, 1913.

Report of the Bureau of Labor on Conditions of Wage-Earning Women and Girls, 1914.

Kentucky.

Report of the Commission to Investigate the Conditions of Working Women in Kentucky, 1911.

Michigan.

Special Investigation of Working Conditions of Women and Girls (in 30th Annual Report of Department of Labor, 1912-1913).

Missouri.

Report of the Senate Wage Commission for Women and Children in the State of Missouri to the Senate of the 48th General Assembly of Missouri, January, 1915.

Report on the Wage-Earning Women of Kansas City, published by the Board of Public Welfare Bureau of Labor Statistics, 1912-1913.

There is also much information in regard to the wages of working women in many of the recent Bulletins of the United States Bureau of Labor Statistics, especially those in the Women in Industry Series and in the Wages and Hours of Labor Series.



## LEGISLATION IN FORCE IN THE UNITED STATES.

With the purpose of correcting the conditions in the various States, as indicated by the investigations just referred to and by a number of similar studies, minimum-wage legislation has been enacted in nine States. The laws enacted in these nine States are of three distinct types:

(1) Where the specific minimum wage is fixed by the legislature and embodied in the statute, as in Utah.

(2) Where the minimum wage is fixed by the administrative authority, the minimum wage commission, upon the investigations and recommendations of advisory wage boards made up of representatives of employers, employees, and the public, and where the only power of enforcement is such as results from the power of the commission to publish the names of those employers paying less than the minimum rate. States having laws of this type are Massachusetts and Nebraska.

(3) Where the minimum wage is determined as in Massachusetts and Nebraska, as above described, but where the commission is given powers of enforcement, and a penalty of fine or imprisonment or both is provided for in case of violation of the law by payment of rates less than the minimum fixed. States having laws of this class are California, Colorado, Minnesota, Oregon, Washington, and Wisconsin.

The laws of the various States have also numerous other differences, most of them of less importance, which may best be seen in the comparative analysis given below. The California act, it should be pointed out, is in a somewhat different position from any of the other laws so far as its legal validity is concerned, from the fact that in November, 1914, a constitutional amendment was adopted granting specific authority to the legislature to place the fixing of wage rates for women and minors in the hands of a commission, thus removing the subject from the field of legal controversy.

Ohio, it should be noted, in 1912 adopted a constitutional amendment authorizing the legislature to establish a minimum wage, the authorization in this case extending to men as well as to women and children. The words of the Ohio amendment are as follows:

"Laws may be passed fixing and regulating the hours of labor, establishing a minimum wage, and providing for the health, safety, and general welfare of all employees, and no provision of the constitution shall impair or limit this power."

## COMPARATIVE ANALYSIS OF AMERICAN MINIMUM-WAGE LAWS.

### LAWS IN FORCE.

California: Acts of 1913, chapter 324 (May 26, 1913), in effect August 10, 1913. No wage determination yet made.

Colorado: Acts of 1913, chapter 110 (May 14, 1913). No determination yet made.

Massachusetts:

Acts of 1912, chapter 706 (June 4, 1912), in effect July 1, 1913.

Acts of 1913, chapters 330 (Mar. 21, 1913) and 673 (May 19, 1913), in effect Mar.

21, and July 1, 1913. First wage determination in effect August 15, 1914.

Minnesota: Acts of 1913, chapter 547 (Apr. 26, 1913), in effect June 26, 1913. Wage orders issued in October, 1914, suspended by injunction.

Nebraska: Acts of 1913, chapter 211 (Apr. 21, 1913), in effect July 17, 1913. No wage determination yet made.

Oregon: Acts of 1913, chapter 62 (Feb. 17, 1913), in effect June 2, 1913. First wage determination in effect October 4, 1913.

Utah: Acts of 1913, chapter 63 (Mar. 18, 1913). Wage rates in effect with the law.

Washington: Acts of 1913, chapter 174 (Mar. 24, 1913), in effect June 13, 1913. First wage determination in effect June 27, 1914.

Wisconsin: Acts of 1913, chapter 712 (July 31, 1913), in effect August 1, 1913. No wage determination yet made.

### INDUSTRIES COVERED.

California: All occupations, trades, and industries in which the wages paid to women and minors are inadequate or the hours or conditions of labor prejudicial to health, morals or welfare.

Colorado: All mercantile, manufacturing, laundry, hotel, restaurant, telephone, or telegraph businesses in which the wages paid to female or minor employees are inadequate.

Massachusetts: All occupations in which the wages paid to a substantial number of female employees are inadequate, or in which the majority of employees are minors.

Minnesota: All occupations in which the wages paid to one-sixth or more of the women or minor employees are less than a living wage.

Nebraska: All occupations in which the wages paid to a substantial number of female employees are inadequate.

Oregon: All occupations in which, for any substantial number of women workers, the hours are unreasonable, or conditions detrimental, or wages inadequate, and all occupations in which minors are employed.

Utah: All regular employers of female workers.

Washington: All occupations, trades, or industries in which the wages of female employees are inadequate or the conditions of work prejudicial to health and morals, and all occupations in which minors are employed.

Wisconsin: All occupations in which the wages paid to any female or minor employee are not a living wage.

### EMPLOYEES TO WHOM MINIMUM WAGE MAY BE MADE APPLICABLE.

California: Women, and minors under 18 years of age.

Colorado: Female employees over 18 years of age, and minors under 18.

Massachusetts: Female employees, and minors under 18 years of age.

Minnesota: Women, and minors (males under 21 years of age and females under 18).

Nebraska: Female employees, and minors under 18 years of age.

Oregon: Women, and minors under 18 years of age.

Utah: Females only.

Washington: Women, and minors under 18 years of age.

Wisconsin: Females, and minors (under 21 years of age).

## BASIS TO BE USED IN FIXING MINIMUM RATES OF WAGES.

California: A wage adequate to supply to such women and minors the necessary cost of proper living and to maintain their health and welfare.

Colorado: A wage suitable for female employees over 18 years of age, and also a wage suitable for minors under 18, taking into consideration the cost of living, the financial condition of the business, and the probable effect thereon of any increase in the minimum wage.

Massachusetts: A wage suitable for a female employee of ordinary ability, and wages suitable for learners and apprentices, and for minors under 18 years, taking into consideration the needs of the employees, the financial condition of the occupation, and the probable effect thereon of any increase in the minimum wage.

Minnesota: Wages sufficient for living wages for women and minors of ordinary ability, also minimum wages sufficient for living wages for learners and apprentices.

Nebraska: A wage suitable for a female employee of ordinary ability, and wages suitable for learners and apprentices, and for minors under 18 years, taking into consideration the needs of the employees, the financial condition of the occupation, and the probable effect thereon of any increase in the minimum wage.

Oregon: A rate adequate to supply the necessary cost of living to women workers of average ordinary ability and maintain them in health. Suitable wages for learners and apprentices. Suitable wages for minors.

Utah: Rates are specified in law.

Washington: A wage adequate in the occupation or industry to supply women over 18 years of age the necessary cost of living and maintain them in health. Wages suitable for minors in any occupation.

Wisconsin: A living wage, that is, a wage sufficient to enable the female or minor employee receiving it to maintain himself or herself under conditions consistent with his or her welfare.

## PROVISION OF LAW IN REGARD TO FIXING RATES BELOW THE STANDARD MINIMUM OR ISSUING LICENSES FOR DEFECTIVES.

California: No provision for special rates for minors or learners. Special license to women only if physically defective by age or otherwise, renewable semiannually.

Colorado: Separate minimum rate for minors under 18. Special license for any female over 18, physically defective.

Massachusetts: Separate minimum for minors under 18 and for learners and apprentices. Special license for women physically defective.

Minnesota: Separate minimum for learners and apprentices. Special license for women physically defective, but the number of such licensed persons shall not exceed one-tenth of the whole number of workers in any establishment.

Nebraska: Separate minimum for minors under 18 and for learners and apprentices. Special license for women physically defective.

Oregon: Separate minimum for minors and for learners and apprentices. Special license for women physically defective or crippled by age or otherwise.

Utah: Rate for minors and for learners and apprentices specified in law. No provision for defectives.

Washington: Separate minimum for minors. Special license for apprentices, for period to be specified. Special license for women physically defective or crippled by age or otherwise.

Wisconsin: Minors in an occupation which is a "trade industry" must be indentured. Special license commensurate with ability for women or minors unable to earn the living wage.

**COMPOSITION OF ADMINISTRATIVE AND ADVISORY BODIES WHICH FIX MINIMUM WAGES.****California:**

*Administrative authority.*—Industrial welfare commission, five members, at least one to be a woman.

*Advisory board.*—Wage board, equal number of representatives of employers and of employees in occupation, trade, or industry in question, with a member of the commission as chairman.

**Colorado:**

*Administrative authority.*—State wage board, three persons, one a representative of labor, one an employer, at least one to be a woman. No advisory wage board.

**Massachusetts:**

*Administrative authority.*—Minimum wage commission, three persons, one of whom may be a woman.

*Advisory board.*—Wage board, not less than six representatives of employers, an equal number of representatives of female employees in the occupation, and one or more disinterested persons representative of the public; the representatives of the public not to exceed one-half of the number of representatives of either of the other parties. One of the representatives of the public shall be named as chairman.

**Minnesota:**

*Administrative authority.*—Minimum wage commission, three persons, commissioner of labor, one an employer of women, and one a woman, who shall act as secretary.

*Advisory board.*—Not less than 3 nor more than 10 representatives of employers, and an equal number of representatives of workers in the occupation, and one or more disinterested persons to represent the public, not to exceed the number of representatives of either of the other parties. One-fifth of members shall be women, and at least one of the representatives of the public shall be a woman.

**Nebraska:**

*Administrative authority.*—Minimum wage commission, four persons, the governor, deputy commissioner of labor, a member of the political science department of the University of Nebraska, and one citizen of the State. At least one member shall be a woman.

*Advisory board.*—Wage board, not less than three representatives of employers and an equal number of representatives of female employees in the occupation, and three representatives of the public. The chairman of the commission shall be chairman of the wage board and the secretary of the commission its secretary.

**Oregon:**

*Administrative authority.*—Industrial welfare commission, three persons, so far as practicable one representative of the interests of the employing class, one representative of the interests of the employed class, and one who will be fair and impartial between employers and employees and work for the best interests of the public.

*Advisory board.*—Conference, not more than three representatives of employers, an equal number of representatives of employees in the occupation, and not more than three disinterested representatives of the public, and one or more commissioners. The chairman shall be named by the commission.

**Utah:**

*Administrative authority.*—Commissioner of immigration, labor, and statistics.

*Advisory board.*—None.

## Washington:

*Administrative authority.*—Industrial welfare commission, five persons, commissioner of labor and four persons, no one of whom has at any time within five years been a member of any manufacturers' or employers' association or of any labor union.

*Advisory board.*—Conference, an equal number of representatives of employers and employees in the occupation and one or more representatives of the public, not exceeding the number of representatives of either of the other parties. A member of the commission shall be chairman.

## Wisconsin:

*Administrative authority.*—Industrial commission, three persons.

*Advisory wage board.*—Selected so as fairly to represent employers, employees, and the public.

## PROCEDURE IN FIXING MINIMUM WAGE.

## California:

1. The commission shall investigate and ascertain the wages paid and the hours and conditions of labor and employment in the various occupations, trades, and industries in which women and minors are employed, with special reference to the comfort, health, safety, and welfare of such employees.
2. The commission may call a conference or wage board if, after investigation, it is of the opinion that in any occupation, trade, or industry the wages paid to women and minors are inadequate to supply the cost of proper living, or the hours and conditions of labor are prejudicial to the health, morals, or welfare of the workers.
3. The wage board shall report to the commission its findings for the occupation, trade, or industry in question, including an estimate of the minimum wage adequate to supply to women and minors the necessary cost of proper living and to maintain the health and welfare of such employees, the number of hours of work per day consistent with the health and welfare of such women and minors, and the standard conditions of labor demanded by the health and welfare of such women and minors.
4. The commission, upon its own motion or upon petition, shall hold a public hearing, after public advertisement giving at least 14 days' notice, upon the minimum wage, the maximum hours of work, and the standard conditions of labor for women and minors.
5. The commission may, after such public hearing, in its discretion, make a mandatory order, to be effective after 60 days, specifying the minimum wage, the maximum hours, and the standard conditions of labor for women and minors in the occupation in question. The labor commissioner shall mail, so far as practicable, a copy of the order to all employers in the occupation in question.
6. The commission may, upon its own motion or upon petition, after a public hearing held after due notice, rescind, alter, or amend any prior order.
7. Upon appeal to the court, the determination of the commission may be set aside only upon the ground that the commission acted without or in excess of its powers, or that the determination was procured by fraud.

## Colorado:

1. The State wage board shall investigate the wages paid to female employees above the age of 18 years, and minor employees under 18 years of age, if it has reason to believe the wages paid any such employees are inadequate to supply the necessary cost of living, maintain them in health, and supply the necessary comforts of life. It shall also investigate the cost of living and take into consideration the financial condition of the business in question and the probable effect thereon of any increase in the minimum wage.

## Colorado—Concluded.

2. The wage board shall fix the minimum wage suitable for the female employees over 18 years of age in such business or in any or all of the branches thereof, and also a suitable minimum wage for minors under 18 years of age employed in the same business.
3. The wage board shall give public notice by advertisement of the minimum-wage determination and of a public hearing thereon, to be held in 30 days. Notice shall also be mailed to employers in the business affected.
4. The wage board, after such public hearing or after 30 days if no public hearing is demanded, shall issue an obligatory order, effective after 60 days, specifying the minimum wages for women and minors, or both, in the occupation affected. The order shall be published in a newspaper in the county or counties in which the business affected is located, and a copy of the order shall be mailed to all employers in the business affected.

## Massachusetts:

1. The commission shall investigate the wages paid to female employees in any occupation, if it has reason to believe that the wages paid to a substantial number of such employees are inadequate to supply the necessary cost of living and maintain the worker in health.
2. The commission shall establish a wage board if, after an investigation, it is of the opinion that in the occupation in question the wages paid to a substantial number of female employees are inadequate to supply the necessary cost of living and to maintain the worker in health.
3. The wage board shall endeavor to determine the minimum wage suitable for female employees, and also for learners and apprentices, and for minors under 18 years of age.
4. The wage board shall report its minimum-wage determination to the commission with the reasons therefor and the facts relating thereto.
5. The commission shall review the report of the wage board and may approve, disapprove, or recommit the determinations.
6. The commission shall give a public hearing to employers paying less than the minimum wage approved, after notice of not less than 14 days, if it approves any or all of the determinations of the wage board.
7. The commission shall enter a decree of its findings and note the names of employers not accepting the minimum, if it, after public hearing, finally approves the determinations.
8. The commission shall publish in one newspaper in each county a summary of its findings and recommendations.
9. The commission shall publish the facts as to acceptance of its recommendations and may publish names of employers following or refusing to follow its recommendations.
10. Upon appeal to the court and court review, if the court finds that in the case of an employer compliance with the minimum-wage decree would render it impossible for him to conduct his business at a reasonable profit, it may issue an order restraining the commission from publishing the name of the complainant as one who refuses to comply with the recommendations of the commission.

## Minnesota:

1. The commission at its discretion may investigate, and at the request of 100 employees shall investigate forthwith, the wages paid to women and minors.

*Action of the commission mandatory under certain circumstances.*

2. The commission shall forthwith proceed to establish minimum rates if, after investigation of any occupation, it is of the opinion that the wages paid to one-sixth or more of the women and minors are less than living wages (sufficient to maintain the worker in health and supply him with the necessary comforts and conditions of reasonable life).

## Minnesota—Concluded.

3. The commission shall determine the minimum wages sufficient for living wages for women and minors and for learners and apprentices.
4. The commission shall issue an order, effective after 30 days, making the wages determined the minimum wages.
5. A copy of the order shall be mailed to each employer affected and the original filed with the commissioner of labor.

*Action of the commission discretionary.*

2. The commission may at its discretion establish an advisory board in any occupation.
3. The advisory board shall recommend to the commission an estimate of the minimum wages sufficient for living wages for women and minors of ordinary ability, and an estimate of the minimum wages sufficient for living wages for learners and apprentices.
4. The commission shall review these estimates, and if it approves them shall issue an order, effective after 30 days, making the wages determined the minimum wages.
5. A copy of the commission's order shall be mailed, so far as practicable, to all employers affected, and the original filed with the commissioner of labor.
6. The commission must, at the request of approximately one-fourth of the employers or employees in an occupation, reconsider the rate established. The commission may also reconsider rates on its own initiative.

## Nebraska:

1. The commission shall investigate the wages paid to female employees in any occupation, if it has reason to believe wages paid to a substantial number of such employees are inadequate to supply the necessary cost of living and to maintain the worker in health.
2. The commission shall establish a wage board if, after investigation, it is of the opinion that in the occupation in question the wages paid to a substantial number of female employees are inadequate to supply the necessary cost of living and to maintain the worker in health.
3. The wage board shall endeavor to determine the minimum wage suitable for female employees, and also for learners and apprentices, and for minors under 18 years of age.
4. The wage board shall report its minimum-wage determination to the commission with the reasons therefor and the facts relating thereto.
5. The commission shall review the report of the wage board and report its review to the governor.
6. The commission shall give a public hearing to employers paying less than the minimum wage approved, after 30 days' notice, if it approves any or all of the determinations of the wage board.
7. The commission shall enter a decree of its findings and note the names of employers not accepting the minimum wage, if after public hearing it finally approves the determination.
8. The commission shall publish in one newspaper in each county, within 30 days, a summary of its findings, with the names of employers not accepting the minimum wage and the minimum wages paid by such employers.
9. The commission may, on petition of employers or employees, reconvene a wage board or establish a new one.
10. Upon appeal to the court and court review, if the court finds that in the case of an employer compliance with the minimum-wage decree would be likely to endanger the prosperity of the business to which it is applicable, an order shall issue from the court revoking the decree.

## Oregon:

1. The commission shall investigate and ascertain the wages, hours of labor, and conditions of labor of women and minors.
2. The commission shall convene a conference<sup>1</sup> on the subject investigated, if after investigation it is of the opinion that any substantial number of women workers in any occupation are working for unreasonably long hours or are working under surroundings or conditions detrimental to their health or morals or are receiving wages inadequate to supply them with the necessary cost of living and maintain them in health.
3. The conference shall consider and inquire into and report on the subject submitted to it by the commission; the commission shall present to the conference all information and evidence in its possession or under its control which relates to the subject and any witnesses whose testimony it deems material.
4. The conference shall make recommendations to the commission concerning the occupation under inquiry on: (a) Standards of hours of employment for women workers and what are unreasonably long hours of employment for women workers; (b) standards of conditions of labor for women workers and what surroundings or conditions—sanitary or otherwise—are detrimental to the health or morals of women workers; (c) standards of minimum wages for women workers and what wages are inadequate to supply the necessary cost of living to women workers and maintain them in health; also, when it appears proper or necessary, suitable minimum wages for learners and apprentices and the maximum length of time any woman worker may be kept at such wages as a learner or apprentice, which wages shall be less than the regular minimum wages for the regular women workers in the occupation.
5. The commission shall consider and review the recommendations of the conference and may approve or disapprove any or all of them and may resubmit any of the subjects to the same or to a new conference.
6. The commission shall hold a public hearing concerning any of the recommendations which it approves, after notice published not less than once a week for four successive weeks in not less than two newspapers.
7. The commission shall issue an order, effective after 60 days, to give effect to the recommendations, to be mailed, so far as practicable, to all employers affected.

## Washington:

1. The commission shall ascertain the wages and conditions of labor of women and minors.
2. The commission shall call a conference,<sup>1</sup> if, after investigation, it finds that in any occupation, trade, or industry, the wages paid female employees are inadequate to supply them necessary cost of living and to maintain the workers in health or that the conditions of labor are prejudicial to the health or morals of the workers.
3. The conference shall consider and recommend to the commission the minimum wage adequate in the occupation or industry in question to supply the necessary cost of living, and maintain the workers in health and the standards of conditions of labor demanded for the health and morals of the employees.
4. The commission shall review the recommendations of the conference and may approve or disapprove any or all of them and may resubmit any of the subjects to the same or to a new conference.

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<sup>1</sup> Same as a wage board in other States.



## Washington—Concluded.

5. The commission, after approval, shall issue an obligatory order, effective after 60 days, or, if circumstances are unusual, after a longer period, specifying the minimum wage and the standard conditions of labor. The commission shall mail, so far as is practicable, a copy of its order to all employers affected. When the minimum wage is fixed, it shall not be changed for one year.
6. Appeal may be made to court, but on questions of law only.

## Wisconsin:

1. The commission may, upon its own initiative, and shall upon complaint, investigate and determine whether there is reasonable cause to believe that the wages paid to any female or minor employee is not a living wage (sufficient to enable the employee receiving it to maintain himself or herself under conditions consistent with his or her welfare).
2. The commission shall appoint an advisory wage board to assist in its investigations and determinations if, upon investigation, it finds reasonable cause to believe that the wages paid to any female or minor employee are not a living wage.
3. The commission, with the assistance of the advisory wage board, shall investigate and determine the minimum living wage for all female and minor employees within the same class, as established by the classification of the commission.

## ENFORCEMENT OF THE LAW.

## California:

Upon complaint of underpayment of any person, the commission shall investigate and take proceedings to enforce payment.

Underpayment a misdemeanor, punishable by fine of not less than \$50, or by imprisonment of not less than 30 days, or by both fine and imprisonment. Underpaid employee may recover unpaid balance.

## Colorado:

Justices of the peace to have jurisdiction in case of violation of act.

Violation of act or orders a misdemeanor, punishable by fine not to exceed \$100, or imprisonment not to exceed 3 months, or by both fine and imprisonment.

Underpaid employee may recover balance due.

Massachusetts: Commission to determine whether employers obey decrees. Names of underpaying employers to be published in newspapers.

## Minnesota:

Commission to enforce provisions of act.

Violation of act or orders a misdemeanor, punishable by fine of from \$10 to \$50, or by imprisonment of from 10 to 60 days. Underpaid employee may recover.

Nebraska: Commission to determine whether employers obey decrees. Names of underpaying employers to be published in newspapers.

Oregon: Commissioner of the bureau of labor statistics to enforce rulings.<sup>1</sup> Violation of orders punishable by fine of from \$25 to \$100, or by imprisonment of from 10 days to 3 months, or by both fine and imprisonment. Underpaid employee may recover.

Utah: Commissioner of immigration, labor, and statistics to enforce act. Underpayment a misdemeanor.

Washington: Commission to investigate complaint and take proceedings. Violation of order or act a misdemeanor, punishable by fine of \$25 to \$100. Underpaid employee may recover.

Wisconsin: Commission to investigate complaints and take proceedings. Violation of act or order punishable by a fine of not less than \$10 nor more than \$100.

<sup>1</sup> See page 66.

## OPERATION OF AMERICAN MINIMUM-WAGE LAWS.

As has already been noted, the period since any of the minimum-wage determinations came into force is too brief to permit, at the present time, the formation of any judgment as to the ultimate effect of the laws, either upon the industry or upon employment therein. The immediate result of wage determinations is not necessarily indicative of what the later effect may be. It is likely that employers, when they find themselves compelled to increase the wages of the lowest-paid workers, will endeavor to provide for some system of training which will result in an increase of efficiency sufficient to balance the increased rates of pay. In other ways it is probable that the industries and the employees will find means to adapt themselves to the conditions created by the new requirements of the laws.

While the brief period during which any minimum-wage determinations have been in effect thus limits the value of the conclusions which may be drawn from a study of the operation of the laws, yet the great benefit expected in the case of the worker, on the one hand, and the serious disturbance to the industry which was predicted, on the other hand, warrants a careful study of any material which will throw light on the real effects, however far such material may fall short of covering the whole subject. It has seemed desirable, therefore, to present rather fully whatever information is available showing the operations of any of the American minimum-wage laws. It should be pointed out that the most of this material is taken from the official reports, and that such conclusions as are stated are the conclusions of the authority charged with the administration of the law.

### CALIFORNIA.

The minimum-wage law in California is administered by the industrial welfare commission. While the commission was organized in October, 1913, the work of investigating was not begun until the end of February, 1914.

Since its organization the commission has been actively engaged in making investigations as a preliminary step to the appointment of wage boards and the fixing of minimum-wage rates. The commission reports that its investigations have been considerably hampered and delayed by the public interest in and the discussion of a constitutional amendment proposed by a resolution of the State legislature of 1913, to be submitted to a vote of the people on November 3, 1914. As there was some active opposition to the passage of the amendment, the investigations of the commission were in consequence

delayed until after the results of the election could be known. The amendment was carried by a majority of over 84,000 votes. It is as follows:

SECTION 17½. The legislature may, by appropriate legislation, provide for the establishment of a minimum wage for women and minors and may provide for the comfort, health, safety, and general welfare of any and all employees. No provision of this constitution shall be construed as a limitation upon the authority of the legislature to confer upon any commission now or hereafter created such power and authority as the legislature may deem requisite to carry out the provisions of this section.

#### COLORADO.

Although the Colorado act came into effect August 12, 1913, the board was not appointed until March 23, 1914. Then, through delay in securing a permanent executive officer, the board did not begin the study of local wage conditions until August 1, 1914. Data secured after that date forms the basis of the First Report of the State Wage Board of Colorado, for the biennial period ending November 30, 1914. Because of this delay in taking up its work, the board notes the fact that the data presented are somewhat fragmentary and incomplete.

The board's report shows that it has secured wage data from employers of women in department stores, 5, 10, and 15 cent stores, bakeries, binderies, factories, and laundries. Such data were partially checked by statements from the women themselves. The results showed that of the 3,524 employees included, 23 per cent received less than \$6 per week, and 54 per cent less than \$8. Data were also secured in regard to telephone operatives. The board made no extensive investigations of cost of living, but reports that such facts as it has been able to secure lead to the conclusion that "the cost of living in Denver is no less than in any other cities where, after extensive investigation, it has been found that no woman can secure the necessities of decent living for less than \$8 a week."

In regard to certain changes desirable in the law, the report of the board contains the following recommendation:

From our experience it is evident that additional legislation is required in order to make efficient the present statute, limiting and defining more clearly the powers and duties of the board. In the fixing of a minimum wage in a particular industry or group of industries, adequate provision should be made for those who really know most about the case to be represented on the determining body. In other words, the wage board should be given power to call together a voluntary subordinate committee. If, for example, the laundry business is under consideration, this subordinate committee should be made to represent men in the laundry business and people employed in laundries—those who best know the needs of their particular occupation—and, besides these, a certain number from the public at large. This committee should be authorized to report its findings to the wage board, which is bound to take them into consideration in fixing the minimum wage.

## MASSACHUSETTS.

The minimum-wage law in Massachusetts came into effect July 1, 1913. The report of the commission upon the first six months of its work<sup>1</sup> stated that investigations had been made into the wages of women employees in three industries, the brush-making industry,<sup>2</sup> the corset industry,<sup>3</sup> and the confectionery industry,<sup>4</sup> and had been begun in other industries. These industries were chosen on account of the large proportion of women workers among the employees and the low wages indicated by information obtained. In the brush and corset industries the study was extended to include every establishment within the State employing women. Later the commission took up the investigation of the wages of women in laundries,<sup>5</sup> and is now engaged upon a study of the wages of women employed in department and other retail stores.

Throughout these investigations substantially the same method has been followed. In the investigation of women in department and other retail stores, which is now being carried on, the United States Bureau of Labor Statistics and the Commission on Industrial Relations are cooperating with the minimum wage commission in a study of the amount and causes of unemployment or lost time in the same stores and among the same employees as are the subject of study by the minimum wage commission.

The method of the commission provided for securing the fullest possible information in regard to earnings as well as rates of wages. Transcripts of the pay rolls for the preceding 52 weeks for all female employees were taken, and for a large number personal data regarding age, birthplace, family and living conditions were also obtained. In addition a study was made of the processes in which women were engaged. The commission reported that its investigation showed that a considerable number of women workers were receiving wages inadequate to supply them with the necessities of life. Almost exactly two-thirds of the brush workers for whom records were available received an average wage of less than \$6 per week. A smaller proportion of corset workers, 35.5 per cent, received less than \$6 a week.

The commission was somewhat hampered by the defective records of employers, especially those in regard to time. Certain manufacturers made the statement that "Not only do a large number of employees work for only part time, but also that failure to work for full time is due not to lack of work in the factory but to choice on the part of the workers." An amendment to the law, requiring the

<sup>1</sup> First Annual Report of the Minimum Wage Commission of Massachusetts for the six months ending Dec. 31, 1913. Boston, 1914.

<sup>2</sup> Minimum Wage Commission Bulletin No. 1, January, 1914. Wages of Women in the Brush Factories in Massachusetts.

<sup>3</sup> Ibid., No. 2, January, 1914. Wages of Women in the Corset Factories in Massachusetts.

<sup>4</sup> Ibid., No. 4, October, 1914. Wages of Women in the Candy Factories in Massachusetts.

<sup>5</sup> Ibid., No. 5, October, 1914. Wages of Women in the Laundries in Massachusetts.

keeping of time books, is expected to lessen the difficulties of the commission.

The conclusions of the commission upon its study of the brush-making industry have been summarized as follows in one of its reports:<sup>1</sup>

1. The industry is a small one. It is apparently not growing in Massachusetts. According to the Thirteenth Census 8,258 persons were engaged in brush making in the United States. Of these, only 1,810 persons were employed in Massachusetts, which, however, is exceeded only by New York in number of persons employed, capital invested, and value of output. It is a business of rather small establishments, although three of the Massachusetts plants are considerably larger than most of their competitors in this country or abroad. Most of the Massachusetts workers are women. Elsewhere apparently the percentage of men is higher. New York, Ohio, Pennsylvania, New Jersey, Rhode Island, Maryland, and Illinois appear to be the chief American competitors of Massachusetts, and there is some competition from abroad, especially in low-grade brushes. Tariff protection has been somewhat reduced. The processes are rather numerous, and those in which women are employed require dexterity rather than strength. They are varied and are fully described in the bulletins referred to. Much of the work is monotonous rather than difficult. Machines are used to a rather limited extent, and machine operators require a period of from three months to a year before attaining maximum skill. For a few weeks learners represent no profit, and, in a few cases, loss. Subcontracting exists in some factories.

2. Wages are low everywhere. There is reason to suspect that this fact is a handicap to the industry. It adds to the difficulty of procuring a regular supply of efficient labor, and, in emphasizing the possibility of depending for profit upon low labor costs, lessens the incentive to the adoption of the most efficient business methods for reducing the cost of production. Such general tendencies of low wages are probably accentuated in an industry like brush making which "but recently graduated from the household and remains largely a handicraft."

3. Wages in Massachusetts are so low that a large majority of the female employees earn less than the guarded definition of a proper wage suggested by the statute. Two-thirds of the whole number of women employed earn less than \$6 a week.

The commission is aware that such a statement is not the whole story. To form an intelligent judgment one must know how many hours were worked to produce the earnings in question, and, in the many cases where the time is less than a full week, why no more hours were worked.

It is frequently said by employers in this and other industries that rates are adequate to produce more than a mere living wage, with a suggestion that the meager earnings of the many are due to the choice of the workers themselves. But when one considers how desperately many of these young women need money, the fact that so overwhelming a majority do not earn what by any reasonable computa-

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<sup>1</sup> Minimum Wage Commission Bulletin No. 3, August 15, 1914. Statement and Decree Concerning the Wages of Women in the Brush Industry in Massachusetts.

tion could be called a living wage makes the explanation seem unconvincing. In a few cases the fallacy is obvious. A piece rate is fixed which permits a few exceptional workers to make fairly high earnings by the exercise of a degree of skill and application which an ordinary girl can not approach. Looked at from the point of view of the workers, the remedy in these cases is also obvious. In a much larger number of cases the difficulty is found in the fact that the worker does not or can not work the full time. Where the cause of this condition rests with the voluntary action of the girl, not superinduced by some physical or mental condition fairly chargeable to the employment, it may perhaps be disregarded in an inquiry of this character. Where, however, the part time is chargeable to the industry, either for reasons like those suggested or because under the organization of the industry work can not be supplied to the worker sufficient to keep her employed full time, it is a factor that can not be overlooked by a body charged with the duty of fixing minimum rates adequate for the purposes named in the statute. The question of short time seems to the commission, perhaps, the greatest single difficulty in connection with the wage situation in this and other Massachusetts industries. It was the subject of careful consideration by the wage board in reaching its determination, and more will be said of it in connection with the conclusions of the commission.

4. The investigation showed marked difference of wages between Massachusetts establishments. As in other industries it was found that smaller establishments frequently paid better wages than some of their larger and presumably more powerful competitors; and it was shown again that it is wholly possible for an establishment to exist and prosper in competition with others doing business under the same market conditions but enjoying the real or supposed advantage of lower wages for like processes. This is a factor of importance in determining the weight to be given to the matter of interstate competition.

5. The investigation convinced the commission that "the wages paid to a substantial number of female employees in the brush-making industry were inadequate to supply the necessary cost of living and maintain the worker in health."

It therefore became its duty to establish a wage board for the industry (St. 1912, ch. 706, sec. 4). Nominations were invited from employers and employees, and six representatives of each were accepted. Three persons were named by the commission to represent the public. One of the latter, Mr. Robert G. Valentine, was designated to be chairman. The board so constituted met for organization on December 12, 1913, and began its deliberations. The commission transmitted to the wage board the information in its possession and adopted the following rules for its guidance:

*Rules of Procedure for the Brush Makers' Wage Board.*

*Name.*—This board shall be known under the title of the brush makers' wage board.

1. *Organization.*—The chairman and secretary shall be appointed by the minimum wage commission.

2. *Term of office.*—The term of office of the brush makers' wage board shall be three years. Any representative of employers who becomes a worker at the trade shall vacate his seat. Any representative of workers who becomes an employer shall also vacate his seat. The question of fact shall in each case be determined by the commission. The commission may remove any member of the board who shall unreasonably fail to attend the meetings of the board, or who shall otherwise display unfitness for

service thereupon. Vacancies shall be filled in such manner as the commission may designate.

3. *Voting.*—Each member shall have one vote. If, in the opinion of the chairman, the question upon which a vote is to be taken is one of permanent importance, in order that the vote may be, so far as possible, an expression of the opinion of the whole board, the secretary shall obtain the vote of an absent member with his opinion in writing.

4. *Powers, duties, and procedure.*—The board shall examine the material submitted by the commission. It shall consider the question: What is the sum required a week to maintain in frugal but decent conditions of living, a self-supporting woman employed in a brush-making establishment?

It is the opinion of the commission that the absolute essentials of such decent conditions of living are (a) respectable lodging; (b) three meals a day; (c) suitable clothing; (d) some provision for recreation, self-improvement and care of health.

It shall consider the condition of the industry and effect thereon of any increase in the minimum wages paid. The board shall then endeavor to determine, as directed by statute (chapter 706, Acts of 1912), the minimum wage suitable for a female employee of ordinary ability in the occupation in question, or for any or all of the branches thereof, and also suitable minimum wages for learners and apprentices, and for minors below the age of eighteen years.

5. *Meetings.*—The board shall meet for organization upon a date fixed by the commission, and may adjourn its deliberations from time to time at its discretion. It shall be appropriate that the initial meetings be of such character as may afford opportunity for the establishment of personal acquaintance and friendly understanding among the members necessary for carrying out the purpose of the board.

6. *Additional information.*—The board may call upon the commission for further investigation, or may request the commission to invite any designated person or persons to confer with the board. All proceedings of the board shall be governed by the chairman, subject to the approval of a majority of the board. Any employer or employee who desires to make a communication to the board concerning facts pertaining to the industry shall be given an opportunity to be heard.

7. *Rates of wages.*—The board shall determine minimum time rates for persons of ordinary ability such as will yield in the course of a normal week the amounts determined by the board, under the provisions of section 4, to be a suitable minimum wage.

An employer who employs persons on piece rates shall be deemed to pay wages at less than the determined minimum rate unless he can show that the piece rates of wages paid yield, under the actual normal conditions of employment to an ordinary worker, at least the same amount of money as the minimum time rate.

The board shall also make such special regulations for learners, apprentices and partly incapacitated workers as it shall deem expedient.

8. *Interpretation of rules.*—Any question upon the construction or interpretation of these regulations shall, in the event of dispute, be referred to the commission for decision.

9. *Report of determinations.*—When a majority of the members of the wage board shall agree upon minimum-wage determinations they shall report such determinations to the commission, together with the reasons therefor and the facts relating thereto, and recommendations for the adjusting of the piecework schedules in the separate establishments to the minimum rate.

10. *Revision of rules.*—These rules are subject to revision by the commission.

The wage board for the brush industry made a preliminary report of its investigations and work on March 17, 1914. This report is of special interest as indicating the principles by which the majority of the board was guided in reaching its determinations, and in slightly condensed form is reproduced from Bulletin No. 3 of the minimum wage commission already referred to.

*Preliminary Report (Condensed) of the Massachusetts Brush Makers' Wage Board, March 17, 1914.*

#### SECTION I.—*The needs of employees.*

As laid down by the minimum wage commission, the absolute essentials of decent self-support are:

- (a) Respectable lodging.
- (b) Three meals a day.

(c) Suitable clothing.

(d) Some provision for recreation, self-improvement, and care of health.

In attempting to determine a sum adequate for these purposes for a self-supporting woman employed in a brush-making establishment, the wage board has attempted to apply to present Massachusetts conditions the deductions to be drawn from the mass of statistical material which has been gathered upon this subject. It has made the same kind of inquiry which any individual seeking food, shelter, and lodging is daily making.

Lodging at the lowest level of decency can not be found in Boston for less than \$1.50 per week. A minimum cost for food is at least \$3 a week. If one has the courage to go little beyond keeping warm and dry, it can not be done for less than \$45 a year, or 87 cents a week. For the preservation of health, average expenditures of \$8.75 per year, or 17 cents a week, seem an irreducible minimum. Car fare requires at least 60 cents a week. The total budget so built up is:

	Per week.
Lodging.....	\$1. 50
Food.....	3. 00
Clothing.....	. 87
Car fare.....	. 60
Other.....	. 17
Total.....	6. 14

This figure assumes ideal conditions, and is purely theoretical. It allows nothing for laundry, for reading other than in public libraries, for recreation, for church, for savings, or for insurance of any kind. At least these items must be added:

	Per week.
Laundry.....	\$0. 20
Church.....	. 10
Newspapers (Sunday and every other day).....	. 08
Vacation (one week per year at \$10).....	. 19
Picture show (once in two weeks).....	. 05
Theater (once in two months at 25 cents).....	. 04
Clothing (an addition of \$25 per year).....	. 48
Food.....	. 50
Extras connected with lodging.....	. 50
Total.....	2. 14

The lowest total for human conditions for an individual in Boston is thus seen to be \$8.28. This amount is lower than that of \$8.71, tentatively arrived at by the board early in its proceedings. It makes no allowance for savings or insurance, and is not, therefore, a true living wage. Allowing for variations between individuals, the wage board is convinced that the sum required to keep alive and in health a completely self-supporting woman in Boston is in no case less than \$8, and in many cases may rise to \$9 or more.

## SECTION II.—Group methods of living.

Should group methods of living modify this finding from an industrial point of view? The possible methods are:

- (a) Life in families.
- (b) Life in broken families.
- (c) Endowed lodging houses.
- (d) Women rooming together.



We can not hide in our thinking behind the almost universal lack of family accounting. The majority of people who live with others do not know what their living costs them. In determining the cost of self-support for a woman living with her family, allowance must be made for her share of rent, furniture, light, heat, the mother's labor at a fair wage, and the other items shared by all persons in the family. The difference between her expenses and those of the woman living independently is less than is generally supposed. The personal items are the same in each case.

Nor should it be overlooked that the woman living alone is the only person directly involved if her income falls below the minimum line. If a family income falls below, all members of the family are directly involved. The risk is greater. The margin of safety also should be greater in the case of the family. \* \* \*

This situation is emphasized where the case is that of a broken family group. To these people a minimum wage from an individual point of view is far below the minimum from a family point of view.

Where girls room together there may be some saving in room rent. In no other item is there any substantial saving, and there is often an increase of fatigue which overbalances any possible money economy.

### SECTION III.—*Subsidies to industry.*

If an industry can not pay for the human endeavor it uses, it is time to ask the effect of such an industry upon public welfare. Who, if anybody, is paying the sum it does not pay toward making up the amount needed to prevent bodily and mental deterioration? The difference between what is necessary and what the industry pays can come only from one of four sources:

(a) Direct charity.

(b) A direct subsidy to the worker through State aid.

(c) An indirect subsidy from industries which do pay living wage.

This is the situation where a worker who receives less than her subsistence costs is partly supported by other workers in the family. The employer of such partially subsidized women and children gets a double advantage over a self-supporting trade. He gets energy derived from food for which his wages do not pay, and he subtracts from the workers of the self-supporting trade energy for which the income derived from them properly should pay. Such an industry is parasitic in its relations to the self-supporting trades about it.

(d) An indirect subsidy taken from the physical and mental capacity of the worker herself.

Where the difference is not made up in money in some one of the ways mentioned, it can only be taken from the health or strength of the worker. Such a process drains the vital strength of the nation, and as a matter of self-protection as well as of humanity can not be permitted by society.

### SECTION IV.—*Effects on financial conditions of industry.*

The wage board has tried to answer the question whether the fixing of a minimum wage will increase or decrease the amount of annually renewing income out of which wages, salaries, interest, and profits are made properly possible. It might be held that it was the

duty of the board to accept the fact that the State has established a minimum-wage procedure and go ahead and fix a rate. But putting a rate into effect is more important than making it. The question is clearly a practical one, and businesslike methods must be used.

It is the belief of the board that the added wages which would come to workers through the application of a minimum wage would be a permanent and real addition because of their wealth-creating power, and would be of advantage to employer, employee, and the public.

The minimum wage does not abolish competition for employment or the freedom of the employer's choice. It transfers the emphasis from price to value. The employer is compelled to raise the level of efficiency of his people so as to get the best possible return from fixed conditions. The aggregate efficiency of a nation's business is promoted by insuring that the workpeople employed will be those most efficient, and those unemployed will be almost exclusively the least efficient. By barring an obvious but, from a broad point of view, most undesirable form of relief from the pressure of competition, the minimum wage compels the adoption of methods of lowering costs of production which lead to the elimination of waste and increase of productivity. It puts a premium on business skill, tends to the elimination of the incompetent employer, and stimulates the selection for the nation's business of the most efficient workmen, the best equipped employers, and the most advantageous form of industry.

The results of such experience as there has been in England and elsewhere show that wage boards bring about better organization and better feeling in industry. Employers who pay fair rates have learned that they have as much to gain as employees. As yet there has been no diversion of trade through increased costs of production or of the increase of foreign competition to the extent feared by employers at the outset. The intensive study of conditions made by the board has revealed faults of organization and suggested remedies, and the boards tend more and more to aid in settling disputes outside their particular field and to make efficient and valuable the reserve of casual labor upon which industry must depend in rush times. They also promote technical education. It is notable, in England especially, that initial difficulties thought insurmountable have been overcome, and that the movement advances steadily. \* \* \*

The wage board believes (1) that an industry which does not pay living wages to every one of its employees is getting something for nothing, which is not good business; and (2) that any worker not returning to the industry in efficient work the full equivalent of his wages is getting something for nothing, which is not good business.

Its problem is to set a minimum wage which will secure to the worker from the industry a living chance at the lowest level of decent living, and to set that minimum wage in a manner which will secure to the industry a sure return in work for the wages paid.

#### SECTION V.—*The brush industry in Massachusetts.*

The information transmitted to the wage board by the minimum wage commission indicates that the industry is not increasing in Massachusetts. It is strongly controlled by competition with other States

and countries and with prison-made goods. Prices of finished product can not be raised immediately to cover an increase in wages. A Massachusetts manufacturer has no particular advantage in purchasing raw materials. Under these circumstances, manufacturers have felt that they were compelled to depend upon cheap labor to make their enterprises successful. The industry has sought to lower its costs by employing many women at low wages.

In some aspects the industry is moving in a vicious circle. Competition has made it feel that its chief method of making profit was in employing low-wage labor. Low pay has been one of the causes, apparently, which has made it difficult to get an adequate supply of regular workers. Higher wages at the lowest level might well assist in meeting competition by increasing and regularizing the labor supply for the industry.

It is noteworthy that in many highly competitive businesses employers have voluntarily established minimum wages far in advance of their sharpest competitors, and no case is on record of their failure to prosper. It is impossible to draw positive conclusions from the testimony as yet available, but the wage board believes that more weight has been given to a low pay roll than should be given it even under highly competitive conditions, and that a higher pay roll with increase of efficiency and increased regularity of work would undoubtedly be beneficial.

Because the brush industry is to-day standing still or declining, is honeycombed by custom with irregularity of employment, is small in aggregate size, and is peculiarly affected by certain competitive conditions, the wage board believes that it is not in condition to pay as high a minimum wage or to bring it as near the actual cost of living as many other industries in the State. It does believe that the establishment of a reasonable minimum will tend to put new life into the industry.

The wage board feels that if it could find some way for insuring greater regularity of work the industry could well afford to pay very considerably higher wages. The wage board has attempted to meet this need in the form of its tentative findings.

#### SECTION VI.—*The capacity of the worker to earn the minimum.*

The wage board is of the opinion that the minimum wage could be framed in such form as to create a strong tendency to increase the efficiency of the workers in the industry. An increase in the efficiency of the worker must be provided for by two lines of improvement, as follows:

1. By increase in efficiency of business management. In the brush industry there are notable examples of wide-awake methods. There is, however, as in all other industries, continuing opportunity to make improvement in the other factors of production as well as in the labor factor.

2. By improvements in the efficiency of the workers themselves.

The undesirable lowness of earnings depends not so much on the low wages themselves as on the methods of reckoning and paying them. In methods of remuneration there are many things which are burdens both to employer and employee, and employers often make employees suffer overmuch from their own lack of management.

The board feels that the piece rates now in existence in the brush industry are, speaking generally, such rates in themselves and fixed in such a manner as to give the best returns neither to employers nor to employees, and that where a large number of employees are on day pay the concern suffers even more than in piece-rate work from lack of adequate production. The information before the board makes it clear that the piece rates in the industry are fixed on the basis of custom and market-time rates in the industry. This fact—taken together with the fact that information before the board shows that modern methods of cost accounting are substantially absent from the industry—reveals much room for improvement. The board does not urge on the industry elaborate methods of cost accounting; but it does urge, in the interests of both employers and employed, better methods than now exist.

When the employer or his rate setter sets a piece rate he does not in the first instance think of the piece; he thinks of the lot of, say, 100 pieces. He makes a calculation as to how long it ought to take to do the lot—say five hours.

He next takes into consideration the grade of labor that is to do the work and the expectancy of wages (earnings) of that grade of employee for that length of time (say \$0.15 an hour; \$1.50 a day of 10 hours), which will make them require \$0.75 for the lot in order to "make wages." Finally, he divides that \$0.75 price for the lot by the number of pieces in the lot and sets a piece rate accordingly—in this assumed case, three-fourths of a cent apiece. In other words, a piece rate always has a day-wage basis; and, although the employer may never speak of a standard time for doing the work, nevertheless he plans a time which for him is actually a standard time until it is changed.

Piece rate is in reality a most delicate form of adjustment of wages. It is balanced on the fulcrum of the assumed necessary time. If a mistake has been made about that time so that it tips one way, the employer suffers in accelerated proportion (and presently corrects his error by cutting the rate); or if it tips the other way the employee suffers in an accelerated proportion and can not "make wages."

In the findings of this report the board recommends that wherever piece rates yield less than time rates, grade for grade, the time rate fixed as the minimum wage must be paid. Under the plan advocated by the board, the employer may discharge and will discharge the low-performance and high-cost workers if he thinks it is their fault that the performance is low. But if he knows that it is by reason of his own mismanagement, such as delay in furnishing material, defective machinery, and the like, he will not do so, because he knows he can not get better workers. He will brace up his management. He is held in check in the exercise of his judgment automatically by the reasons stated above. If the findings should go into effect in full force at once, the employer might discharge the low-performance, high-cost workers on a considerable scale and employ other more efficient workers at higher wages in their places. To give the employee opportunity to meet the standard, the findings of the board contain a recommendation that the minimum wage go into effect gradually, by a series of advances. Under these circumstances

these employees will eat better, live better, and will soon become as efficient as any the employer might get in their places.

In other words, this plan creates, if given time to produce its proper effect, its own source of wage payments, partly by the improvement of the workers on their side when better paid, and partly by the improvements of methods on the side of the employer himself. \* \* \*

We now pass to the proposed application to the "short-time" unemployment evil in its larger aspects of delays in the flow of business, from week to week and month to month, and to the question of voluntary irregular attendance on the part of the workers themselves. Of course the employer will lay his workers off during slack time if he thinks it necessary, and he must be the judge of the necessity. But he will not do so unless really necessary because of the risk of not getting them back again when he wants them. \* \* \*

If an employer should by reason of lack of employment lay off a good many under this rule, it would be a good thing for the workers so laid off in the long run. They will look for employment elsewhere and through spur of necessity will find it; and that would be better than to be dangled along half employed and half living and so, too inert to venture anything, buoyed up by hope of full time soon—a hope that often can not be realized. That it is much better for workers in a part-time industry, getting low earnings largely because they are chronically in a state of half unemployment, to be laid off and have complete unemployment and so be forced to better their condition, was thoroughly demonstrated in the report of the investigation of the hand-loom weavers early in the nineteenth century in England.

The application of the minimum wage to the evil of low earnings by reason of short time is a cure for the evil, whether it arises from lack of continuity and volume of employment offered—unemployment proper—or whether it arises from voluntary irregularity of attendance upon employment which is offered. In neither case, of course, is the employer compelled to keep employees and pay them the minimum wage; he is only required to pay the minimum wage if he keeps them; and it is obvious that so far as excessive unemployment is voluntary on the part of the workers, that will straightway come to an end. The employer will of course strengthen his discipline and discharge excessively irregular workers. That, too, will be an unquestionable gain to the workers as a class in the long run. Voluntary unemployment, so far as it exists beyond the necessities of the workers, can be either only from lack of ambition on the part of the worker because of the low wages or slack discipline on the part of the management. \* \* \*

An employer offers and an employee accepts a piece rate on the basis of the fundamental expectancy on both sides as to the time necessary to do the lot of a certain number of pieces. The earnings per day under piece rate vary inversely with the time actually taken to do the lot or lots. When the expected necessary time is exceeded (and daily earnings are consequently low) it may be either by the fault of the employer or by the fault of the employee. It is not good public policy that the employee should be allowed to gamble on her earnings as to how low they may go under piece rate.

An employer offers and an employee accepts a rate per hour for time wage on the basis of the fundamental expectancy on both

sides as to the normal hours per week of employment. The earnings per week under time wage vary directly with the hours of employment actually furnished and performed. When the hours of time payable in any week fall below the expected normal hours, it may be either by fault of the employer in not furnishing employment or by the fault of the employee in not accepting it. It is not good public policy that an industry should be habitually short time to the extent of falling below the expectancy of normal hours of employment per week and that employees should gamble on how low their earnings may go per week, either by reason of lack of regularity of work furnished or by reason of their own excessive voluntary casual attendance upon work.

The board has felt that it was natural to approach the subject from the standpoint of weekly, monthly, and annual continuous average expenditure. While daily and weekly expenditures by employees vary, the principal items of such expenditures, such as board and lodging, continue pretty uniform, regardless of employment or labor conditions.

On the other hand, it has been borne in mind that the manufacturer has to deal with the wage problem from a cost standpoint, and therefore must try to make the wage fit the work within small periods of time.

The first duty of this board is to strike clearly and decisively at the fundamental root of the evil which it is the intention of the minimum-wage legislation to correct. Any minimum-wage finding which stops with merely naming a minimum hourly rate looks well on paper, but accomplishes no actual result beyond a somewhat pale moral effect. No person can live wisely who tries to plan out his life on anything less than a weekly basis. The goal to aim at is a yearly basis. At the present time, however, an attempt to compel even a minimum weekly wage payable each week without regard to the average earnings over a larger period would be an undue burden on many manufacturers.

The proposed system makes it possible to leave out entirely the question of time in many piece-rate industries which have not as yet time-keeping systems. It will also tend to eliminate many practical problems over which the State will find it difficult to maintain equitable control.

It should be further noted that under a system of computation confined to each week, the actual minimum over any period of time paid to any employee who frequently exceeded in his earnings the minimum rate would compel from the employer a minimum wage exceeding the amount nominally set, and would thus go further than the law intends. It should be borne in mind that a minimum wage is not properly a wage at all, but a retaining fee for labor; its object is, in other words, to see to it that every employee is in such physical and mental condition that he is in good shape to earn a wage.

We have endeavored to make our findings so easy of execution that a minimum of oversight to secure enforcement will be needed.

The rate set by this board, it should be remembered, distinctly relates to the brush industry, its location and its conditions of employment.

*First findings.<sup>1</sup>*

*Rule I.*—That a minimum salary by 10-week periods be combined with an hourly time-rate or piece-rate system of pay, and workers shall receive each week after 10 weeks of employment, and as long as they are on the pay roll, not less than that minimum salary less proportionate deductions according to the hourly rate for voluntary absence. This minimum salary shall be computed as follows: Each weekly pay day the minimum weekly rate set by this board shall be multiplied by 10, and if the total earnings of the employee during the 10-week period immediately preceding each weekly pay day do not equal that amount the difference shall be paid to her each week.

*Rule II.*—The minimum weekly rate set by the board governs the hourly rate that may be deducted under Rule I for voluntary absence.

*Rule III.*—Substandard or handicapped workers may be given permits to work for less than the minimum at the discretion of the board.

*Rule IV.*—These rates and rules shall apply to all occupations in the industry.

*Rule V.*—The weekly minimum salary to be paid in accordance with the provisions of Rule I shall be \$7.75.

*Rule VI.*—No one shall be carried as a learner or apprentice for more than one year. The rate of pay for learners or apprentices shall be 65 per cent of the standard for the first six months and 85 per cent of the standard for the second six months.

*Rule VII.*—Rule I is not to apply to home work. Piece rates in home work shall be not less than the piece rates in the factory for the same work.

On June 12, 1914, a final report was adopted and submitted to the commission. The determinations of the wage board were as follows:

*Determinations.*

1. The rate to go into effect at once shall be 15½ cents an hour. At the end of a year's time the rate shall automatically become 18 cents an hour unless in the meantime the representatives of the manufacturers have brought such evidence before the board as to justify the board in recommending to the minimum wage commission a lower rate than an 18-cent rate.

2. The rate for learners and apprentices shall be 65 per cent of the minimum for one year, and the period of apprenticeship shall not be more than one year.

3. These findings shall apply to all minors.

4. The previous report of the brush makers' wage board shall be submitted to the minimum wage commission as the board's idea of the general direction that minimum-wage findings should take.

5. In the case of pieceworkers, if in any case the piece rate yields less than the hourly minimum for time workers, that same hourly minimum must be paid.

To this report the commission gave its tentative approval on June 13, and gave notice to all employers of a public hearing on June 29, 1914. The hearing was well attended, and the only objections made by representatives of employers were dealt with.

*The Conclusions of the Commission.*

1. The determination of a minimum rate for the ensuing year of 15½ cents per hour met with no objection from employers at the hearing, and the commission has not been advised otherwise of objection to it. It is substantially a matter of agreement between the parties interested, and is approved by the commission.

This determination is perhaps the principal matter now before the commission. It might perhaps be dismissed with no further comment. It seems, however, that one or two observations may be proper as indicating the point of view of the commission in making its finding of approval.

<sup>1</sup> The final determinations and recommendations of the board are incorporated in the commission's statement, p. 10.

Assuming an average week of 50 hours and regular employment, this rate will yield earnings of \$7.75. This is substantially below the sum agreed upon unanimously by the wage board as the lowest upon which a woman can live properly under the existing conditions. It is, however, substantially higher than the rates now in force for many divisions of the industry. As the wage board points out, its business and that of the commission is to fix a low limit for wages in this industry. It makes no effort to fix actual wage rates except to say that no wage for any worker should be lower than that agreed upon. What rates for various processes actually shall be above that limit is left to the parties concerned to be fixed with reference to the character of the work, the skill of the worker, and the other considerations affecting the problem.

The commission in approving this rate as a minimum is moved thereto by the agreement of the parties and by the fact that it is charged with putting into operation a new principle affecting Massachusetts industry. It believes the principle wise and businesslike, but it recognizes that it is one by which this industry is not affected in other States. The statute (sec. 8) and the rules adopted by the commission (Rule II) make the wage board a continuing body. It may be reconvened whenever conditions require, and its continued existence should be an educative and steadying force of great value to the industry. It is wholly possible to correct any error which develops after the present decree shall have had a fair trial. For that reason the commission, while realizing that the needs of the workers as agreed upon by all parties justify a higher minimum, and that the evidence presented to the wage board and to the commission that the industry is not able to pay higher wages and continue to exist in reasonable prosperity is inconclusive and unsatisfying, feels warranted in giving its approval to the rate of 15½ cents per hour to take effect as of August 15, 1914, and to continue for one year. The matter may then be the subject of such action as the situation then existing may warrant.

In making this finding the commission has not overlooked the language with which the wage board's determinations of 15½ cents is accompanied. The commission is of opinion that 18 cents per hour is, under the conditions attending this industry, a sum not more than adequate to supply the necessary cost of living and maintain the worker in health. It is further of opinion that the requirement of section 5 of the statute—that the board and commission shall "take into consideration \* \* \* the financial condition of the industry and the probable effect thereon of any increase in the minimum wages paid"—necessarily imposes upon the employers the burden of coming forward with the evidence that a rate which satisfies the first-mentioned requirement should not be approved because of its effect on the financial condition of the industry. The need of the girl is a factor easily determined within narrow limits. The financial condition of the industry is a matter peculiarly within the knowledge of employers, and without exercising a degree of inquisitorial power which would be pleasing neither to it nor to employers the commission has not been shown, nor does it see how it intelligently can determine, how far its decree should be affected by the condition of the industry other than by depending upon employers to come forward with the facts relating thereto.



In the present instance, aside from certain general statements as to business conditions in the industry, the commission has been presented with little information tending to show that the industry can not pay the 18-cent rate suggested as proper at the end of a suitable period for readjustment and preparation. It has asked for such information.

Should it not be presented, the commission, as at present advised, is of opinion that a rate of 18 cents or its equivalent, figured upon a weekly basis, would require its favorable consideration. That bridge, however, need not now be crossed. In approving the rate of 15½ cents the commission meets the case before it, but it feels that it should express its opinion as to the general policy involved in the problem. Attention is called to the discussion of the principles involved in fixing minimum wages with reference to this industry contained in the report of the wage board (Appendix No. 1). In particular, the plan described upon pages 28 and 29 seemed to present features which merit the careful consideration of employers.

In this connection the commission is of opinion that employers should give their best thought to the problem of eliminating the great irregularity of employment and reducing the striking amount of part time which marks the industry. The business is not one necessarily seasonal in character. Nor does it seem to present any difficulty in this respect that enlightened business thought should not solve. In the judgment of the commission great advantage would result to the industry as a whole, and to the workers engaged in it, if such readjustment could be brought about that those whom the industry does employ should be given regular and full-time employment; and when such employment has been provided at rates which in full time are adequate, employers should insist that those who remain in the industry take full advantage of its opportunities.

2. The rate for learners and apprentices is fixed at 65 per cent of the minimum, and the time of apprenticeship limited to one year. No objection to this determination has been offered by anyone engaged in the industry. It was the judgment of a competent tribunal, and we see no reason to interfere with it. It is therefore approved.

3. Pieceworkers are to be paid at such rates as to put them, so far as their minimum earnings are concerned, on the same basis as the time workers. No doubt many will exceed the minimum. To this determination also no objection was made by any persons engaged in the industry. It is therefore approved.

4. To the determination that the finding shall apply to all minors, objection was made by one employer which requires notice. Before dealing with the objection it should be said that no question is made as to persons between the ages of 18 and 21.

It is said, however, that the determination if approved would make impossible the employment of children between 14 and 18 during school vacations, and the objection is put upon the ground that public policy requires that opportunity for such employment be left open. To the general proposition the commission is prepared to give its assent. It does not, however, seem to the commission that in the present case the objection is well founded. The provision made for the employment of learners and apprentices appears sufficient to take care of any legitimate need in this connection, and it does

not seem wise to encourage an abnormal increase in force during the summer months by use of this class of labor in an industry which now suffers greatly from the evil of part-time employment during large portions of the year. Furthermore, the commission has requested, but has not been furnished, information indicating to what extent the present determination would have the effect suggested by the objectors, and we do not feel that it is wise, without more definite evidence, to disturb the determination of the wage board in this respect. The following decree therefore may be entered:

*Decree.*

The Minimum Wage Commission of the Commonwealth of Massachusetts, having before it the report of the brush makers' wage board, after public hearing thereupon held June 29, 1914, and for the reasons set forth in its opinion of even date, in accordance with Statutes of 1912, chapter 706, section 6, makes the following decree:

1. The lowest time wage paid to any experienced female employee in the brush industry shall be 15½ cents an hour.

2. The rate for learners and apprentices shall be 65 per cent of the minimum, and the period of apprenticeship shall not be more than one year.

3. These findings shall apply also to all minors.

4. If in any case a piece rate yields less than the minimum time rate, persons employed under such rate shall be paid at least 15½ cents an hour.

5. This decree shall take effect on August 15, 1914, and shall remain in effect until altered by the commission.

MINNESOTA.

The commission in January, 1914, established three wage boards, a mercantile board and a manufacturing board for Minneapolis and St. Paul, and a board covering both industries for Duluth. The Twin Cities mercantile board was composed of 10 representatives of employers, 10 representatives of employees, and 5 representatives of the public. Two of the representatives of employees were working girls, 5 having been originally appointed but 3 declining to serve. The Twin Cities manufacturing board was composed of 6 representatives of employers, 6 of employees, and 5 representatives of the public. One of the representatives of the employees was a working girl. The Duluth board was composed of 30 members, about half of the employers being merchants and half manufacturers.

The advisory wage board for mercantile industries, upon taking up its duties, submitted certain questions in regard to the meaning and application of the law to the attorney general for his opinion. The questions of the advisory board and the replies of the attorney general were as follows:

Whereas it is not entirely clear what powers and duties the commission or ourselves as an advisory board have or by what methods we shall proceed in the matter of fixing a living wage, and it is advisable, in order that time may be saved and we may do our work speedily and to the best advantage, that we be advised upon those matters at once; now, therefore, be it

*Resolved*, That we request the commission to submit the following questions to the attorney general for his answer in writing so that we may have them before us for our guidance in our work.

1. Must not the commission fix a minimum wage in the "occupation" for the entire State at one time? It is claimed by some that the action of the commission must be with reference to and for the entire State, though in fixing the actual minimum it may vary the minimum in different parts of the State; but though the minimum may differ in various parts of the State they must all be fixed at the same time and as part of the same investigation and proceeding.—Answer. No.

In other words, can the commission investigate the minimum wage in any "occupation" and act upon it within a district less in extent than the entire State?—Answer. Yes.

(In regard to the first two questions asked: "Must not the commission fix a minimum wage in the 'occupation' for the entire State at one time?" In other words, "Can the commission investigate the minimum wage in any 'occupation' and act upon it within a district less in extent than the entire State?" These questions were taken up in conference by the attorney general and the six assistants, and it was the unanimous opinion of the department that the acts of the commission must be State wide and it must be all done at one time.)

2. Section 5 provides that the commission shall establish a minimum rate of wages for an "occupation" after careful investigation. The commission is of opinion the wages paid to one-sixth or more of the women or minors employed therein are less than living wages. Can the commission fix a minimum wage unless upon such investigation they find that at least one-sixth of the women or minors employed in the "occupation" within the State are receiving less than living wages?—Answer. No.

Must they find that one-sixth or more of the women are receiving less than living wages before they can fix minimum wages for women, and that one-sixth or more of the minors employed in the "occupation" throughout the State are receiving less than living wages before they can fix the minimum wage for minors?—Answer. No.

Or, can they consider women and minors as belonging to the same class and fix minimum wages for each if they find one-sixth of the aggregate number of women and minors are receiving less than living wages?—Answer. Yes.

Must the commission fix a minimum for both women and minors in the "occupation" if they fix a minimum for either? Can the minimum fixed for women differ in amount from that fixed for minors in the same "occupation" and if so, on what basis must the difference be fixed?—Answer. Yes; respective cost of living of the two.

Can the commission fix a different minimum for male and female minors in the same "occupation"?—Answer. No.

3. What is an apprentice or learner? (This question is answered by par. 6 of sec. 20 of the act itself.) By what rule shall the commission determine what is an apprentice and what is a learner? (See above answer.)

Must the minimum for apprentices be the same as for ordinary workers?—Answer. Yes. (See par. 7, sec. 20, of the law.) If not, on what basis must the commission fix the minimum for apprentices if the cost of living is to determine the wage?

4. Must the commission make the minimum apply to all classes without regard to the necessity of the class or of the individual in the class?—Answer. That depends upon facts and applies to all as defined in paragraph 8, section 20, of the law.

By what rule, if any, is the commission to determine what is necessary to maintain the worker in health, and what are the necessary comforts and conditions of reasonable life?—Answer. This is by ascertaining the minimum cost of living.

Can the minimum wage be varied or fixed, having in mind the ability of the employer to pay the wage, and having in mind the necessity of the employee to contribute to the support of a family or others dependent?—Answer. The attorney general concluded the commission had nothing to do with this matter.

Must not the wage be fixed solely with reference to the actual needs of the employee of ordinary ability for a decent livelihood for the employee alone, without allowing anything to enable the employee to contribute to the support of a dependent, and with-

out allowing anything for education or amusement or for clothing or housing beyond that which will afford a minimum of comfort and amusement? (See subdivision 1, par. 1, sec. 20, of the law.)

Can the commission in fixing a minimum wage allow anything off or in reduction because of the advantages, educational or otherwise, which the employee gets from the particular employment?—Answer. Probably not.

5. In case the commission should promulgate a wage rate which was unsatisfactory to some employer or employers, could the employer so objecting be compelled to comply?—Answer. Yes; I think that the mere fact that the rate was not satisfactory to some employer would not excuse him from complying.

Would a rate fixed by the commission in the manner provided by the Minnesota minimum wage statute be enforceable?—Answer. Yes.

May we not expect that the court would hold it unenforceable?—Answer. No; the right to rule upon this is left for the courts.

*Additional questions.*

1. The first point is, Can a minimum wage per week be divided into half time, time by the day, or time by the hour?—Answer. I think "yes."

2. Can an employer offset against a minimum wage the value of instruction given to an apprentice or learner?—Answer. No.

3. When a business is so conducted that the branches of an ordinary trade are exercised within the business plant, does the minimum wage in that business control all employees, or does the minimum wage apply in the occupations which are grouped together in such business?—Answer. To the group.

Preliminary investigations of wages, cost and manner of living, and amount of time lost during the year had been made by the commission. The wage boards, however, decided that further investigation was desirable, and subcommittees were appointed for this purpose. Schedules were drawn up and sent out to employers. Schedules to be filled out by individual employees were also sent to employers, to be distributed by them to the employees. The final recommendations of the wage boards were as follows:

Mercantile board, \$8.65 per week.

Manufacturing board, \$8.75 per week.

Duluth board, \$8.50 per week.

After the receipt of the reports of the wage boards the commission held two public hearings. Its determinations, based upon the recommendations of the wage boards and its public hearings, caused it to reject the figures recommended and to fix rates for two classes of cities. In cities of the first class, the Twin Cities, the minimum wage was fixed at \$9 a week in mercantile and at \$8.75 in manufacturing; in cities of the second, third, and fourth classes, as Duluth and Winona, the minimum for mercantile occupations was fixed at \$8.50 and in manufacturing at \$8.25 per week. In smaller communities the minimum was fixed at \$8 a week for both mercantile and manufacturing occupations. All of the determinations were issued October 23, 1914, to become effective 30 days thereafter. According to a statement of the commission on the day the wage orders were to have become effective, an injunction was issued by the Ramsey County

District Court restraining the commission from enforcing the wage orders or performing any official acts. The case is now pending before the State supreme court.

The wage orders of the Minnesota commission as issued are given below:

ORDER No. 1, OCTOBER 23, 1914.

TAKE NOTICE.—That pursuant to the authority in it vested by chapter 547, General Laws of Minnesota for 1913, and being of the opinion that the wages paid to more than one-sixth of the women employed in each of the occupations hereinafter named in the State of Minnesota are less than living wages, and having made due investigation and having determined the minimum wages sufficient for living wages for women and minors of ordinary ability to be nine dollars (\$9) per week, in any mercantile, office, waitress, or hairdressing occupation, in any city of the first class in the State of Minnesota.

Now therefore it is ordered that:

No employer, whether an individual, a partnership or a corporation, shall employ any woman or minor of ordinary ability in any mercantile, office, waitress or hairdressing occupation, in any city of the first class in the State of Minnesota, at a weekly wage rate of less than nine dollars (\$9).

This order does not apply to learners and apprentices.

This order shall become effective thirty (30) days from and after the date hereof.

Each employer affected by the above order shall post at least one copy of said order in a conspicuous place in each workroom in which affected workers are employed in his establishment or work place.

ORDER No. 2, OCTOBER 23, 1914.

No employer, whether an individual, a partnership or a corporation, shall employ any woman or minor of ordinary ability in any mercantile, office, waitress or hairdressing occupation, in any city of the second, third and fourth class in the State of Minnesota, at a weekly wage rate of less than eight dollars and fifty cents (\$8.50).

This order does not apply to learners and apprentices.

This order shall become effective thirty (30) days from and after the date hereof.

ORDER No. 3, OCTOBER 23, 1914.

No employer, whether an individual, a partnership or a corporation, shall employ any woman or minor of ordinary ability in any mercantile, office, waitress or hairdressing occupation, in the State of Minnesota, outside of cities of the first, second, third and fourth classes, at a weekly wage rate of less than eight dollars (\$8).

This order does not apply to learners and apprentices.

This order shall become effective thirty (30) days from and after the date hereof.

ORDER No. 4, OCTOBER 23, 1914.

No employer, whether an individual, a partnership or a corporation, shall employ any woman or minor of ordinary ability in any manufacturing, mechanical, telephone, telegraph, laundry, dyeing, dry-cleaning, lunch-room, restaurant or hotel occupation, in any city of the first class in the State of Minnesota, at a weekly wage rate of less than eight dollars and seventy-five cents (\$8.75).

This order does not apply to learners and apprentices.

This order shall become effective thirty (30) days from and after the date hereof.

ORDER No. 5, OCTOBER 23, 1914.

No employer, whether an individual, a partnership or a corporation, shall employ any woman or minor of ordinary ability in any manufacturing, mechanical telephone, telegraph, laundry, dyeing, dry-cleaning, lunch-room, restaurant or hotel occupation, in any city of the second, third and fourth class in the State of Minnesota, at a weekly wage rate of less than eight dollars and twenty-five cents (\$8.25).

This order does not apply to learners and apprentices.

This order shall become effective thirty (30) days from and after the date hereof.

ORDER No. 6, OCTOBER 23, 1914.

No employer, whether an individual a partnership or a corporation, shall employ any woman or minor of ordinary ability in any manufacturing, mechanical, telephone, telegraph, laundry, dyeing, dry-cleaning, lunch-room, restaurant or hotel occupation, in the State of Minnesota, outside of cities of the first, second, third and fourth classes, at a weekly wage rate of less than eight dollars (\$8).

This order does not apply to learners and apprentices.

This order shall become effective thirty (30) days from and after the date hereof.

#### NEBRASKA.

While Nebraska enacted a minimum-wage law in 1913, to become effective July 17 of that year, no appropriation was made for carrying out the purposes of the act. In consequence, no real work has yet been done. The matter is reported as again under discussion before the legislature, with the real application of the act dependent upon action by that body.

#### OREGON.

The first biennial report of the Oregon Industrial Welfare Commission,<sup>1</sup> submitted January 1, 1915, gives an account of the work of the commission from June 3, 1913, the date when the law came into effect. Prior to that date the commissioners had been named and thus were able to meet and organize on June 4. The report does not discuss the problems with which the commission had to deal in endeavoring to put the law into operation nor the effects which have resulted from the enforcement of its orders. The report is here given substantially in full.

The commission began immediately to formulate plans for gathering information on the wages, hours, and general conditions of women and minor workers before it called formal conferences. Informal hearings were held with employers and employees from the retail store, manufacturing, fruit canning, laundry, restaurant, telephone, and telegraph industries. In all, 16 such hearings have been held. Besides these hearings, special data not ascertainable at the hearings were gathered by the secretary.

The first important decision which the commission made was to regulate the wages and hours of minor girls before regulating those of adults. As the commission is empowered (ch. 62, sec. 11, General Laws of 1913) to make rulings on minors without recommendations from a formal conference, a public hearing on the minimum wages and maximum hours for girls between the ages of 16 and 18 years was held in the office of the commission on August 5, 1913. The questions submitted by the commission at this hearing were:

1. What are the maximum hours per day which girls between the ages of 16 and 18 years should be employed?
2. What is the latest hour at night at which girls between the ages of 16 and 18 years should be employed?
3. What should be the minimum wage for girls between the ages of 16 and 18 years?

<sup>1</sup> First Biennial Report of the Industrial Welfare Commission of the State of Oregon, 1913-14. Salem, 1915. 15 pages.

The rulings which the commission issued as a result of the hearing are known as Industrial Welfare Commission Order 1.

I. W. C. ORDER No. 1, AUGUST 5, 1913.

GENTLEMEN:

TAKE NOTICE.—That pursuant to the authority in it vested by the general laws of the State of Oregon (Laws 1913, ch. 62, pp. 92-99), and in accordance with the determination by it to-day duly made and rendered:

The Industrial Welfare Commission of the State of Oregon hereby orders that:

1. No girl under the age of 18 years shall be employed in any manufacturing or mercantile establishment, millinery, dressmaking, or hairdressing shop, laundry, hotel or restaurant, telephone or telegraph establishment, or office in the State of Oregon more than 8 hours and 20 minutes during any one day or more than 50 hours in any one week.

2. No girl under the age of 18 shall be employed in any one of the above-named occupations after the hour of 6 o'clock p. m.

3. A minimum wage of \$1 a day shall be established for girls between the ages of 16 and 18 years, working in the above-mentioned occupations, except as otherwise arranged by the commission in the cases of apprentices and learners.<sup>1</sup>

Said order shall become effective from and after October 4, 1913.

After such order is effective, it shall be unlawful for any employer in the State of Oregon affected thereby to fail to observe and comply therewith, and any person who violates said order shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment in the county jail for not less than 10 days nor more than 3 months, or by both such fine and imprisonment, in the discretion of the court.

EDWIN V. O'HARA, *Chairman*,  
BERTHA MOORES,  
AMEDEE M. SMITH,

*Industrial Welfare Commission of the State of Oregon.*

Attest:

CAROLINE J. GLEASON, *Secretary*.

NOTICE.—Your attention is respectfully called to section 9 of chapter 62, General Laws of Oregon, 1913, which provides that every employer affected by this order shall keep a copy posted in a conspicuous place in each room in his establishment in which women workers work.

Meanwhile, as a result of the informal hearings, the commission had called two formal conferences, one on the employment of women in manufacturing establishments in Portland, the other on the employment of women in retail stores in Portland. The conference on factories held its first meeting on July 22, 1913. The members of this conference were:

*Representing the public.*—Mr. W. B. Ayer, Mr. Chas. McGonigle, Mrs. Elmer B. Colwell.

*Representing the employees.*—Mrs. N. A. Fallman, Miss Anna Bolda, Mrs. L. Gee.

*Representing the employers.*—Mr. J. W. Vogan, of the Modern Confectionery Co.; Mr. Everett Ames, of the Ames, Harris, Neville Bag Co.; Mr. A. T. Huggins, of the Fleishner & Mayer Co.

The commission submitted the following questions to this conference for consideration:

(1) What is the sum required a week to maintain a self-supporting woman in frugal but decent conditions of living in Portland? The absolutely essential elements of such decent conditions are: (a) Respectable lodging; (b) three meals a day; (c) clothing according to the standard demanded by the position such employee fills; (d) some provisions for recreation, care of health, and self-improvement.

(2) What are the maximum daily hours of work in manufacturing establishments which are consistent with the health and efficiency of the women employees?

(3) What length of lunch period is demanded by the hygienic needs of women workers in factories?

<sup>1</sup> See order of Aug. 31, 1914.

The recommendations received from this conference, which were presented for a public hearing, follow:

**Recommendations of the Conference on Factories in Portland.**

In establishing a minimum wage for women workers in factories, consideration should be given to the character of the occupation and to the permanence of the employment; consequently each industry should be considered by itself. It is apparent, however, that there must be a minimum below which it is unwise for society as a whole to permit its workers to be employed.

In the establishment of such a minimum, general in its application, consideration must also be given to industry as it exists and care must be taken that injustice is not inflicted in an effort to remedy abuses that have long existed.

With a full realization of the importance and far-reaching influence of our decision, we recommend:

"First. That the daily hours of work be limited to nine hours a day or 54 hours a week.

"Second. A standard minimum of \$8.64 a week in manufacturing establishments of Portland, any lesser amount being inadequate to supply the necessary cost of living to women workers and to maintain them in health.

"Third. That the length of the lunch period be not less than three-quarters of an hour.

"The above recommendations are intended to apply to the regular women workers and do not cover the minimum wages for learners and apprentices. Conditions of occupation and the time required to become proficient are so varied in different industries that we recommend that the commission itself gather information covering all occupations and submit all such information and evidence to a conference created for the purpose of considering same. Satisfied that such course is the only satisfactory method of arriving at an equitable settlement of the period for learners and apprentices we make no specific recommendation covering industries assigned to us for consideration, but do recommend that the minimum wage for such learners and apprentices in manufacturing establishments of Portland be fixed at \$1 a day."

A public hearing was held on these recommendations in the Portland Public Library, on September 9, 1913, at 8. p. m. The rulings of the commission on the wages and hours of adult women employees, paid by the time rate of payment, in the factories in Portland, are as follows:

**I. W. C. ORDER No. 2, SEPTEMBER 10, 1913.**

No person, firm, corporation, or association owning or operating any manufacturing establishment in the city of Portland, Oreg., shall employ any woman in said establishment for more than 9 hours a day, or 54 hours a week; or fix, allow, or permit for any woman employee in said establishment a noon lunch period of less than 45 minutes in length; or employ any experienced adult woman worker, paid by time rates of payment, in said establishment at a weekly wage of less than \$8.64, any lesser amount being hereby declared inadequate to supply the necessary cost of living to such women factory workers, and to maintain them in health.

Said order shall become effective from and after November 10, 1913.

The mercantile conference held its first meeting on July 21, 1913. The members of this conference were:

*Representing the public.*—Mr. T. D. Honeyman, Mrs. Henry R. Talbot, Miss Ruth Catlin.

*Representing the employees.*—Miss Helen Dinneen, Miss Gladys Rogers, Mrs. J. W. Mackey.

*Representing the employers.*—Mr. I. N. Lipman, Mr. Thos. Roberts, sr., Mr. Wm. Woodard.

The following questions were submitted to the conference:

(1) What is the sum required per week to maintain in frugal but decent conditions of living a self-supporting woman employed in a mercantile establishment in Portland? The absolutely essential elements of such decent conditions of living are:



(a) respectable lodging; (b) three meals a day; (c) clothing according to the standard demanded by position such employee fills; (d) some provisions for recreation, self-improvement, and care of health.

(2) What are maximum hours of work in mercantile establishments consistent with the health and efficiency of women employees?

(3) Is the employment of women at nightwork in mercantile establishments reasonable and consistent with their welfare?

On August 20, 1913, the conference sent the following recommendations to the commission:

**Report of the Conference on the Wages, Hours, and Conditions of Work of Women in Mercantile Establishments in Portland.**

*To the Industrial Welfare Commission of the State of Oregon:*

The members of the mercantile conference called by the commission for the purpose of deciding what is the minimum cost of decent, frugal living, what should be the maximum hours of a day's work for adult female clerks employed in mercantile establishments in Portland, and whether nightwork in such establishments is reasonable and consistent with their welfare, wish to report to the commission that they have seriously considered the above questions and wish to make the following recommendations to the commission:

(1) That a minimum wage of \$9.25 a week be established for adult women clerks who are not apprentices, in the mercantile stores of Portland.

(2) That the maximum hours of work for one day be fixed at 8 hours and 20 minutes, and for one week at 50 hours.

(3) That 6 o'clock p. m. be fixed as the latest hour at which any woman shall be employed on any day of the year in a mercantile establishment, since any later hour is inconsistent and unreasonable with the welfare of women workers.

A public hearing on these recommendations was held on September 23, 1913, at 8 p. m., in the Portland Public Library. After considering the information presented, the commission issued the following rulings:

**I. W. C. ORDER No. 3, SEPTEMBER 23, 1913.**

No person, firm, or corporation owning or conducting any mercantile establishment in the city of Portland, Oreg., shall pay to any experienced adult woman worker a wage less than \$9.25 a week. Nor shall any such person, firm, or corporation owning or conducting any mercantile establishment in the city of Portland, Oreg., employ any woman worker in such mercantile establishment more than 8 hours and 20 minutes in any day, and 50 hours in any week, or after the hour of 6 o'clock in the afternoon of any day.

Said order shall become effective from and after November 23, 1913.

On September 3 a conference on the wages and hours of women employees in offices in Portland was organized. This conference was composed of Mrs. W. L. Brewster, Mr. Fred Strong, Mr. Wm. A. Marshall, representing the public; Miss Ethel Winn, Miss Edna Carmody, Miss Irene Armstrong, representing the employees; Mr. Franklin T. Griffith, Mr. J. B. Kerr, Mr. A. J. Wellman, representing the employers.

The following questions were considered by them:

1. What sum is necessary to supply a decent and healthful subsistence to a self-supporting adult woman engaged in office work in the State of Oregon?

2. What is the maximum number of hours that such a woman may be so employed without injury to her health?

The conference answered these questions by recommending: First, that a minimum wage of \$40 a month be paid to adult experienced women engaged in office work; second, that 51 hours a week be the maximum number of hours which a woman engaged in office work

might be employed. There was no recommendation for maximum daily hours.

The public hearing on these recommendations was held December 2, 1913, in the Portland Public Library at 8 p. m. The commission then issued the following rulings:

I. W. C. ORDER No. 4, DECEMBER 3, 1913.

1. No person, firm, corporation, or association shall employ any experienced, adult woman in any office, or at office work, in the city of Portland for more than 51 hours in any week, nor at a wage rate of less than \$40 a month.

2. The following classes of work are included under this ruling as office work: Stenographers, bookkeepers, typists, billing clerks, filing clerks, cashiers (moving-picture theaters, restaurants, amusement parks, ice-cream stands, etc.), checkers, invoicers, comptometer operators, auditors, and all kinds of clerical work.

Said order shall become effective from and after February 2, 1914.

Pending special investigations and rulings on the different industries located outside of the city of Portland, and wishing to establish maximum hours and minimum wages which would put all of the industries in the small towns of the State on an equal footing, the commission organized a conference familiarly known as the "State-wide" conference. The representatives on this were:

*Representing the public.*—Mrs. Sarah Evans, Mr. D. Solis Cohen, Mr. R. A. Booth.

*Representing the employers.*—Mr. Emery Olmstead, Mr. Thomas Kay, Mr. Thos. Roberts, sr.

*Representing the employees.*—Mrs. L. Gee, Mrs. Steve King, Miss Marie Burton.

The industries which they were asked to consider were those in Portland not already regulated by previous rulings, and all industries in the State at large, outside of Portland, which had women in their employ. The conference was instructed that the wages recommended would be preliminary to special conferences which the commission intended to call eventually for industries outside of Portland, as well as those in Portland. The questions submitted to this conference were:

(1) What is the sum required a week to maintain a self-supporting woman in frugal but decent conditions of living?

(2) What are the maximum daily hours of work which are consistent with the health and efficiency of women employees?

(3) Do you not think that a maximum six-day week should be recommended for all women employees?

(4) What should be the maximum time of employment required before an inexperienced woman worker is entitled to receive the minimum wage?

(5) Is nightwork reasonable and consistent with the health and efficiency of female employees?

After due consideration, the conference sent the following recommendations to the commission:

**Report of the State-wide Conference for All Industries in the State of Oregon.**

*To the Industrial Welfare Commission of the State of Oregon:*

The members of the conference appointed by your honorable body for the purpose of recommending wages and hours for all industries in the State of Oregon not heretofore ruled upon by the commission, respectfully report that they have given due attention to the questions propounded, and respectfully submit the following as their answers thereto, all of the conclusions herein contained being the unanimous sense of the members of the conference present at the time when the matters were finally considered.

Answer to question 1. We deem that the sum required per week to maintain a self-supporting woman in frugal but decent conditions of living as an absolute minimum is \$8.25.

Answer to question 2. The maximum daily hours of work which are consistent with the health and efficiency of women employees should not exceed 54 a week.

Answer to question 3. It was the opinion of the conference that the answer to question 2 would of itself necessarily affect the answer to question 3.

Answer to question 4. The conference suggested that the maximum time of employment before an inexperienced woman worker should be entitled to receive the minimum wage should not exceed one year, and further suggests that in making the recommendation the conference does not mean to indicate that an inexperienced woman should necessarily work one year before receiving the minimum wage, but should be put upon the list of experienced workers just as soon as her efficiency becomes apparent; for such inexperienced workers the conference recommends a minimum wage of \$6 a week.

Answer to Question 5. The conference does not believe that nightwork is consistent with the health and efficiency of female employees, but in view of the present industrial conditions throughout the State of Oregon it recommends the hour of 8.30 o'clock p. m. as the latest hour at which women should be employed in mercantile, manufacturing, and laundry industries, but that this hour of dismissal should not apply to telephone and telegraph companies, confectionery establishments, restaurants, and hotels.

A public hearing on these recommendations was called for December 9, 1913. The rulings which were issued after the hearings are as follows:

I. W. C. ORDER No. 5, DECEMBER 9, 1913.

(1) No person, firm, or corporation shall employ any experienced, adult woman in any industry in the State of Oregon, paid by time rate of payment, at a weekly wage rate of less than \$8.25 a week, any lesser amount being hereby declared inadequate to supply the necessary cost of living to such women workers and to maintain them in health.

(2) Nor shall any such person, firm, or corporation employ women in any industry in the State of Oregon for more than 54 hours a week.

(3) Nor shall any such person, firm, or corporation pay inexperienced, adult women workers, employed by time rate of payment, at a rate of wages less than \$6 a week. And the maximum length of time such workers may be considered inexperienced in any industry shall not exceed one year.<sup>1</sup>

(4) No person, firm, or corporation owning or conducting any mercantile, manufacturing, or laundry establishment in the State of Oregon shall employ women workers in such establishment later than the hour of 8.30 o'clock p. m. of any day. This hour of dismissal does not apply to telephone and telegraph companies, confectionery establishments, restaurants, and hotels.

Said order shall become effective from and after February 7, 1914.

Under date of August 31, 1914, the commission issued the following order (but not as a numbered order) authorizing employment for a preapprenticeship period at a special lower rate in the millinery and dressmaking trades.

PORTLAND, OREG., *August 31, 1914.*

TO THE MILLINERS AND DRESSMAKERS OF THE STATE OF OREGON:

The industrial welfare commission on August 28 decided, in view of the circumstances surrounding the apprenticeship conditions in the millinery and dressmaking trades, to permit a preapprenticeship period of one month to women and girls who wish to learn either of these trades. As this month is given that the ability of the learners may be tested and their fitness for the trade discovered they may be engaged for a wage rate of less than \$6 a week, but after the end of the 30 days' period the apprentice must be paid at least \$6 a week. The regular apprenticeship period of 12 months as allowed by I. W. C. Order No. 5, will date from the end of the month's trial.

This preapprenticeship period of 30 days will be allowed only to those women and girls who have had no previous experience at dressmaking or millinery. Every learner who is taken on under this regulation must have a special permit from this office before she can begin work. A duplicate of this permit will be sent to the employer, which duplicate must be returned with the original when the preapprenticeship time

<sup>1</sup> See order of Aug. 31, 1914.

is completed. Those women who have had slight experience at either of the trades, but who have not had a full year, must be employed as regular apprentices at \$6 a week and will not receive a permit for a trial month.

INDUSTRIAL WELFARE COMMISSION,  
———, *Secretary*.

Because of the seasonal character of the fruit and vegetable canning industry and the large number of women and children employed, a special conference on this industry was organized September 16, 1914. The representatives on this conference were:

*Representing the public.*—Mrs. A. M. Wilson, Mr. J. C. English, Mr. A. M. Churchill.

*Representing the employees.*—Mrs. L. E. Daniels, Mrs. Wm. Addis, Miss Rose Harrington.

*Representing the employers.*—Mr. J. J. Stangel, Woodburn; Mr. W. G. Allen, Salem; Mr. J. O. Holt, Eugene.

The commission submitted the following subjects for consideration:

(1) A system of standardizing or indicating box weights where employees work by the box.

(2) A standardization of the daily time and piece work checks.

(3) The adjustment of piece rates to the minimum-wage rate already established:

(a) For the different grades of the same kind of fruit.

(b) For determining the percentage of workers who may be classified as learners.

(4) The question of the status of minors in canneries.

(5) Proper height of tables and stools.

The recommendations of the conference were as follows:

(1) Except as herein below set forth under paragraph 2, no person, firm, corporation, or association shall employ any experienced adult woman in any cannery or other establishment for the canning, drying, or preserving of fruit, vegetables, fish, or other similar products in the State of Oregon, whether paid by time or piece rate of payment, at a weekly wage rate of less than \$8.25 a week, nor in the city of Portland at a weekly wage rate of less than \$8.64, any lesser amount being hereby declared inadequate to supply the necessary cost of living to such women workers, and to maintain them in health. Where piece rates of payment are employed they shall be so adjusted as to conform to this regulation.

(2) Not to exceed 25 per cent of the adult women employed in any such establishment (cannery, etc.) may be classed, if inexperienced, as "learners and apprentices," or if slow or infirm, as "physically defective or crippled by age or otherwise," and may receive less than said minimum wage above named, but in no case shall "learners and apprentices" receive less than \$6 a week.

(3) In case action for unpaid wages is brought in any court by any such adult woman employee, it shall be sufficient that the plaintiff shall establish the time during which she was employed, whereupon it shall be presumed that she is entitled to the minimum wage provided in paragraph 1 hereof for the period of such employment. And if an employer, in defense, under paragraph 2 hereof, shall seek to show that said worker was inexperienced, slow, or infirm, it shall be incumbent upon him to establish that not to exceed 25 per cent of his adult women employees were thus classed and paid during the period covered by such action.

(4) Where employment is for fractional portions of a week a minimum wage per hour shall be paid, to be arrived at by dividing the weekly minimum wage applicable by the maximum number of hours of employment permitted by law in the establishment in question, in no case more than 54 hours.

(5) No woman shall be employed in any such establishment (cannery, etc.) more than 54 hours a week; but for not more than four weeks each year adult women may be employed more than 10 hours a day, provided that for all time of employment exceeding 54 hours a week and less than said 60 hours a week wages shall be paid at a rate exceeding the regular minimum wage paid in such establishment, whether by piece or time rate, by not less than 50 per cent.

(6) Whenever, at the end of any day or other unit of working time, any employer in such industry shall take possession of the token, card, record, or receipt for piecework of any female employee, he shall in turn leave with or give to her either a duplicate or copy of same or some similar form of token, card, record, or receipt from which all sums to which she is entitled and hours during which she has been employed can be readily computed.

A public hearing on these recommendations was held in the Portland Public Library on December 17, 1914.

The question of the length and the wage of the apprenticeship period in the mercantile, factory, and laundry industries, which had been under investigation for some time, was submitted to a conference on October 21, 1914. Subcommittees of this conference are still engaged in investigating the question in all its bearings.

Besides minor investigations which the commission has carried on without interruption, through its secretary, two more extensive inquiries have been made during the year 1914. The first one was concerned with the conditions of work of female employees in the fruit and vegetable canneries in the State, and the second with the laundries of Portland. A report on the findings of the laundry inquiry has been published.<sup>1</sup> During the 18 months which have elapsed since the commission was organized it has met 73 times; 40 of these meetings have been formal business sessions, 16 have been informal hearings, and the remainder have been at conferences and public hearings.

#### Enforcement of the Law.

All complaints of violations of the law which have been reported to the office of the commission have been referred to the State labor commissioner, who has the enforcement of the rulings. The industrial welfare commission has endeavored to cooperate in every way with the State labor commissioner and his deputies, so that complete harmony exists between the two officers.

Eight permits have been issued to slow, infirm, or crippled adult workers, as permitted by the law (ch. 62, sec. 10), to work for less than the minimum wage provided for experienced adult workers. The industries, the number in each, and the cause for which the permits were issued is given herewith:

Industry.	Location.	No.	Reason for issuing.
Paper-box factory.....	Portland.....	1	1 aged and slow.
Mercantile store.....	do.....	2	1 abnormally slow worker; 1 deafness.
Fruit cannery.....	do.....	1	1 aged, slow, and infirm.
Rug factory.....	do.....	1	1 slow from illness, past middle age.
Laundry.....	do.....	2	1 crippled hand; 1 aged and slow.
Do.....	Eugene.....	1	1 aged and slow.

#### Legal Defense of the Act.

On October 14, 1913, suit was brought by Mr. F. C. Stettler against the industrial welfare commission to restrain it from carrying out the provisions of the act on the ground that it was unconstitutional. The complaint was based on the provisions of I. W. C. Order No. 2, which governs the employment of women in factories in Portland, and provides for a nine-hour day or 54-hour week, a minimum wage of \$8.64 a week for experienced adult workers, and a minimum of 45 minutes for the lunch period. Attorney General Crawford had charge of the defense for the commission, but was ably assisted by Mr. Dan J. Malarky, Mr. E. B. Seabrook, and Mr. J. N. Teal, who offered their services to the commission gratuitously. Mr. Teal drew up a brief defending the provision of the law which forbids

<sup>1</sup> Report of the Industrial Welfare Commission of the State of Oregon on the Power Laundries in Portland, 1914.

appeal from decisions of the commission in matters of fact. Mr. Malarky also presented a brief and took part with the attorney general in the pleadings before both the circuit and State supreme courts.

On November 7, 1913, Judge Cleeton, of the circuit court, declared the law constitutional and refused to grant an injunction against the commission. An appeal was taken to the State supreme court, where the hearing was given on February 9, 1914. For the hearing before the State supreme court Mr. Louis D. Brandeis, of Boston, and Miss Josephine Goldmark, publication secretary of the National Consumers' League, submitted a brief showing the benefits of minimum-wage legislation. On March 17, the supreme court handed down a decision upholding the constitutionality of the law.

Thereupon Miss Elmira Simpson, an employee of Mr. F. C. Stettler, brought suit against the commission on the ground that its rulings would deprive her of the right to work. The law was again upheld, both in the circuit and the State supreme courts. Both cases were appealed to the United States Supreme Court, where the hearing was held on December 17, 1914. Attorney General Crawford and Mr. Louis Brandeis appeared for the commission. The decision of this court has not yet (March 17, 1914) been rendered.

#### UTAH.

The Utah minimum-wage law is peculiar in that it fixes directly the minimum rates to be paid for experienced adult females, for adult learners and apprentices, and for minors. The administration of the law is placed upon the commissioner of immigration, labor, and statistics. The law became effective May 13, 1913, and the following statement under date of January 20, 1914, from Commissioner Haines, is of particular interest:

Our office has investigated some two hundred or more cases of alleged violations of the minimum-wage law since May 13, 1913, which have had any merit and a number that had not. We knew that it was the prime object of the lawmakers to secure for the girls and women affected an increase of wages and in enforcing the law we have always endeavored to look after the interests of the employees first. For this reason, where we find violations, we first give the employers an opportunity to make good to their employees any shortage of wages between what they had been paying and what they were legally required to pay. In some cases, we have secured to a single employee as high as \$57 in back wages. The employers preferred to pay this money rather than stand trial with the liability of paying a heavy fine and costs of prosecution, besides the ignominy of being cheap men. In the above manner, we have collected over \$6,000 in back pay to employees and up to the present time we have had to bring four prosecutions, three of which we have won and one is still pending.<sup>1</sup>

Writing late in 1913, the same commissioner said:

The principal businesses affected by the law are the mercantile, candy, knitting, paper-box and overall factories, the woolen mills, laundries, millineries, hotels and telephone companies.

<sup>1</sup> Irene Osgood Andrews, Minimum-wage legislation, Appendix III of the Third Report of the New York State Factory Investigating Commission, p. 208.

Of the employees under 18 years of age, constituting about 6 per cent of the 11,500, a majority were employed as cash girls and wrappers in the department stores and received about \$4 per week, a few less. The minimum wage raised the wages of this class to \$4.50 per week. A number of the department stores supplanted cash girls with cash boys whom they pay \$4 a week or \$18 per month. Many millinery stores that were paying girl apprentices from \$2.50 to \$5 per week also weeded out those who were the least proficient. In the knitting, candy, paper-box, and overall factories, and woolen mills where the piece system is in vogue, a few girls were discharged who could not reach the minimum wage in their respective classes named in our law. This number, however, was not over 3 per cent of the whole number employed therein.

In the inexperienced adult class, those women over 18 years of age with less than one year's experience as salesladies or as apprentices in millinery stores and factories, were affected to a considerable extent. The law requires that this class shall be paid not less than 90 cents per day. Many within this classification were drawing about the same wage as was paid inexperienced girls who were under 18 years of age. In some cases, the older girls in the 90 cents per day class were no better salesladies than their younger sisters. Of this class, constituting 10 per cent of the female employees in our State, as stated above, the wages of about 3 per cent were raised to meet the minimum wage.

While the law did not become effective until May 13, many of the employers who pay monthly or semimonthly voluntarily caused the law to become effective on May 1. In a number of businesses, the employees who were not considered as possessing the necessary efficiency were notified that it was up to them to "make good" in order to retain their employment and the probationary period was fixed at from two to four weeks.

As a whole, it seems to be the consensus of opinion of employers that the law has increased efficiency to an appreciable extent. Perhaps not more than 5 per cent of the whole number of female employees were discharged because of this law going into effect and many of those who lost their employment found employment in other like establishments or in other lines.

About the time the law became effective, our department was called upon by a number of business concerns to determine what generally would be considered a year's experience as expressed in our law. They were informed that any girl or woman who had worked for the period of one year or more, or who had worked as an apprentice in a millinery establishment or as a laundry girl, telephone girl or in a factory or mill for a like period, would be considered as "experienced" in their respective avocations.

Some of the department stores claim that they experienced considerable difficulty with employees coming to them from small country stores and the 5 and 10 cent city stores. This class of employees are 18 years old and over and have had a year's or more experience. Employers are required to pay this class of girls or women not less than the minimum wage of \$1.25 per day and have found that others of their older employees who are working as minors and "inexperienced" are more efficient. This fact is soon manifested in a way that touches their pocketbooks, for the reason that the smaller-paid

help are soon at the elbows of their employers asking for an increase of wages with the plea that they are better or fully as efficient as the higher-paid employees with a country or small store experience.

The law has had a tendency to drive out the little errand girl in some establishments who was drawing from \$2.50 to \$3.50 per week and whose tenure of employment was oftentimes a semicharitable one.

Compared with many other Western States of equal and some of greater population, the wage scales of this State for both male and female labor are quite high, and our newly inaugurated minimum-wage law was instrumental in increasing the wages of but a small per cent (possibly 10) of our working girls and young women. In our laundries girls were generally paid from \$6 to \$7 per week and now they are paid \$7.50 per week. In the department stores, the wage was from \$4 to \$25 and in the millinery establishments from \$2.50 to \$25 per week. Apprentices in the millinery establishments must now be paid \$4.50 per week or else be permitted to work under instruction for absolutely no wage, in which condition the relationship of employer and employee is not established.

Thirty dollars a month or \$1 per day was the general wage of chambermaids in many European hotels and rooming houses. Now it must be \$1.25 per day for six days a week where neither board nor lodging is furnished.

As a whole, I think the law a fairly good one and have yet to learn where it is causing any considerable amount of oppression or injustice to anyone. Some small establishments, like country printing offices, that employed female apprentices at a wage of from \$3 to \$4 per week or the first year, claim that they can not afford to pay \$7.50 per week or such help during the second year.

In no establishment of the State, coming under our notice, that employs any considerable number of females, has the pay roll been increased over 5 per cent. I believe that the average is between 2 and 3 per cent.

The law has the tendency to equalize the wages of the inexperienced and the near experienced. I believe that it increases efficiency and what is of equal and greater importance will have a growing tendency to secure to competent women a living wage.<sup>1</sup>

No formal report of the operations of the Utah law has yet been issued, but a paper read by Commissioner Haines before the National Convention of the Association of Government Labor Officials on June 9, 1914, explains the history of the law and discusses the results of its application.<sup>2</sup> The paper is given in full below:

Utah's arbitrary minimum-wage law for women and girls has now been in operation for one full year, a period long enough to form a partial conclusion of the merits, in one State at least, of a class of labor laws that is now uppermost in the minds of many students of important social and economic problems.

Before entering into a statement of the physical operations of the law and its practical results so far as may yet be determined, I desire

<sup>1</sup> Op. cit., pp. 209-212.

<sup>2</sup> Paper read by H. T. Haines, commissioner of immigration, labor, and statistics of Utah, before the National Convention of the Association of Government Labor Officials of the United States and Canada, at Nashville, Tenn., on June 9, 1914.



to first briefly call your attention to the ways and means by which Utah, one of the youngest States, and one having the fewest number of women and girls depending upon a daily wage for their sustenance, took a short cut through the wide but unknown field of proposed living-wage legislation, and enacted a minimum-wage law for females. Preliminary work leading to the preparation and presentation of a bill for the enactment of a minimum-wage law had been performed by a committee of the Federation of Women's Clubs of our State and the bill itself was presented by a woman member of the lower house of the legislature, of whom there were three. This bill followed closely the provisions of the bill first presented to the Massachusetts Legislature, but which was later much amended and therefore considerably unlike the Bay State's minimum-wage law in effect to-day.

The Utah bill provided for a commission, as have bills of all other States having minimum-wage laws now in force or pending. The proposed commission was to have been composed of three persons, to be appointed by the governor, one of whom was to have been a woman. The bill carried an appropriation of \$5,000 to meet the expenses of the commission for inquiring into the wages paid to women and girl employees in the various occupations in which they were engaged, with a view of ascertaining as nearly as possible the adequacy of the then prevailing wages to supply the employees with the necessary cost of living and to maintain them in health.

The commission was further empowered to establish a wage board consisting of three representative employers and an equal number of representative women employees, and one or more disinterested persons representing the public, whose duty it was to determine a minimum wage for women in occupations in which prevailing wages were found to be inadequate to meet the requirements of a living wage and to maintain the employees in health.

Merchants and manufacturers were quick to notice this effort for proposed legislation affecting their several interests and equally alert in protecting such interests. Arrangements were soon perfected for joint meetings of employers and employees and women's club representatives with the labor committee of the lower house. The merchants' and manufacturers' committee of the local commercial club strenuously opposed the bill in the form presented, asserting that the publicity feature in which the commission was authorized to publish in the daily papers the names of employers and the material facts of their findings through searching investigations into their businesses, was particularly objectionable and unnecessary. It was also maintained by them that the proposed investigating machinery was too bulky and that the \$5,000 that was proposed to be appropriated was insufficient to carry on the work in the manner outlined. With the women in their fight for the enactment of their bill, or one equally as good, were representatives of labor, and lobbies in the legislative halls were formed and maintained by the contending forces. At the public hearings before the house labor committee able and exhaustive arguments were made and heard, and but little advancement was apparently made for some time toward an amicable understanding between the participating forces. Finally a subcommittee of the merchants' and manufacturers' committee of the local commercial club drafted a bill that was accepted as a fairly good compromise between themselves, the club women, and labor representatives, and a substitute bill

embracing a wage scale as agreed upon was drafted by the subcommittee, which was later presented to the legislature and finally passed by a close vote in the lower house and unanimously in the senate.

The original bill contained over 1,800 words and the substitute bill about 200, yet the latter bill was such that it practically accomplishes about all that was sought to be secured through the more verbose and cumbersome measure.

The law itself fixes a minimum wage of 75 cents per day for any girl under the age of 18 years; 90 cents per day to a woman over the age of 18 years, who is inexperienced in the class of work she is employed to perform; \$1.25 per day to women who have served an apprenticeship in the line of work they are performing. The apprenticeship period is fixed at one year. Thus a woman or girl who has worked one year as a saleswoman must be paid \$1.25 per day. Likewise she must be paid as much as if she had worked as an operator in a factory of any kind, in a candy manufactory, laundry, etc., and is following these lines of employment.

The merchants' and manufacturers' subcommittee's bill gave \$1 per day to apprentices over 18 years of age, but the house committee cut the wage to 90 cents. In establishments where the piece system of wages obtains a woman's wages must be equal to the wages fixed by the minimum-wage law, based on a nine-hour-per-day service, that number of hours constituting a day's work for women in our State.

One of the objections raised by the house committee on labor to the minimum-wage bill, as first presented, was to the creation of a new State commission, and hence a new department. In order to eliminate this strongly opposed feature, the substitute bill designated the commissioner of the bureau of immigration, labor, and statistics as the officer to enforce the general provisions of the law. This department was already responsible for the enforcement of the nine-hour law for females, the eight-hour law for minors, and besides charged with other matters pertaining to labor and immigration, together with the gathering, compiling, and publication of statistics. Outside of the fixed salaries of the commissioner, two deputies, and a stenographer, rent, etc. (Utah not having a State capitol as yet), the department was allowed \$1,500 per year for all traveling, printing, stationery, and other incidental expenses. As the appropriation for the department was fixed before the passage of the minimum-wage law, it may be said that the only sum of money provided by the legislature for operating its minimum-wage law was but \$800, which was named in an amendment to the old act creating the bureau of immigration, labor, and statistics as the salary to be paid an additional deputy in the department, and which amendment stated that the new deputy should be a woman.

Here I wish to say that, in the absence of any knowledge by this convention of what criticisms may have been made or are being made concerning the operations of the law in Utah, I think the members of the convention will agree with me that it is being administered economically and that the legislature made a "ten strike" in its efforts to economize when it eliminated a \$5,000 per year department and attached the proposed work of such to another department and allowed it but \$800 for the performance of the required work.

The provision concerning a woman deputy was another concession to the women's club members, who contended that in the investiga-

tions of alleged violations of the minimum-wage and nine-hour laws, and the general conditions surrounding the employment of labor, a woman official would necessarily prove a helpful acquisition to the operating forces of the department. In this proposition they were partially right, but in passing it may be briefly stated at this point that in the handling of many cases wherein women employers were violators of the law enacted for the benefit of women wage earners, woman's inhumanity to woman was oftentimes manifested in a striking manner through their incourteous treatment of the woman deputy commissioner. Many women employers charged with violating the law stated that they preferred to deal with a man when investigations concerning their conduct toward their own sex were under consideration.

The most stubborn opposition to the passage of the measure came particularly from a representative of one large manufacturing establishment and from several small country merchants. The manufacturers' representative contended that in the line of employment which his concern offered to girls and young women there were certain classes of work requiring but little skill, for which service they could only afford to pay a low wage and could furthermore give employment to a class of females who possessed but meager mentality and were incapable of performing work that required average physical capacity. The argument advanced by him was that his corporation would necessarily have to discharge a number of females who would probably be unable to secure any other employment, or at least such employment at which they could earn as much as he was paying them in the establishment which he represented. Emphasis was placed by him on the probability of such employees becoming a permanent burden to their parents, relatives or friends, who would necessarily have to support them, or else they would become public charges.

The small country merchants set up the claim that their businesses did not warrant their paying a woman more than \$20 or \$25 per month, and in order for them to maintain female help they would have to discharge their experienced girls and employ only those under 18 years of age, or one older who had had less than one year's experience as a sales girl.

The practical workings of the law are yet to be told.

Briefly, the total number of women and girls in Utah coming under the operations of the law numbered about 12,000. Of the total number only about 6 per cent were under the age of 18 years, and were employed chiefly as errand or bundle girls in department stores, and in candy factories, box and knitting factories. No account was reckoned of the girls and women who, in the packing season, work in the canneries, of which we have quite a number. The operating period of some of these concerns is less than 60 days, and they employ quite a number of young folks of both sexes during that time of year embracing the school vacation for full or part days. However, their rates reach the minimum-wage scale. About 10 per cent of the 12,000 regular female employees come within the inexperienced or apprentice class, and the remaining 84 per cent in the experienced class.

A month prior to the day the minimum-wage law became effective our department sent to every regular employer of female labor of

whom it had any knowledge a printed copy of the law and also a blank calling for a statement of the number of females employed by them who were under 18 years of age, how many of this class they were paying less than 75 cents per day; how many of the female employees over the age of 18 years were inexperienced and how many were experienced, and how many of these two classes were being paid less than 90 cents and \$1.25 per day, respectively. They were requested to fill out these blanks and mail same to the labor department. In a number of later instances these blanks proved quite useful to us, especially in cases where employers of only a few girls, who kept no pay rolls by which our department might check their weekly wage accounts, and who had failed to adjust their wage schedules to meet the requirements of the new law. The same employers of female labor were later asked to fill out similar blanks bearing a date subsequent to the law becoming effective, and from this information, oftentimes unwittingly written upon these blanks, we discovered many violations of the law for which the employers were obliged to pay thousands of dollars in wages that fell short of being the minimum wage, or else defend a lawsuit in a court of justice.

The first complaint we filed was one against an establishment employing about 25 young women. Two weeks after the law went into effect it was reported to the department that this concern was not paying the minimum wage. The commissioner obtained a pay envelope from one of the girl employees upon which was written her name, the amount of her weekly wage, and date thereof, which was \$1 per week less than that provided by law. The commissioner called upon the proprietor of this establishment and requested to see the pay roll, a request that was at first denied until the law requiring employers to submit their pay rolls for inspection was presented. This pay roll showed that a number of girls were being paid less than the minimum wage, yet in the face of this fact and the envelope exhibited, the proprietor and the bookkeeper claimed that the establishment was paying the minimum wage. The proprietors dared not face a trial in this case, and a plea of guilty was entered before the day of trial, and each girl who had been underpaid was handed the balance legally due her.

During the full year the minimum-wage law has been in operation, our department has collected from employers over \$8,000, which was given into the hands of employees who were not receiving the minimum wage. In many instances the employers guilty of violating the law did so unconsciously or carelessly, having neglected to immediately act upon the notice sent out by the labor department and adjust their pay rolls to meet the requirements of the law. One large department store, employing in the neighborhood of 200 females, and paying semimonthly, was found guilty of violating the law for the reason that it paid its girls under 18 years of age but \$9 (two weeks' wages) on the 1st and 16th days of each month, computing the wage on 12 months a year basis, instead of at 52 weeks a year. When their attention was called to this matter, they thanked the labor department and promptly made up to each underpaid employee the balance due her.

Quite a number of employers apparently acted with indifference to the warnings of the labor department, evidently thinking that the department charged with the enforcement of the law had enough

else to do without investigating the amount of wages they were paying their help, and seeking refuge behind the fact that the underpaid employee well knew that her job was at stake if she entered a complaint. When the commissioner or deputy commissioners dropped into their places of business to question them or their employees, or examine their pay rolls, oftentimes being possessed in advance of their visits with incriminating facts pertaining to the wages that were being paid in the particular establishment under investigation, many unpleasant scenes occurred, which usually ended with all concerned getting together, computing the back wages due the underpaid employees, to whom a substantial sum of money was turned over, and a promise on the part of the employer to observe the law in the future, followed by a formal and apparently friendly farewell. The highest individual sum of money which our department has as yet collected in this manner for one girl is \$125, but several amounts approaching that sum have been obtained.

The law does not designate our department as a collection agency, but we assumed that for the reason that the law was intended to obtain better pay for girls who were drawing wages insufficient to meet their necessary living requirements, we would be carrying out the spirit of the law if we placed into their hands good hard cash, rather than summon them to appear in court as reluctant witnesses against their employers, and, in most cases, lose them their jobs, after which they would be required to bring a civil action to collect the legal wages due them, and if successful would be obliged to turn over nearly all that had been collected to some attorney for his services in the case.

A wise business man is a respecter of public opinion, and therefore few of such care to antagonize a law established for the payment of a fair wage to men or women. Some merchants and manufacturers will tell the commissioner of labor that they believe the minimum-wage law to be unconstitutional, and that it is too arbitrary; that it denies to some girls and women the employment that they are very much in need of, but they lack the moral courage to thus speak or publish such views to the world, and draw unto themselves the odium that the laboring classes feel for the employers opposed to laws intended for the betterment of wage earners. Hence our department has had to bring but seven cases for the violation of the minimum-wage law before the courts, six of which we have won and one is still pending. A case won has been appealed to the supreme court. This was a matter wherein a woman proprietor of a dressmaking establishment was paying an apprentice but \$5 a week, the minimum wage being \$5.40. The apprentice had been employed but three weeks and her employer was offered the privilege of paying the \$1.20 due the apprentice under the minimum-wage law, or else face a prosecution. She elected to fight, but after an action was instituted against her for her violation of the law, an attorney advised her to pay to the apprentice the \$1.20 due, which she did and then asked that the suit be withdrawn. In view of the fact that she slammed the door of her establishment in the face of the deputy commissioner and hung up the telephone receiver when the county attorney was advising her to pay the apprentice and thus avoid prosecution, the forces charged with the enforcement, prosecution, and dignity of the law

elected to allow the woman the opportunity of fighting until the supreme court of the State called "time." Thus the constitutionality of our little minimum-wage law is to be tested, and others besides the lady have quietly chipped in to help defray the expense of the legal scrap. One contributor is a man whom we had previously convicted of violating the law.

Summarizing its practical effects within the brief period it has been in operation, the law may be said to have been instrumental in raising the wages of a number of women and girls who most needed the additional sums of money it has placed in their hands. It has not increased the wage pay roll in establishments employing any considerable number of women over 5 per cent. As an offset to this, most employers admit that they have obtained increased efficiency, because proprietors or managers of many establishments employing a large number of female workers immediately preceding the date of this law becoming effective made the occasion an opportunity for heart-to-heart talks with their female employees, to emphasize the fact that it would be up to them (the employees) to make good in order to hold their positions. This presentation of the situation is alleged to have had a leavenous effect upon quite a few deficient employees who are now drawing more than the minimum wage. A few small country merchants claim to have been hard hit, and some formerly employing two girls now have but one. A very small number of women and girls who failed to produce the results fixed as necessary were dismissed from establishments, but most of them found other work for which they were better adapted, and consequently we can recall but few cases where a woman or girl has been utterly deprived of employment because of this law. In several cases where girls have been discharged because of the activities of our department in compelling employers to pay the minimum wage, we have found positions that were satisfactory to them.

And here, let me say, we have found among the business men of Utah many whole-souled, broad-minded, and philanthropic fellows who have stood ever ready to aid our department and assist us in the enforcement of the law by giving employment to the girl or woman who had been unkindly and unceremoniously discharged because of our insistence that she be paid the minimum wage and all back wages due her, or because she had given, or was willing to give, at the sacrifice of her job, incriminating evidence against her employer. Our progress in the enforcement of the law would often have been impeded had it not been for the cooperation of the men thus referred to.

One very important thing the law appears to have not done, as was feared, and that is that it has not caused the minimum wage to become very nearly the maximum wage. Of the 12,000 women wage earners in our State coming under the provisions of this law, we have not been able to find one woman or girl who was drawing \$7.50 per week at the time the law went into effect whose wages have suffered a decrease. The fear of some such action as this, by way of retaliation, was and has been often voiced prior and subsequent to the operations of this law, but the fear in our State appears to have been ill-founded. The situation now is that a much larger number of employees in Utah are drawing a wage in excess of the highest minimum wage than those who are paid the legal wage itself.

Another beneficial effect for the manufacturer is that it tends to equalize the cost of production, and the same deduction applies to the merchants, as the minimum wage will also in his case contribute to the equality in the cost of selling goods. The hard-fisted manufacturer or merchant who was inclined to purchase his labor for the cheapest price obtainable is now compelled by law to pay for labor about the same price that the more liberal and considerate employer is inclined to pay voluntarily.

I believe that I am justified in saying that 90 per cent of employers of women and girls are well satisfied with the law as it now stands and is enforced. Of course employees whose wages it has raised are satisfied and hope soon to see the minimum wage made higher. The women who are responsible for the enactment of the law feel that they have accomplished a great good for their sex, and no member of the legislature who voted for the law is apologizing to his constituents for his action.

An intelligent manager of one of Salt Lake's largest department stores, who was chairman of the subcommittee that drafted the minimum-wage law as it appears to-day, in a paper read before a national convention of merchants, recently held in one of the Eastern States, says of the law: " \* \* \* Whatever its faults or virtues, there is little doubt that good has been uppermost. Without discussing its legal, moral, economic, or industrial bearings, I might venture the suggestion that of far greater importance than minimum-wage legislation for the uplift of women workers is preparatory education which operates automatically to raise the standard of wages in ratio to the standard of service. It would seem fair that if the State establishes a standard of wage it should assume the responsibility of furnishing service of equal value. Then it must follow that the greatest material service we can render the future women and girl workers is to prearrange such environment and education as will give them individual independence, self-supporting producing power. We must care better for our womanhood before it is thrown into the thick of the fight for existence and compelled to call to the State for minimum-wage protection. We should now know that we are in a period of change, humanizing change, and that along with the development of industrial institutions and processes has come a new world-wide subconsciousness, which pleads the necessity of a fairer distribution of the products of labor, the uplift of the laborer, the better development and conservation of the mental and physical forces, a more humane and scientific application of productive human energy. The minimum wage helps, but let us first help the woman to know; she is then a law unto herself."

#### WASHINGTON.

The organization, methods, and results of the Washington minimum-wage law are shown in detail in the first biennial report of the commission,<sup>1</sup> recently published. The work of these commissions in the United States is so entirely new and the interest in the methods which they follow is so great that it has seemed best to present at some length the experience of the Washington commission, as shown

<sup>1</sup> First Biennial Report of the Industrial Welfare Commission, 1913-14. Olympia, 1915.

in its report. The following pages are based almost entirely upon the official report, being in large part quoted from it:

As directed by the law, which became effective June 12, 1913, the commission, upon its appointment by the governor, immediately undertook an investigation into the conditions of labor and wages paid to women and minors in the leading industries of the State. \* \* \* As the result of these investigations and the facts developed by them, conferences consisting of three employers, three employees, and three disinterested persons were called by the commission for each industry, and these conferences, pursuant to the law, recommended to the commission for its adoption or rejection an amount considered necessary to maintain a self-supporting woman in health and comfort.

In this manner legal wage rates have been established in five of the leading industries of the State, and the recommendations of the sixth industrial conference are now pending. The dates upon which the five became effective and the weekly wage rates are:

Mercantile industry, June 27, 1914.....	\$10. 00
Manufacturing industry, Aug. 1, 1914.....	8. 90
Laundrying industry, Aug. 24, 1914.....	9. 00
Telephone industry, Sept. 7, 1914.....	9. 00
General office occupations, Feb. 20, 1915.....	10. 00

These rates apply to experienced women workers more than 18 years of age, while a flat wage of \$6 per week has been established for all minors. Apprenticeship licenses permitting beginners to be paid less than the established minimum during the term of their indenture and providing for varying periods of wage advancement from \$6 per week to the legal rate are being issued by the commission under certain restrictions. \* \* \*

While the commission has made provision for beginners to work during stated periods for less than the established wage, it is necessary for each such employee to have an apprentice license and unless the beginner has such a permit her employer is not only criminally liable if he employs her for less than the prescribed wage, but is also subject to civil suit by the employee to compel payment of the accumulated difference between the wage actually paid and the established rate, unless that difference is voluntarily paid. In order to rigidly enforce the law, the commission does not recognize a plea of ignorance from the less careful and conscientious, inasmuch as printed copies of all orders entered by the commission have been mailed to all establishments employing women, in so far as it was possible to do so, no absolutely reliable and complete directory being obtainable.

The fact has been discovered, however, that many employers have filed these orders away in their correspondence without having carefully noted their provisions, and that others have allowed them to be misplaced or lost, upon which pleas of ignorance have been based, but this condition is being rapidly overcome as the subject is being more widely discussed and better understood. Furthermore this law is not so difficult of enforcement as the eight-hour law for women, as the women themselves aid materially by demanding the increase in their wages provided by the new requirements. Incidentally, too, as the unpaid portion of the wage accumulates and reaches attrac-



tive proportions the employee is prompted to invoke the aid of the commission to collect it, and so the violation comes to light.

This, in general, is a résumé of what the commission has done. A review of work would not be complete, however, without mention of the case of the Seattle girl who was discharged by her employer for acting on the first laundry conference called by the commission. The provisions of the minimum-wage law fully contemplate the protection of the women workers against the prejudice and revenge of their employers when they are called on by the commission to give testimony in any investigation or proceeding relative to the enforcement of the act, and this case proved to be a forceful example of the necessity for such a provision in the law.

The commission asked the employer to reinstate the girl, but this he refused to do, and the facts in the case were then laid before the prosecuting attorney and a warrant issued for the laundryman's arrest. The trial was held and the defendant found guilty and fined \$100 and costs. His attorney served notice of appeal, but this has not been taken.

Through this trial the employers of the State early learned that the commission would brook no violation of the minimum-wage law. It was a good lesson, for it taught them that the commission, clothed with full authority to enforce the law, proposes to exercise that authority quickly and effectively.

None of the dire predictions made prior to the passage of the law have come about to an extent that questions the general efficiency of the law. There has been no wholesale discharge of women employees, no wholesale leveling of wages, no wholesale replacing of higher-paid workers by cheaper help, no tendency to make the minimum the maximum, while the employers of the State in general have been following the letter and spirit of the law and aiding greatly in its application.

These statements are based on a survey of three of the leading industries of the State, three of those in which the minimum wage was first established—mercantile establishments, laundries, and telephone exchanges. \* \* \* That these effects are true is all the more remarkable from the fact that business conditions existing at the time the wage orders went into effect were not such as in themselves to secure a favorable reception.

The sequence of it all is that there are vastly more women workers in the State of Washington to-day receiving a living wage than there were two years ago, when the law was enacted; that there are more higher-paid girls now than there were then; that the whole wage standard together with the standard of efficiency and discipline has been raised; that industry itself has been taught the lesson that higher-paid workers are better workers.

Those industries which could most quickly impose the added cost of the increased wages upon the public by raising the prices of their products, have of course, been the least hurt, if any have been hurt, by this remedial legislation. Such others as could not immediately pass the burden on to society where it belongs, as society dictated and indorsed the law, are naturally having some difficulty in adjusting themselves to the new conditions. Particularly is this true of those industries of this State that come into direct competition with the products of the sweatshops of the East, the cracker and

candy factories, the garment makers, and the box factories, though the unusually high freight rates on boxes from the East operate to the advantage of the last named more so than to any of the others.

\*            \*            \*            \*            \*            \*

The following letter from a garment manufacturer of Seattle, a man whose products come into direct competition with the sweatshop labor of New York and Chicago and a man, too, who was quite strongly opposed to minimum-wage legislation prior to its enactment

\* \* \* indicates his approval of the law after a fair trial and reflects the general sentiment among that class of employers that realizes the rights and interests of its employees:

Personally, I find that my business has been benefited, as the necessity for greater discipline and more rigid enforcement of regular hours of work has become fully apparent. We have raised our average weekly payroll, I think I am safe in saying, at least \$1 per girl, if not more. Some of our help, to be sure, have always done their best and have shown but little change, but those who were satisfied with less, the minimum wage has benefited, as they saw they must earn more or quit.

I am writing you this personal letter about my personal experience in an individual case. It has been a benefit in this factory in raising the standard of efficiency and in forcing a closer application to duty on the part of the operator and necessarily has been a benefit to the employer. I am not in a position to speak for other factories and industries, but, aside from some hardship that the law may work on the less competent, I can not see why it will not give a greater efficiency to our factory forces.

Some idea of the industrial effect of this legislation can be gained when it is realized that the industrial welfare commission's preliminary surveys of the factories, stores, laundries, and telephone exchanges of the State, showed that 60 per cent of the women employed were receiving less than a living wage prior to the application of the law, except in the stores, where the ratio ran about 50 per cent. The law, in other words, has advanced the wages of practically 60 per cent of the workers in these industries and has done it without serious opposition at a time when business conditions were none too good and when there was every incentive for the employer, if he had desired to hide behind the minimum-wage law and the dire predictions previously made, to offset the effect of the increased wages on his expenses by the employment of cheaper labor of whatever kind was available. To be sure, that excuse has been used to some extent, particularly where the employer wanted to get rid of a woman worker for some other reason, but a careful study of the statistics elsewhere published and the summaries of them, will convince even the most ardent opponent of minimum-wage legislation, that the women workers have neither been dismissed nor displaced by cheaper employees.

"I didn't know, until the minimum wage went into effect, that it paid to employ higher-priced women workers," the manager of a 10-cent store told a member of the commission, "but it does. They take more interest in their work, take better care of our goods, are more capable, more efficient, more satisfactory in every way," and these short sentences tell practically the whole story of the effect of the minimum wage.

The girl who wants to learn, to amount to something, to be of some value to her employer, to be competent, capable, and efficient, is reaping the benefits of the minimum wage; her less competent, less efficient, indifferent sisters are perhaps being hurt by it, if any workers are. The law has not operated to lessen the competition among women workers, as some thought it might; rather has it stimulated

the rivalry because the women are now being paid more nearly what they earn, and are willing to do more, as before the law became effective the chances for wage advancement were so small as to be discouraging. The employers, of course, having to pay more than before, are demanding more than before in the way of services; they are weeding out the incompetents and the misfits, when all efforts to train them properly fail, but they are not stopping there—they are advancing the more competent, the higher skilled, in a ratio that corresponds with the new wage standard. In other words, as the letter of the Seattle garment manufacturer previously quoted shows, the minimum wage has resulted in increasing the efficiency and the morale of the employees in the industries to which it has been applied. The employers are requiring better training of their apprentices now than they did before, for they know that, under the commission's restrictions, those apprentices will soon be entitled to the established wage and they want them to be worth it. \* \* \*

There is a tendency, of course, for some women who have worked long enough at a particular occupation to be entitled to the minimum wage, to attempt to get apprenticeship licenses under which they could work for less than the minimum and thereby displace some sister worker, or to get back a position from which they had been dismissed by their employers when it was found they were not worth the wage. Perhaps this is due in part to the fact that for years the average woman worker—the one for whom the wage was established—has had it ground into her that her services are only worth a few dollars a week and she therefore does not realize the value of her labor, or it may be another indication of that tendency which prompts some women to defeat the spirit of the eight-hour law by working for more than one employer on the same day, yet the wave of disapproval which swept the ranks of the women workers when the commission's wage orders were first becoming effective—disapproval born of fear that they would lose their employment—has since been dissipated as the women workers have seen none of the evils predicted accomplished.

That there has been no leveling of wages will be quickly seen from a study of the tables hereinafter published, when it will be also discovered that in reality the obverse is true and that the whole wage standard, together with the standard of employment and discipline has been raised. That the number of women employed in this State has not been reduced more than the existing business conditions would warrant, is fully substantiated by that survey. That the number of women replaced by apprentices or minors or some other workers is so small as to be an absolutely negligible factor in the situation, can be realized when it is stated that the total number of minors and apprentices combined, in mercantile establishments, only equals the percentage established by the commission for the number of apprentices alone that would be permitted—17 per cent—from which fact it can be quickly seen why the commission is not greatly concerned over this feature of the establishment of the minimum-wage law.

#### *Cost of Living.*

In carrying the minimum-wage law into effect the commission endeavored to place the question of the cost of living before the several conferences in such a manner as to invoke the fullest discussion and

deliberation upon every possible item of the necessities of life required by a woman wage earner. It did this, not only because of the nature of the question itself, but principally because of the plain instructions of the law which made it necessary to delve into the question to the remotest detail to reach the conclusion it presumed. The tenor of the law is boldly set forth in its second section: "It shall be unlawful to employ women workers in any industry within the State of Washington at wages which are not adequate for their maintenance," and this is enforced by the requirements of section 3, which defines the duties of the commission in the following language: "There is hereby created a commission \* \* \* to establish such standards of wages and conditions of labor for women and minors employed within the State of Washington as shall be held hereunder to be reasonable and not detrimental to health and morals and which shall be sufficient for the decent maintenance of women."

There could be no mistaking such language. It made absolutely plain the policy that should govern the commission and its conferences in determining the lowest wages that could be paid in those industries employing female labor. The "reasonable" requirements for the maintenance of a self-supporting woman were the basis upon which the minimum was to be fixed, and while it does not specifically mention that the class of women workers to be considered in making determinations must be self-supporting, it can not be construed by the widest stretch of the imagination that the legislature contemplated that consideration should be given to any support that might be forthcoming from any source other than the occupation in which women are engaged as wage earners, for if it did the law would do the self-dependent woman no good, and it was for her that it was designed.

\* \* \* \* \*

Given this policy to follow, the commission set about gathering the vast amount of information necessary. Three distinct methods were followed: Some 30,000 blank forms were either mailed or distributed personally to as many employers and employees, requesting estimates as to the cost of living in the different localities in which they lived, as contemplated by the 30 different items entering into the reasonable annual expenses of a self-supporting woman; personal investigations were made by members of the commission and by several paid investigators; and, lastly, 16 informal conferences were held at various points in the State with employers and employees in the mercantile, manufacturing, and laundry industries. In this way a vast amount of detailed information concerning these industries, together with the telephone and telegraph, hotel and restaurant, fruit and fish canning, and general office occupations, was collected and compiled, \* \* \*. Special emphasis was placed in all the investigations upon the cost of room and board, necessarily the largest single item of expense and the one most difficult for those of limited means. One of the first facts learned was, of course, that this cost varies in different portions of the State because of different climatic conditions and other influences, and also between large and small cities and between these and rural communities, yet the commission had to determine a wage uniform throughout the State and in all localities. Because of this feature of the law one important question is still unsatisfactorily determined: Should the girl living in the smaller town, where some items of expense for

the city girl, notably street-car fare, are absent and where the others may perhaps be less, receive the same wage as the girl who lives in the city? There was only one way to meet the situation, and that was to determine an average of expense between the city and the smaller community and to fix the wage at that amount.

The statistics on this subject, as far as it was possible to obtain them, were gathered from the women workers themselves, with special inquiry always as to room and board. The survey also included such other items as the cost of shoes and rubbers, repairing of shoes, stockings, underwear, petticoats, suit, coat, dresses and aprons, shirt waists, handkerchiefs, corsets, corset waists, gloves, neckwear, hats, umbrellas, repair of clothing, laundry, medicine and dentistry, street-car fare, newspapers and magazines, stationery and postage, association dues, insurance, vacation expenses, amusements, church and other contributions, and incidentals. All this information was compiled and published, \* \* \* and copies of it were sent to all the members of the different conferences, each of whom, in turn, presented to the formal conference his or her estimate of the proper allowance for the different items entering into a woman's annual expenditure. No item was omitted and every condition of each industry that might influence the cost of living among its workers was considered.

Whether a girl employed as a saleslady required more for clothing than a factory worker; whether the woman who stands on wet concrete floors all day ironing in a laundry needs a greater allowance for shoes than either the saleslady or the factory worker; whether the waitress is entitled to more for her laundry than other employees in the same industry or other occupations, are samples of the more or less perplexing questions which necessarily must be satisfactorily determined before a proper minimum wage can be fixed. Hundreds of these queries arose in each conference and as the task of deciding them devolved upon these conferences, the responsibility was grave. That the conferees so regarded, even when first confronted with the request to participate in them, became immediately clear to the commission when it experienced difficulty in obtaining representatives to accept the important trust, and this was particularly true of the employees, who apparently felt most keenly the responsibility of assisting to determine the wages their sister workers should receive. Truth demands the statement, too, that among some of the employees there at first appeared a little of that hesitancy which is produced by fear that they personally might suffer in some way from their participation in the conferences, such treatment, perhaps, as the laundry girl in Seattle received when she was discharged by her employer after she had been a member of the first laundry and dye works conference, and this fear is not yet wholly dispelled, though the commission promptly and vigorously prosecuted the laundry girl's employer and obtained his conviction, and will do so again, if necessary.

It was no inconsiderable task, therefore, to obtain the members for each of the seven conferences that were called, but after the first two or three had been held the process was not quite so difficult. In each of them, of course, this question of the cost of living was the preeminent issue, and each of them handled the question a little differently, the action of the first having no bearing on the second,

or the second on the third, or so on. Each was an independent organization, called to decide its own problems, to estimate its own cost, and to fix its own wage with reference to that cost, and this fact will account in great measure for the variations in the allowances for different items on the schedule, as shown in the combined table. In each conference the estimates submitted by the employing and employed members were discussed and compared in open conference of all nine members, and then usually a committee composed of one from each of the three groups—employers, employees, and the public—took these estimates in each instance and by further discussion, comparison, and compromise reached a conclusion on each item, if possible, or at least on the allowance which should be made for all the items and it was on that allowance that the minimum wage was based. So it can be seen that the final decision in each conference was the outcome of nine persons' deliberations and not the whim of a single one or the contention of a single group. \* \* \* The combined results of all the conferences are given in the table published below. \* \* \* There will be noticed wide variations in the allowance for the same item in different occupations, and these can be explained almost entirely by the demands of the various occupations and partly by the fact that the conferees were only human, their estimates merely their own personal opinions, their decision their own best judgment. The industrial welfare commission, realizing this, perforce accepted the judgment of the conferences, except in one instance where it was evident that something other than consistent judgment entered into the decision, and established the wages as the conferences recommended. \* \* \*

AVERAGE ANNUAL COST OF LIVING OF SELF-SUPPORTING WOMEN AS ESTIMATED BY SIX WASHINGTON MINIMUM-WAGE CONFERENCES.

Item.	Women employed in specified industries.						Average of all conferences.
	Mercantile.	Factory.	Laundry.	Telephone and telegraph.	Hotel and restaurant.	Office.	
Meals and room.....	\$302.92	\$242.09	\$254.75	\$266.93	\$286.46	\$286.38	\$273.25
Shoes and rubbers.....	7.12	7.98	10.45	12.23	11.71	9.66	9.86
Repairing of shoes.....	3.42	1.46	2.20	1.55	2.06	1.36	2.01
Stockings.....	2.17	2.38	2.75	3.32	4.45	2.10	2.86
Underwear.....	3.77	4.37	5.42	5.17	6.26	4.48	4.91
Petticoats.....	2.17	4.13	4.33	3.48	4.71	4.00	3.80
Suit.....	17.63	21.36	25.16	21.24	28.37	22.84	22.77
Coat.....	10.23	11.34	17.25	10.48	16.14	15.23	13.45
Dresses and aprons.....	14.53	10.81	11.73	10.19	25.44	19.33	15.34
Shirt waists.....	4.38	4.97	6.75	10.17	14.60	4.80	7.61
Handkerchiefs.....	1.16	1.68	1.07	1.85	1.84	1.52	1.52
Corsets.....	2.17	4.27	4.75	3.82	7.36	3.68	4.34
Corset waists.....	1.24	1.89	2.41	1.56	2.97	2.12	2.03
Gloves.....	2.33	2.48	2.87	4.48	3.80	3.04	3.17
Neckwear.....	1.00	1.54	1.00	1.02	1.80	1.92	1.38
Hats.....	6.75	7.00	10.00	12.39	9.81	9.37	9.22
Umbrella.....	1.40	2.20	1.37	1.30	1.67	1.36	1.55
Repair of clothing.....	3.83	4.41	2.25	2.24	2.38	4.64	3.29
Laundry.....	21.07	15.82	10.81	8.30	59.93	14.42	21.73
Medicine and dentistry.....	25.42	17.50	12.33	9.89	11.82	12.82	14.96
Street-car fare.....	32.39	26.84	30.95	28.93	13.05	27.59	26.62
Newspapers and magazines.....	11.00	3.06	2.83	2.65	4.07	3.68	4.55
Stationery and postage.....	4.84	4.48	2.25	2.98	2.91	4.19	3.61
Association dues.....	3.78	5.98	2.41	1.40	5.71	1.07	3.39
Insurance.....	3.05	7.56	7.28	1.12	3.80	12.66	5.91
Vacation expenses.....	10.54	14.28	9.66	9.17	13.56	16.02	12.21
Amusements.....	9.86	10.99	7.41	12.10	7.23	11.21	9.80
Church and other contributions.....	5.12	5.39	4.90	4.88	4.60	7.69	5.43
Incidentals.....	4.71	14.54	10.66	13.16	13.49	10.82	11.23
Total.....	520.00	462.80	468.00	468.00	572.00	520.00	501.80

*Minimum-wage Conferences.*

Practically the entire work of the commission to date is summarized in the six industrial conferences held since March 31, 1914, whose recommendations have resulted in the establishment of the minimum wage in all but one of those industries and the issuance of obligatory orders governing the conditions under which women and minors are permitted to work in those occupations. That, of course, was the real work of the commission and its action as set forth in this portion of the report is the result of all the preliminary investigations, surveys, informal conferences, tabulations, and formal conferences of the past two years.

Parenthetically it might be stated here that the commission has found it impossible in so short a time to establish these standards in all of the industries of the State and so has directed its energies toward putting the law into operation in the most important and most general occupations. Furthermore, so far as the fish canneries are concerned, the commission's investigations have developed the fact that the experienced women workers in those industries are already receiving a living wage; that the enactment of a minimum wage there would consequently affect none of them; and also that, inasmuch as these industries operate only a portion of the year, no women workers are dependent upon them for their living the year round. Consequently the commission has thus far taken no action regarding them.

The commission's investigations of the six leading industries of the State employing female labor did, however, reveal the necessity of the application of the minimum wage to them and the respective conferences were therefore called. Upon the commission the law placed the responsibility of determining the rules and regulations to govern the selection of the conferees and the mode of procedure for conducting the conferences, and in settling the latter point it immediately adopted the regular parliamentary form. In determining the personnel of the conferences, the commission decided there should be three conferees representing employees in the industry concerned, three representing employers, and three disinterested persons to act on behalf of the public. As elsewhere stated, the commission immediately encountered considerable difficulty in selecting the members of the conferences, especially those representing the employees, who hesitated about serving for fear they might lose their positions. The result was that the commission had to take into consideration as many as 50 or 60 persons in arranging for each conference, and a great amount of time was consumed in investigating the qualifications of all those suggested, each member of the commission nominating three or more persons whom they knew personally or by reputation or with whom they had come into contact during the preliminary work, for each place in each conference. From these the final selections were made, alternates also being designated, and proceeding in this manner the various formal conferences were called.

The important features of them are as follows:

*Mercantile Establishments.*

The first formal conference concerned the mercantile industry and was held in the senate chamber of the capitol March 31 and

April 1, 1914. It was attended by all the members of the commission and the following conferees:

*Employers' representatives.*—Messrs. J. L. Paine, Spokane; W. M. Cuddy, Tacoma; and George J. Wolff, Aberdeen.

*Employees' representatives.*—Mrs. Elizabeth Muir, Tacoma; Mrs. Florence Locke, Seattle; and Miss Mayme Smith, Spokane.

*Public's representatives.*—Mrs. Frances C. Axtell, Bellingham; Prof. W. G. Beach, University of Washington; and Mr. J. D. Fletcher, Tacoma.

After a full and harmonious discussion of all the details involved, the conference unanimously recommended that the commission (1) adopt a minimum wage of \$10 per week in mercantile establishments; (2) that such concerns be required to allow their female employees the period of one hour for noon luncheon; and (3) that the commission issue such obligatory orders as in its judgment were necessary to provide proper toilet facilities, rest rooms, and ventilation in mercantile establishments where women are employed.

Acting upon these recommendations, the commission, on April 28, 1914, issued the following obligatory order as applying to mercantile establishments, effective June 27, 1914:

I. W. C. ORDER No. 1, APRIL 28, 1914.

*To whom it may concern:*

**TAKE NOTICE.**—That pursuant to the authority in it vested by chapter 174 of the Session Laws of the State of Washington for 1913, and pursuant to the recommendations of the conference of representatives of employers and employees in the mercantile occupation, together with representatives of the public, duly held after investigation of said occupation, which said recommendations were duly approved by said industrial welfare commission:

The Industrial Welfare Commission for the State of Washington does hereby order that—

(1) No person, firm, association, or corporation shall employ any female over the age of 18 years in any mercantile establishment, at a weekly wage rate of less than \$10, any lesser wage rate being hereby declared inadequate as to such employees to supply the necessary cost of living and maintain them in health.

(2) Not less than one hour shall be allowed for noonday luncheon to any female employee in any mercantile establishment, such requirement being demanded for the health of such employees.

(3) Every mercantile establishment where females are employed shall be provided with a toilet separate and apart from any toilet used by any male person, and such toilet shall be properly ventilated and kept and maintained in a sanitary condition, such requirements being demanded for the health and morals of such employees.

(4) Every mercantile establishment where females are employed shall be properly heated and ventilated, and shall provide and maintain adequate facilities and arrangements, so that such employees may obtain rest when in a state of fatigue or in case of illness.

This order shall become effective 60 days from the date hereof.

EDWARD W. OLSON, *Chairman*,  
MRS. JACKSON SILBAUGH,  
MRS. FLORENCE H. SWANSON,  
M. H. MARVIN,  
MRS. W. H. UDALL,

*Industrial Welfare Commission for the State of Washington.*

Attest:

Mrs. JACKSON SILBAUGH, *Secretary*.

**NOTICE.**—This order becomes effective June 27, 1914. Your attention is respectfully called to section 11, chapter 174, Session Laws of Washington 1913, which provides that each employer affected by this order shall keep a copy posted in each room in which women affected by this order are employed.

The probable terms and conditions affecting the employment of minors and apprentices became the subject of an interesting and



lengthy discussion during this first conference. In fact, it appeared for a time that a unanimous decision as to the recommendation for a minimum wage could not be reached until these questions were determined. However, when informed that according to the law these questions must be determined by the commission and could not be submitted to the conference, the latter confined itself to the recommendations noted above.

The commission then, proceeding as directed by the statute, issued the following order with reference to the employment of minors, effective on the same date:

I. W. C. ORDER No. 2, APRIL 28, 1914.

That pursuant to the authority in it vested by chapter 174 of the Session Laws of Washington for 1913, and after due investigation by said commission as to the wages and conditions of labor of minors employed in the mercantile occupation, and the due determination by said commission of the wages and conditions of labor suitable for such minors:

The Industrial Welfare Commission for the State of Washington does hereby order that—

(1) No person, firm, association, or corporation shall employ any person of either sex under the age of 18 years in any mercantile establishment at a weekly wage rate of less than \$6, any less wage rate being hereby declared unsuitable in the premises.

(2) No person, firm, association, or corporation shall employ any person of either sex under the age of 18 years in any mercantile establishment, after the hour of 7.30 o'clock after noon of any day, such requirement being hereby declared suitable in the premises.

This order shall become effective 60 days from the date hereof (June 27, 1914).

**Manufacturing Establishments.**

The commission's second formal conference concerned the manufacturing industry and took place May 12 and 13, 1914, in the senate chamber of the capitol, with all the members of the commission present. The following-named persons constituted the conference:

*Representing employers.*—Messrs. Fred Krause, Spokane; O. B. Dagg, Seattle; and O. C. Fenlason, Hoquiam.

*Representing employees.*—Miss Emma Foisie, Seattle; Mrs. Belle Robair, Tacoma; and Mrs. F. H. Lawton, Spokane.

*Representing public.*—Mrs. W. C. Mills, Tacoma; Mr. Edgar C. Snyder, Seattle; and Prof. W. M. Kern, Walla Walla.

The following recommendations were made to the commission by the conference: (1) That a minimum wage of \$8.90 per week be established; (2) that every manufacturing establishment where females are employed should be properly heated and ventilated; and (3) that adequate facilities and arrangements should be provided so that such employees may obtain rest when in a state of fatigue or in case of illness. Acting upon these recommendations the commission on June 2 issued the following obligatory order, effective August 1:

I. W. C. ORDER No. 3, JUNE 2, 1914.

(1) No person, firm, association, or corporation shall employ any female over the age of 18 years in any factory establishment at a weekly wage rate of less than \$8.90, any lesser wage rate being hereby declared inadequate as to such employees to supply the necessary cost of living and maintain them in health.

(2) Every manufacturing establishment where females are employed shall be properly heated and ventilated, and shall provide and maintain adequate facilities and arrangements so that such employees may obtain rest when in a state of fatigue or in case of illness, such requirements being demanded for the health and morals of such employees.

This order shall become effective 60 days from the date hereof (Aug. 1, 1914).

The following order with reference to minors, effective on the same date, was also issued by the commission:

I. W. C. ORDER NO. 4, JUNE 2, 1914.

(1) No person, firm, association, or corporation shall employ any person of either sex under the age of 18 years in any factory establishment at a weekly wage rate of less than \$6, any less wage rate being hereby declared unsuitable in the premises.

(2) No person, firm, association, or corporation shall employ any person of either sex under the age of 18 years in any factory establishment after the hour of 7.30 o'clock after noon of any day, such requirement being hereby declared suitable in the premises.

This order shall become effective 60 days from the date hereof (Aug. 1, 1914).

**Laundries and Dye Works.**

On May 14 and 15, 1914, the commission held its first formal conference on the question of the application of the law to the laundries and dye works of the State, and the following-named persons constituted the conference:

*Representing employers.*—Messrs. A. Jacobsen, Seattle; Frank Nixon, Raymond; and W. J. Doust, Spokane.

*Representing employees.*—Mrs. Julia A. Wilson, Spokane; Mrs. Hilda O'Connor, Seattle; and Miss Joanna Hiltz, Seattle.

*Representing public.*—Mrs. R. C. McCredie, Sunnyside; Rev. R. H. McGinnis, Tacoma; and Judge E. M. Day, Bellingham.

After a stormy discussion of the issues involved, the conference made the following recommendation to the commission: That a minimum wage of \$8.50 per week be established in all such industries in the State.

The commission promptly rejected the recommendation, on May 15, by the following resolution:

Whereas the investigations of the commission reveal that the cost of living for a woman employed in the laundry and dye-works industry in the State of Washington requires more than the sum of \$8.50 per week to maintain herself in health and comfort; and

Whereas the conference on the laundry and dye-works industry held at Olympia May 14 and 15 has recommended to this commission the above sum as the minimum wage for such women workers: Therefore be it

*Resolved*, That this commission hereby rejects said recommendation.

The commission then proceeded to call another conference.

The members of the second laundry and dye-works conference were entirely new. It met in the senate chamber of the capitol June 22 and 23, 1914, and was attended by all the members of the commission and the following conferees:

*Representing employers.*—Messrs. Frank T. McCullough, Spokane; A. Schmitz, Seattle; and Charles Erholm, Bellingham.

*Representing employees.*—Mrs. Lou Grant, Seattle; Mrs. Eva Miles, Spokane; and Miss Clara Sletsjoe, Seattle.

*Representing public.*—Mrs. Serena Matthews, Pullman; Rev. R. D. Snyder, Colfax; and Prof. W. P. Geiger, Tacoma.

The conference recommended: (1) That a minimum wage of \$9 per week be established; (2) that the noonday lunch period be not less than one hour, except in laundries in which the employers on request of two-thirds of the employees may have fixed a shorter period: *Provided*, That no lunch period shall be shorter than 30 minutes; and (3) that separate lavatories and toilets, properly screened and ventilated and kept at all times in a clean and sanitary condition, be provided for the women workers.

The commission rejected the recommendation regarding the lunch period, upon receipt of an opinion from the attorney general that it could not delegate such authority to employees. Acting upon the other recommendations the commission issued the following obligatory order June 25, 1914, effective August 24, 1914:

I. W. C. ORDER No. 5, JUNE 25, 1914.

(1) No person, firm, association, or corporation shall employ any female over the age of 18 years in any laundry or dye-works establishment, at a weekly wage rate of less than \$9, any lesser wage being hereby declared inadequate as to such employees to supply the necessary cost of living and maintain them in health.

(2) Every laundry and dye-works establishment where both males and females are employed shall provide suitable and proper wash and dressing rooms for such employees, and shall provide separate water-closets for males and females, and all such water-closets, wash and dressing rooms shall be properly screened and ventilated and at all times kept in a clean and sanitary condition.

This order shall become effective 60 days from the date hereof (Aug. 24, 1914).

By the authority in it vested the commission then issued the following order with reference to the employment of minors, effective on the same date:

I. W. C. ORDER No. 6, JUNE 25, 1914.

(1) No person, firm, association, or corporation shall employ any person of either sex under the age of 18 years in any laundry or dye-works establishment at a weekly wage rate of less than \$6, any lesser wage rate being hereby declared unsuitable in the premises.

(2) No person, firm, association, or corporation shall employ any person of either sex under the age of 18 years in any laundry or dye-works establishment after the hour of 7.30 o'clock after noon of any day, such requirement being hereby declared suitable in the premises.

(3) No person, firm, association, or corporation shall employ any female under the age of 18 years in the occupation of "shaker" in any laundry establishment.

This order shall become effective 60 days from the date hereof (Aug. 24, 1914).

Telephone and Telegraph.

This conference, which was convened in the senate chamber of the capitol at Olympia on June 26 and 27, 1914, was composed of the following-named persons:

*Representing employers.*—J. M. Winslow, Everett; C. E. Munsell, Wenatchee; and J. W. Newell, Seattle.

*Representing employees.*—Misses Zola McCoughlin, Tacoma; May Jenkins, Walla Walla; and Gertrude Wallner, Bellingham.

*Representing public.*—Prof. Henry M. Hart, Spokane; Dr. Ella J. Fifield, Tacoma; and Mrs. Helen Moore Bebb, Seattle.

A most peculiar situation developed in this conference, which did not occur in any of the others, when it was found that the members representing the public were wholly at variance with the other conferees as to the cost of living. This situation arose when it became evident that the members representing the employees were inclined to ignore the actual requirements of a self-supporting woman and to join passively the employers in the contention that a great majority of the girls employed in the industry were living at home, part of their living expenses thus being borne by their parents. To this argument the members representing the public strongly demurred, contending that, should less than a living wage be established, the parents would, as a matter of fact, be subsidizing the industry to the extent of the deficiency. Consequently there was a spirited discus-

sion of the issues involved before the following recommendations were made: (1) to establish a minimum wage of \$9 per week; (2) to require a lunch period of one hour; (3) that separate toilets, properly ventilated and kept in a sanitary condition, be provided for all female employees, and (4) that all establishments be heated and ventilated and that adequate facilities and arrangements be provided and maintained so that women employed may obtain rest when in a state of fatigue or in case of illness.

The commission, accepting these recommendations, issued the following obligatory order July 9, effective September 7, 1914:

I. W. C. ORDER No. 7, JULY 9, 1914.

(1) No person, firm, association, or corporation engaged in the operation of a telephone or telegraph line shall employ any female over the age of 18 years in any establishment in connection therewith at a weekly wage rate of less than \$9, any lesser wage rate being hereby declared inadequate as to such employees to supply the necessary cost of living and maintain them in health.

(2) Not less than one hour shall be allowed for a luncheon period to any female employed in any establishment used in connection with the operation of any telegraph or telephone line, such requirement being demanded for the health of such employees.

(3) Every establishment used in connection with the operation of any telephone or telegraph line, where females are employed, shall be provided with a toilet separate and apart from any toilet used by any male person, and such toilet shall be properly ventilated and kept and maintained in a sanitary condition, such requirements being demanded for the health and morals of such employees.

(4) Every establishment used in connection with the operation of any telegraph or telephone line, where females are employed, shall be properly heated and ventilated, and shall provide and maintain adequate facilities and arrangements so that such employees may obtain rest when in a state of fatigue or in case of illness.

This order shall become effective 60 days from the date hereof (Sept. 7, 1914).

The commission also issued the following obligatory order with reference to minors, on August 7, effective October 7, 1914:

I. W. C. ORDER No. 9, AMENDING I. W. C. ORDER No. 8, AUGUST 7, 1914.

(1) No person, firm, association or corporation shall employ any person of either sex under the age of 18 years in or in connection with any telephone or telegraph establishment at a weekly wage rate of less than \$6, any lesser wage rate being hereby declared unsuitable in the premises: *Provided*, That this order shall not apply to messengers, in third-class cities and towns, who are not continuously employed and who are paid by piece rate for their services.

(2) No person, firm, association, or corporation conducting, operating, or maintaining any telephone, telegraph, or mercantile establishment, or any messenger or parcel delivery service, shall employ any person of either sex under the age of 18 years before 6 o'clock in the morning or after 9 o'clock in the evening of any day.

(3) Nor shall any person, firm, association, or corporation employ any person of either sex under the age of 18 years in any telephone or telegraph establishment before 6 o'clock in the morning or after 9 o'clock in the evening of any day.

This order shall become effective 60 days from the date hereof (Oct. 7, 1914).

**Hotels and Restaurants.**

The only formal conference whose recommendations have not yet been adopted by the commission was that for hotels and restaurants, which was held December 1 and 2, 1914, with the following conferees:

*Representing employers.*—J. M. Hitchings, North Yakima; C. Allen Dale, Seattle; and Frank Lynn, Tacoma.

*Representing employees.*—Mrs. Amelia Berry, Seattle; Mrs. Emma Wilson, Tacoma; and Mrs. Fred Regline, North Yakima.

*Representing public.*—W. D. Lane, Seattle; Miss Janet Moore, Olympia; and Senator Walter S. Davis, Tacoma.

After a considerable discussion prompted by the various occupations embraced by the industry, the conference made the following recommendations:

(1) That a minimum wage of \$11 per week for waitresses and \$9 a week for all other employees be established; (2) that no more than \$3.50 per week be deducted from these sums for board and no more than \$2 per week for room, and that where both board and room are furnished, not more than \$5 be deducted; (3) that separate toilets be provided for all woman workers and that such toilets be properly ventilated and maintained in a sanitary condition; (4) that where special uniforms are required, they shall be furnished and laundered by the hotel or restaurant, and (5) that the employment of girls in cigar stands or at cigar counters be prohibited.

Before any action was taken on these recommendations the commission received a formal protest from the Washington Hotel Men's Association against the \$9 wage for all employees except waitresses and also a protest from the cigar-stand girls then at work, against the prohibition on their employment, as recommended by the conference. The commission granted the hotel men a hearing December 29, 1914, when they were represented by their attorney, Thomas B. McMahon, of Seattle, and by A. C. Mitchell, secretary of the association. At this hearing more time was asked by the hotel men and the request was granted. Investigation of the recommendation with reference to cigar-stand girls developed the fact that the commission could not legally prohibit the employment of women of mature age in a lawful occupation and that the proposed action was therefore beyond its province. Pending the further hearing requested by the hotel men, the commission is also pursuing an investigation of the \$11 wage recommended for waitresses.

#### Office Employees.

The commission's last formal conference prior to the compilation of this report concerned the various clerical occupations embraced in general office work and was held in the senate chamber of the capitol at Olympia, December 3 and 4, 1914, and was composed of the following persons:

*Representing employers.*—Harry L. Parr, Olympia; G. F. McAulay, North Yakima; and Frank S. Bayley, Seattle.

*Representing employees.*—Miss Gertrude E. McComb, Seattle; Mrs. Ethel Y. Carlson, Tacoma; and Miss Blanche Crimp, Ellensburg.

*Representing public.*—Mrs. Elwell Hoyt, Tacoma; Prof. J. H. Morgan, Ellensburg; and Mrs. Margaret C. Múnns, Seattle.

After an interesting discussion of the subject of suitable apparel for women in business offices, in which employer and employee submitted practically the same estimate for annual expenditures, the conference recommended the establishment of a minimum wage of \$10 per week for all clerical occupations. It also recommended that not less than one hour be allowed for noonday luncheon, and these recommendations were adopted by the commission at its meeting on December 21, 1914, and the orders issued were made effective February 20, 1915.

#### I. W. C. ORDER No. 10, DECEMBER 21, 1914.

(1) No person, firm, association, or corporation shall employ any female over the age of 18 years as a stenographer, bookkeeper, typist, billing clerk, filing clerk, cashier, checker, invoicer, comptometer operator, or in any clerical work of any kind in any establishment whatsoever, in which a minimum-wage rate applicable to such employee has not heretofore been established, as provided by law, at a weekly wage rate of less

than \$10, any lesser wage rate being hereby declared inadequate as to such employees to supply the necessary cost of living and maintain them in health.

(2) Not less than one hour shall be allowed for noonday luncheon to any female employee specified in paragraph (1) hereof, such requirement being demanded for the health of such employees.

This order shall become effective 60 days from the date hereof (Feb. 20, 1915).

#### I. W. C. ORDER NO. 11, DECEMBER 21, 1914.

(1) No person, firm, association, or corporation shall employ any person of either sex between the ages of 16 and 18 years in the occupation of stenographer, bookkeeper, typist, billing clerk, filing clerk, cashier, checker, invoicer, comptometer operator, or any clerical office work of whatsoever kind at a weekly wage rate of less than \$7.50, any lesser wage rate being hereby declared unsuitable in the premises.

(2) No person, firm, association, or corporation shall employ any person of either sex under the age of 16 years in the occupation of stenographer, bookkeeper, typist, billing clerk, filing clerk, cashier, checker, invoicer, comptometer operator, or any clerical office work of whatsoever kind at a weekly wage rate of less than \$6, any lesser wage rate being hereby declared unsuitable in the premises.

This order shall become effective 60 days from the date hereof (Feb. 20, 1915).

This was the only one of the six conferences in which members representing the disinterested public were not called upon to exercise their mission of compromise in order to bring the employer and employee closer together in their estimates. It was the only one of the conferences, too, in which at least one committee composed of one member of the employers, one of the employees, and one of the disinterested public, together with the chairman of the commission, had not been appointed in an endeavor to secure a unanimous agreement for the recommendation of a wage. The estimates of the employers and employees in former conferences had sometimes varied greatly, when the disinterested public by elimination or suggestion finally succeeded in effecting a compromise. In this conference no such service was required, since the employers recognized the justice of the request made by the employees and willingly acceded to it.

It is doubtful if a greater benefit has accrued from these conferences than the better understanding of the problems on the one hand and the needs upon the other that has characterized the deliberations of all of them. Many who have come from different parts of the State as strangers to each other to sit in these conferences have admitted that only good has come from the honest and earnest consideration of the questions which affect alike the employer and employee, and so the most hopeful phase of the whole vexing problem may be found in the breaking up of old prejudices, the giving up of hurtful customs, the recognition of justice, and the acceptance of the larger viewpoint.

#### *Apprenticeship Rules.*

The Washington law makes special provision for the inexperienced worker, so that the two classes of workers, experienced and inexperienced, may be treated separately and the results thus far obtained show the wisdom of this course. The section of the law covering this question reads:

For any occupation in which a minimum rate has been established, the commission through its secretary may issue to a woman physically defective or crippled by age or otherwise, or to an apprentice in such class of employment or occupation as usually requires to be learned by apprentices, a special license authorizing the employment of such licensee for a wage less than the legal minimum wage; and the commission shall

fix the minimum wage for said person, such special license to be issued only in such cases as the commission may decide the same is applied for in good faith and that such license for apprentices shall be in force for such length of time as the said commission shall decide and determine is proper.

The question of apprenticeship came up for discussion in each conference, though it was not formally presented to any of them by the commission and, therefore, was not a subject for recommendation. \* \* \* In dealing with this difficult problem new paths are being followed since the commission is, to a great extent, pioneering as far as the application of this important yet perplexing feature of minimum wages is concerned. The system which is being painstakingly worked out seeks to control the whole apprenticeship problem by the granting of licenses to bona fide apprentices and by limiting the number of apprentices in each establishment. This plan not only safeguards the interests of the apprentice but protects as well the experienced worker in the plant, and it is designed to eliminate the abuses inherent to the apprenticeship question, which, if unchecked, would result in weakening the whole minimum-wage structure, for by limiting the number of apprentices in each establishment a general displacement of skilled workers is prevented. In constructing this policy each occupation in the different industries has been given special investigation and consideration before determining the period of indenture and the wage which shall apply to that particular occupation.

That the apprentice may be paid according to the skill she acquires in her advancement toward the minimum wage the terms of the license provide an increase in wages at stated intervals, computed according to the advancement of the average learner in her earning capacity and based on investigations into the particular occupation to which the license applies, the piecework system affording a practical basis upon which to make these adjustments. The degree of skill required in each particular occupation is also a governing factor in fixing the period of indenture. From the fact that the established minimum wage is not intended to represent the maximum earning power of a skilled worker, it must not be presumed that the period of indenture allowed is intended to be the full term of apprenticeship, but rather to be that period of time necessary to reach the point of earning the minimum wage.

The gradual increase in wages as the apprenticeship proceeds is designed to protect the apprentice from being discharged when her term of indenture terminates, at which time she should graduate into the minimum-wage class of workers. This method offers no injustice to her employer as the adjustment is regulated according to her earning ability, while it requires the most careful consideration of each application for an apprentice's license, sometimes personal investigation, but always the closest scrutiny, since many who apply may have already served their full period of apprenticeship for that particular industry when the wage went into effect and sometimes seek to hide that fact. Naturally, under these conditions, difficulties are constantly being presented, which serve to increase the already complex situation. The commission is proceeding slowly that any defects in the system which develop may be remedied as the proper solution appears, since the effectiveness of minimum-wage legislation is largely dependent upon the manner in which apprenticeships are controlled.

The mercantile industry lent itself most readily to the satisfactory adjustment of apprenticeships, the governing policy determined for that industry being defined in a circular issued April 28, 1914, effective on June 27 following, and containing provisions as follows:

APRIL 28, 1914, EFFECTIVE JUNE 27, 1914.

(1) Application for license must be made by the apprentice upon printed blanks furnished by this commission.

(2) No license will be issued for a longer period than one year.

(3) A wage of not less than \$6 a week shall be paid to an apprentice during the first six months' period of employment of such apprentice, and a wage of not less than \$7.50 a week shall be paid to an apprentice during the second six months' period of employment of such apprentice.

(4) No license shall be valid in any mercantile establishment where more than 17 per cent of the total number of adult female employees are apprentices, nor where more than 50 per cent of such apprentices are receiving less than a weekly wage of \$7.50: *Provided, however, That in mercantile establishments where less than six females are employed one license will be valid.*

Upon the expiration of the year's apprenticeship, the licensee must receive the minimum wage of \$10 per week. The policy followed in issuing the license does not confine its holder to any one occupation unless she has entered it to learn some particular class of work, in which case the length of her apprenticeship period is shortened accordingly. It will thus be seen that the policy of issuing a license for a year in the mercantile industry is designed to give the learner an opportunity to become sufficiently experienced in the different occupations involved to enable her to command the minimum wage at the expiration of that time.

In such occupations as millinery, hairdressing, manicuring, and dressmaking, where the apprentice had been accustomed to pay for the privilege of learning the trade, a three or four months' initial apprenticeship period at a nominal wage is granted. This wage is only sufficient to pay the learner's street-car fare and lunches, but provides an advance at the end of that period and other increases which gradually lead her into the legal minimum wage. This system of apprenticeship will probably be the means of abolishing those so-called trade schools sometimes run in connection with such establishments, but will not apply to those exclusive trade schools which are not operated for a profit and therefore do not sell their product. In issuing licenses in these occupations the following policy governs:

#### Millinery and Dressmaking.

One year's apprenticeship divided into three periods as follows: Seventeen weeks at \$3 per week, 17 weeks at \$5 per week, and 18 weeks at \$7.50 per week.

#### Manicuring and Hairdressing.

One year's apprenticeship divided into four periods of 13 weeks each: \$1.50 per week for the first period, \$4 per week for the second, \$6 per week for the third, and \$8 per week for the fourth.

#### Telephones and Telegraphs.

An absolute policy was adopted with reference to apprentices in telephone and telegraph establishments. The system previously in operation in the larger exchanges was based on an apprenticeship period of 18 months, but the commission, being convinced that 18



months was a longer apprenticeship term than seemed just, reduced this to nine months, broken into two or four periods, owing to the locality in which the exchange is operated.

The wage scale is practically identical with the old system, except that the increases formerly made in 18 months must be completed in nine months. The learner begins at \$6 a week, receiving that for the first three months; \$6.60 per week for two months; \$7.20 per week for the following two months; \$7.80 for the last two months, and then \$9 per week—the established minimum. In the smaller exchanges the apprenticeship term is divided into but two periods, the learner receiving \$6 per week for the first four months and \$7.50 per week for the last five months.

#### Laundries.

The commission adopted the following policy with reference to apprentices in the laundering industry: Three months at \$6 per week and three months at \$7.50 per week. It also determined that no more than 25 per cent of the total number of females employed would be allowed as apprentices; further, that no more than half of those employed on the mangle machines may be apprentices, and that the time required to learn to feed a mangle shall not be more than two months.

The above limitations, however, have been taken advantage of by laundrymen in but a very few instances, as the survey shows that less than 8 per cent of the total number of laundry employees are apprentices or minors. Many of the large establishments have dispensed entirely with apprentices, relying wholly on securing the highest skilled help obtainable and paying the minimum wage or over in all cases.

#### Factories.

Apprenticeships in the manufacturing industry present a problem more intricate and far more difficult of satisfactory adjustment than do the other industries, because of the multiplicity of occupations involved.

Some of the occupations in this general industry require very little skill or time to learn, while others need both mental and physical adaptability to the particular work in question as well as a considerable period of time in which to master their details. The piece-rate plan of payment, which prevails in many factories, becomes an important factor in solving the problem, in that the worker's earning ability is estimated by the number of finished pieces she is able to turn out in a given time. Hence the amount found in the weekly pay envelope depends, not only upon the accurate knowledge of each intricate operation, but also the speed acquired by each individual worker. The fact that many of the manufacturing establishments of the State are not extensive enough to keep an entire force of operatives employed continuously at the same kind of employment compels many to become familiar with a number of different occupations, so that when work becomes slack in one department they can be transferred to another. Because of this condition girls become experienced in several, if not all, of the different departments of the same industry, thereby becoming more skilled, although usually not able to attain so great speed as when employed continuously in the

same kind of work, and when such a condition prevails they are required to serve a longer term of apprenticeship than when employed in one particular occupation. It will be readily realized that the almost endless number of occupations encountered in this industry makes the determination of a specific term of apprenticeship both unwise and unjust. It therefore became necessary for the commission to investigate each occupation separately and to issue licenses based upon the degree of skill required and the consequent time necessary to become familiar with each occupation involved. In accordance with this policy, licenses to apprentices in that industry range from six weeks to one year, broken into two or more periods, beginning with a wage of \$6 per week and approaching the minimum of \$8.90 through these various stages of advancement. Printed notices of instruction with reference to granting of apprenticeship licenses were issued as follows:

(1) Application for license must be made to the commission upon printed blanks, which will be furnished on request.

(2) The application blank must be filled out and sent to the commission by the employee and not by the employer.

(3) The term of license and wage to be paid by the employer will be determined by the commission, based upon previous experience of the applicant and the particular occupation in which she will be engaged.

(4) If a license be granted to the applicant it will be effective from the date of the application.

(5) Application blanks must be filled out in a complete manner or they will not be considered.

#### Office Employees.

It may be assumed that a girl's public school or business college course prepares her in large measure for service in general office work, and therefore only the additional time necessary to become familiar with the work of the particular establishment in which she is serving her apprenticeship need be considered in issuing licenses in such occupations. The general policy followed by the commission stipulates that licenses may be issued at a weekly wage rate of not less than \$7.50 and that the longest period of apprenticeship in any of the office employments shall not be more than six months.

#### *Effects of Minimum-wage Law in Washington.*

To ascertain the effect of the fixing of minimum-wage rates in Washington, the commission made a survey of some of the larger establishments in three of the industries where minimum rates had been put in force. The establishments covered in each survey were deemed to be fairly representative of the industry to which they belonged, and included all women and minors found on the pay rolls of such establishments at certain dates before and after the fixing of minimum rates.

The three industries covered in the commission's survey are set forth in the following tables, the figures having been obtained from 24 of the leading mercantile establishments, from 11 of the largest laundries in the State, and from a number of the largest telephone exchanges. They were taken from the regular pay rolls for the week ending September 20, 1913, and for the corresponding week of 1914,

therefore showing the wage conditions before and after the law became operative.

By a careful analysis of the results here given a conclusion as to the general effect of such legislation may be reached, bearing in mind always that the reports for 1914 were taken at a time of business depression, when conditions did not afford the most favorable test. Notwithstanding that fact, each industry covered records an increase in the average wage paid.

The entire number of workers included in the report for 1913 is 4,894, as against 4,828 in 1914, or a decrease of 66. In mercantile employment, 1914 shows a decrease of 87, and laundry employment a decrease of 30, while in telephone employment there was an increase of 51.

Since the mercantile and laundering industries are apt to respond more quickly to the business pulse, it is safe to assume that the very slight decrease in the number employed in 1914 was wholly due to business conditions and not attributable to the establishment of the wage. Were this decrease greater or were it to be found in those groups of women receiving the minimum or over, the conclusion might reasonably be attributed to the compulsory higher wage, but since it occurs wholly within those groups receiving less than the minimum, that contention can not be sustained. This conclusion is further strengthened by the fact that had the establishment of the wage been in any measure the cause, the decrease would have been very much greater.

COMPARATIVE WAGES OF FEMALES AND MINORS EMPLOYED IN 24 MERCANTILE ESTABLISHMENTS IN SEPTEMBER, 1913, AND SEPTEMBER, 1914.

Weekly wage. <sup>1</sup>	Total number of females and minors.		Females and minors on pay rolls of both 1913 and 1914.		Weekly wage. <sup>1</sup>	Total number of females and minors.		Females and minors on pay rolls of both 1913 and 1914.	
	1913	1914	1913	1914		1913	1914	1913	1914
\$3.00 .....	20	5	4	-----	\$14.00 .....	60	42	41	31
3.50 .....	-----	-----	1	-----	14.50 .....	2	6	1	3
4.00 .....	50	-----	18	-----	15.00 .....	164	194	100	114
4.50 .....	18	-----	8	-----	15.50 .....	2	-----	1	2
5.00 .....	72	-----	25	-----	16.00 .....	27	33	19	24
5.50 .....	2	-----	4	1	16.50 .....	15	25	10	22
6.00 .....	254	276	100	48	17.00 .....	14	18	10	13
6.50 .....	4	5	2	1	17.50 .....	26	33	17	18
7.00 .....	311	55	141	12	18.00 .....	65	57	38	35
7.50 .....	48	67	17	15	18.50 .....	4	5	3	3
8.00 .....	490	114	204	16	19.00 .....	5	5	3	4
8.50 .....	44	-----	16	3	19.50 .....	4	6	4	5
9.00 .....	441	25	192	4	20.00 .....	57	71	38	53
9.50 .....	4	14	4	-----	21.00 .....	3	1	2	1
10.00 .....	370	1,323	188	677	22.00 .....	23	23	16	17
10.50 .....	13	26	5	9	25.00 .....	37	42	27	31
11.00 .....	72	132	50	103	27.50 .....	7	3	3	3
11.50 .....	8	11	5	7	30.00 .....	9	10	7	9
12.00 .....	355	372	193	216	35.00 .....	9	6	6	6
12.50 .....	16	13	9	9	Over \$35.00 .....	5	10	4	4
13.00 .....	22	38	15	26					
13.50 .....	37	36	20	26	Total .....	3,189	3,102	1,571	1,571

<sup>1</sup> The minimum wage became effective June 27, 1914.

According to the above table, out of the total of 3,189 women and minors found on the pay rolls in September, 1913, 1,571, or 49.2 per cent, were still employed in September, 1914, three months after the minimum-wage determination became effective in that industry. Comparing the wages received in 1914 with those received in 1913, it is seen that 636 employees had been advanced to the \$10 legal minimum wage, and of those receiving more than \$10 per week in 1913, 147 had been advanced to a higher wage in 1914, making a general increase to 783 employees, or 49.8 per cent of the total shown.

COMPARATIVE WAGES OF FEMALES AND MINORS EMPLOYED IN 11 LAUNDRIES IN SEPTEMBER, 1913, AND SEPTEMBER, 1914.

Weekly wage. <sup>1</sup>	Total number of females and minors.		Females and minors on pay rolls of both 1913 and 1914.		Weekly wage. <sup>1</sup>	Total number of females and minors.		Females and minors on pay rolls of both 1913 and 1914.	
	1913	1914	1913	1914		1913	1914	1913	1914
\$6.00.....	4	8	-----	-----	\$9.75.....	8	5	1	2
6.25.....	7	1	-----	-----	10.00.....	63	50	29	25
6.50.....	-----	-----	-----	-----	10.50.....	16	25	4	10
6.75.....	18	2	-----	-----	11.00.....	42	35	21	24
7.00.....	5	7	15	-----	11.50.....	8	5	3	3
7.25.....	62	12	5	1	12.00.....	49	61	27	31
7.50.....	10	4	4	1	12.50.....	7	12	3	6
7.75.....	25	1	4	-----	13.00.....	19	26	13	15
8.00.....	74	11	22	2	13.50.....	5	8	4	7
8.25.....	18	-----	6	-----	14.00.....	12	11	6	9
8.50.....	41	-----	16	-----	14.50.....	5	3	3	2
8.75.....	22	-----	6	-----	15.00 and over.....	37	25	26	23
9.00.....	66	267	17	76	Total.....	665	635	260	280
9.25.....	7	9	6	3					
9.50.....	35	47	13	20					

<sup>1</sup> The minimum wage became effective Aug. 24, 1914.

According to the above table, out of a total of 665 women and girls found on the pay rolls of 11 establishments in 1913, 260, or 39 per cent, were still employed in September, 1914, after the minimum wage had become effective in that industry. In 1913 there were 286 women receiving less than \$9, while in 1914 only 46 received less than that amount. These 46 girls were either minors or apprentices. In 1913, 66 girls were receiving \$9, while in 1914, after the minimum wage became effective, this number was increased to 267. In 1913 only 379 women were receiving \$9 or more, while in 1914 there were 589 receiving this amount.

COMPARATIVE WAGES OF FEMALES AND MINORS IN TELEPHONE EMPLOYMENT  
IN SEPTEMBER, 1913, AND SEPTEMBER, 1914.

Weekly wage. <sup>1</sup>	Total number of females and minors.		Females and minors on pay rolls of both 1913 and 1914.		Weekly wage. <sup>1</sup>	Total number of females and minors.		Females and minors on pay rolls of both 1913 and 1914.	
	1913	1914	1913	1914		1913	1914	1913	1914
\$6.00 .....	62	52	17	.....	\$9.90 .....	28	282	12	138
6.30 .....	3	3	1	1	10.20 .....	110	126	69	109
6.60 .....	13	23	4	.....	10.50 .....	18	42	10	33
6.90 .....	90	23	35	.....	10.80 .....	30	49	21	34
7.20 .....	12	12	5	.....	11.10 .....	9	31	5	15
7.50 .....	106	58	48	.....	11.40 .....	22	20	16	18
7.80 .....	27	12	17	2	11.70 .....	15	19	7	17
8.10 .....	66	28	38	.....	12.00 .....	21	28	19	23
8.40 .....	86	7	45	.....	12.50 .....	5	12	3	11
8.70 .....	74	12	41	.....	13.00 .....	2	3	3	2
9.00 .....	64	129	42	68	Over \$13.00 .....	30	36	26	34
9.30 .....	92	2	52	2					
9.60 .....	55	82	29	58	Total.....	1,040	1,091	565	565

<sup>1</sup> The minimum wage became effective Sept. 7, 1914.

According to the above table, out of a total of 1,040 women and girls found on the pay rolls in September, 1913, 565, or 54.3 per cent, were still employed in September, 1914, after the minimum wage had become effective in that industry. In 1913 there were 539 girls receiving less than \$9, while in 1914 only 230 were employed at so low a rate. These were all minors or apprentices. In 1913 only 64 girls were receiving \$9 per week, while in 1914, after the minimum wage became effective, this number was increased to 129. Out of a total of 539 girls, 309, or 57.3 per cent, had been advanced to the minimum or over, the number receiving \$9.90 in 1913 having been increased from 28 to 282 in 1914. In 1913 there were 437 girls receiving over \$9, while in 1914 this number was increased to 732.

*Opinions of the Attorney General.*

OLYMPIA, WASH., October 24, 1913.

HON. E. W. OLSON,

*Chairman of the Industrial Welfare Commission, Olympia, Wash.*

DEAR SIR: I am in receipt of your letter as follows:

I desire to obtain your opinion upon the following points, relative to the powers of the Industrial Welfare Commission for the State of Washington, as established by chapter 174, Laws 1913, State of Washington:

(1) In the event that any conference called by the commission shall find the health or morals of women or minors to be perniciously affected by the employment of said women or minors in any industry (a) for a number of hours per day or week not specifically prohibited by the eight-hour law, or (b) during a period of each 24 hours not at present specifically prohibited by law; and in the event that such conference shall recommend to this commission that such number or arrangement of hours be changed, does the power reside in this commission to issue an obligatory order embodying such recommendation?

(2) In the event that the cost of maintenance for women workers shall be found to vary in different parts of the State, does the power reside in this commission, upon the recommendation of any conference, to issue an obligatory order which shall specify different wage minimums in different parts of the State for women workers in the same industry or occupation?

First. In my opinion chapter 174 of the Laws of 1913 does not repeal chapter 37 of the Laws of 1911, commonly known as the "eight-hour law for women." It would seem, therefore, that the commission has no power to issue an obligatory order embodying a recommendation of a conference as to the number of hours per day or week, or the number of hours within any 24 hours, women may be employed, where such women are within the terms of the eight-hour law.

Second. From a careful reading of chapter 174, *supra*, it is my opinion that any order fixing a minimum wage for women must be general throughout the State as to the particular trade or industry affected.

These questions, however, are by no means free from doubt, and if it is deemed advisable to enter orders in conflict with the conclusions above stated, I would suggest that such orders be entered, and the matter of the determination of their validity be left to the courts.

Yours respectfully,

W. V. TANNER,  
*Attorney General.*

OLYMPIA, WASH., *January 13, 1914.*

Hon. E. W. OLSON,

*Chairman Industrial Welfare Commission, Olympia, Wash.*

DEAR SIR: You have requested the opinion of this office upon the following question:

Does the power reside in this commission, in pursuance of the duties imposed upon it in section 10 of chapter 174, Laws of 1913, to determine and define what shall constitute an occupation, trade or industry?

Section 10, chapter 174, Laws of 1913, provides in part as follows:

If, after investigation, the commission shall find that in any occupation, trade or industry, the wages paid to female employees are inadequate to supply them necessary cost of living and to maintain the workers in health, or that the conditions of labor are prejudicial to the health or morals of the workers, the commission is empowered to call a conference composed of an equal number of representatives of employers and employees in the occupation or industry in question, together with one or more disinterested persons representing the public; but the representatives of the public shall not exceed the number of representatives of either of the other parties; and a member of the commission shall be a member of such conference and chairman thereof. \* \* \*

No particular classification being directed by statute, it follows that the commission is authorized to exercise a reasonable discretion in making proper classifications for the purposes of investigations and conferences.

You are advised that the commission has authority to make investigations and to determine and define, within reasonable bounds, what shall constitute an occupation, trade, or industry for the purpose of investigations and conferences. We must not be understood as advising that the commission is authorized to make, or is justified in making, arbitrary classifications or distinctions, so as to include within such classifications or definitions, occupations, trades, or industries having obviously no reasonable relation one to the other.

Yours respectfully,

SCOTT Z. HENDERSON,  
*Assistant Attorney General.*

OLYMPIA, WASH., *January 13, 1914.*

Hon. E. W. OLSON,

*Chairman Industrial Welfare Commission, Olympia, Wash.*

DEAR SIR: We are in receipt of your request, which is as follows:

I desire to request from you whether or not under the provisions of section 13, chapter 174, Laws of 1913, it shall be necessary for this commission to submit to a conference for its recommendations the question of the adoption of rules to be followed in issuing through the secretary of the commission to a woman physically defective or crippled by age or otherwise, or to an apprentice in such class of employment or occupation as usually requires to be learned by apprentices, a special license authorizing the employment of such licensee for a wage less than the legal minimum wage.

Section 13, chapter 174, Laws of 1913, provides:

For any occupation in which a minimum rate has been established, the commission through its secretary may issue to a woman physically defective or crippled by age or otherwise, or to an apprentice in such class of employment or occupation as usually requires to be learned by apprentices, a special license authorizing the employment of such licensee for a wage less than the legal minimum wage; and the commission shall fix the minimum wage for said person, such special license to be issued only in such cases as the commission may decide the same is applied for in good faith and that such license for apprentices shall be in force for such length of time as the said commission shall decide and determine is proper.

No reference is made in said section to a conference, and nowhere in the act is there provision made for submitting to the conference for its recommendation the question of the adoption of rules to be followed with reference to the provisions of section 13, supra.

You are, therefore, advised that the matter of the license referred to in said section is within the discretion of the commission, subject to no condition with reference to recommendations of a conference, except that a minimum rate must have been established for such occupation.

Yours, respectfully,

SCOTT Z. HENDERSON,  
*Assistant Attorney General.*

*Regulations of Commission Governing Procedure of Conferences.*

The Industrial Welfare Commission for the State of Washington, duly appointed and qualified as provided by chapter 174 of the Session Laws of 1913 of the said State of Washington, having heretofore made investigation as provided by law concerning the employment of women and minors in the mercantile industry, the wages paid said women and minors, and the conditions surrounding their work and employment in said industry, and being fully advised in the premises, finds as follows:

That in the said mercantile industry within the State of Washington the wages paid to female employees in said industry are inadequate to supply them necessary cost of living and to maintain the workers therein in health, and that the conditions of labor therein are prejudicial to the health and morals of the workers:

Therefore, by virtue of the authority conferred upon this commission by law and in pursuance thereof, it is hereby ordered that a conference be called for the consideration of wages paid and conditions of labor in said mercantile industry, said conference to be composed of an equal number of representatives of employers and employees

in said industry, together with an equal number of disinterested persons representing the public as hereinafter provided, the date of the first convention of said conference to be fixed by this commission after the representatives of said conference have been duly selected as hereinafter provided.

The term "commission" shall mean the Industrial Welfare Commission of the State of Washington.

It is hereby further ordered that the following rules and regulations be, and the same are hereby, adopted as the rules and regulations governing the selection of representatives and the mode of procedure of said conference.

1. A conference shall consist of nine persons and a member of the commission who shall be chairman of said conference, three to represent the employers, three to represent the employees, and three to represent the public. One of the members representing the public shall be appointed by the chairman as chief interrogator. A member of the commission shall act as chairman of the conference.

2. The method of selecting members of the conference shall be as follows:

Each member of the commission shall nominate and send nine names to the secretary thereof. Three of these shall be employers in the industry for which the conference is being called; three shall be employees in said industry, and three shall be disinterested persons to represent the public. The secretary in turn shall then send a complete list to each member of the commission for his or her investigation, a period of at least one week being allowed for that purpose, after which the commission, sitting in regular session or any special session of the commission called for said purpose, shall select from among these names nine persons who shall constitute the conference, of whom at least one employer and one employee shall be from that portion of the State east of the summit of the Cascade Mountains.

3. After the selection of the members of the conference in each industry as provided in the foregoing section, the commission shall, from the names remaining, select nine alternates who shall have the same qualifications for membership on the conference as the regularly selected members; these alternates to fill any vacancies that may occur, according to a definite priority to be determined by the commission at the time of their selection.

4. A conference thus selected may, upon request by the commission, be called together at any time and place that the commission may designate, provided that each member of said conference shall be given at least 10 days' notice of such meeting and at the time of serving such notice shall be provided with a copy of the report of the findings of the commission in its investigation of the wages and conditions of labor of women and minors in the trade or industry for which the conference is called, and shall serve until discharged by the commission.

5. When the conference is called to order by the chairman, it shall deliberate under parliamentary law, and no question shall be discussed that is not germane to the conditions of labor or cost of living of working women or minors as applied to that particular trade or industry. Roberts's Rules of Order shall govern.



6. The commission may at its discretion fill any vacancies that may occur in its conferences.

7. The conference in its deliberations shall proceed on the principle established by the commission that a minimum wage or condition of labor of women and minors shall be general throughout the State as to the particular trade or industry affected wherever same shall be established.

8. The chair shall not permit the discussion of the question as a whole until after each item of the cost of living has been taken up in the order given in the estimate blanks prepared by the commission, unless otherwise directed by a majority vote of the conference. After proper deliberation and discussion of questions that have been presented to the conference by the commission, the conference shall then, upon request of the commission, proceed to make recommendations upon such questions as the commission may designate.

9. The members of the conference so selected shall be paid their actual traveling and hotel expenses while attending said conference (out of the regular appropriation set aside by the legislature), provided that evidence of such expense be filed with the commission and sworn to in the manner provided by law, and it is further provided that before being allowed said expenses are to be approved by the commission.

10. The secretary of the commission or a shorthand reporter shall be present at each conference and shall record the minutes of the meetings, and shall be ex officio secretary of said conference.

11. No member of the conference shall be entitled to speak more than twice on any subject, or more than five minutes at a time, except by unanimous consent of the conference.

12. The commission may amend, modify, or suspend, by a two-thirds vote, any of the foregoing rules or regulations.

Dated at Olympia, Wash., March 10, 1914.

#### WISCONSIN.

The Wisconsin act came into effect permissively July 1, 1913, and compulsorily July 1, 1914; that is, the law authorized the commission, upon its own initiative, to undertake investigations for the purpose of wage determinations after July 1, 1913, but directed that such investigations must be taken up upon complaint after July 1, 1914.

Preliminary to the Wisconsin law becoming fully effective, the commission undertook an investigation of wages, cost of living, etc., for female and minor employees. The results of this investigation have not yet been published. A recent letter from the commission, in response to an inquiry, states that the whole question has been delayed because the commission is awaiting the action of the supreme court on the Oregon law.

## ATTITUDE OF THE AMERICAN FEDERATION OF LABOR ON THE LEGAL MINIMUM WAGE.<sup>1</sup>

From the report we have given, it will be observed that the movement for a minimum wage for women and minors has gained considerable headway in our country, and that sentiment in favor of a living wage is rapidly crystallizing. That this growth of sentiment among the people is due to the activities of the organized wage earners there can be no doubt. The organized labor movement has insisted from the beginning upon the establishment of a living wage as a minimum, and it has through the force of organized effort, succeeded in establishing minimum wages and maximum hours of labor far superior to those prescribed by the wage boards of other countries.

There is a marked difference, however, between the laws of other countries and the laws enacted or proposed in various States in our country. In England and in Australia authority is vested in wage boards to fix minimum wages for men workers as well as for women and minors; whereas in America these laws relate exclusively to women workers and to minors. If it were proposed in this country to vest authority in any tribunal to fix by law wages for men, labor would protest by every means in its power. Through organization the wages of men can and will be maintained at a higher minimum than they would be if fixed by legal enactment.

But there is a far more significant ground for opposing the establishment by law of a minimum wage for men. The principle that organization is the most potent means for a shorter workday and for a higher standard of wages applies to women workers equally as to men. But the fact must be recognized that the organization of women workers constitutes a separate and more difficult problem. Women do not organize as readily or as stably as men. They are therefore more easily exploited. They certainly are in a greater measure than men entitled to the concern of society. A fair standard of wages, a living wage for all employed in an industry, should be the first consideration in production. None are more entitled to that standard than are the women and minors. An industry which denies to all its workers and particularly denies to its women and minors who are toilers a living wage is unfit and should not be permitted to exist.

We recognize, of course, that in our time legislation of this character is experimental and that sufficient experience with it has not been had to enable us to secure comprehensive and accurate information as to its tendency and its effect upon wages and industrial conditions; therefore, we recommend that for the information of the labor movement the executive council be instructed to watch developments where such legislation is in force and to record carefully the activities, the decisions, and the trend of minimum-wage boards.

We recommend that in all minimum-wage laws the organized workers should see to it that provision is made for the representation on minimum-wage boards of the organized wage earners, and that the laws are so changed or drawn and administered as to afford the largest measure of protection to women and minor workers—those they are designed to protect.

<sup>1</sup> From Report of Executive Council in Report of Proceedings of the Thirty-third Annual Convention of the American Federation of Labor. Washington, 1913, pp. 63 and 64.

## MINIMUM-WAGE LEGISLATION IN AUSTRALIA AND NEW ZEALAND.<sup>1</sup>

### INTRODUCTION.

The models and the experience upon which all of the minimum-wage legislation in Great Britain and the United States are based are to be found in the history of the movement in Australia (in Victoria, especially) and New Zealand since the introduction of the system in those countries, in Victoria in 1896 and in New Zealand in 1894.

Two systems based on different principles exist in Australia and New Zealand for the regulation of wages and conditions of employment. A wages-board system exists in Victoria and Tasmania, and an industrial arbitration-court system in New Zealand and Western Australia. In New South Wales and, since 1912, in Queensland and South Australia the two systems are combined, wages or industrial boards as well as industrial arbitration courts forming a part of the system.

Under the wages-board system in Victoria the board determinations may be reviewed by the court of industrial appeals. In Tasmania an appeal may be made to the supreme court. Under the mixed system in existence in New South Wales the industrial boards are under the control of the industrial court, and the awards of the industrial boards may be reviewed by the court. A similar method is followed in Queensland and South Australia. There is also an arbitration court of the Commonwealth of Australia, which has power to deal with wages. The power of the Commonwealth court, however, is limited to matters extending beyond the limits of a single State.

The chief aims of the wages-board system are to regulate wages, hours, and conditions of employment by the decision of a wages board or compulsory conference (called a special board) of representatives of employers and employees, presided over by a neutral chairman. A determination of this board, unless disapproved by the court on review, applies compulsorily to the entire industry and area for which the board was created. The wages board is usually brought into existence for any specified industry or group of industries by petition or application, followed by authorization in a resolution of Parliament. Under the industrial arbitration court system, the chief purpose of which is the prevention and settlement of industrial dis-

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<sup>1</sup> This section is based largely upon a summary given in the *Official Year Book of the Commonwealth of Australia*, No. 7, 1914, pp. 920, et seq.

putes, an industry does not come under review until a dispute has actually arisen. Most of the acts, however, have given the president of the court power to summon a compulsory conference. The scope of the arbitration court's authority is even broader than that of the wages boards, applying to any industrial matters.

#### WAGES-BOARD SYSTEM.

The wages-board system was introduced in Victoria by the factories and shops act of 1896. The original bill made provision only for the regulation of the wages of women and children, but it was afterwards amended in Parliament to extend the system to adult employees of both sexes.

The act of 1896 made provision for the regulation of wages in six sweated trades only. By an act of 1900 the operations of the law were extended to include all persons employed, either inside or outside a factory or workroom, in any trade usually carried on therein. The act of 1907 extended the system to trades and businesses not connected in any way with factories, making provision for the appointment of wages boards for metropolitan shop employees, carters and drivers, and persons employed in connection with buildings or quarrying, or the preparation of firewood for sale, or the distribution of coal or coke. The act of 1909 extended the system to the mining industry, and those of 1910 extended the operation of the act to the shires.

Originally the wages board was elected, but the difficulty of compiling electoral rolls led to the adoption of the simpler system of nomination, which has proved satisfactory.

The board fixes the wages and hours of work and may limit the number of improvers who may be employed (usually by prescribing one to a certain number of journeymen employed). The board fixes the wages of apprentices and improvers according to age, sex, and experience, and may fix a graduated scale of rates calculated on the same basis. Apprentices bound for less than three years are improvers unless the minister sanctions the shorter term of apprenticeship on account of previous experience in the trade. The minister may sanction the employment of an improver over 21 years of age at a rate proportionate to his experience. Workers in the clothing trade must be paid piece rates. Manufacturers may, by leave of the board, fix their own piece rates if calculated upon the average wages of time workers as fixed by the board. Licenses for 12 months to work at a fixed rate lower than the minimum rate may be granted by the chief inspector of factories to persons unable to obtain employment by reason of age, slowness, or infirmity. Such licenses are renewable.

Penalties are fixed for the direct or indirect violation of determinations, the violation being ascertained by examination of the records of wages which are required to be kept.

The court of industrial appeals has power to review the determinations of the boards.

In Tasmania the wages-board system was introduced by the act of 1910 (January 13, 1911) and came into operation March 31, 1911. The experience, therefore, is limited.

South Australia enacted the wages-board system in 1900, 1904, and 1906, but the first-named act was rendered inoperative owing to the failure of Parliament to enact the regulations necessary for carrying it into effect. The act of 1904 revived the wages-board system respecting women and children in white-goods trades. The action of this statute was paralyzed by a decision, the effect of which was to prevent a graduated scale of wages, such as fixed by the Victorian boards. The necessity for some protection to the persons intended to be benefited by these statutes was urged in the annual reports of the chief inspector of factories, but until 1906 without effect. Many employers, however, voluntarily complied with the board's determinations during the period when, because of the failure of the law, they were without legal force. The system was brought into full operation by the act of 1906, which preceded the Victorian act of 1907 in extending the system to other trades, and was of a wider scope than the Victorian act.

In New South Wales industrial boards were introduced under the industrial disputes act, 1908, the arbitration-court system having been in existence from 1901 to that date. The act of 1912 introduced the mixed system of industrial boards and an industrial court.

Wages boards were introduced in Queensland under the wages boards act of 1908 and this act with the amending acts continued in force until repealed and replaced by the industrial peace act, 1912, which came into effect January 1, 1913. This act, while embodying the principal provisions of the wages boards acts, provided for the establishment of an industrial court of appeals. All boards established under the repealed acts continued in existence and their determinations were recognized as awards under the new act.

The various steps and method in the procedure in fixing wages in Victoria are briefly summarized in the following statement:

#### PROCEDURE IN FIXING MINIMUM WAGE.

1. A resolution of Parliament authorizes one or more special boards for a trade or group of trades.
2. The governor in council establishes the boards.
3. The board may, on its own initiative, make investigation and a determination fixing minimum time and piece rates of wages, maximum hours of labor, minimum rates for overtime and holidays, the proportionate number of apprentices and improvers, and the minimum rates for them, etc.
4. The determination of the board is signed by the chairman and published in the Government Gazette and comes into force at a date fixed by the board, but not within 30 days of the determination.

5. The determination may be suspended, by order of the governor in council, for not exceeding six months, whereupon the board must forthwith reconsider and amend or adhere to its determination. If it adheres to its determination the suspension is revoked by an order effective not later than 14 days.
6. The determination may be brought before the industrial court on appeal by a majority of the representatives of employers or a majority of the representatives of employees on the board or by any employer or group of employers who employ not less than 25 per cent of the total workers in the trade or by 25 per cent or more of the workers in the trade. The minister may at any time refer a determination to the court.
7. In case of appeal or reference the governor in council shall appoint two persons upon nomination of representatives of employers and employees respectively on the special board and these two persons with the president of the court (one of the judges of the supreme court) shall constitute the industrial court.
8. The determination of the court shall be final and without appeal and may not be reviewed or altered by a board without the leave of the court.
9. The determination of the court shall be forwarded to the minister by the registrar and shall be published in the Government Gazette.
10. The validity of a determination of any board may be challenged before the supreme court.

### ARBITRATION-COURT SYSTEM.

The first Australian act whereby one party to a labor dispute could be summoned before and presumably made subject, as in proceedings of an ordinary court of law, to the order of a court was the South Australian act of 1894. The principles of this act have been largely followed in other States, but it proved abortive in operation in its own State and in many respects was superseded by the wages-board system which was brought into operation by the act of 1906. Western Australia passed an arbitration act in 1900, repealed and reenacted with amendments in 1902 and 1909, the whole being consolidated in the industrial arbitration act of 1912. The court system was adopted in New South Wales in 1901, and various changes having been subsequently introduced, a consolidation was made in 1912, the system including industrial boards as well as an arbitration court. Queensland, which had been under a wages-board system since 1908, introduced the combined system under the industrial peace act of 1912. The Commonwealth principal act, passed in 1904, applies only to industrial disputes extending beyond the limits of a single State.

### INDUSTRIAL UNIONS.

The arbitration act, framed to encourage a system of collective bargaining, to facilitate applications to the court, and to assure to the worker such benefits as may be derived from organization, virtually creates the industrial union. This, except in New South Wales and Western Australia, has been quite distinct from the trade-union; it is not a voluntary association, but rather an organization necessary for the administration of the law. The New South Wales act of 1901 required all trade associations to register as "industrial unions," pre-

scribing the separation of industrial and benefit funds and enforcing strict and proper management, the industrial funds being available in payment of penalties incurred for breaches of the arbitration act. Industrial unions (or "organizations" as they are styled in the Commonwealth act) may be formed by employers or employees. They must be registered and must file annual returns of membership and funds. Before unions of employers are registered, there must be in their employment a minimum number of employees. In New South Wales and Western Australia the minimum is 50; under the Commonwealth act 100. Unions of employees must, in Western Australia, have a membership of 15; by the Commonwealth act a membership of 100 is required. The union rules must contain provisions for the direction of business, and, in particular, for regulating the method of making applications or agreements authorized by the acts. In Western Australia rules must be inserted prohibiting the election to the union of men who are not employers or workers in the trade and the use of union funds for the support of strikes and lockouts; a rule must also be inserted requiring the unions to make use of the act.

#### INDUSTRIAL AGREEMENTS.

Employers and employees may settle disputes and conditions of labor by industrial agreements which are registered and have the force of awards. Such agreements are enforceable against the parties and such other organizations and persons as signify their intention to be bound by them.

#### POWERS OF COURT.

Failing agreement, disputes are settled by reference to the court. In the Commonwealth this consists of a judge of the high court. The court may (and on the application of an original party to the dispute must) appoint two assessors at any stage of the dispute. In the States the president of the tribunal (usually a judge of the supreme court) is assisted by members (the number varying under the various acts) chosen by and appointed to represent the employers and employees, respectively.

Cases are brought before the court by either employers or employees. The consent of a majority of a union voting at a specially summoned meeting is necessary to the institution of a case; the Commonwealth act requires the certificate of the registrar that it is a proper case for consideration. The powers of the court are more numerous and varied than those of the Victorian boards; it hears and makes awards upon all matters concerning employers and employees. The breadth of its jurisdiction may be gathered from the Commonwealth definition of "industrial matters," viz:

all matters relating to work, pay, wages, reward, hours, privileges, rights, or duties of employers or employees, or the mode, terms, and

conditions of employment or nonemployment; and in particular, but without limiting the general scope of this definition, the term includes all matters pertaining to the relations of employers and employees, and the employment, preferential employment, dismissal or nonemployment of any particular persons, or of persons of any particular sex or age, or being or not being members of any organization, association, or body; and any claim arising under an industrial agreement; and all questions of what is fair and right in relation to any industrial matter having regard to the interest of persons immediately concerned, and of society as a whole.

The object of the court is to prevent and settle industrial disputes; and, when disputes have occurred, to reconcile the parties. The court may fix and enforce penalties for breaches of awards, restrain contraventions of the acts, and exercise all the usual powers of a court of law.

The court is to bring about an amicable agreement, if possible to conciliate and not to arbitrate, and such agreement may be made an award. In order to prevent a matter coming into dispute the president of the arbitration court may convene a compulsory conference under his own presidency. Attendance of persons summoned to attend is compulsory. Provision is made in the recent act whereby, if there is no settlement arrived at in the conference, the president may refer the matter to the court and then arbitrate on it.

There are four ways in which a matter may be brought before the court:

- (a) By the registrar certifying that it is a dispute proper to be dealt with by the court in the public interest.
- (b) By the parties, or one of them, submitting the dispute to the court by plaint in the prescribed manner.
- (c) By a State industrial authority, or the governor in council of a State in which there is no such authority, requesting the court to adjudicate.
- (d) By the president referring to the court a dispute as to which he has held a conference without an agreement being reached.

All parties represented are bound by the award, and also all parties within the scope of a common rule. The court possesses full powers for enforcement of awards.

## COMPARATIVE ANALYSIS OF MINIMUM-WAGE LAWS.

### LAWS IN FORCE.

#### Victoria:

Factories and shops act, 1912, enacted December 7, 1912.

Factories and shops act, 1912 (No. 2), enacted December 31, 1912.

Factories and shops acts amendment act, 1914, enacted November 2, 1914.

#### New South Wales:

Industrial arbitration act, 1912, enacted April 15, 1912.

Minimum wage act, 1908, enacted December 24, 1908 (fixing legislative minimum wage).



## Queensland:

Industrial peace act, 1912, enacted December 7, 1912.

Factories and shops act, 1900, enacted December 28, 1900 (fixing legislative minimum wage).

Factories and shops act amendment act, 1908, enacted April 15, 1908 (fixing legislative minimum wage).

## South Australia:

Factories act, 1907, enacted December 21, 1907.

Factories act amendment act, 1908, enacted December 23, 1908.

Factories act amendment act, 1910, enacted December 7, 1910.

Industrial arbitration act, 1912, enacted December 19, 1912.

## Tasmania:

Wages boards act, 1910, enacted January 13, 1911.

Wages boards act, 1911, enacted September 14, 1911.

Factories act, 1911, enacted January 10, 1912 (fixing legislative minimum wage).

Western Australia: Industrial arbitration act, 1912, enacted December 21, 1912.

## Australia (Commonwealth):

Commonwealth conciliation and arbitration act, 1904, enacted December 15, 1904.

Commonwealth conciliation and arbitration act, 1909, enacted December 13, 1909.

Commonwealth conciliation and arbitration act, 1910, enacted August 29, 1910.

Commonwealth conciliation and arbitration act, 1911, enacted November 23, 1911.

## New Zealand:

Industrial conciliation and arbitration act, 1908, enacted August 4, 1908.

Industrial conciliation and arbitration amendment act, 1908, enacted October 10, 1908.

Industrial conciliation and arbitration amendment act, 1910, enacted December 3, 1910.

Industrial conciliation and arbitration amendment act, 1911, enacted October 28, 1911.

Industrial conciliation and arbitration amendment act, 1913, enacted October 3, 1913.

Factories act, 1908, enacted August 4, 1908.

Factories act, 1910, enacted December 3, 1910.

Shops and offices act, 1908, enacted August 4, 1908.

Shops and offices amendment act, 1910, enacted December 3, 1910.

## NAME OF TRIBUNALS.

## Victoria:

Court of industrial appeals.

Special boards.

## New South Wales:

Court of industrial arbitration.

Industrial boards.

## Queensland:

Industrial court.

Industrial boards.

## South Australia:

Industrial court.

Wages boards.

## Tasmania: Unlimited.

Western Australia: Arbitration court.

Commonwealth of Australia: Court of conciliation and arbitration.

New Zealand: Arbitration court.

### HOW TRIBUNALS ARE BROUGHT INTO EXISTENCE.

#### Victoria:

Court constituted by governor in council from time to time.

Special boards by governor in council on resolution of Parliament.

#### New South Wales:

Industrial court (judge) constituted by act.

Industrial boards by the minister on recommendation of industrial court.

#### Queensland:

Industrial court constituted by the act.

Industrial boards by governor in council on recommendation of court.

#### South Australia:

Court constituted by act of 1912.

Wages boards by the governor in council on resolution of Parliament.

Tasmania: For the clothing trade, by the act; for other trades, by a resolution of Parliament.

Western Australia: Court constituted by the act.

Commonwealth of Australia: Court constituted by the act.

New Zealand: Court constituted by the act.

### INDUSTRIES TO WHICH THE ACTS APPLY.

Victoria: To any process, trade, business, or occupation specified in a resolution.

Government servants are not included.

New South Wales: To industrial groups named in schedule to act, and those added by proclamation. Includes Government servants.

Queensland: To callings specified in schedule to act, and to those added by governor in council.

South Australia: To processes, trades, etc., specified in act, and such others as may be authorized by Parliament.

Tasmania: All trades or groups or parts thereof.

Western Australia: All industrial occupations.

Commonwealth of Australia: Industrial disputes extending beyond limits of any one State or in Federal capital or northern Territories.

New Zealand: All trades.

### HOW A TRADE OR INDUSTRY IS BROUGHT UNDER REVIEW.

Victoria: Usually by petition to minister.

New South Wales: Reference by court or minister, or by application to the board by employers or employees.

Queensland: By petitions and representations to industrial registrar.

South Australia: Court—Matters or disputes submitted by minister, registrar, employers, or employees, or by report of wages board. Wages boards by petitions, etc.

Tasmania: By application of parties.

Western Australia: Industrial disputes referred by president or by an industrial union or association.

Commonwealth of Australia: Industrial disputes either certified by registrar, submitted by organization, referred by a State industrial authority or by president after holding abortive compulsory conference.

New Zealand: By application of union or individual employer.

### PRESIDENT OR CHAIRMAN OF TRIBUNALS.

Victoria: President of court, one of judges of supreme court appointed by governor in council. Chairman of board appointed by governor in council on nomination of board or, failing that, on nomination by minister.

New South Wales: Court appointed by governor. Chairman of board appointed by minister on recommendation of court.

Queensland: Court appointed by governor in council. Chairman of board any person elected by board. If none elected, appointment is by the governor in council on recommendation of court.

South Australia: Court—President. Wages board, appointed by governor in council on nomination of board or, failing nomination, a stipendiary magistrate.

Tasmania: Any person elected by the board. If none elected, appointment by the governor in council.

Western Australia: President, a judge of the supreme court, appointed by governor.

Commonwealth of Australia: President, appointed by the governor general.

New Zealand: A judge of the supreme court.

#### NUMBER OF MEMBERS OF TRIBUNALS.

Victoria:

Court, president and one representative each of employers and of employees.

Board, not less than 4 nor more than 10 members and a chairman.

New South Wales:

Court, one judge.

Board, chairman and 2 or 4 other members.

Queensland:

Court, one judge.

Board, not less than 5 nor more than 13 (including chairman).

South Australia:

Court, president only.

Wages board, not less than 5 nor more than 11 (including chairman).

Tasmania: Chairman and not less than 4 nor more than 10.

Western Australia: Three, including president.

Commonwealth of Australia: President only.

New Zealand: Three.

#### HOW ORDINARY MEMBERS ARE APPOINTED.

Victoria:

Members of court by governor in council on nomination of representatives of employers and employees on special board.

Members of board nominated by minister. But if one-fifth of employers or employees object, representatives are elected by them.

New South Wales: Appointed by minister on recommendation of industrial court.

Queensland: By employers and employees, respectively.

South Australia: By governor on nomination of employers and employees, respectively.

Tasmania: By governor in council on nomination by employers and employees.

Western Australia: Appointed by governor, president directly, and one each on recommendation of unions of employers and workers, respectively.

Commonwealth of Australia: President appointed by governor general from justices of high court.

New Zealand: By the unions of employers and workers, respectively.

#### DECISIONS—HOW ENFORCED.

Victoria: By factories department in courts of petty sessions.

New South Wales: By registrar and industrial magistrate.

Queensland: By inspectors of factories and shops, department of labor.

South Australia: By factories department.

Tasmania: By factories department.

Western Australia: By arbitration court on complaint of any party to the award or registrar or an industrial inspector.

Commonwealth of Australia: By proceedings instituted by registrar, or by any organization affected or a member thereof.

New Zealand: By arbitration court on complaint of union or inspector of awards.

#### DURATION OF DECISION.

- Victoria: Until altered by board or court of industrial appeals.  
 New South Wales: For period fixed by tribunal, but not more than three years.  
 Queensland: Twelve months and thereafter, until altered by board or court.  
 South Australia: Until altered by board or by order of industrial court.  
 Tasmania: Until altered by board.  
 Western Australia: For period fixed by court, not exceeding 3 years, or for 1 year and thenceforward from year to year until 30 days' notice given.  
 Commonwealth of Australia: For period fixed by award, not exceeding five years.  
 New Zealand: For period fixed by court, not exceeding three years.

#### APPEAL AGAINST DECISION.

- Victoria: To the court of industrial appeals.  
 New South Wales: To industrial court against decision of boards, except those boards presided over by a judge.  
 Queensland: To industrial court.  
 South Australia: To industrial court.  
 Tasmania: To supreme court.  
 Western Australia: No appeal except against imprisonment or a fine exceeding £20 (\$97.33).  
 Commonwealth of Australia: No appeal. Case may be stated by president for opinion of high court.  
 New Zealand: No appeal.

#### IS SUSPENSION OF DECISION POSSIBLE PENDING APPEAL?

- Victoria: Yes; for not more than 12 months.  
 New South Wales: No; except by temporary variation of award by the court.  
 Queensland: Yes; for not more than 3 months.  
 South Australia: Yes.  
 Tasmania: Yes.  
 Western Australia: No suspension. Court has power to revise an award after the expiration of 12 months from its date.  
 Commonwealth of Australia: No appeal.  
 New Zealand: Yes; in case of strikes.

#### CAN PREFERENCE TO UNIONISTS BE DECLARED?

- Victoria: No.  
 New South Wales: Yes.  
 Queensland: No.  
 South Australia: No.  
 Tasmania: No.  
 Western Australia: No.  
 Commonwealth of Australia: Yes; ordinarily optional, but mandatory if in opinion of court preference is necessary for maintenance of industrial peace or welfare of society.  
 New Zealand: Unionism essential.

#### PROVISION AGAINST STRIKES AND LOCKOUTS.

- Victoria: None.  
 New South Wales:  
     Strikes, penalty £50 (\$243.33) and preference to unionists canceled.  
     Lockouts, penalty £1,000 (\$4,866.50).

Queensland: Strikes £50 (\$243.33), lockouts £1,000 (\$4,866.50), unless notice of intention given to registrar and secret ballot taken in favor. In the case of public utilities compulsory conference also must have proved abortive.

South Australia: Penalty £500 (\$2,433.25) or imprisonment 3 months.

Tasmania: Penalty for strike or lockout on account of any matter in respect to which a board has made a determination, for an organization, £500 (\$2,433.25), for an individual £20 (\$97.34).

Western Australia: Employer or industrial union, £100 (\$486.65); other cases, £10 (\$48.67).

Commonwealth of Australia: Penalty, £1,000 (\$4,866.50).

New Zealand: Penalty—Employer, maximum fine of £500 (\$2,433.25); employee, £25 (\$121.66) unless 14 days' notice is given in writing.

#### SPECIAL PROVISIONS FOR CONCILIATION.

Victoria: None.

New South Wales:

Special commissioner.

Three conciliation committees for colliery districts.

Registered agreements.

Queensland:

Compulsory conference.

Registered agreements.

South Australia:

Compulsory conference.

Industrial court.

Registered agreements.

Tasmania: None.

Western Australia:

Compulsory conference.

Registered agreements.

Commonwealth of Australia:

Compulsory conference.

Court may temporarily refer to conciliation committee, registered agreements.

New Zealand:

Council of conciliation, with 3 commissioners.

All industrial disputes must be referred to council before they can come before the arbitration court.

#### OPERATIONS UNDER WAGES BOARDS AND ARBITRATION LAWS.

The grounds usually alleged by the employers in seeking awards or determinations are that their business is hampered by "unfair" competitors, who pay only a sweating wage. Employees allege that they are sweated, or are entitled to an increase in their wages by reason of the prosperity of the trade in which they are engaged or because of an increase in the cost of living.

In Australia and New Zealand the "living wage" is usually accepted as the basis in wage determinations and awards, and above that various rates are fixed for the several occupations coming under the jurisdiction of a board, according to skill. In a number of the States the law gives a definition of the living wage for the guidance of the board or court.<sup>1</sup>

<sup>1</sup> For Victoria see p. 220; New South Wales, pp. 146-148; South Australia, pp. 165, 166; Tasmania, pp. 166, 167; Western Australia, p. 167. See also M. B. Hammond, Judicial interpretation of the minimum wage in Australia, American Economic Review, June, 1913.

In New South Wales there were on April 30, 1914, 208 industrial boards in existence. Awards of boards and of the court in force numbered 260, of which 65 were awards of the industrial court varying previous awards of boards.

In Victoria there were on April 30, 1914, 131 wages boards in existence, affecting about 150,000 employees. The number of determinations in force was 129. All the boards authorized, with the exception of three, had met for the purpose of fixing wages, hours, etc. The court of industrial appeals in Victoria had heard 12 appeals from determinations of wages boards. In one case the decision was upheld; in 10 cases decisions were reversed or amended; in one case the board, unable to come to a determination, referred the matter to the court, which exercised its power of fixing a proper wage where the average wage paid by employers did not afford a living wage. Of these decisions three were in force on April 30, 1914, the others having been superseded by amended determinations. The court also heard an appeal for modification of its determination with respect to a trade, and decided to modify such determination by reducing the working hours and increasing the wages in certain cases.

The number of industrial boards authorized in Queensland since the acts came into force was on April 30, 1914, 92. The number of employees affected by awards in force at that date is not available, but the number affected by awards in effect on June 30, 1914, was given as 90,000.<sup>1</sup> In 76 cases awards were in force, but 4 had been varied on appeal to the industrial court. Under the industrial peace act, 1912, all wages boards established continued in existence, and their determinations were recognized. In South Australia there were on April 30, 1914, 51 trades under boards, with about 25,000 employees. Fifty-four determinations were in force, including six made by the industrial court, in lieu of wages boards, on the minister for industry reporting the inability to appoint boards as authorized or the failure of the constituted boards to discharge the duties required under their appointment. In Western Australia awards had been made for 36 industrial unions, but only 18 remained in force on April 30, 1914; 19 expired between December 4, 1912, and the end of 1913, and had not been reviewed by the court at the latter date. The wages-board system was inaugurated in Tasmania in 1911. Up to April 30, 1914, resolutions authorizing the appointment of 23 boards were carried in Parliament, and 21 boards had made determinations. Two other boards had commenced work, but had not issued their determinations. The number of Commonwealth conciliation and arbitration court awards in force on April 30, 1914, was 17.

<sup>1</sup> Queensland. Department of Labour. Report of the Director of Labour and Chief Inspector of Factories and Shops for the year ended June 30, 1914, p. 2.

BOARDS FOR THE REGULATION OF WAGES AND HOURS AND CONDITIONS OF LABOR  
AUTHORIZED AND CONSTITUTED, AWARDS, DETERMINATIONS, AND AGREEMENTS  
IN FORCE, APR. 30, 1914.

[Source: Labour Bulletin of the Commonwealth Bureau of Census and Statistics, Melbourne, Australia, No. 5, January-March, 1914, p. 67.]

Particulars.	Commonwealth.	New South Wales.	Victoria.	Queensland.	South Australia.	Western Australia.	Tasmania.	Total.
1. Boards authorized, constituted, and in force:								
Boards authorized.....		<sup>1</sup> 217	137	92	56		23	525
Boards constituted.....		<sup>1</sup> 224	132	81	51		21	509
Boards dissolved or superseded <sup>2</sup> .....		16	1					17
In existence.....		<sup>1</sup> 208	131	81	51		21	492
2. Boards constituted which have made awards or determinations:								
Boards which had made or varied awards or determinations.....		147	127	81	48		19	422
Boards which had not made any award or determination.....		61	4		3		2	70
3. Awards and determinations in force <sup>3</sup> .....	17	260	129	76	54	18	21	575
4. Scope of State awards and determinations: <sup>3</sup>								
Applying to the whole State.....		23	6	2			15	46
Applying to metropolitan area only.....		68		26	54	13	1	162
Applying to metropolitan and country towns.....		44	109	4		1	5	163
Applying to country areas.....		125	14	44		4		187
5. Commonwealth awards in force in each State.....		10	14	12	13	6	10	
6. Industrial agreements in force.....	233	71		5	13	93		416
7. Commonwealth agreements in force in each State.....		109	108	45	39	33	39	

<sup>1</sup> Excluding special demarcation boards.

<sup>2</sup> Boards constituted and subsequently dissolved or superseded. In New South Wales 16 boards were dissolved owing to alteration in the sectional arrangement of industries and callings. In Victoria 1 board was superseded by 3 boards.

<sup>3</sup> In addition, 12 awards and determinations had been made, but had not come into operation on the 30th of April, 1914. Of that number 7 were in Victoria, 4 in Queensland, and 1 in South Australia. The figures are exclusive of awards and determinations which had expired by effluxion of time and had not been renewed on the 30th of April, 1914.

The total number of boards authorized in the five States in which the board system is in force was 525, the total number constituted being 509, of which 17 had been dissolved or superseded. The number of boards in existence at the end of April, 1914, was accordingly 492, of which 422 had either made original awards or determinations, or varied existing awards or determinations, and 70 had not made any award or determination. The difference between the number of boards in existence and the number which had made awards or determinations is accounted for mainly by the fact that in New South Wales a number of boards constituted under the act of 1912 had not made awards, owing to existing awards made under the act of 1908 being still in force. This is shown in the line, "awards and determinations in force," in which it may be seen that the total number in force (including awards made by the Commonwealth and Western Australia arbitration courts) was 575. In New South Wales the number of awards in force includes 90 awards under the act of 1908. This leaves 170 awards in force made by 147 boards under the new act. In explanation of the fact that the num-

ber of awards in force in this State under the new act exceeds the number of boards in existence, it may be mentioned that several of the boards have made separate awards for different districts and branches of industry.

Of the total number of awards and determinations in force on April 30, 1914, 82 were the result of awards made by industrial courts (either original or appellate jurisdiction), in addition to the 17 Commonwealth and 18 Western Australia awards.

Of the Commonwealth awards there are seven in connection with the shipping industry and the award affecting postal electricians which apply to each of the six States. There are four awards which apply to five States, two of which apply to four States, one to three States, and two to two States.

The total number of awards, determinations, and agreements in force under the various acts at the end of April, 1914, was 990, comprising 575 awards and determinations and 415 industrial agreements.<sup>1</sup>

The total number of individual awards and determinations which came into force during 1913 was 270 (264 State and 6 Commonwealth). The number of industrial agreements registered<sup>1</sup> during that year was 165 (56 State and 109 Commonwealth), making a total for the Commonwealth of 435 awards, determinations, and agreements, affecting wages, hours, or other conditions, which came into force in 1913. This constitutes no less than 44 per cent of the total number (997) of awards, determinations, and agreements in force at the end of 1913.

#### EFFECT OF ACTS.

The question whether the operation of the acts has bettered the monetary position of the operative may be answered in the affirmative. Starting from the lowest point, the provision of an absolute minimum wage per week has stopped one form of gross sweating, that of employing apprentices and learners without payment. Another case is that of the "white workers" and dressmakers; with these the lowest grade was the "outworkers," who were pieceworkers. In some branches of the Victorian trade, in 1897, the wages paid to outworkers for all classes of certain goods were only from one-third to one-half the wages paid in the factories for low-class production of the same line of stuff. By working very long hours the outworkers could earn 10s. (\$2.43) per week. The average wage of females in the clothing trade in 1897 was 10s. 10d. (\$2.63) per week; there were, however, in that year 4,164 females receiving less than £1 (\$4.87) per week, and their average was 8s. 8d. (\$2.11). It was almost a revolution when a minimum wage of 16s. (\$3.89) per week of 48 hours was fixed by the board, when pieceworkers' rates were

<sup>1</sup> Including agreements under section 24 of the Commonwealth conciliation and arbitration act and under section 7 of the Queensland industrial peace act, 1912.



fixed to insure a similar minimum, and when outworkers were placed on the level of pieceworkers. Many employers refused to continue to give out work and took the workers into the factory on time work. The wages boards have since fixed the minimum wage per week in the industries mentioned to be: Dressmakers, 21s. 6d. (\$5.23); shirt workers, 22s. 6d. (\$5.47); and underclothing makers, 20s. (\$4.87). As a result, it has been found by special investigation made in November, 1912, in regard to wages in manufacturing industries, that the average wages for all female workers in Victoria engaged at dress-making and millinery was 17s. 11d. (\$4.36), and for shirt workers, white workers (underclothing), etc., 19s. 1d. (\$4.64).<sup>1</sup>

The period since the beginning of minimum-wage legislation in New Zealand and Australia has been a period of steady growth of industry, not checked, so far as is apparent, by the effect of wage regulation. In New Zealand since 1894, the date of the conciliation and arbitration act, the reports of the Department of Labor have each year shown an increase in the number of factories, and an increase in the number of factory employees has been recorded in each year except two, the increase to 1913 amounting to 193 per cent.<sup>2</sup> In Victoria an increase both in number of factories and of factory employees has been recorded each year since 1896, the increase in employees between 1896 and 1913 amounting to 171 per cent.<sup>3</sup> In New South Wales the increase in the number of persons employed in manufacturing between 1901, the date of the first wage-regulating law, and 1912 was 74 per cent (62 per cent for males and 135 per cent for females).<sup>4</sup>

The extent to which wage changes are effected by wages-board determinations, by court awards, and by other methods may be seen from the following record for the year 1913:

METHODS BY WHICH CHANGES OF WAGES WERE EFFECTED IN THE VARIOUS AUSTRALIAN STATES DURING 1913.<sup>5</sup>

[Source: Commonwealth of Australia, Bureau of Census and Statistics. Labour and Industrial Branch. Report No. 5. December, 1914, pp. 68 and 69.]

Methods by which changes were effected.	Number of changes.	Number of work-people affected.
New South Wales:		
Voluntary action of employers.....		
Direct negotiations.....	10	364
Negotiations, intervention, or assistance of third party.....	1	2
Award of court under Commonwealth act.....	2	1,507
Agreement registered under Commonwealth act.....	6	1,090
Award under State act.....	115	85,909
Registered agreement under State act.....	15	746
Total.....	149	89,618

<sup>1</sup> See also page 131.

<sup>2</sup> Twenty-third Annual Report of the New Zealand Department of Labor, 1914, p. 7.

<sup>3</sup> Report of the Victoria Chief Inspector of Factories and Shops for the year ended Dec. 31, 1913, p. 5.

<sup>4</sup> Official Yearbook of New South Wales, 1913, p. 889.

<sup>5</sup> In this table an industrial award or agreement under the Commonwealth conciliation and arbitration act is counted as one change only, although such award or agreement may be operative in more than one State.

## METHODS BY WHICH CHANGES OF WAGES WERE EFFECTED IN THE VARIOUS AUSTRALIAN STATES DURING 1913—Concluded.

Methods by which changes were effected.	Number of changes.	Number of work-people affected.
<b>Victoria:</b>		
Voluntary action of employers .....	1	12,000
Direct negotiations .....	10	1,542
Negotiations, intervention, or assistance of third party .....	2	75
Award of court under Commonwealth act .....	3	1,958
Agreement registered under Commonwealth act .....	9	1,707
Determination under State act .....	56	31,972
<b>Total .....</b>	<b>81</b>	<b>49,254</b>
<b>Queensland:</b>		
Voluntary action of employers .....	7	2,320
Direct negotiations .....	2	235
Negotiations, intervention, or assistance of third party .....	6	303
Award of court under Commonwealth act .....	24	13,014
Agreement registered under Commonwealth act .....	2	773
<b>Total .....</b>	<b>41</b>	<b>16,645</b>
<b>South Australia:</b>		
Voluntary action of employers .....	1	20
Direct negotiations .....	1	24
Negotiations, intervention, or assistance of third party .....	2	359
Award of court under Commonwealth act .....	6	247
Agreement registered under Commonwealth act .....	12	2,894
Award under State act .....	4	1,030
<b>Total .....</b>	<b>26</b>	<b>4,574</b>
<b>Western Australia:</b>		
Voluntary action of employers .....	1	112
Direct negotiations .....	1	20
Negotiations, intervention, or assistance of third party .....	3	345
Award of court under Commonwealth act .....	15	2,559
<b>Total .....</b>	<b>20</b>	<b>3,036</b>
<b>Tasmania:</b>		
Voluntary action of employers .....	1	11
Direct negotiations .....	2	90
Negotiations, intervention, or assistance of third party .....	3	316
Award of court under Commonwealth act .....	3	20
Agreement registered under Commonwealth act .....	3	2,568
<b>Total .....</b>	<b>12</b>	<b>3,005</b>
<b>Commonwealth:</b>		
Voluntary action of employers .....	2	12,011
Direct negotiations .....	30	4,336
Negotiations, intervention, or assistance of third party .....	4	101
Award of court under Commonwealth act .....	3	4,487
Agreement registered under Commonwealth act .....	24	3,387
Award or determination under State acts .....	213	136,702
Registered agreement under State acts .....	36	5,108
<b>Total .....</b>	<b>312</b>	<b>166,132</b>

## VICTORIA.

## HISTORY OF LEGISLATION.

It is now more than 18 years since the wages-board system came into effect in Victoria, and it seems to be fully established and generally accepted by both employers and employees. In the early years of the system's operations, however, every step in the extension of the principle was obstinately fought, and many times the very

existence of the system was at stake. The first law when enacted, July 28, 1896, was a temporary measure, to be in force to January 1, 1900, unless Parliament was in session, in which case it was to lapse at the end of the session unless reenacted. It was reenacted February 20, 1900, to become effective May 1, 1900, but again as a temporary measure for two years or until the end of the session of Parliament, and a royal commission was created June 18, 1900, to study the subject. This law lapsed upon the end of the session of Parliament September 10, 1902. By the factories and shops continuation act of 1902 (December 5, 1902) the law was revived, to continue in force until October 1, 1903. In 1903 the law was again reenacted, to continue in force until December 31, 1905. On October 6, 1905, before the expiration of this act, the law was again reenacted and was this time made permanent. Since 1905 there have been no fundamental changes in the act, and in 1912 the existing legislation was consolidated, with some slight amendments, in the factories and shops act of 1912.<sup>1</sup> Two amending acts have since been passed, dated December 31, 1912, and November 2, 1914, but not making any important changes.

When the first wages boards were authorized in Victoria under the act of 1896, the act was intended as a temporary measure to be applied to six specially sweated trades. These were:

Bootmaking.

Baking, employing mainly men.

Clothing.

Shirts.

Underclothing, employing mainly women.

Furniture, in which the employment of Chinese was extremely important.

When the law was reenacted in 1900, 21 additional special boards were provided for, as follows:

Brickmakers.

Butchers.

Carriage.

Cigar makers.

Confectioners.

Coopers.

Engravers.

Fellmongers.

Jewelers.

Jam.

Millet-broom makers.

Pastry cooks.

Plate glass.

Pottery.

Printers.

Saddlery.

Stonecutters.

Tanners.

Tinsmiths.

Woodworkers.

Woolen.

The successive additions of special boards by later acts of the Victorian Parliament are of interest as showing the gradual extension of the system of wage boards in practically all the industries of Victoria.

<sup>1</sup> A full account of the parliamentary contest over wages-board legislation in Victoria is given by Prof. Hammond in an article on "Wages boards in Australia: I. Victoria" in the *Quarterly Journal of Economics*, November, 1914.

## Special boards received parliamentary authorization, as follows:

In 1901, 11 boards:

Aerated-water makers.  
Artificial manure.  
Bedstead makers.  
Brass workers.  
Brewers.  
Brushworkers.

Iron molders.  
Leather-goods makers.  
Maltsters.  
Oven makers.  
Wickerworkers.

In 1903, 1 board: Dressmakers.

In 1906, 11 boards:

Agricultural implement makers.  
Cardboard-box makers.  
Candle makers.  
Cycle trade.  
Farriers.  
Flour millers.

Milliners.  
Paper-bag makers.  
Soap and soda makers.  
Starch makers.  
Waterproof clothing.

In 1907, 2 boards:

Glassworkers.

Picture-frame makers.

In 1908, 4 boards:

Bread carters.  
Hairdressers.

Ice makers.  
Wireworkers.

In 1909, 16 boards:

Carpenters.  
Carriage builders.  
Carters.  
Drapers.  
Electroplaters.  
Grocers.  
Ham and bacon curers.  
Hay, chaff, coal, and wood dealers.

Men's clothing.  
Organ builders.  
Painters.  
Plumbers.  
Polish makers.  
Quarrymen.  
Rubber goods.  
Tuck pointers.

In 1910, 20 boards:

Boiler makers.  
Boot dealers.  
Bricklayers.  
Coal miners.  
Electrical installation.  
Engineering.  
Factory engine drivers.  
Gold miners.  
Hardware makers.  
Hotel employees.

Lift attendants.  
Marine-store dealers.  
Mining-engine drivers.  
Plasterers.  
Slaughterers for export.  
Stationers.  
Tea packers.  
Tilers.  
Undertakers.  
Watchmakers.

In 1911, 12 boards:

Asphaltes.  
Cordage.  
Commercial clerks.  
Country-shop assistants.  
Furniture dealers.  
Gardeners.

Grocers' sundries.  
Livery stable.  
Night watchmen.  
Tramway.  
Tie makers.  
Wholesale grocers.

In 1912, 19 boards:

Bag makers.	Horsehair.
Billposters.	Meat preservers.
Biscuit.	Motor drivers.
Builders' laborers.	Nail makers.
Butter.	Office cleaners.
Dyers and clothes cleaners.	Storemen, packers, and sorters.
Electrical supply.	Straw hat.
Felt hatters.	Tentmakers.
Fibrous plasterers.	Timber fellers.
Gas meter.	

In 1913, 2 boards:

Paper.	Photographers.
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Under an authorization contained in the principal act, the governor in council in 1911 appointed 8 boards:

Chaff cutters.	Country printers.
Country agricultural implements.	Country saddlery.
Country flour.	Country woodworkers.
Country fuel and fodder.	Fuel and fodder.

and in 1912, 1 board: Aerated-water carters.

There were on April 30, 1914, 137 special boards existing or authorized, affecting about 150,000 employees. Of these boards 131 were in existence and 129 determinations were in force.

#### MODE OF CONSTITUTING WAGES BOARDS AND MAKING MINIMUM-WAGE DETERMINATIONS.<sup>1</sup>

Before a special board is constituted, it is necessary that a resolution in favor of such a course should be carried in both houses of the legislature. It is usual for the minister administering the factories act to move that such a resolution be passed. The minister may be induced to adopt such a course by representations made by either employers or employees, or both, or by the reports of the officers of the department.

The reasons alleged by employers for desiring a board are, usually, unfair competition; and those by employees, low wages, and often the employment of excessive juvenile labor. If the minister is satisfied that a case has been made out, he moves the necessary resolution in Parliament, and when such resolution has been carried, an order in council is passed constituting the board.

Once a resolution has been passed or a board appointed the minister through the governor in council has full power to group or divide trades, to adjust the powers of different boards by taking from one and adding to another, to define the parts of the State over which any determination shall operate, and generally to administer so as to secure the greatest measure of benefit.

The order constituting the board indicates the number of members. The number must not be less than four or more than ten.

The minister then invites, in the daily press, nominations for the requisite number of representatives of employers and employees. These representatives must be, or have been, employers or em-

<sup>1</sup> Victoria. Report of the Chief Inspector of Factories, Workrooms, and Shops for the year ended Dec. 31, 1911. Melbourne, 1912, pp. 4 and 5.

ployees, as the case may be, actually engaged in the trade to be affected. The full names and addresses of persons willing to act should be sent in with particulars as to their connection with the trade during the three years last past. Where there are associations of employers or employees, more than the necessary number of nominations are often received. In such case, the minister selects from the persons whose names are sent in the necessary number to make up a full board.

The names of persons so nominated by the minister are published in the Government Gazette, and unless within 21 days one-fifth of the employers, or one-fifth of the employees, as the case may be, forward a notice in writing to the minister that they object to such nominations, the persons so nominated are appointed members of the board by the governor in council.

If one-fifth of the employers or employees object to the persons nominated by the minister—and they must object to all the nominations, and not to individuals—an election is held. The chief inspector conducts such elections, the voting is by post, the ballot papers being forwarded to each elector.

Within a few days of their appointment the members are invited to meet in a room at the office of the chief inspector of factories, and a person (always a Government officer and usually an officer of the chief inspector's department) is appointed to act as secretary.

The members must nominate a chairman within 14 days of the date of their appointment, but if they can not agree to a chairman, he is appointed by the governor in council.

The times of meeting, the mode of carrying on business, and all procedure is entirely in the hands of the board, whose powers are defined in the factory acts.

Vacancies in special boards are filled on the nomination of the minister without any possibility of either employer or employee objecting.

The result of the labors of a board is called a "determination," and each item of such determination must be carried by a majority of the board.

The chairman is a member of the board. His function is usually confined to conducting the proceedings. He does not exercise his vote except in cases where the board is equally divided, when his casting vote determines the question at issue.

When a determination has been finally made, it must be signed by the chairman and forwarded to the minister of labor. The board fixes a date on which the determination should come into force, but this date can not be within 30 days of the last fixing of a price or rate of pay. If the minister is satisfied the determination is in form, and can be enforced, it is duly gazetted.

In the event of the minister considering that any determination may cause injury to trade, or injustice in any way whatever, he may suspend same for any period, not exceeding six months, and the board is then required to reconsider the determination. If the board does not make any alteration, and is satisfied that the fears are groundless, the suspension may be removed by notice in the Government Gazette.

Provision is made by which either employers or employees may appeal to the court of industrial appeals against any determination of a board. This court consists of any one of the judges of the

supreme court as president, and two other persons appointed for the occasion by the governor in council on nomination of the representatives of the employers and employees respectively on the special board from whose decision appeal is made.<sup>1</sup>

An appeal may be lodged (a) by a majority of the representatives of the employers on the special board; (b) a majority of the representatives of employees on the special board; (c) any employer or group of employers, who employ not less than 25 per cent of the total number of workers in the trade to be affected; or (d) 25 per cent of the workers in any trade.

The court has all the powers of a special board, and may alter or amend the determination in any way it thinks fit. The decision of the court is final, and can not be altered by the board, except with the permission of the court, but the court may, at any time, review its own decision.

The minister has power to refer any determination of a board to the court for its consideration, if he thinks fit, without appeal by either employer or employee.

The decision of the court is gazetted in the same way as the determination of the board, and comes into force at any date the court may fix.

The determinations of the board and the court are enforced by the factories and shops department, and severe penalties are provided for breaches of determinations.

No prosecution for any offense against any of the factories acts, or for any breach of any determination, can be brought except through the department.

#### TYPICAL AWARDS OF WAGE BOARDS.

The scope and method of the determinations of the Victorian boards may be best seen from an examination of typical awards. Several of these are given in full in the following pages:<sup>2</sup>

#### WAGES PER WEEK OF 48 HOURS FIXED BY BRASS WORKERS' BOARD (IN FORCE NOV. 7, 1913).

	Minimum wage.	Apprentices (male or female).	Improvers (female). <sup>3</sup>
Brass molders.....	57s. (\$13.87).	14 years, 6s. (\$1.46).	1st year's experience, 6s. (\$1.46).
Brass finishers.....	57s. (\$13.87).	15 years, 7s. 6d. (\$1.83).	2d year's experience, 8s. (\$1.95).
Brass polishers.....	50s. (\$12.17).	16 years, 10s. (\$2.43).	3d year's experience, 10s. (\$2.43).
Core makers, male.....	51s. (\$12.41).	17 years, 12s. 6d. (\$3.04).	4th year's experience, 12s. 6d. (\$3.04).
Core makers, female.....	30s. (\$7.30).	18 years, 15s. (\$3.65).	5th year's experience, 15s. (\$3.65).
Dressers, i. e., persons who remove sand faults in castings and superfluous metal caused by jointing, gating, and venting, or who pickle castings.	45s. (\$10.95).	19 years, 20s. (\$4.87).	6th year's experience, 20s. (\$4.87).
Furnace men.....	47s. 6d. (\$11.56).	20 years, 30s. (\$7.30).	7th year's experience, 25s. (\$6.08).
Persons working on ships, 1s. (24 cents) per day extra as "dirt money."		Proportion (within any factory or place): One apprentice to every 3, or fraction of 3, workers receiving at wage rates or piecework prices not less than 45s. (\$10.95).	Proportion (within any factory or place): One improver (male or female) to each person receiving at wage rates or piecework prices not less than 45s. (\$10.95).

<sup>1</sup> This provision was made in act of Nov. 2, 1914.

<sup>2</sup> Repr't of the Chief Inspector of Factories and Shops for the year ended Dec. 31, 1913, Appendix D.

<sup>3</sup> Wages of males same as apprentices.

*Time of beginning and ending work:*

Time of beginning, 7.30 a. m.; time of ending, 12.15 p. m. on the day on which the half holiday is observed.

Time of beginning, 7.30 a. m.; time of ending, 5.30 p. m. on the other working days of the week.

*Overtime.*—That the following rates shall be paid for all work done:

(a) Within the hours fixed in excess of 48 hours in any week—

(1) In connection with the repairing of the employer's machinery or tools, time and a quarter.

(2) All other work—

First 2 hours, time and a quarter.

Thereafter, time and a half.

(b) Outside the hours fixed—

In connection with the repairing of the employer's machinery or tools, time and a quarter.

All other work—

(i) Between midnight and 7.30 a. m., time and a half.

(ii) Between 12.15 p. m. and 2.15 p. m. on the day on which the half holiday is observed, time and a quarter.

(iii) Between 5.30 p. m. and 8 p. m. on the other working days of the week—

First 2 hours' work, time and a quarter.

Thereafter, time and a half.

(iv) Between 2.15 p. m. and midnight on the day on which the half holiday is observed, time and a half.

(v) Between 8 p. m. and midnight on the other working days of the week, time and a half.

*Sundays and public holidays.*—All work done on Sundays, Good Friday, Easter Monday, Foundation Day, Eight Hours Day, Christmas Day, Boxing Day, and New Year's Day shall be paid for at the rate of double time, but if any other day be by act of Parliament or proclamation substituted for any of the above holidays, the special rate shall only be payable for work done on the day so substituted.

*Piecework.*—This board has determined that the employer may fix piecework prices to be based on the wage rates determined.

WAGES PER WEEK OF 48 HOURS FIXED BY BOOT TRADE BOARD (IN FORCE  
JAN. 1, 1913).

	Minimum wage.	Apprentices.	Improvers. <sup>1</sup>
<b>MALES.</b>		<i>Males.</i>	<i>Males.</i>
Adult males employed wholly or partly in manufacturing boots, shoes, and slippers of every description, either by hand or machinery.	54s. (\$13.14).	1st year, 7s. 6d. (\$1.83). 2d year, 12s. 6d. (\$3.04). 3d year, 17s. 6d. (\$4.26). 4th year, 22s. 6d. (\$5.47). 5th year, 27s. 6d. (\$6.69). 6th year— 1st 6 months, 32s. 6d. (\$7.91). 2d 6 months, 35s. (\$8.52). Proportion: One apprentice to every 3, or fraction of 3, male workers employed and receiving not less than 54s. (\$13.14), or earning at piecework rate not less than 54s. (\$13.14).	Proportion: One improver to 10, or over 10, male workers employed and receiving not less than 54s. (\$13.14), or earning at piecework rate not less than 54s. (\$13.14).
Persons under 21 years of age (other than apprentices or improvers) employed solely on errands, sweeping, last carrying, sorting, and heel-nail feeding—			
Under 15 years of age....	7s. (\$1.70).		
Over 15 and under 16 years of age.	9s. (\$2.19).		
Over 16 years of age.....	54s. (\$13.14).		
<b>FEMALES.</b>		<i>Females.</i>	<i>Females.</i>
Females employed clicking (but not skiving or trimming) insides or outsides of uppers, or stuff cutting, stuff fitting, or preparing formakers or finishing (but not ironing and sizing of uppers or socking).	54s. (\$13.14).	1st year, 7s. 6d. (\$1.83). 2d year, 10s. (\$2.43). 3d year, 12s. 6d. (\$3.04). 4th year, 16s. (\$3.89). Proportion: One female apprentice to every 3 or fraction of 3 female workers employed and receiving not less than 25s. 6d. (\$6.20), or earning at piecework rate not less than 25s. 6d. (\$6.20).	Proportion: Two female improvers to every female worker employed and receiving not less than 25s. 6d. (\$6.20), or earning at piecework rate not less than 25s. 6d. (\$6.20).
Females with four years' experience and over operating wax-thread machines.	32s. 6d. (\$7.91).		
All other females with four years' experience and over.	25s. 6d. (\$6.20).		

<sup>1</sup> Wages same as apprentices.



*Time of beginning and ending work:*

Time of beginning, 7.45 a. m.; time of ending, 12.15 p. m. on Saturday.

Time of beginning, 7.45 a. m.; time of ending, 6 p. m. on the other working days of the week.

*Overtime.*—Any male employee over the age of 16 years who, within the hours of commencing and ending work as fixed in this determination, works in any week in excess of 48 hours shall be paid for such extra time at the rate of 3d. (6 cents) per hour in addition to the wage rate set forth in this determination.

Any person who is engaged outside the hours specified in this determination as the time of beginning and ending work upon each day shall be paid for such overtime at the rate of 3d. (6 cents) per hour in addition to the wage rate set forth in this determination in the case of adult males, and at the rate of time and a half in the case of females and boys under 16 years of age.

*Special rates for public holidays.*—All work done on Good Friday, Easter Monday, or the days on which New Year's Day, Eight Hours Day, Christmas Day, and Boxing Day are observed as public holidays, shall be paid for at the rate of double time.

*Piecework.*—A schedule of piecework prices has been fixed by the board.

WAGES PER WEEK OF 44 HOURS FIXED BY BRICKLAYERS' BOARD (IN FORCE FROM JAN. 5, 1914).

	Minimum wage.	Apprentices.	Improvers.
Foreman bricklayer in charge of three or more employees.	77s. (\$18.74).	1st year, 10s. (\$2.43). 2d year, 17s. 6d. (\$4.26). 3d year, 30s. (\$7.30). 4th year, 35s. (\$8.52). 5th year, 45s. (\$10.95).	1st 6 months, 10s. (\$2.43). 2d 6 months, 15s. (\$3.65). 2d year, 23s. 10d. (\$5.80). 3d year, 36s. 8d. (\$8.92). 4th year, 49s. 6d. (\$12.04). 5th year, 60s. 6d. (\$14.72).
Bricklayers employed where the artificial temperature is 130° F. or over.	132s. (\$32.12).		
Bricklayers employed on sewerage work, drainage work, or underground work not connected with building construction.	77s. (\$18.74).	Proportion: One apprentice to every 3 workers or fraction thereof receiving not less than the minimum wage of 71s. 6d. (\$17.40).	Proportion: One improver to every 4 workers or fraction thereof receiving not less than the minimum wage of 71s. 6d. (\$17.40).
Bricklayers employed on alterations or repairs to boilers, flues, ovens, furnaces, or retorts.	77s. (\$18.74).		
All other bricklayers.....	71s. 6d. (\$17.40).		

*Definitions.*—Whenever occurring, the following expressions shall have the meanings hereby assigned to them (that is to say):

(a) Metropolitan center shall mean the Melbourne general post office;

(b) Any other center shall mean the respective town halls of Ballarat, Bendigo, Geelong, and Warrnambool.

And all distances from a center shall be computed by the radius.

*Allowances.*—The following extra rates shall be paid to any persons wheresoever employed—

1. (a) On all work distant from the metropolitan center 3 miles and up to 6 miles,  $\frac{1}{2}$ d. (1 cent) per hour extra.

(b) On all work distant from the metropolitan center over 6 miles and up to 16 miles, 1d. (2 cents) per hour extra.

2. (a) On all work distant from any other center 3 miles and up to 6 miles,  $\frac{1}{2}$ d. (1 cent) per hour extra.

(b) On all work distant from any other center over 6 miles and up to 8 miles, 1d. (2 cents) per hour extra.

Provided always that where the locality of the work is nearer to the employee's residence than to the center, all distances shall be reckoned from the employee's residence, which in such case shall be deemed to be the center.

*Time of beginning and ending work.*—The time of beginning and ending work for persons (other than those employed on sewerage work, drainage work, or underground work not connected with building construction) shall be—

Time of beginning, 7.45 a. m.; time of ending, 5.15 p. m. on each of five days in the week.

Time of beginning, 7.45 a. m.; time of ending, 12 noon on the other working day of the week on which the half holiday is usually observed.

*Overtime.*—(A) Any person (other than a person employed on sewerage work, drainage work, or underground work not connected with building construction) who is engaged outside the hours specified in this determination as the time of beginning and ending work upon each day, shall be paid for such overtime as follows, namely:

(a) On the weekly half holiday—

Between 12 noon and 5 p. m., time and a half.

And thereafter until midnight, double time.

(b) On the other working days of the week—

Between 5.15 p. m. and 10.15 p. m., time and a half.

And thereafter until midnight, double time.

(c) Between midnight and 7.45 a. m., double time.

(B) Any person (other than a person employed on sewerage work, drainage work, or underground work not connected with any building construction) who, within the hours of commencing and ending work as fixed in this determination, works in any week for any time in excess of 44 hours shall be paid for such extra time at the rate of time and a quarter.

(C) Any person employed on sewerage work, drainage work, or underground work not connected with building construction who works in any week for any time in excess of 44 hours shall be paid for such extra time at the rate of time and a quarter.

*Special rates for Sundays and public holidays.*—All work done on Sundays, Good Friday, and Easter Monday, 26th January (Foundation Day), 21st April (Eight Hours Day), Christmas Day, Boxing Day, and New Year's Day shall be paid for at the rate of double time; but if any other day be by act of Parliament or proclamation substituted for any of the above-named holidays, the special rate shall be payable only for the day so substituted.

*Piecework.*—A schedule of piecework prices has been fixed by the board.

WAGES PER WEEK OF 48 HOURS FIXED BY CARDBOARD-BOX TRADE BOARD (IN FORCE MAR. 3, 1914).

	Minimum wage.	Apprentices.			Improvers. <sup>1</sup>
<b>MALES.</b>					
Guillotine cutters...	60s. (\$14.60).	<i>Year.</i>	<i>Males.</i>	<i>Females.</i>	Number (within any place): Three male improvers to the first male worker, and thereafter 1 male improver to each additional male worker receiving not less than 48s. (\$11.68); 2 female improvers to every 5 or fraction of 5 female workers receiving not less than 23s. (\$5.60).
Cloth or paper cutters.	60s. (\$14.60).	1st	10s. (\$2.43)	7s. 6d. (\$1.83)	
		2d	12s. 6d. (\$3.04)	12s. 6d. (\$3.04)	
		3d	15s. (\$3.65)	15s. (\$3.65)	
Carton setters.....	58s. (\$14.11).	4th	20s. (\$4.87)	17s. 6d. (\$4.26)	
Carton cutters.....	52s. 6d. (\$12.77).	5th	25s. (\$6.08)	20s. (\$4.87)	
All others.....	48s. (\$11.68).	6th	30s. (\$7.30)	25s. (\$6.08)	
		7th	36s. (\$8.76)		
Number (within any place): One male apprentice to every 3 or fraction of 3 male workers receiving not less than 48s. (\$11.68); 1 female apprentice to every 3 or fraction of 3 female workers receiving not less than 23s. (\$5.60).					
<b>FEMALES.</b>					
Guillotine cutters...	60s. (\$14.60).				
Cloth or paper cutters.....	60s. (\$14.60).				
Cloth-box makers...	27s. 6d. (\$6.69).				
Paper-box makers...	25s. (\$6.08).				
All others.....	23s. (\$5.60).				

<sup>1</sup> Wages same as apprentices.

*Overtime.*—Any employee who in any week works for any time in excess of 48 hours shall be paid for such extra time at the rate of time and a third.

*Special rates.*—Double time shall be the special rate for all work done on Sundays, New Year's Day, 26th January, 21st April, Good Friday, Easter Monday, Christmas Day, and Boxing Day, but if any other day be by act of Parliament or proclamation substituted for any of the above-named holidays, the special rate shall only be payable for work done on the day so substituted.

*Piecework.*—A schedule of piecework prices has been fixed by the board.

**WAGES PER WEEK OF 48 HOURS FIXED BY CONFECTIONERS' BOARD (IN FORCE  
MAY 7, 1914).**

	Minimum wage.	Apprentices.		Improvers. <sup>1</sup>
		<i>Year's experience.</i>	<i>Males.</i>	<i>Females.</i>
Confectioners.....	57s. 6d. (\$13.99).	1st	10s. (\$2.43)	10s. (\$2.43)
Head storeman having not less than three storemen under his control.....	50s. (\$12.17).	2d	12s. 6d. (\$3.04)	12s. 6d. (\$3.04)
		3d	17s. 6d. (\$4.26)	15s. (\$3.65)
		4th	22s. 6d. (\$5.47)	17s. 6d. (\$4.26)
		5th	30s. (\$7.30)	20s. (\$4.87)
Other storemen.....	45s. (\$10.95).	Proportion (by any employer): One male apprentice to every 3 or fraction of 3 male workers receiving not less than 30s. (\$7.30); 1 female apprentice to every 3 or fraction of 3 female workers receiving not less than 14s. (\$3.41).		
Bulk packers.....	45s. (\$10.95).			
Males over 21 years of age, without previous experience:				
1st year.....	30s. (\$7.30).			
2d year.....	32s. (\$7.79).			
3d year.....	35s. (\$8.52).			
4th year.....	40s. (\$9.73).			
And thereafter.....	45s. (\$10.95).			
All other males.....	45s. (\$10.95).			
Females over 21 years of age without previous experience:				
1st year.....	14s. (\$3.41).			
2d year.....	16s. (\$3.89).			
3d year.....	18s. (\$4.38).			
4th year.....	20s. (\$4.87).			
And thereafter.....	22s. 6d. (\$5.47).			
All other females.....	22s. 6d. (\$5.47).			

<sup>1</sup> Wages same as apprentices.

*Juvenile workers.*—Persons under 21 years of age (other than apprentices or improvers) employed at nailing up boxes, tying up boxes, bottles, tins, or parcels, tinning up, boxing, or packing under 30 pounds in weight; wrapping; packing stock boxes or tins or bottles; labeling; picking nuts or fruits or confections; grinding nuts; stirring gum or sirup; spreading peel or confections; smoothing starch trays; emptying trays; sieving; cutting fruit or ginger; cleaning; washing tins or bottles; stamping lozenges; plain piping or dotting or glazing novelties; marking confectionery; rolling confectionery sticks or balls; blanching nuts; separating confectionery; cutting confectionery (excepting lozenges or goods of similar nature); grinding figs, acids, and other ingredients used in the trade; weighing confectionery and ingredients; straining sirup or other material used in the trade; coating jellies or other confections with such ingredients as dry sugar or cocoanut; turning the handle of any machine; all handling of confectionery directly it leaves the confectioner or machine; packing confections; stirring confectionery or ingredients (if over 30 pounds, to be done by males only); upending sugar; icing novelties; glazing confections; cutting neat work; carrying goods, materials, or utensils; filling dates with cream; placing nuts on paste, shall be paid as follows:

<i>Per week of 48 hours.</i>	<i>Males.</i>	<i>Females.</i>
1st year's experience.....	9s. (\$2.19)	9s. (\$2.19)
2d year's experience.....	11s. (\$2.68)	10s. (\$2.43)
3d year's experience.....	15s. (\$3.65)	11s. (\$2.68)
4th year's experience.....	20s. (\$4.87)	12s. (\$2.92)
5th year's experience.....	25s. (\$6.08)	14s. (\$3.41)
6th year's experience.....	30s. (\$7.30)	16s. (\$3.89)
7th year's experience.....		18s. (\$4.38)
Dipping or covering goods in chocolate by hand or fork:		
1st year's experience.....	10s. (\$2.43)	10s. (\$2.43)
2d year's experience.....	12s. (\$2.92)	12s. (\$2.92)
3d year's experience.....	14s. (\$3.41)	14s. (\$3.41)
4th year's experience.....	16s. (\$3.89)	16s. (\$3.89)
5th year's experience.....	18s. (\$4.38)	18s. (\$4.38)
6th year's experience.....	20s. (\$4.87)	20s. (\$4.87)

*Overtime.*—That any employee who in any week works for any time in excess of 48 hours shall be paid for such extra time at the rate of time and a quarter.

*Special rates.*—That double time shall be the special rate for all work done on Sunday, Good Friday, Christmas Day, New Year's Day, King's Birthday, Easter Monday,

Boxing Day, Foundation Day (Jan. 26), Eight Hours Day (Apr. 21), but if any other day be by act of Parliament or proclamation substituted for any of the above-named holidays the special rate shall only be payable for work done on the day so substituted.

*Piecework.*—This board has determined that the employer may fix piecework prices to be based on the wages rates determined.

#### EFFECT OF WAGE DETERMINATIONS IN INCREASING WAGES.

The effect of the determinations of the wages boards upon wages in the early years of the operation of the act was shown by the chief factory inspector in his report for 1900. While, as the chief factory inspector remarks, it is not to be supposed that the increases in wages shown are due solely to the determinations of the boards, yet the figures are of interest as showing the course of wages in the years immediately following the fixing of wages in the six industries where the earliest effort was made to regulate wages. A table making these comparisons follows:

#### AVERAGE WEEKLY WAGES IN INDUSTRIES SUBJECT TO THE DETERMINATIONS OF SPECIAL BOARDS, 1896 TO 1900.

[Source: Bulletin of the U. S. Bureau of Labor, No. 38, Jan., 1902, p. 157. Quoted from Report of the Chief Inspector of Factories, Workrooms, and Shops of Victoria for the year ended Dec. 31, 1900.]

Industry.	First determination of board.	Average wages in 1896 before determination.	Average wages in—				Average gain since 1896.
			1897	1898	1899	1900	
Bread, males .....	Apr. 3, 1897	\$7.89	\$9.06½	\$9.85½	\$10.18	\$10.70½	\$2.82
Boot:							
Males .....	Dec. 29, 1897	6.53				8.37½	1.84½
Females .....	do	3.24½				3.55	.30½
Total .....	do	5.63½				6.79½	1.16
Clothing:							
Males .....	Nov. 15, 1897	8.57½	8.68	9.61		10.30	1.72½
Females .....	do	3.75	3.81	4.44		4.40	.65
Total .....	do	4.86½				5.47½	.61
Furniture:							
Males .....	Apr. 19, 1897	7.20		8.76	9.45	9.83½	2.63½
Females .....	do	3.42½		4.62½		4.44	1.01½
Total .....	do	7.07½		8.43½		9.49	2.41½
Shirt, females .....	Jan. 20, 1898	3.51				3.57	.06
Underclothing, females .....	June 26, 1899	2.73½				3.06	.33½

The most recent report of the chief factory inspector, that for 1913,<sup>1</sup> shows for each trade or industry the rates prior to the first determination and those during the last year. These figures are of special interest in some of the trades where wage determinations have been longest in force, and the facts as given in the report are reproduced in full for several of these trades. It will be noted that some very large increases in wages have occurred within the period covered. In some cases the mere averages do not bring out the facts very satisfactorily, as is made clear in the explanations which are given in the column for remarks.

<sup>1</sup> Victoria. Report of the Chief Inspector of Factories and Shops for the year ended Dec. 31, 1913, Appendix E, pp. 140-155.

## AVERAGE WEEKLY WAGE PAID BEFORE AND AFTER DETERMINATION OF MINIMUM WAGE IN EACH INDUSTRY (ALL EMPLOYEES).

Short title of board and date when first determination came into force.	Prior to determination first coming into force.	During last year.	Increase.	Remarks.
Boot: Dec. 29, 1897.....	£ s. d. 1 3 2 (\$5.64)	£ s. d. 1 18 0 (\$9.25)	£ s. d. 0 14 10 (\$3.61)	The minimum wage for adult males in this trade has been raised gradually since 1897 from 36s. (\$8.76) per week of 48 hours to 54s. (\$13.14) per week, as at present. The leading manufacturers declared in 1897 that the trade would be seriously injured if the minimum was fixed at 45s. (\$10.95), and satisfied the department that such was the case, yet by 1908 the minimum wage was raised to 48s. (\$11.68) without objection on the part of employers. The improvement in the trade is indicated by the fact that, notwithstanding the increased use of machinery, the number of employees has risen from 4,590 in 1897 to 6,691 in 1913.
Bread: Apr. 3, 1897.....	1 12 6 (\$7.91)	2 19 3 (\$14.42)	1 6 9 (\$6.51)	In 1907 the bread board, on the casting vote of the chairman, raised the wages of journeymen from 1s. 3d. (25.3 cents) per hour, or £2 10s. (\$12.17) per week of 48 hours, to 1s. 1 1/2d. (27.4 cents) per hour, or £2 14s. (\$13.14) per week. This determination was dated June 12, 1907, and came into force on Aug. 5, 1907. On Aug. 15, 1907, the employers' representatives on the board appealed, under the provisions of sec. 123 of the factories and shops act, 1905, to the court of industrial appeals against the increase in wages allowed by the board. The court (Mr. Justice Hood), after hearing evidence, reduced the wages from £2 14s. (\$13.14) per week of 48 hours, or 1s. 1 1/2d. (27.4 cents) per hour, to £2 10s. (\$12.17) per week of 48 hours, or 1s. 3d. (25.3 cents) per hour from Sept. 15, 1907. In August, 1910, as a result of an application by the employees in the trade, leave was given to this board by the court to review or alter its determination, and the board fixed the rates for foremen or single bands at £3 5s. (\$15.82), and for adult workers at £3 (\$14.60) per week of 48 hours. These wages, which came into force on Aug. 1, 1911, were, I understand, agreed to unanimously. It will be noted as one of the curious changes effected by time that, whereas in 1907 the employers successfully appealed against a wage of £2 14s. (\$13.14), yet in 1911 the wages for the same hands were fixed at 6s. (\$1.46) per week higher, apparently without any great difficulty. Owing to the nature of the work there has been great difficulty in collecting statistics regarding the majority of employees in this trade. Prior to the board being appointed the average weekly wage for adults was given as 72s. (\$17.52). In the report for 1911 it was shown as 73s. 9d. (\$17.95). It is now 72s. 8d. (\$17.68), notwithstanding that the minimum wage has been raised from 66s. (\$16.06) to 71s. 6d. (\$17.40) per week.
Bricklayers (1911).....				
Cardboard boxes (1908).....	15 9 (\$3.83)	1 4 1 (\$5.86)	8 4 (\$2.03)	
Clothing: Nov. 15, 1897.....	1 0 0 (\$4.87)	1 7 0 (\$6.57)	7 0 (\$1.70)	The average wage in this trade is lowered by the very great increase in the number of juveniles employed. It is one of the original trades brought under the special board system, and there is no doubt a great deal of sweating has been abolished. The average wage paid to 1,103 adult males in 1913 was £3 0s. 4d. (\$14.68), and to 4,683 adult females £1 6s. 9d. (\$6.51). In 1896, before the board came into force, wages records were received regarding only 3,383 employees, at an average wage of 20s. (\$4.87), whereas last year there were more than that number of adults employed at the rates given above. The total employees for whom wages records were sent in last year were 8,359, an increase of over 145 per cent as compared with 1896.

## AVERAGE WEEKLY WAGE PAID BEFORE AND AFTER DETERMINATION OF MINIMUM WAGE IN EACH INDUSTRY (ALL EMPLOYEES)—Concluded.

Short title of board and date when first determination came into force.	Prior to determination first coming into force.	During last year.	Increase.	Remarks.
Clothing: Nov. 15, 1897.	£ s. d. 1 0 0 (\$4.87)	£ s. d. 1 7 0 (\$6.57)	£ s. d. 7 9 (\$1.70)	The increase in juvenile labor is shown by the fact that whereas in 1896 the female employees aged 15 numbered 41, last year there were 214 at that age. Unfortunately the records in 1896 did not indicate the wages of employees who were over 15.
Confectioners (1901)....	16 11 (\$4.12)	1 3 7 (\$5.74)	6 8 (\$1.62)	

The report of the chief factory inspector for 1913 shows for practically all of the boards which have issued wage determinations the average weekly wages of employees before the first determination and during 1913. These figures, with the date of the first determination in each case, are given in the table which follows:

## AVERAGE WEEKLY WAGES OF ALL EMPLOYEES IN TRADES UNDER WAGES-BOARD DETERMINATIONS BEFORE DETERMINATIONS AND IN 1913.

[Source: Victoria. Report of Chief Inspector of Factories and Shops, 1913, pp. 140 et seq.]

Name of board.	Date of first determination.	Average weekly wages of all employees.		
		Before first determination.	During 1913.	Increase.
Aerated water trade.....	June 6, 1904	\$6.47	\$9.17	\$2.70
Agricultural implements.....	Apr. 2, 1909	9.59	11.76	2.17
Artificial manure.....	Sept. 1, 1904	9.10	11.86	2.76
Asphalters.....	Apr. 1, 1913	10.42	12.79	2.37
Bedstead makers.....	July 28, 1902	7.83	11.29	3.47
Billposters.....	Oct. 18, 1913	9.31	12.23	2.92
Biscuit.....	Nov. 21, 1913	5.76	6.04	.28
Boiler makers.....	Aug. 1, 1912	10.65	11.86	1.22
Boot.....	Dec. 29, 1897	5.64	9.25	3.61
Boot dealers.....	Sept. 11, 1911	6.55	9.87	3.33
Brass workers.....	May 2, 1904	7.22	9.69	2.47
Bread.....	Apr. 3, 1897	7.91	14.42	6.51
Bread carters.....	June 14, 1909	7.56	10.65	3.08
Brewers.....	Apr. 7, 1902	8.35	12.33	3.97
Brick trade.....	May 6, 1901	10.12	12.90	2.78
Brush makers.....	Aug. 4, 1902	5.02	10.67	5.65
Butchers.....	Jan. 1, 1901	9.17	14.21	5.05
Butter.....	Oct. 1, 1913	10.28	10.99	.71
Candle makers.....	June 24, 1907	6.00	10.16	4.16
Cardboard-box trade.....	Mar. 16, 1908	3.83	5.86	2.03
Carpenters.....	Aug. 29, 1910	11.56	15.21	3.65
Carriage.....	Apr. 2, 1910	7.91	10.28	2.37
Carters.....	June 5, 1911	9.04	11.58	2.53
Cigar trade.....	Apr. 15, 1901	7.36	10.42	3.06
Clothing.....	Nov. 15, 1897	4.87	6.57	1.70
Commercial clerks.....	Jan. 3, 1913	7.44	10.91	3.47
Confectioners.....	May 27, 1901	4.12	5.74	1.62
Coopers.....	do	8.66	15.94	7.28
Cordage.....	Sept. 2, 1912	5.43	6.91	1.48
Country-shop assistants.....	Oct. 7, 1912	7.40	9.43	2.03
Cycle trade.....	Sept. 29, 1907	6.77	10.06	3.28
Drapers.....	Nov. 29, 1909	6.33	9.29	2.96
Dressmakers.....	Sept. 5, 1904	2.90	4.72	1.82
Dyers and clothes cleaners.....	Sept. 1, 1913	6.00	8.94	2.94
Electrical installation.....	Mar. 11, 1912	9.29	10.95	1.66
Electrical supply.....	Mar. 2, 1914	11.11	12.29	1.18
Electroplaters.....	Sept. 5, 1910	7.77	11.11	3.35
Engineering.....	Dec. 1, 1911	9.47	12.39	2.92
Engravers.....	July 1, 1901	8.98	12.41	3.43
Factory engine drivers.....	Nov. 13, 1911	12.31	14.54	2.23
Farriers.....	June 3, 1907	8.56	10.36	1.80

## AVERAGE WEEKLY WAGES OF ALL EMPLOYEES IN TRADES UNDER WAGES-BOARD DETERMINATIONS BEFORE DETERMINATIONS AND IN 1913.

Name of board.	Date of first determination.	Average weekly wages of all employees.		
		Before first determination.	During 1913.	Increase.
Fellmongers.....	Aug. 3, 1901	\$7.91	\$10.79	\$2.88
Flour.....	Aug. 3, 1907	9.85	12.29	2.43
Furniture trade (cabinetmaking, etc.).....	Apr. 19, 1897	7.08	11.17	4.10
Mantelpieces and overmantels.....	May 6, 1901	8.15	11.54	3.39
Carpets, linoleums, etc.....	July 1, 1909	6.27	8.15	1.89
Furniture dealers.....	July 1, 1912	11.11	13.48	2.37
Gardeners.....	Sept. 7, 1912	7.89	9.92	2.03
Gas meters.....	Mar. 2, 1914	12.98	13.42	.44
Glassworkers.....	Nov. 29, 1909	8.50	12.47	3.97
Gold miners.....	Mar. 1, 1912	10.81	12.09	1.28
Grocers.....	Mar. 14, 1910	6.65	10.18	3.53
Grocers' sundries.....	Aug. 5, 1912	5.86	7.22	1.36
Hairdressers.....	Dec. 13, 1909	5.54	10.12	4.58
Ham and bacon curers.....	Jan. 2, 1911	9.55	12.37	2.82
Hardware.....	Jan. 1, 1912	8.56	11.64	3.08
Horsehair.....	Sept. 6, 1913	8.29	10.16	1.87
Ice.....	Nov. 1, 1909	12.23	15.84	3.61
Iron molders.....	Oct. 1, 1904	9.21	12.61	3.41
Jam trade.....	June 3, 1901	5.15	7.28	2.13
Jewelers.....	June 1, 1901	8.23	11.88	3.65
Leather goods.....	Aug. 31, 1903	4.95	7.58	2.64
Lift.....	Aug. 14, 1911	6.08	11.80	5.72
Livery stable.....	Aug. 19, 1912	7.62	10.63	3.00
Malt.....	Apr. 3, 1902	10.00	13.02	3.02
Marine store.....	Oct. 28, 1911	6.23	10.38	4.16
Meat preservers.....	Mar. 2, 1914	9.51	10.26	.75
Men's clothing.....	Dec. 12, 1910	9.33	13.40	4.08
Millet broom.....	Jan. 1, 1901	6.79	10.77	3.97
Milliners.....	July 1, 1907	2.66	4.10	1.44
Mining-engine drivers.....	Sept. 4, 1911	12.17	14.94	2.78
Motor drivers.....	Aug. 23, 1913	10.26	12.45	2.19
Nail makers.....	Oct. 16, 1913	8.90	10.69	1.78
Night watchmen.....	July 11, 1911	10.93	12.73	1.80
Office cleaners.....	Nov. 10, 1913	4.32	6.91	2.60
Organ.....	June 6, 1910	9.25	10.40	1.16
Oven makers.....	Feb. 29, 1904	7.95	11.70	3.75
Painters.....	Oct. 1, 1910	9.92	13.52	3.61
Paper.....	May 11, 1914	9.08	9.51	.43
Paper-bag trade.....	Nov. 20, 1907	3.53	4.66	1.14
Pastry cooks.....	Sept. 2, 1901	7.50	9.87	2.37
Picture frame.....	Jan. 11, 1909	5.82	9.25	3.43
Plasterers.....	Dec. 11, 1911	13.95	16.51	2.56
Plate glass.....	May 30, 1901	6.69	10.87	4.18
Plumbers.....	Dec. 2, 1910	7.95	13.08	5.13
Polish.....	May 12, 1911	4.87	5.56	.69
Pottery trade.....	Mar. 27, 1901	6.83	9.65	2.82
Printers:				
Bookbinding.....	Jan. 1, 1902	4.81	6.43	1.62
Printing (metropolitan district).....	do.....	8.96	12.65	3.69
Printing (outside metropolitan district, but not under country printers' board).....	do.....	7.54	12.21	4.66
Country printers.....	Sept. 8, 1913	8.76	9.57	.81
Quarry.....	Aug. 15, 1910	11.80	13.61	1.80
Rubber trade.....	Jan. 1, 1910	8.15	10.87	2.72
Saddlery.....	Oct. 21, 1901	6.59	10.00	3.41
Country saddlery.....	Feb. 3, 1913	7.44	8.72	1.28
Shirt.....	Jan. 20, 1898	3.67	5.74	2.07
Slaters and tilers.....	Feb. 1, 1912	9.90	15.69	5.80
Soap and soda.....	June 17, 1907	6.59	8.60	2.01
Starch.....	June 29, 1907	5.05	8.96	3.91
Stonecutters.....	Mar. 4, 1901	8.74	13.63	4.89
Straw hat.....	Oct. 17, 1913	9.27	12.63	3.37
Tanners.....	May 27, 1901	7.73	11.48	3.75
Tea packing.....	Feb. 10, 1912	6.10	7.81	1.70
Tie makers.....	May 22, 1913	3.85	5.37	1.52
Tinsmiths.....	Nov. 1, 1905	6.75	9.14	2.39
Underclothing.....	June 26, 1899	2.74	4.38	1.64
Undertakers.....	Feb. 16, 1912	10.32	12.79	2.47
Watchmakers.....	Sept. 1, 1911	8.31	12.04	3.73
Waterproof clothing.....	Sept. 2, 1907	5.41	7.66	2.25
Wholesale grocers.....	Aug. 12, 1912	8.50	11.42	2.92
Wicker.....	Aug. 11, 1902	5.58	10.46	4.89
Wireworkers.....	Dec. 1, 1909	7.69	10.87	3.18
Woodworkers.....	Apr. 15, 1901	8.07	12.57	4.50
Country woodworkers.....	Nov. 4, 1912	11.92	13.26	1.34
Woolen trade.....	Apr. 8, 1902	4.97	6.73	1.76

## OPERATION OF THE LAW.

The following list of questions concerning the operation of the minimum-wage law in Victoria was sent by the New York Factory Investigating Commission to the chief factory inspector at Melbourne:<sup>1</sup>

- First. Does the minimum wage become the maximum?
- Second. How far are the unfit displaced by such legislation?
- Third. Do such laws tend to drive industry from the State?
- Fourth. Do they result in decreasing efficiency?

In response the following statement was received:

## FIRST QUESTION.

It is frequently asserted in this State that the minimum becomes the maximum, but our official figures show that this is not the case. I am sending by separate packet a book containing all the existing factory laws of Victoria, and a copy of my latest annual report. If you will kindly refer to Appendix B you will see what the average wage in the trade is. A further reference to Appendix D will give you the wages in any particular trade.<sup>2</sup> I regret that I have not figures which will precisely answer your question, but a careful comparison will show that the average wage in a trade is invariably higher than the minimum wage. I do not know that there is any exception to this in Victoria.

## SECOND QUESTION.

Legislation which fixes a standard wage undoubtedly has the effect of displacing the unfit. Our experience, however, shows that this dislocation is not serious, and that as a rule things regulate themselves fairly satisfactorily. It is true, however, that in Victoria for some years there has been a shortage of labor, and this fact probably has a good deal of bearing on this point. I do not think there is any evidence that philanthropic agencies have ever been called upon to increase their work through minimum-wage legislation. There is, however, a section in our law which enables a license to be issued to a defective worker to permit a lower wage than the minimum to be paid to him (see sec. 202 of law). This power is only sparingly used, as it is regarded very jealously by the trades-unions, and this department requires very strong evidence before it will issue a license to work for less than the minimum.

## THIRD QUESTION.

There is no evidence to show that our labor legislation has driven any industry from the State, nor from Victoria to any other part of the Commonwealth. As a matter of fact, labor laws are in operation all over the Commonwealth, so that, if our legislation had any such effect, the industry would have been driven to other countries. There has been an increasing amount of imports in the last few years, but I think I can safely say that the evidence tends to the belief that that is caused more by our general prosperity than any other factor. Side by side with the increasing proportional imports has been a great increase in production and in the number of factories established.

<sup>1</sup> Third report of the New York State Factory Investigating Commission. Appendix III. Minimum-wage legislation, by Irene Osgood Andrews, pp. 228-231.

<sup>2</sup> See pages 124 to 129. For comparison of wages prior to wages-board determination and in 1913, see pages 131 and 132.



## FOURTH QUESTION.

My own opinion is that the fixing of a standard wage increases efficiency generally, from the fact that the employer demands in return a standard degree of efficiency. It is true that some of the unions have endeavored to restrict the output, and have in some cases gone so far as to strike for the purpose of enforcing their demands. They have invariably failed. At the same time there is some evidence that in certain of the trades—and in that connection the agricultural implement making trade might be mentioned—they have succeeded to some extent in lessening the output. For that reason there is a large section of employers in this State who believe that the only fair way of regulating wages is by piecework. Our wages boards have power either to fix piecework rates or to give the employer that privilege with the provision that the piecework rates fixed by him shall be such as will enable an average worker to earn at least the minimum wage. One strike is on record against the fixing of piecework rates by the employer. The molders at the Sunshine Harvester Works objected to piecework rates in any form, although in fact the men were earning considerably over the minimum, and in some cases twice as much. Yet the union took their men out for the simple reason that they objected to piecework being paid under any circumstances, and the men have been out now some five or six weeks. It is only a sectional strike, and probably not more than 20 or 30 men are affected. To answer your question generally, I think it can be truthfully said that the efficiency of the workers all-round is distinctly higher under the minimum wage than it was before.

I may say, in conclusion, that the minimum-wage law in Victoria is working very smoothly. There are fewer strikes in this State under the wages-boards provision than in the neighboring State of New South Wales, where they have an arbitration court. For the last 3 months, out of the 49 strikes that occurred in the 6 States of Australia, 38 were in New South Wales. Our wages-board law takes no cognizance of a strike once it occurs, but leaves the parties to fight it out amongst themselves. In New South Wales they have elaborate provisions for settling strikes that occur, with the above result. We believe that the best way of settling strikes is to provide—as we do in Victoria—every means of arriving at fair conditions between master and man, and of revising those conditions as occasion demands, and then washing our hands of the whole matter.

Prof. M. B. Hammond spent the winter of 1911-12 in Australia and New Zealand studying the operation of the wage board and arbitration legislation, and has summarized his conclusions in the following statement:<sup>1</sup>

In conclusion, I wish to sum up as briefly as possible the results which it seems to me have been attained in Victoria and, so far as their experience extends, in the other Australian States, under the wages-boards system. Perhaps I may be allowed to say that I have reached these conclusions after a thorough study of the reports

<sup>1</sup> Third report of the New York State Factory Investigating Commission. Appendix III. Minimum wage legislation, by Prof. M. B. Hammond, pp. 222-228. See also Prof. Hammond's articles referred to in the bibliography at the end of this Bulletin. They are of special importance as giving the results of the most recent first-hand study of a thoroughgoing character.

and records of the departments concerned in the administration of the acts, after attendance on many board meetings, and after interviewing many people, Government officials, chairmen of wages boards, employers, trade-union officials, social reformers, and politicians who have had much to do with wage-board legislation and administration.

1. We may say without hesitation, I think, that sweating no longer exists, unless perhaps in isolated instances, in Melbourne or in other industrial centers of Victoria. This is the opinion expressed to me not only by the officials in the factory inspector's office, including the women inspectors, but also by Mr. Samuel Mauger, the secretary of the Anti-Sweating League, who is constantly on the alert to detect any evidence of sweating and to ask for the appointment of a board in any trade in which it is thought to exist. In the board meetings the efforts of the labor representatives are nowadays seldom directed toward securing subsistence wages, but they aim rather to secure a standard rate of pay based on the needs of the average worker and as much above this as is possible.

2. Industries have not been paralyzed nor driven from the State, as was freely predicted by extreme opponents of the wages-boards plan. There is one instance of a plant having left Victoria on this account.

A brush manufacturer from England, who had recently come to Victoria to establish his business, was so enraged at the idea that the wages he was to pay were to be regulated by law that he moved across Bass Strait to Tasmania. That is the only instance of the kind to be found in the records. On the other hand, there has been a steady growth of manufactures. In 1896, when the factories act, containing the wages-board provisions, was passed, there were in Victoria 3,370 factories; in 1910 there were 5,362. In 1896, the number of workers in factories was 40,814; in 1910 it was 83,053.<sup>1</sup> This, I think, indicates as great a growth in manufacturing industry as most countries are able to show.

3. In spite of the fact that the law in Victoria does not forbid strikes, as is the case under compulsory arbitration, it would be hard to find a community in which strikes are so infrequent as they are in Victoria. There are, I think, not more than half a dozen cases in which a strike has occurred in a trade where the wages and hours were fixed by a wages board. The only serious strike of this sort was in a trade where the court of industrial appeals had lowered the wages fixed by the wages board after these wages had been paid for some weeks. I may add at this point the statement that there are very few cases of appeals from a wages-board determination in Victoria, though there seem to be more in South Australia.

4. In spite of the fact that the meetings of the boards are at times the scenes of outbreaks of passion, and angry and insulting words pass back and forth across the table, there can be little doubt but that the representatives of both parties go away from these meetings with an understanding of the problems and difficulties which the other side has to meet, which is usually lacking in trades where collective bargaining is not resorted to. This was repeatedly brought to my attention both in and out of board meetings by men who had taken part in these discussions. It probably goes far toward explaining the infrequency of strikes and lockouts.

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<sup>1</sup> By 1913 these numbers had increased to 8,089 factories with 110,487 employees.

5. That the minimum wage fixed by the board tends to become the maximum in that trade is often asserted, but it would not be easy to prove. Employers have frequently said to me that they believed there was a tendency in that direction, but they have seldom been able to furnish evidence to that effect from their own establishments. At times I have found on inquiry that not a single man in their own plants was receiving the minimum wage. The employers' opinions seem to be more the result of a priori reasoning than the results of actual experience. Nor, on reflection, is it easy to see why the minimum should become the maximum. The determinations do not compel an employer to hire or to retain in employment any worker. He is free to dismiss any man whom he believes incapable of earning the minimum wage, or he can send the employee to the chief factory inspector for a permit to work at less than the minimum fixed by the board. There seems to be no reason why under this system there should not be the same competition among employers as under the old system to secure the most efficient and highly skilled workmen, and there is no reason why such men should not get wages based on their superior efficiency. Victorian statistics on this point are lacking, but in New Zealand, where minimum wages are fixed by the arbitration court, statistics as to wages tabulated in 1909 by the Labor Department, showed that in the four leading industrial centers of the Dominion the percentage of workers in trades where a legal minimum wage was fixed who received more than the minimum varied from 51 per cent in Dunedin to 61 per cent in Auckland.<sup>1</sup> There is no reason to think that a dissimilar situation would be revealed by a statistical investigation in Victoria.

6. Although the legal minimum wage does unquestionably force out of employment sooner than would otherwise be the case a certain number of old, infirm, and naturally slow workers, it is easy to exaggerate the working of the minimum wage in this respect. The opinions of employers differ in regard to this point. Workers who feel that they can not earn the minimum wage may apply to the chief factory inspector for a permit to work at a less rate than the minimum, and the officials who have charge of this matter feel pretty certain that in this way practically all cases really needing relief are cared for. The percentage of men with permits is, however, not high, and possibly there are some who are forced out of work who do not apply for a permit.

7. There is also much difference of opinion as to whether or not the increased wages have been to any considerable extent counterbalanced by an increase of prices due to the increased wages. The probability is that in some occupations higher wages have in this way been passed on to the consumers, the laboring classes included. This would be especially true of industries purely local where there was little opportunity to use machinery.

In Melbourne, following close upon a wage-board determination which raised the wages of waiters and cooks in hotels and restaurants, the cheap restaurants which had been furnishing meals at 6d. (12 cents) by a concerted movement doubled their prices. While the increase of wages in this case was doubtless in part responsible for this increase of prices, in the main the wage increase was the occasion

<sup>1</sup> See pages 170 to 172.

rather than the cause of the increase in prices, which was bound to come sooner or later because of the increase in cost of food supplies.

The New Zealand commission on the cost of living, which has recently published its report, carefully considered this question as to the effect of labor legislation on the cost of living and concluded that in the case of staple products whose prices were fixed in the world's markets, the local legislation could have had no effect on prices. In other trades, the increased labor costs had served to stimulate the introduction of machinery and labor-saving devices; in still other trades it had apparently not increased efficiency, and accordingly labor costs had increased. This seems to have been the case in coal mining. Generally speaking, the evidence in most trades was not sufficiently definite to show whether or not there has been an increase or a decrease in efficiency due to labor legislation. This is about what we must conclude as a result of the conflicting testimony on this point in Australia as well as in New Zealand. I found that most employers with whom I talked were certain that laborers were less efficient than in former years. Generally they could not explain very satisfactorily how this was due to legislation, and their arguments usually reduced themselves to the assertion that the trade-unions were preaching and their members were practicing the doctrine of "go easy," and were in this way restricting the output. Trade-union officials, on the other hand, were just as emphatic in their declaration that such a matter had never been discussed in their meetings. I do not believe that in this respect conditions in Australia differ from what they are in America, and I find that the same assertions are made here by employers as to the effect of trade-unions and that these statements are as vigorously denied by the union officials. Only to the extent, therefore, that compulsory arbitration and wage boards tend to develop and strengthen unionism, which they undoubtedly do, can we find that the legal minimum wage exerts any appreciable effect on the decline of efficiency and the restriction of output. This must remain, therefore, a mooted point.

8. Finally, whatever may be the difference of opinion between employers and employees as to the effect of the legal minimum wage in Victoria in producing certain results, and whatever criticisms they may make of the administration of the factories act, both sides are now practically unanimous in saying that they have no desire to return to the old system of unrestricted competition in the purchase of labor. I did not find an employer who expressed a desire to see the wages boards abolished. Generally speaking, employers are just now holding tightly to this plan, partly no doubt as a means of saving themselves from an extension of the operations of the Commonwealth arbitration act. In the main, however, they have been convinced that the minimum wage has not been detrimental to their businesses and that it has forced their rivals to adopt the same scale of wages as they are themselves obliged to pay. I have mentioned the fact that the Victorian Chamber of Manufactures led the attack on the wage-board system when the Government was providing for its extension in 1900. Last April (1912) the president and secretary of that organization and the president and secretary of the Victorian Employers' Association told me that in spite of the defective administration of the wages-boards act their members had no longer any

desire to have the system abolished. The trade-union secretaries also complain of the administration of the act, particularly that the chief factory inspector does not take a more drastic attitude in regard to the prosecution of the violators of the act whom they have reported. This fact that both sides complain of the administration of the act is a pretty fair indication that the administrative officials are doing their work in a conscientious manner without prejudice or favor. The trade-unionists generally admit that labor has been greatly benefited by the wages-boards legislation, and they do not desire a repeal of these laws, but many of them in Victoria are inclined to think that compulsory arbitration would give them even more. The wages boards deal only with wages, hours, payment for overtime, and the number and proportion of apprentices. The arbitration courts, on the other hand, may and sometimes do give preference to unionists and are often called upon to decide many minor matters which can not be considered by wages boards. Furthermore, wages boards established by any one State are bound to consider interstate competition when they fix wages. The Commonwealth arbitration court, on the other hand, can regulate wages throughout Australia in the industrial field within which it operates. Hostility to the minimum wage in Australia may therefore be said to have practically died out, and the question most discussed to-day is whether this minimum wage shall be secured by means of wages boards or through the machinery of a Federal arbitration court.

## NEW SOUTH WALES.<sup>1</sup>

### HISTORY OF LEGISLATION FOR FIXING WAGES.

In the industrial arbitration act, 1901, the principal innovation lay in the extension of the definition of industrial disputes, so as to include consideration of conditions prevailing in industries in which no dispute existed technically. Under the act of 1908, which represents the third stage in the development of an industrial code, a social ideal was definitely evolved that every normal individual is entitled to a reasonable standard of comfort consistent with the welfare of the community.

All awards, orders, and directions of the court of arbitration, and all industrial agreements current and in force at the commencement of the act, remained binding on the parties, and on the employers and employees concerned, for the period fixed by the court, or by the award, or agreement, or where no period was fixed, for one year from July 1, 1908. Any industrial agreement might be rescinded or varied in writing by the parties, any such variation, if filed with registrar, to be binding as part of the agreement.

Provision was made for the registration of trade, as industrial unions, and the expiration of the industrial arbitration act, 1901, did not affect the incorporation of industrial unions registered under that act, while any trade-union registered under the act might make a written agreement with an employer relating to any industrial matter.

The industrial court consisted of a judge, sitting with assessors, when necessary.

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<sup>1</sup> This section to page 142 is from the Official Year Book of New South Wales, 1913, p. 910 et seq.

A board could be constituted for an industry on application to the industrial court by—

- (a) An employer or employers of not less than 20 employees in the same industry.
- (b) A trade-union registered under the act having a membership of not less than 20 employees in the same industry.
- (c) An industrial union whose members are such employers or employees.
- (d) Where there is no trade or industrial union of employees in an industry having membership and registered as aforesaid or where such union fails to make application, then not less than 20 employees in such industry.

Each board consisted of a chairman and not less than two (nor more than four) other members as determined by the industrial court, one-half of whom were employers and the other half employees at some time engaged in any industry or group of industries for which the board was constituted. Where the employers or employees consisted chiefly of women and girls, the court could waive this qualification of quondam employment.

A board with respect to the industry or group of industries for which it was constituted might—

- (a) Decide all disputes.
- (b) Fix the lowest price for piecework and the lowest rates of wages payable to employees.
- (c) Fix the number of hours and the times to be worked in order to entitle employees to the wages so fixed.
- (d) Fix the lowest rates, including allowances as compensation for overtime and holidays and other special work.
- (e) Fix the number or proportionate number of apprentices and improvers and the lowest prices and rates payable to them, according to age and experience.
- (f) Appoint a tribunal, other than the board itself, for the granting of permits allowing aged, infirm, or slow workers, who are unable to earn the lowest rates of wages fixed for other employees, to work at the lowest rates fixed for aged, infirm, or slow workers. If no such tribunal is provided by the board, the registrar has jurisdiction to grant such permits.
- (g) Determine any industrial matter.
- (h) Rescind or vary any of its awards.

At any time within one month after publication of an award by a board any trade or industrial union or any person bound by the award could apply to the industrial court for leave to appeal to such court. The court alone has power to rescind or vary any award or order made by it, or any award of a board which had been amended by the court, or any award of a board which had been dissolved or was no longer in existence; but where public interests are endangered the Crown might intervene in proceedings and make any necessary representations; or, further, the Crown might at any time after the making of an award apply for leave and appeal to the industrial court. Under the amending act of 1910 proceedings for the enforcement of awards and penalties were made referable to a magistrate's court, and in accordance with this proviso the industrial registrar's court was constituted as a court of petty sessions.

The principal points of the industrial arbitration act of 1912 relate to the operations of industrial boards. Provision is made for the registration of industrial unions of employers and employees and also for the cancellation of registration by request or by determination of the court. Unions of employees may make industrial agreements with employers or with any other industrial union, such agreements to be filed and to be binding for five years.

In the constitution of the court of industrial arbitration, provision was made for the appointment of an additional judge and of a deputy, and for the constitution of industrial boards of two or four members, equally representing employers and employees, with a chairman appointed by the minister.

Complementary to the industrial disputes act, 1908, and its amendments, the clerical workers' act, 1910, was passed to enable the constitution of a tribunal to fix a minimum wage for persons engaged in clerical work, as difficulty was experienced in applying the machinery of the industrial disputes act as to wages board to work of this nature, which, moreover, was not an industry or calling scheduled under the act. The clerical workers' act provides that, on application to the industrial court by any employer of not less than 10 clerks or by not less than 10 clerks in the same or similar employment, the court may—

- (1) Fix the minimum wages and rates for overtime payable to clerks, such minimum to be a real minimum, based on the wage which, in the court's opinion, should be paid to—
  - (a) The lowest grade of efficient clerical labor, if it does not classify such labor; or
  - (b) The lowest grade of efficient labor in each class, if it classifies such labor.

The classification is determinable by age, experience, qualification, nature of employment, or in any other way practical, expedient, and just.

- (2) Provide specially for aged, infirm, or slow workers.

The provisions of the industrial disputes act, 1908, were applicable for the making and enforcing of awards, which would be binding for three years. No tribunal has been constituted under this act, which remains supplementary to the industrial arbitration act, 1912; nor have any proceedings whatever been taken under its provisions.

#### DEVELOPMENT OF JURISDICTION OF WAGE TRIBUNALS.

The industrial arbitration act, 1901, aimed at the determination of disputes referred to it rather than at the constitution of a regulative tribunal. The jurisdiction of the court of arbitration extended to all industries except domestic service, and its awards applied without limitation of area throughout the State.

The industrial disputes act, 1908, aimed at the constitution of wages boards to determine the conditions which should govern employment in specified industries. Boards could be constituted for industries or occupations or local sections of industries or for any division or combination of employees in industries, as might be judged expedient by the court. In practice, boards were constituted for industries, but employees were associated according to trades, to materials worked in, or to goods made, with the result that there were boards for trades, for business, and for industries or associations of

trade—all with exemptions for certain classes of employees or employers.

Under the industrial arbitration act, 1912, the powers of the court and of its subsidiary tribunals are not limited to the relationships of employment. The range of industries and callings is defined by schedule, and boards may be constituted for any industry or calling or for division or combination in such industry or calling. In practice, old boards have been reestablished so far as is consistent with the conditions of the act. Thus a material distinction between the wages-board system as operative under the industrial disputes acts, 1908–1910, and the industrial boards, provided under the industrial arbitration act, 1912, lies in the grouping of allied industries under one chairman and in the arrangement of such boards more upon the basis of craft or calling than of industry, the ultimate aim being the maintenance of some 28 subsidiary arbitration courts, each having power to deal with a group of allied industries, but subject to the general control of the court of industrial arbitration, which in its supreme direction will coordinate the work of the minor courts.

#### FUNCTIONS OF INDUSTRIAL BOARDS.

The powers of the boards in making awards include—

- (a) Fixing the lowest prices for work done by employees, and the lowest rates of wages payable to employees, other than aged, infirm, or slow workers;
- (b) Fixing the number of hours and the times to be worked in order to entitle employees to the wages so fixed;
- (c) Fixing the lowest rates for overtime and holidays and other special work, including allowances as compensation for overtime, holidays, or other special work;
- (d) Fixing the number or proportionate number of apprentices and improvers and the lowest prices and rates payable to them;
- (e) Determining any industrial matter;
- (f) Rescinding or varying any award made in respect of any of the industries or callings for which it has been constituted;
- (g) Declaring that preference of employment shall be given to members of any industrial union of employees over other persons offering their labor at the same time, other things being equal; provided that where any declaration giving such preference of employment has been made in favor of an industrial union of employees such declaration shall be canceled by the court of arbitration if at any time such union, or any substantial number of its members, takes part in a strike or instigates or aids any other person in a strike; and if any lesser number takes part in a strike, or instigates or aids any other persons in a strike, such court may suspend such declaration for such period as to it may seem just.

Where an institution carried on wholly or partly for charitable purposes provides for the food, clothing, lodging, or maintenance of any of its employees or any of its inmates who are deemed to be employees, the board in its award as to the wages of such employees or inmates shall make due allowance therefor. The board may



exempt such institution from all or any terms of the award where the food, clothing, lodging, and maintenance provided by the institution, together with the money (if any) paid by the institution to such employees or inmates as wages are at least equal in value to the value of the labor of such employees or inmates.

Awards are binding for a maximum period of three years on all persons engaged in the industries or callings and within the locality covered. Appeal lies to the court, but the pendency of an appeal does not suspend the operation of the award.

Proceedings before a board may be commenced by—

- (a) Reference to the board by the court or the minister; or
- (b) Application to the board by employers or employees in the industries or callings for which the board has been constituted.

#### PROCEDURE IN FIXING MINIMUM WAGE.

1. The court of industrial arbitration recommends the establishment of a board.

2. The minister establishes the board.

3. Minister or court of industrial arbitration refers matter to board, or employers or an industrial union makes application to board.

4. The board shall make investigation in such manner as it thinks fit, and may conduct proceedings, having power to call witnesses and demand records.

5. The board may make an award fixing minimum time and piece rates of wages, the hours of labor, the minimum rates for overtime and holidays, the proportionate number of apprentices and improvers and the minimum rates for them, etc.

6. The award of the board is signed by the chairman and forwarded to the registrar, who forthwith publishes it in the Gazette and notifies the parties. Every award takes effect upon publication.

7. Within 30 days of publication of award application may be made to the industrial court, with its consent, for variation or amendment of the award or for a rehearing.

8. If the board refuses to make any award, any of the parties may, within 14 days of such refusal, make application to the industrial court to make an award.

9. On such application, or upon its own initiative, the industrial court may confirm, vary, or rescind the award appealed from, or make a new award. (An appeal does not suspend an award.)

#### STATISTICS OF BOARDS AND AWARDS.<sup>1</sup>

From February, 1902, to July, 1908, the court of industrial arbitration made 89 awards. From July, 1908, to April, 1912, 213 wages boards under the industrial disputes acts, 1908-1910, issued 430 awards.

During the four years ended June, 1912, the transactions of the industrial court in regard to boards and awards were as follows.

<sup>1</sup> The remainder of this section to page 145 is from the Official Year Book of New South Wales, 1913, p. 923 et seq.

## OPERATIONS OF THE INDUSTRIAL COURT IN EACH OF THE YEARS 1909 TO 1912.

Year.	Constitution of boards.		Boards dissolved.	Awards.	
	Applications received.	Recommended.		Made.	Varied.
1909..	105	100	3	45	-----
1910..	44	38	13	103	35
1911..	34	34	7	54	60
1912..	(1)	(1)	<sup>a</sup> 1	153	6

<sup>1</sup> The figures for this year can not be used for comparative purposes, as under the system of the 1912 act (operating from April, 1912) the court, on its own motion, and without application to it, recommends the constitution of boards.

<sup>2</sup> Until Apr. 17.

The operations of the year ended June, 1913, are subject to the industrial arbitration act, 1912, which was operative from April 18, 1912. The transactions for the year ended June 30, 1913, were as follows:

Boards constituted.....	211
Boards dissolved.....	13
Awards rescinded.....	2
Awards varied.....	29
Injunctions granted.....	2

On June 30, 1913, the number of boards in existence, including those under the 1908 act, was 196, in addition to one special board. The number of awards of boards for the year was 113, while 33 awards were varied. The awards of the court numbered 6 and variations and amendments 35.

## INDUSTRIAL AGREEMENTS.

Trade-unions were empowered under the industrial arbitration act, 1901, to make written agreements with employers in regard to any industrial matters, the practice of collective bargaining, which had been followed by well-organized unions for years, then first receiving statutory sanction. Agreements relating to any industrial matter could be made by an industrial union with another industrial union or with an employer, and when filed were binding between the parties. Rescissions and variations of agreements also had to be made in writing and duly filed.

Between 1901 and 1908, 28 industrial agreements were filed, of which 11 were subsequently extended as common rules of the industry concerned. The validity of this procedure being questioned, the high court of Australia decided in December, 1904, that it was a condition precedent to the exercise of the power of the court of arbitration to declare a common rule, that there should be in existence an award, order, or direction made by that court in pursuance of a bearing or determination upon a reference under the act. In November, 1905, the court of arbitration declared, by judgment, that the court had no power to make an award, unless a dispute had been initiated and referred to the court for determination. Thus an agreement was not convertible into an award for the purpose of making it a basis for a common rule. Under the industrial disputes act, 1908,

the power of the industrial union of employees to make an agreement was continued. Each agreement would be binding on the parties and on every person while remaining a member of the contracting trade-union or branch. Under the industrial arbitration act, 1912, the agreement may be enforced in the same manner as an award; its maximum duration is fixed at five years, as against three years under the previous enactments. Otherwise, conditions relating to agreements were not altered materially.

Following is a statement of the number of agreements filed in each year since 1902:

AGREEMENTS FILED IN EACH YEAR, 1902 TO 1905.

Year.	Agree- ments filed.	Year.	Agree- ments filed.	Year.	Agree- ments filed.
1902..	28	1906..	13	1910..	21
1903..		1907..	11	1911..	27
1904..	18	1908..	12	1912..	44
1905..	6	1909..	28	1913..	36

The noticeable increase in the number of industrial agreements made between 1905 and 1913 as compared with previous years reflects the measure of encouragement afforded to voluntary collective bargaining.

In December, 1913, 65 agreements were in force, to which 38 unions had been contracting parties.

#### MINIMUM WAGE FIXED BY PARLIAMENT.

The minimum wage act, 1908, which is consolidated with the factories and shops act, 1912, provided that the minimum wage should be not less than 4s. (97.3 cents) per week in respect of any person employed in preparing or manufacturing any article for trade or sale, or in any factory under the factories and shops act, or working at any handicraft; or any shop assistant as defined by the early closing act.

Provisions apply also to overtime, nightwork, and the payment of premiums for employment.

Contraventions or breaches of the act or of the regulations are reported to the minister for labor and industry by inspectors, and proceedings may be instituted with the authority of the minister. During the year 1910 26 informations were laid in this connection; 11 cases resulted in convictions, 7 were withdrawn on payment of costs; 7 were withdrawn in view of other convictions against the particular employers, and 1 case only was dismissed. In 1911 only two informations were laid, both in Newcastle, and both resulting in convictions, while in 1912 only one information was laid, resulting in a Sydney employer being fined.

The provisions as to the minimum wage are in operation over the whole State.

They are observed carefully throughout the districts subject to inspectorial supervision as to factories and shops, though in many large country towns outside these areas, and not ordinarily included in the inspector's itinerary, infringements may occur, particularly in

dressmaking and millinery establishments, the breaches being attributed mainly to ignorance. Overtime is classified under two heads, viz, by the week of 48 hours, and also, on any working day, after 6 p. m., when tea money is payable. Many clothing factories complete the week's work in five days, and all work done on Saturday is actually overtime. A case being submitted, it was held, on appeal to the high court, that tea money is payable only in the instance when work is done on any day after 6 p. m.

The minimum-wage system has tended to destroy systems of night-work for women, carried on really in violation of the international agreement entered into by Great Britain.

The reasons which led to the enactment of the minimum wage act of 1908 in New South Wales are explained in the report of the Department of Labor and Industry for the year 1908. The report says:

At the end of the year the minimum wage act was passed, providing for a weekly wage of not less than 4s. (97 cents) to all persons coming within the definition of "workman" or "shop assistant." That such a measure was necessary is evidenced by the fact that in the workrooms in the metropolitan district no less than 514 girls whose ages ranged from 13 to 21 years were, at the end of 1908, in receipt of less than 4s. (97 cents) a week, and in the Newcastle district there were 272 girls employed in the dressmaking and millinery workrooms receiving less than 4s. (97 cents) a week, the majority being paid no wages at all for their services.

A very broad and comprehensive definition is given to the terms "employer" and "workmen," and the minimum wage act also applies to any person coming within the definition of "shop assistant" in terms of the early closing act. \* \* \* The payment of a premium or bonus on behalf of employees in connection with the manufacture of articles of clothing or wearing apparel is prohibited. The system of so-called apprenticeship without payment originally carried with it the recognition of an obligation to teach the trade, especially in the dressmaking and millinery industry. This aspect of the case had, to a very great extent, been forgotten in the large workrooms, the training received for some time being more that of general discipline than of a technical character. With a minimum wage of 4s. (97 cents), an employer will find it worth while to teach her employees so as to bring in a return, in work, for the outlay as speedily as possible, and she will probably not so readily discharge a girl whom she has trained for six months in her own ways unless she gives a great deal of trouble. Having so improved their hands, the employers will, I think, prefer to pay a shilling or two extra a week rather than be continually changing and taking on inexperienced hands at the minimum wage. It is, of course, to be expected that a number of hands who were tolerated merely because they cost nothing in wages will no longer be allowed to crowd the ranks of certain trades, as no employer will now keep a girl who does not exhibit a reasonable aptitude for her work, but this should tend to improve the trade as a whole.<sup>1</sup>

<sup>1</sup> New South Wales Department of Labour and Industry. Report on the working of the factories and shops act; early closing acts; shearers' accommodation act, etc., during the year 1908. Sydney, 1909, p. 14.

The report issued a year later shows the results attending the operation of the act in the following statement:

This act, which applies to the whole of the State of New South Wales, came into operation at the beginning of the year, and a large amount of inspection has been carried out with a view to the enforcement of same. The anticipations of the department regarding this measure have to a great extent been realized, as there has been a marked reduction in the amount of overtime worked, especially in cases of the younger girls. The payment of 6d. (12 cents) tea money and a minimum overtime rate of 3d. (6 cents) an hour have had the desired effect, and overtime is now almost limited to the older or more competent hands. At the end of 1908 there were between 500 and 600 girls whose ages ranged from 13 to 21 years employed in the workrooms of the metropolitan district, and nearly 200 in the Newcastle district, in receipt of less than the minimum wage of 4s. (97 cents) a week, the majority of whom were being paid no wages at all for their services. These figures are irrespective of a large number who were similarly employed by the numerous small dressmakers and milliners, whose workrooms do not come within the definition of factory. It is safe to say that, from the statistics for 1909, not a single boy or girl is at the present time being employed in any factory in the metropolitan, Newcastle, Broken Hill, Hartley, Goulburn, and Albury districts in receipt of a weekly wage of less than 4s. (97 cents). It is satisfactory to report that very little difficulty was experienced in securing a ready compliance with the act in the large majority of factories and workrooms in the metropolitan district, but there was some opposition on the part of the small suburban dressmaker or milliner, who objected to both teach and pay beginners, no doubt overlooking the fact that a girl should require to know very little to be worth at least a penny an hour to her employer<sup>1</sup>

#### BASIS OF THE WAGES FIXED.

Since 1908 the number of trades in which wages are regulated by awards has extended so rapidly that but few occupations remain without the jurisdiction of industrial tribunals. The principle running through the awards of boards, etc., is the stipulation of an adequate living wage, and the minimum adult wage ranges between 8s. and 9s. (\$1.95 and \$2.19) per day for any class of labor. The question of the cost of living enters into the determination of a living wage, and judgments and awards tend more and more to embody all the factors determining effective wages, rather than to compromise between the standards of employer and employee.

Because of the fact that it used the cost of living as the basis for its wage awards, and because the information available to guide it was regarded as inadequate, the court of industrial arbitration, New South Wales, in October, 1913, initiated an inquiry into the cost of

<sup>1</sup> New South Wales Department of Labour and Industry. Report on the working of the factories and shops act; early closing acts; shearers' accommodation act, etc., during the year 1909. Sydney, 1910, p. 11.

living and living wage. The court, as the result of its inquiry, delivered its judgment on February 16, 1914.<sup>1</sup> The attitude of the court in regard to the basis used in its awards and its conclusions upon its inquiry may be seen best by quotations from the original judgment.

Upon the question of what consideration should be given to the industry in case it appeared unable to pay a living wage, the court said:

If the standard of that family and of others whose conditions were referred to was the average standard of their industries, and if it appeared clearly that those industries could not continue if they had to pay a wage which would raise that standard, ought these industries to be swept away? Certainly, if they could not give a fair living wage.

The court's reasoning and conclusions in considering and fixing the minimum wage are indicated in the following quotations:

To make the lowest wage always the living wage would be to debar the manual worker, who in the immense majority of cases must remain a manual worker all his life, from any possible improvements in his conditions. His wage might go up or down, but only in strict agreement with the increase or diminution of his expenses, so that really it would be always the same. Is this fair? I do not think so. He should have his share in prosperous times. He is still contributing the same share toward the work of the community. Where the result of that work is fortunate, and everybody benefits, why should he not benefit also? True, his share is humble; ambition, backed up with natural aptitude and a resolute will, is the main cause of the progress of the community, and, amongst other things, of its advance in wealth; and manual labor is, as such, the instrument of the men so endowed. But it is an indispensable instrument, and it is supplied by human beings and free citizens, whose share in the general life of the community is great and important, and for whose welfare indeed, in common with that of everybody else, the community life exists at all. I think they should, in good times, get more than a living wage. I consider that I am justified in acting on this view, because it is what happens when there are no courts of arbitration, and I am sure that these were not intended to deprive the worker of his natural advantages. Indeed, it might be put another way: It might be said that as prosperity increases the standard of living rises and carries the living wage with it. This would be true, but I do not think it is well to call what may be a mere temporary change, which may last for only a few years, a change of standard. To my mind, that expression should be limited to change of a more fixed and permanent character, such as become generally accepted as necessary conditions; such, for instance, as the adoption of footwear, both boots and stockings, a change not yet, I think, quite universal in the case of children. This is very different from the changes wrought by a wave of prosperity, and to my mind (though I can understand others taking a different view) it is better to keep the two things

<sup>1</sup> New South Wales Industrial Gazette, Vol. V, No. 1, March, 1914, pp. 100 to 149.

separate, and to have the true living wage in sight even when one departs from it. I entered upon this investigation with a practical end in view; to fix a wage which might assist boards and save time and expense. I doubt whether the mere fixing of the strict living wage will, of itself, do this to a sufficient extent. Being of opinion that more than a living wage should be given, I ought to say how much. This I now do after much thought and with a great sense of responsibility. I suggest to the boards that the minimum wage in Sydney for unskilled workers should be, for light work, 8s. 6d. (\$2.07) per day, for ordinary work 8s. 9d. (\$2.13) per day, and for heavy work 9s. (\$2.19) per day.

This is in the metropolis; as to the country parts, it is evident to me that the living wage itself is much less than in Sydney, and, therefore, the minimum wage should also be less. Unfortunately, according to Mr. Knibbs's tables, and in fact, the cost of living varies in different parts of the country; \* \* \*. The evidence in this inquiry related mainly to the city, and even that which came from the country was not such as to enable me to distinguish between one part and another. I think, therefore, that I can do nothing at present as to the country. I have been strongly inclined to fix a minimum laborer's wage there, the rents in the metropolis being so much higher than in country towns, but on the whole I fear I have not enough material to justify me in this; it might be too low or too high; and a general rate for the country might not suit the variances between the different parts.

As to existing awards, in any case in which a wage of less than £2 8s. (\$11.68) is prescribed, application may be made to the board to increase it to that amount. I do not wish to appear in any way to dictate to the boards, which are quite independent bodies, and, moreover, circumstances may vary, but in my opinion now that a living wage has been declared, no one should get less. This refers, of course, only to those getting less than that wage; not to the rest of the award.

#### AGED, INFIRM, OR SLOW WORKERS.<sup>1</sup>

Applications for variations from award rates were made, under the industrial disputes act, 1908, and its amendments, to the registrar of the industrial court, and to any tribunal which might be constituted for the purpose by an industrial board.

Under the industrial arbitration act, 1912, the registrar alone has power to determine when and how such variations shall be permitted.

For the year ending December 31, 1913, 485 applications were lodged for permits to pay less than award rates; 355 were granted and 130 refused. The number of permits canceled was 6, and 65 applications for permits were withdrawn or not proceeded with.

#### COST OF INDUSTRIAL BOARDS.<sup>2</sup>

The boards constituted from the commencement of the industrial arbitration act, 1912, to June 30, 1914, numbered 227, but of that number 16 were for various reasons dissolved before the date last

<sup>1</sup> Official Year Book of New South Wales, 1913, p. 931.

<sup>2</sup> New South Wales Industrial Gazette, Vol. VI, No. 4, p. 1328 and p. 1353.

mentioned. Of the remaining 211 boards, 195 were in existence June 30, 1913. The boards constituted during the financial year 1913-14 numbered 18, but there were during the same period two cancellations.

Boards are ordinarily constituted for a period of three years, and the boards which were constituted during the year 1913-14 may therefore be regarded as having been constituted in the main in extension of the scheme of boards determined upon during the preceding year.

The awards issued by boards during the course of the year 1913-14 numbered 245, of which 123 were principal and 122 subsidiary awards. The awards of 1913-14 exceeded in number those issued during the previous year by 109; but of the awards of 1912-13, 105 were of principal character and only 30 were subsidiary awards.

The total cost to the department on account of fees and expenses of industrial boards for the year 1913-14 was £13,655 15s. 10d. (\$66,455.91), or £2,603 12s. 4d. (\$12,670.50) more than the cost under the same heads for the previous year. The average cost per board for the year 1913-14 was £100 8s. 2½d. (\$488.65), or £26 12s. 6d. (\$129.57) less than the cost per board during the preceding year.

The average cost per board for each year, 1908 to 1914, was as follows:

	£	s.	d.	
1908-9.....	95	1	3	(\$462.62)
1909-10.....	86	9	7	(\$420.85)
1910-11.....	84	8	0	(\$410.73)
1911-12.....	91	1	6	(\$443.22)
1912-13.....	127	0	8½	(\$618.22)
1913-14.....	100	8	2½	(\$488.65)

The average cost of a single award in the year 1912-13 was £72 0s. 6½d. (\$350.52), whereas the cost for 1913-14 was £66 18s. (\$325.57). The economy of £5 2s. 6½d. (\$24.96) per award thus indicated in favor of the year 1913-14 is more apparent than real, because the proportion of subsidiary awards in the later year was approximately 50 per cent, whereas in the earlier year it was only 22 per cent.

The details of the cost of industrial boards for the year ending June 30, 1914, were as follows:

	£	s.	d.	
Fees:				
Chairman.....	5,432	14	2	(\$26,438.28)
Other members.....	5,752	7	6	(\$27,993.93)
Allowances, etc.:				
Chairman.....	661	8	5	(\$3,218.81)
Other members.....	981	13	10	(\$4,777.40)
Miscellaneous:				
Typing.....	88	14	11	( \$431.88)
Vehicles.....	738	17	0	(\$3,595.61)
<b>Total.....</b>	<b>13,655</b>	<b>15</b>	<b>10</b>	<b>(\$66,455.91)</b>



## TYPICAL AWARDS OF INDUSTRIAL BOARDS.

*Building Trades Group, No. 9 Board—Sawmills, etc., Metropolitan and Newcastle Award.*<sup>1</sup>

[Published in the Government Gazette No. 80 of 6th May, 1914.]

*In the matter of an application by the New South Wales Sawmill & Timber Yard Employees' Association.*

This board having considered the above-mentioned application and heard evidence, and having heard Mr. John, secretary of the applicant union, for the union; Mr. Corke for the Sydney & Suburban Timber Merchants' Association, and for certain associated box and case manufacturers and employers of machinists in cooperages; Mr. Bell for the Furniture Manufacturers' Association; Mr. Spier for H. McKenzie (Ltd.); Mr. N. Phelps-Richards for the Master Builders' Association; and Mr. Cook for Hely Bros. (Ltd.), and considered also other objections or claims for exemption, awards as follows:

1. *Area.*

This award shall apply to the whole area for which the board is constituted.

2. *Hours of work.*

An ordinary week's work shall not exceed 48 hours. Ordinary working hours shall be from 7.30 a. m. to 12 noon and from 12.45 p. m. to 5 p. m. on week days, and 7.30 a. m. to 11.45 a. m. on Saturdays.

Employers may fix a different starting time not earlier than 7 a. m.: *Provided*, That the ordinary working hours in any such case shall run from the fixed starting hour, and that in each such case the hours so fixed shall be posted along with this award and not be varied except upon 21 days' notice.

3. *Wages.*

Workmen in the industries covered by this award shall be classified as follows, and be paid wages by the hour at rates which, computed by the week, are not less than those set opposite the name or description of each class.

	£	s.	d.	
Circular sawyers who work, sharpen, and set any saw.....	3	6	0	(\$16. 06)
Circular sawyers cutting timber 9 inches and over in depth.....	3	6	0	(\$16. 06)
Circular sawyers cutting timber between 6 inches and 9 inches in depth.....	3	0	0	(\$14. 60)
All other flat cutting-bench circular sawyers.....	2	14	0	(\$13. 14)
Crosscut sawyers employed in cabinetmaking, and in furniture factories.....	3	0	0	(\$14. 60)
Crosscut sawyers employed in joinery workshops.....	2	18	0	(\$14. 11)
Crosscut sawyers in box or case factories who crosscut box or case material over 6 inches in width.....	2	18	0	(\$14. 11)
Other crosscut sawyers using any power-driven saw.....	2	14	0	(\$13. 14)
Recutting band sawyers, diameter of wheel being 60 inches and over.....	3	6	0	(\$16. 06)
Recutting band sawyers, diameter of wheel being over 48 inches and under 60 inches.....	3	0	0	(\$14. 60)
Recutting band sawyers, diameter of wheel being 48 inches and under.....	2	14	0	(\$13. 14)
Log-band sawyers (vertical or horizontal).....	3	8	0	(\$16. 55)
Log sawyers, other than band sawyers.....	2	18	0	(\$14. 11)
Log sawyers, other than band sawyers who sharpen and set their saws.....	3	6	0	(\$16. 06)
Edging sawyer to log-band saw.....	2	18	0	(\$14. 11)
Fret sawyers or detail band sawyers who work a wheel 3 feet or under in diameter.....	3	0	0	(\$14. 60)
Detail band sawyers who work a wheel over 3 feet in diameter.....	3	6	0	(\$16. 06)

<sup>1</sup> New South Wales Industrial Gazette, Vol. V, No. 3, p. 852 et seq.

	£	s.	d.	
Setters to log-band sawyers.....	2	16	0	(\$13. 63)
Boarding frame sawyers.....	2	16	0	(\$13. 63)
Circular-saw sharpeners.....	3	6	0	(\$16. 06)
Circular-saw doctors.....	3	18	0	(\$18. 98)
Log and recutting band-saw doctors, sharpening for one machine..	3	18	0	(\$18. 98)
Log and recutting band-saw doctors, sharpening for more than one machine.....	4	6	0	(\$20. 93)
Wood turners.....	3	9	0	(\$16. 79)
Order men, tallymen, and measurers.....	2	18	0	(\$14. 11)
Order men are men who receive orders from order office, and are responsible for same being properly selected or measured; or men who select, mark, or measure timber for mill or joinery orders. All such order men must be capable at supering their orders. Tallymen are persons employed to tally timber. Measurers are persons employed to measure timber.				
Laborers who are regularly employed.....	2	14	0	(\$13. 14)
But such laborers, if put to do the work hereafter described as "casual," shall not, if they are paid under this clause, within three months of their engagement, be dismissed (except for misconduct, or inefficiency due to illness); should any laborer in violation of this provision be dismissed within such three months, he shall be paid the rates for casual labor for the full period of his employment, and immediately upon dismissal become entitled to such back pay as may be necessary.				
Timber carried off rafts or sunken punts, which has been submerged—by regular hands—shall be paid for at the rate of 4½d. (\$0.09) per hour extra; the same increased rate shall apply to all work done on rafts or sunken punts in respect of timber which has been submerged.				
Machinists working shaper, Boults carver, or general joiners' machine.....	3	9	0	(\$16. 79)
Machinists working molding machine, or any two, three, or four sided planer, who grind their own knives or cutters.....	3	8	0	(\$16. 55)
Machinists working molding machines, or two, three, or four sided planer, who do not grind their own knives or cutters.....	3	2	0	(\$15. 09)
Machinists working spoke turner, spoke throater, or spoke planer..	3	0	0	(\$14. 60)
Machinists working tenoning machine, buzzer, jointer, or door-planing machine.....	3	3	0	(\$15. 33)
Machinists working the dimensional planer.....	3	6	0	(\$16. 06)
Machinists working mortising or boring machine.....	2	15	0	(\$13. 38)
Machinists working a sand or emery papering machine, or employed at sand or emery papering by any mechanical device or method.....	2	16	0	(\$13. 63)
Machinists employed in coopers' workshops, who set up a Crozier or cooper's jointer, and grind knives or cutters for same.....	3	8	0	(\$16. 55)
Machinists who work a Crozier machine.....	2	18	0	(\$14. 11)
Machinists who work a truss machine.....	2	16	0	(\$13. 63)
Machinists who work a cooper's jointer.....	2	16	0	(\$13. 63)
Timber benders bending timber by mechanical or other device or method.....	3	0	0	(£14. 60)
Machinists working any woodworking machine not otherwise enumerated.....	2	16	0	(\$13. 63)
Tool grinder.....	3	8	0	(\$16. 55)
Box or case makers or repairers.....	3	0	0	(\$14. 60)
Nailing-machine operators.....	2	14	0	(\$13. 14)
Printing-machine operators.....	2	14	0	(\$13. 14)
Crane attendant or dog-man.....	2	15	0	(\$13. 38)

#### 4. Casual labor.

The term casual labor is applied to the work of receiving timber from beyond the Commonwealth from ships' slings, or by hand from any vessel, lighter, or raft, onto any wharf, or carrying or stacking same off any vessel, lighter, raft, or dump on a wharf, into any yard or place.

(2) Casual laborers are persons (other than regular employees) employed to do such work.

(3) The wages of casual laborers shall be paid once a week, and at the end of each job. Any casual laborer when dismissed shall be paid within 15 minutes from the time of ceasing work, and any time that he is kept waiting beyond 15 minutes shall be paid for at ordinary rates.

(4) One hour shall be allowed for meals.

(5) No casual laborer having begun work shall, without reasonable excuse, cease until the job is completed, unless he is released or discharged by his employer; but one man shall not (except for misconduct or incompetence) be displaced to make room for another.

(6) The ordinary rate of pay for casual laborers shall be 1s. 6d. (\$.37) per hour. Timber carried off rafts or sunken punts which has been submerged shall be paid for at the rate of 1s. 10½d. (\$.46) per hour, and the same increased rate shall apply to all work done on rafts or sunken punts in respect of timber which has been submerged. For overtime until midnight the rate shall be 2s. (\$.49) per hour, after midnight, 3s. (\$.73) per hour. For working during the customary meal hour of the yard, if required, 2s. (\$.49) per hour.

#### 5. *Boy labor.*

Unapprenticed boys shall be paid not less than the following rates per week: Boys under 17 years of age, 16s. (\$3.89); between 17 and 18 years of age, 22s. (\$5.35); between 18 and 19 years of age, 28s. (\$6.81); between 19 and 20 years of age, 34s. (\$8.27); between 20 and 21 years of age, 40s. (\$9.73).

#### 6. *Apprentices.*

Boys may be apprenticed to learn the business or trade of a woodworking machinist, a wood turner, a saw doctor, or sawing and saw sharpening combined. All such apprentices shall be indentured under the apprentices' act, 1901, except as regards the clause relating to transfer. In the event of such slackness of work as to prevent the master from providing instruction for the apprentice, he may transfer the said apprentice to another master to be agreed upon mutually, and the transferee shall assume the rights, privileges, and responsibilities of the transferor.

A copy of each indenture of apprenticeship shall, within 14 days of the making thereof, be given by the employer to the parent or guardian of the apprentice, who shall lodge same with the industrial registrar.

A boy may be employed for not more than three months on probation, and if he is apprenticed, such time of probation shall count as time of his apprenticeship.

The wages of apprentices shall be not less than: For apprentices between 16 and 17 years of age, 11s. (\$2.68) per week; between 17 and 18, 16s. 6d. (\$4.01); between 18 and 19, 22s. (\$5.35); between 19 and 20, 27s. (\$6.57); between 20 and 21, 32s. (\$7.79).

Should any apprentice, during the third or any subsequent year of his apprenticeship, produce a certificate from the examining body that he has attended a two years' course, and passed an examination at a technical college in wood machining, wood turning, saw doctoring or sawing and sharpening, he shall be entitled to 2s. 6d. (\$.61) per week in addition to the above rates for the remainder of his term.

There shall not be more than one apprentice for every two journeymen earning not less than the minimum wage in the process or occupation which the apprentice is to learn.

#### 7. *Piecework.*

In box and case making, daywork or piecework, or both systems concurrently, may be adopted by the employer at his option. Each employer may fix his own log of prices; but they shall be so fixed as to enable the average worker to earn not less than the prescribed minimum wage for the class of work he does, and when fixed shall be posted along with this award.

#### 8. *Overtime.*

For overtime worked after the ordinary knock-off time, the rates shall be as follows: On week days for the first two hours, time and a quarter, then time and a half to midnight, then double time; on Saturdays, time and a half. For overtime worked before the usual starting hour, commencing at 6 a. m. or later, the rate shall be time and a half, and any man called upon to work before the usual starting time shall be allowed three-quarters of an hour for breakfast not later than 8 a. m.

If double shifts are worked, the employees working the night shift shall be paid 10 per cent additional to the ordinary rate of wages.

9. *Holidays.*

Sundays and the days on which New Year's Day, Anniversary Day, Good Friday, Easter Monday, King's Birthday, Prince of Wales's Birthday, Eight Hours Day, Christmas Day, Boxing Day, and the Union Picnic Day (if a Saturday) are observed, shall be paid for, if worked, at double rates. But in builders' workshops Prince of Wales's Birthday and the Union Picnic Day need not be treated as holidays under this award.

Other holidays gazetted for the whole State shall be paid for, if worked, at time and a half rate.

10. *Payment of wages.*

Should any employer cause his employees to wait beyond 15 minutes before starting to pay (unless through some unavoidable circumstance) such employees shall be entitled to payment at ordinary rates for all time kept waiting. Any employee discharged before the regular pay day shall be paid all money due to him on application.

11. *Settlement of disputes.*

Should any dispute arise out of this award, parties are recommended to refer to the settlement of disputes committees of the Sawmill Union, and the Sydney & Suburban Timber Merchants' Association, or the Master Builders' Association

12. *Preference to unionists.*

If and so long as the rules of the applicant union permit, or the union admits any competent workman of sober habits and good repute to become a member on application in writing and the payment of an entrance fee not exceeding 5s. (\$1.22), to be paid at the option of the applicant within 14 days from the commencement of his employment, and a contribution not exceeding 13s. (\$3.16) per annum, to be paid within 3 months of initiation at the like option, in one sum or by installments, and without ballot or election of any kind, then, as between members of the applicant union and other persons offering their labor at the same time, members of the applicant union shall be employed in preference to such other persons, other things being equal.

This, however, shall not affect the existing employment of any nonunionists during the currency of such employment, nor for the purpose of this provision shall such employment be deemed to have terminated should such nonunionists be merely put off through slackness of work and be waiting to be put on by the same employer; neither shall an employer be compelled to give preference to any member of the applicant union who may have been previously discharged for dishonesty, misconduct, or neglect.

13. *Birth certificates.*

For the purpose of ascertaining the age of any boy subject to this award, an employer who takes reasonable care may rely on any birth certificate or statutory declaration as to age, unless or until he has notice of its being inaccurate. Boys employed in the industry shall furnish birth certificates or statutory declarations as to their age on the application of their employer.

14. *Election day.*

On all State and Federal election days employees shall be entitled to cease work at 4 p. m.

15. *Exemption.*

Exemption from the provisions of this award relating to holidays is granted to Hely Bros. (Ltd.): *Provided*, The company observes the holidays of the country award in this industry, and a complete exemption (if the country award be meantime observed) is granted to the same company for the period of one month to enable application to be made to the court for an alteration of the boundaries of the jurisdiction of this award.

16. *Duration.*

This award shall be and remain in force for a period of three years from the date of gazettal.

F. A. A. RUSSELL, *Chairman.*

DENMAN CHAMBERS, *Phillip Street, Sydney.*

*Notes.*

*Posting awards.*—Employers in the industries in respect of which this award is in force are to keep a copy of the award exhibited at the place where the industries are carried on so as to be legible by their employees, subject to a penalty of £10 (\$48.67). See Industrial arbitration act, sec. 68 (2).

*Aged, infirm, and slow workers.*—The industrial registrar is the tribunal to determine where and on what conditions any aged, infirm, or slow worker may be permitted to work for less than the minimum wage and has power to revoke or cancel any such permit. See Industrial arbitration act, sec. 27.

*Domestic Group, No. 5 Board—Laundries.<sup>1</sup>*

[Published in Government Gazette No. 75 of 29th April, 1914.]

*In the matter of an application by the Factory Employees' Union of Australasia to the Domestic Group, No. 5 Board, to determine industrial matters.*

*Award.*

The Domestic Group, No. 5 Board, having heard the above-mentioned application, makes the following interim award:

1. *Hours of labor.*—Forty-eight hours as a maximum shall constitute a week's work and shall be as follows: On the first four days of the week from 8 a. m. until 1 p. m. and from 2 p. m. until 5.30 p. m.; on the fifth day from 8 a. m. until 1 p. m. and from 2 p. m. until 6 p. m.; and on the sixth day (Saturday) from 8 a. m. until 1 p. m.

The above provisions do not apply to carters.

Sorters and packers may work on Saturday until 4 p. m: *Provided*, That in such case they shall cease work on the following Monday at 2.30 p. m.; and shall not in any week work more than 48 hours without payment for overtime.

2. *Wages.*—Wages shall be paid by the week in cases in which weekly wages only are herein provided, and by the week or by the day in the cases in which provision is herein made for wages by the week or the day, and wages shall be paid at piece rates in the cases for which piece rates only are herein provided, and at piece rates or by the day in the cases for which piece rates or wages by the day are herein provided; and the lowest rates of wages and prices for piecework payable to employees shall be as follows:

(a) Folders, 12s. (\$2.92) per week; folders feeding mangles, 14s. (\$3.41) per week.

Folders are to be employed in all the different processes of folding, shaking out, attending to mangles of all descriptions. This indicates their employment:

(b) Shirt machinists: Beginners, 12s. (\$2.92) per week; employees doing 6 dozen per day, 16s. (\$3.89) per week; employees doing 8 dozen per day, 17s. 6d. (\$4.26) per week; employees doing 10 dozen per day, £1 (\$4.87) per week; employees doing 12 dozen per day or over, £1 3s. 6d. (\$5.72) per week.

(c) Collar machinists: Beginners, 12s. (\$2.92) per week; employees doing 25 dozen per day, 16s. (\$3.89) per week; employees doing 30 dozen per day, 17s. (\$4.14) per week; employees doing 35 dozen per day, 18s. 6d. (\$4.50) per week; employees doing 40 dozen per day, £1 (\$4.87) per week; employees doing 50 dozen per day or over, £1 3s. 6d. (\$5.72) per week.

(d) Shirt and collar machinists doing boiled-starch work: Beginners, for the first three months, 12s. (\$2.92) per week; after three months, £1 2s. 6d. (\$5.47) per week.

(e) Body ironers, 16s. 6d. (\$4.01) per week; sleeve ironers, 13s. (\$3.16) per week.

(f) Learners in hand ironing: For the first three months, 2s. (\$0.49) per day; for the next three months, 2s. 6d. (\$0.61) per day; and thereafter at the full rates herein provided.

One learner shall be allowed for every six persons or fraction thereof employed in the laundry.

(g) General employees, hangers-out, etc. Under 21 years of age, 16s. (\$3.89) per week; 21 years of age or over, 17s. 6d. (\$4.26) per week.

General employees are to be employed as hangers-out, and make themselves generally useful.

<sup>1</sup> New South Wales Industrial Gazette, Vol. V, No. 3, p. 858 et seq.

- (h) Women working in washhouse, £1 2s. (\$5.35) per week; casual hands, 4s. (\$0.97) per day.
- (i) Starch ironers. Employees engaged in the ironing of any starched garment shall receive one-third of the price charged to the customer.
- (j) Shirts ironed by hand. Mixed shirts, 1s. 9d. (\$0.43) per dozen; full-bosomed shirts, 2s. (\$0.49) per dozen.
- (k) Shirts blocked out by hand and polished by machine, 1s. 3d. (\$0.30) per dozen.
- (l) Backing up machine-ironed shirts, 8d. (\$0.16) per dozen.
- (m) Shirts ironed by machine and body ironers, 6d. (\$0.12) per dozen.
- (n) Plain ironers, 6d. (\$0.12) per dozen, or 3s. 6d. (\$0.85) per day, at the option of the employer. Such option to be exercised at the commencement of the employment. Plain ironers are to be engaged ironing all the different kinds of ladies', gentlemen's, and children's body linen, and all the different smaller articles to be done up in the laundry which are not starched. A plain ironer, if engaged on any starched work, shall be paid not less than one-third, as provided in clause (i) above.
- (o) Hand collar and cuff ironers, 5d. (10 cents) per dozen.
- (p) Sorters. For the first three months, 15s. (\$3.65) per week; for the next three months, 18s. (\$4.38) per week; after the first six months, £1 (\$4.87) per week. For every five sorters employed in a laundry or fraction thereof, a girl under the age of 17 years may be employed at sorting at not less than 14s. (\$3.41) per week. Such girl, on attaining the age of 17 years, shall receive the wage of 15s. (\$3.65) per week for the first three months, 18s. (\$4.38) for the next three months, and £1 (\$4.87) thereafter, as above provided.
- (q) First starchers, £1 2s. (\$5.35) per week; one assistant starcher, 15s. (\$3.65) per week. Starchers have to prepare their starch and to be engaged in the starch room rubbing down and brushing out the work.
- (r) Starch machinists, 15s. (\$3.65) per week. Starch machinists are to be in attendance upon the different kinds of starching machines and to straighten out the work after it has been starched.
- (s) Employees operating starch machines and rubbing down, 15s. (\$3.65) per week.
- (t) Male employees in washhouse, 21 years of age or over, £2 8s. (\$11.68) per week. In laundries where three or more machines are in work, persons under 21 years of age may be employed to assist at the following rates: Fifteen years to 16 years, 13s. (\$3.16) per week; 16 years to 17 years, 15s. 6d. (\$3.77) per week; 17 years to 18 years, 17s. 6d. (\$4.26) per week; 18 years to 19 years, £1 (\$4.87) per week; 19 years to 20 years, £1 5s. (\$6.08) per week; 20 years to 21 years, £1 7s. 6d. (\$6.69) per week. In laundries where one machine only is in work, persons under 21 years may be employed at the following rates: Under 19 years, £1 (\$4.87); 19 years to 20 years, £1 5s. (\$6.08); 20 to 21 years, £1 10s. (\$7.30). Male workers in washhouse are to be in attendance upon all the different kinds of machinery in the washhouse, and to keep the same clean.
- (u) Boys sitting in cart, in charge of the same, whilst the carter is away, up to 16 years of age, 10s. (\$2.43) per week; 16 years or over, 15s. (\$3.65) per week.
- (v) Overtime shall be paid for at not less than the following rates: To female employees, time and a half the first two hours, and double time thereafter; to male employees, time and a half for the first hour, double time for the second hour, and 5s. (\$1.22) per hour thereafter.
- (w) All employees engaged in the different departments of the laundry may be shifted for the time being from one to another, providing the wages paid in the department where any employee may be shifted to are not on a higher scale than the wages paid in such employee's permanent or regular department. And in the event of any employee being shifted into a department where a higher scale of wages is paid, then and in such case the higher rate shall be paid to such employee.

3. *Notice*.—One week's notice shall be given on either side to determine employment. Where such notice is not given by the employer, one week's wages shall be paid in lieu thereof; and where an employee, other than a casual hand, leaves without giving the week's notice, he or she shall forfeit any wages due not exceeding one week's wages.

4. *Engagement and dismissal of hands*.—Employers shall not, in the engagement or dismissal of their hands, discriminate against members of the employees' union, nor in the conduct of their business do anything for the purpose of injuring the said union, either directly or indirectly.

5. *Holidays and holiday rates*.—The following days shall be holidays: New Year's Day, Good Friday, Easter Monday, Eight Hours Day, the King's Birthday, Christmas

Day, or the day on which any of the above may be observed by the Government of New South Wales. The holiday shall be paid for at ordinary rates to workers by the day or week. All work done on a holiday shall be paid for at not less than double time; but this condition shall not apply to carters as regards holidays falling on a Monday: *Provided*, That the employees shall, as far as possible, make up the time taken for holidays, and to enable this to be done, the working hours hereinbefore provided shall not be obligatory during the week in which a holiday takes place.

6. *Exemption of charitable laundries.*—The Sisters of the Good Samaritan Order, the Sisters of the Good Shepherd Order (Ashfield), the Committee of the Church of England Home, and the Rescue Home of the Salvation Army (Stanmore) are granted exemption from the provisions of this award as regards the inmates of the said institutions and in so far as such inmates are employed in and about the work of laundries upon the following conditions:

- (a) The working hours of the said inmates shall not exceed 48 hours per week.
- (b) No work from outside shall be done by the said inmates on the holidays above specified, except Easter Monday.
- (c) The management of each of the said institutions shall cooperate with the New South Wales Laundry Association in regulating the price charged to customers, so as to avoid undercutting or cause a reduction of wages.

*Provided*, That in the event of the above conditions not being complied with, the exemption hereby granted shall be liable to be rescinded by the board.

7. *Currency and extent of award.*—The provisions of this award shall come into operation on the 1st day of May, 1914. This award shall be binding till the 30th day of June, 1914, throughout the metropolitan area of the State of New South Wales.

\* \* \*

W. H. MOCATTA, *Chairman.*

UNIVERSITY CHAMBERS, *Phillip Street, Sydney, April 24, 1914.*

## QUEENSLAND.

The first minimum-wage legislation in Queensland was in the wages boards act of April 15, 1908, modeled generally on the Victorian legislation. A feature differing from the Victorian law was the one permitting boards to be appointed by the governor in council without special parliamentary authorization. The act permitted the boards to be established with jurisdiction throughout the State, or limited, if desirable, to any special locality. As in most of the other Australian States, the legislation was aimed primarily at sweating.

The experience under the wages boards act down to June 30, 1912, is summarized in the report of the chief factory inspector for that year. During the four years in which the wages boards acts were in existence prior to June 30, 1912, 71 boards were established, of which number 30 were brought into existence during the fiscal year ending June 30, 1912. During the last year, also, numerous amendments were made in the act. The character of these amendments, as stated by the chief factory inspector in his report for the year 1912, is summed up in the following statement. The chief factory inspector has also in a number of cases indicated the reasons which suggested the change in the law.<sup>1</sup>

An important amendment repeals that section wherein it was provided that, if a man worked at an occupation for which a board had fixed a wage rate, even for less than one hour, he had to be paid

<sup>1</sup> Report of the Director of Labour and Chief Inspector of Factories and Shops for the year ended June 30, 1912. Brisbane, 1912.

that rate for the whole of the time worked by him on that day. This has been removed, and a new section provided, which stipulates that, if a man works at two or more occupations for which a board has fixed a wages rate, he shall be paid the highest rate for the whole of the time so worked. As an instance, say he works one hour at 1s. 6d. (36.5 cents), another at 1s. (24.3 cents), and another at 9d. (18.3 cents), these three rates being fixed by a board, he must receive 1s. 6d. (36.5 cents) per hour for the three hours worked, or 4s. 6d. (\$1.10), whereas otherwise he would receive 3s. 3d. (79.1 cents). All other time worked during the same day at work for which no rate had been fixed would only be paid for at such rate as may be agreed between employer and employee.

More power has now been given to the chairman to obtain evidence, as he will have the power of a police magistrate on such matters. Again, all members of boards, including chairmen, must now take an oath of office that they will not make any false or inaccurate statements, and will faithfully discharge their duties without fear or favor.

It is also provided that now a board has to determine rates for repairing work, also duration of time of meals or "smoke oh," or other intervals of cessation of work, and the time and place of payment of wages.

Another important provision has been inserted, which permits of an employer continuing to employ his apprentices when, through depression of trade, he has to dispense with his other employees, thereby exceeding the proportion of apprentices determined by the board; but this can not be done without the permission of the minister after full inquiry has been made into the bona fides of the case.

Provision is also made which will prevent the possibility of employees being classed as partners on being caught breaking the law by working during prohibited hours; this, therefore, makes such a possibility unlawful unless work is done under the written permission of the chief inspector. Instances have occurred, particularly among the Chinese furniture makers, where the employees, on being found working after hours, were declared to be partners; hence the necessity for amending the act in this particular.

A very important and necessary amendment is that which empowers the chief inspector to issue licenses to aged, slow, and infirm workers pending confirmation of the special board relating to their occupation. Under the original act the special board granted such licenses, and instances of considerable hardship occurred through workers having to await the meeting of the board before being able to secure employment, no employer being agreeable to give the minimum wage until the board had dealt with the application; and very often, especially in regard to boards outside the Brisbane district, the meetings were few and far between. It is now possible for an old, slow, or infirm worker to secure a license immediately on application, and certainly not later than four days afterwards.

An employee must now claim arrears of wages within 14 days after they are due, and may, within one month after such claim, recover such arrears in any court of competent jurisdiction, but if the arrears extend over a period not exceeding 12 months, the balance remaining after paying employee the wages as previously stated shall be paid



into the consolidated revenue of the State. The object of this amendment is to prevent the possibility of an employee knowingly working for a wage less than that determined by a board, with a possible intention of putting in a claim for the higher wage after the arrears of same had accumulated for a period up to 12 months as provided in the original act.

One very important addition is that relating to the power given the governor in council to rescind an order in council whereby it is now possible, where it is desirable, to alter the title of a board or extend its jurisdiction.

Under a new section employers are protected against unscrupulous employees making false statements as to age, experience, or duration of previous employment.

A perusal of the amending act will disclose a number of minor but none the less valuable amendments, which help to render its administration less difficult.

As the members of special boards are appointed for a period of three years, fresh appointments were made in connection with 23 boards to date; in a few instances the retiring members were reappointed, whilst in others the personnel of the board was completely changed.

The determinations have, with one exception, considerably raised the average of wages paid, as a comparative perusal of the appendices of this and preceding annual reports will show. In some instances the increase in the weekly wage amounts to over 50 per cent, and, generally speaking, the rates of piecework have been increased very much in comparison with those prevailing prior to 1908.

The number of apprentices and improvers in proportion to the number of other workers has been fixed, in a great many instances to the entire satisfaction of all parties concerned, and taking the acts and the determinations made thereunder with their application to the trades and callings affected, I have no hesitation in expressing the opinion that the results of this legislation have been eminently satisfactory, and in this opinion I am supported by the expressions of approval which I have received daily during the preceding 12 months from those intimately interested—the employers and the employees.



## OPERATIONS OF WAGES BOARDS APPOINTED FROM

[Source: Report of the Director of Labour and Chief Inspect-

Marginal number.	Title of board.	Request for board made by—	Number enrolled.	
			Em- ployers.	Em- ployees.
1	Carpentry and joinery board—Brisbane.....	Employees..	32	523
2	Ironworkers assistants' board—Brisbane.....	do.....	52	202
3	Meat industry board—Brisbane.....	do.....	43	614
4	Men's and boys' clothing board—Brisbane.....	do.....	57	1,524
5	Printing board—Brisbane.....	do.....	48	769
6	Furniture trade board—Brisbane.....	Minister		
7	Boot trade board—Brisbane.....	Employees..	44	744
8	Carting trade board—Brisbane.....	do.....	244	1,016
9	Bread and pastry cooking trade board—Brisbane.....	do.....	42	190
10	Saddle, harness, and collar making trade board—Brisbane.....	do.....	22	139
11	Masters and engineers of river and bay steamboats and barges—Brisbane board for.....	do.....	16	88
12	Shop assistants' board—Brisbane.....	do.....	115	1,431
13	Coal working and lightering industry board—Brisbane.....	do.....	6	136
14	Gas stoking industry board—Brisbane.....	do.....	2	105
15	House painting and decorating trade board—Brisbane.....	do.....	14	247
16	Hairdressing industry board—Brisbane.....	do.....	32	91
17	Tinsmithing trade board—Brisbane.....	do.....	19	139
18	Tramways employees' industry board—Brisbane.....	do.....	1	510
19	Meat industry board for the southeastern division.....	do.....	57	540
20	Tanning, currying, and fancy leather dressing industry board for the southeastern division.....	do.....	16	156
21	Plumbing, gasfitting, and galvanized iron working trade board for the southeastern division.....	do.....	78	390
22	Sawmilling industry board for the southeastern division.....	Employers..	59	1,401
23	Shore engine drivers' and boiler attendants' industry board for the southeastern division.....	Employees..	183	903
24	Bricklaying trade board for the southeastern division.....	Employers..	27	136
25	Coach builders' and wheelwrights' trade board for the southeastern division.....	Employees..	66	356
26	Stonemasons' trade board for the southeastern division.....	do.....	9	50
27	House painting and decorating trade board for the southeastern division.....	do.....	22	113
28	Coal mining industry board for the southeastern division.....	do.....	16	1,112
29	Carpentry and joinery trade board for the southeastern division.....	Employers..	80	316
30	Dock laborers' industry board for the southeast coast.....	Employees..	6	147
31	Printing trade board for the southern division.....	do.....	41	205
32	Bread and pastry cooking trade board for the southeastern division.....	do.....	65	154
33	Brewing, malting, and distilling industry board for the southeastern division.....	do.....	11	229
34	Gas working industry board for the southeastern division.....	do.....	7	44
35	Ironworkers assistants' board for the southeastern division.....	do.....	49	434
36	Cooks for the southeastern division, board for.....	do.....	155	260
37	Meat industry board for the central division.....	do.....	47	428
38	Coopers' trade board for the southeastern division.....	Employers..	15	70
39	Printing trade board for the central division.....	Employees..	16	77
40	Furniture makers' board for the southeastern division.....			
41	Meat industry board for the northern division.....	Employees..	60	743
42	Carting trade board for the southern division.....	do.....	190	482
43	Saddle, harness, and collar making trade board for the southeastern division.....	do.....	46	156
44	Electrical engineering industry board.....	do.....	20	218
45	Candle making industry board.....	do.....	1	25
46	Iron, brass, and steel molding trade board—Brisbane.....	Employers..	20	85
47	Bread and pastry cooking trade board for the central division.....	Employees..	51	94
48	Iron, brass, and steel molding trades board for the southeastern division.....	Employers..	10	105
49	Brickmaking and pottery industry board for southeastern division.....	Employees..	12	184
50	Coal gas lampfitting, cleaning, and repairing industry board—Brisbane.....	do.....	2	34
51	Coal mining industry board for the State, exclusive of the southeastern division.....	{...do.....}	2	102
52	Shipwrights' trade board for the southeast coast.....	{Employees..}		
53	Engine drivers, firemen, greasers, and assistant firemen's industry board for the central division.....	do.....	9	71
54	Builders laborers' board—Brisbane.....	Employees..	65	570
55	Hotel, club, and restaurant employees' board—Brisbane.....	do.....	70	194
56	Orchestral musicians' board—Brisbane.....	Employees..	126	1,044
57	Printing trade board for the northern division.....	do.....	9	121
58	Sugar manufacturing industry board for the central division.....	do.....	31	146
59	Plastering trade board for the southeastern division.....	Employers..	10	317
60	Rope making industry board.....	Employees..	8	38
61	Warehouse laborers' board—Brisbane.....	do.....	1	19
62	Wool, hide, skin, and produce stores laborers' board—Brisbane.....	do.....	32	343
63	Carting trade board for the central division.....	do.....	26	316
			96	223

## THE ENACTMENT OF THE LAW TO JUNE 30, 1912.

tor of Factories and Shops for year ended June 30, 1912.]

Members of board appointed—	Chairman of board named by—	Date of first meeting.	Date of announcement of determination.	Date determination came into force.	Amount of fees paid to board.	Marginal number.
Oct. 17, 1908.....	Board.....	Nov. 20, 1908.....	Feb. 27, 1909.....	Mar. 25, 1909.....	\$475.70	1
do.....	do.....	Nov. 19, 1908.....	Feb. 6, 1909.....	Mar. 11, 1909.....	513.42	2
do.....	do.....	Nov. 18, 1908.....	Jan. 16, 1909.....	Feb. 8, 1909.....	228.73	3
do.....	Minister.....	Dec. 10, 1908.....	Sept. 19, 1910.....	Oct. 17, 1910.....	5,399.38	4
do.....	do.....	Dec. 4, 1908.....	July 3, 1909.....	Oct. 1, 1909.....	1,130.24	5
Oct. 22, 1908.....	do.....	Jan. 13, 1909.....	Aug. 5, 1909.....	Nov. 1, 1909.....	733.62	6
Nov. 7, 1908.....	Board.....	Dec. 11, 1908.....	Apr. 28, 1909.....	May 31, 1909.....	1,007.37	7
do.....	Minister.....	Jan. 22, 1909.....	May 26, 1909.....	June 12, 1909.....	1,338.29	8
Nov. 28, 1908.....	do.....	Feb. 12, 1909.....	July 16, 1909.....	Sept. 4, 1909.....	394.19	9
do.....	Board.....	Jan. 8, 1909.....	Oct. 1, 1909.....	Nov. 1, 1909.....	2,955.18	10
Dec. 5, 1908.....	Minister.....	Feb. 27, 1909.....	Sept. 17, 1909.....	Oct. 11, 1909.....	354.04	11
do.....	do.....	Jan. 19, 1909.....	Aug. 6, 1909.....	Sept. 6, 1909.....	638.73	12
Dec. 24, 1908.....	do.....	Feb. 11, 1909.....	Jan. 14, 1910.....	Feb. 1, 1910.....	453.80	13
do.....	Board.....	Feb. 3, 1909.....	Feb. 27, 1909.....	Apr. 1, 1909.....	143.56	14
do.....	do.....	Feb. 16, 1909.....	Apr. 3, 1909.....	May 1, 1909.....	153.29	15
Feb. 6, 1909.....	do.....	Feb. 26, 1909.....	Mar. 27, 1909.....	Apr. 26, 1909.....	43.80	16
do.....	do.....	Mar. 5, 1909.....	May 26, 1909.....	June 14, 1909.....	209.26	17
Mar. 29, 1909.....	Minister.....	May 19, 1909.....	June 16, 1909.....	July 1, 1909.....	76.65	18
June 11, 1909.....	do.....	July 29, 1909.....	Aug. 31, 1909.....	Sept. 27, 1909.....	142.35	19
do.....	Board.....	July 19, 1909.....	Aug. 9, 1910.....	Sept. 5, 1910.....	844.34	20
do.....	Minister.....	Aug. 3, 1909.....	Dec. 8, 1909.....	Jan. 1, 1910.....	396.62	21
June 28, 1909.....	Board.....	Aug. 5, 1909.....	Dec. 1, 1909.....	do.....	601.01	22
do.....	do.....	Aug. 9, 1909.....	Sept. 16, 1909.....	Oct. 4, 1909.....	575.46	23
July 8, 1909.....	do.....	Aug. 6, 1909.....	Nov. 4, 1909.....	Jan. 1, 1910.....	142.35	24
do.....	do.....	Aug. 24, 1909.....	July 22, 1910.....	Aug. 8, 1910.....	734.84	25
do.....	do.....	Aug. 17, 1909.....	Nov. 4, 1909.....	Jan. 1, 1910.....	234.81	26
July 31, 1909.....	do.....	Sept. 6, 1909.....	Feb. 11, 1910.....	Mar. 31, 1910.....	111.93	27
Aug. 26, 1909.....	do.....	Dec. 2, 1909.....	Oct. 4, 1910.....	Oct. 24, 1910.....	1,640.01	28
Sept. 14, 1909.....	do.....	Nov. 4, 1909.....	Apr. 13, 1910.....	June 1, 1910.....	504.90	29
do.....	do.....	Nov. 17, 1909.....	Dec. 20, 1909.....	Jan. 10, 1910.....	47.45	30
Oct. 11, 1909.....	Minister.....	Dec. 2, 1909.....	Aug. 5, 1910.....	Sept. 5, 1910.....	246.97	31
Nov. 4, 1909.....	do.....	Jan. 18, 1910.....	Jan. 28, 1910.....	Feb. 26, 1910.....	86.38	32
do.....	do.....	Jan. 12, 1910.....	Oct. 26, 1910.....	Nov. 21, 1910.....	69.35	33
do.....	Board.....	Jan. 11, 1910.....	Feb. 18, 1910.....	Mar. 14, 1910.....	29.20	34
do.....	Minister.....	Jan. 19, 1910.....	Mar. 15, 1910.....	Apr. 13, 1910.....	79.08	35
Nov. 16, 1909.....	Board.....	Dec. 21, 1909.....	Aug. 11, 1910.....	Sept. 1, 1910.....	228.73	36
Nov. 18, 1909.....	Minister.....	Feb. 1, 1910.....	Apr. 5, 1910.....	May 1, 1910.....	115.58	37
Feb. 24, 1910.....	do.....	Apr. 15, 1910.....	Nov. 10, 1910.....	Dec. 1, 1910.....	195.88	38
Mar. 4, 1910.....	Board.....	Apr. 21, 1911.....	May 30, 1910.....	July 1, 1910.....	135.05	39
Mar. 10, 1910.....	Minister.....	Apr. 26, 1910.....	June 20, 1910.....	Aug. 1, 1910.....	128.96	40
Apr. 7, 1910.....	do.....	June 28, 1910.....	July 15, 1910.....	June 30, 1910.....	60.88	41
Apr. 18, 1910.....	Board.....	May 31, 1910.....	Aug. 15, 1910.....	Oct. 3, 1910.....	856.50	42
June 20, 1910.....	do.....	July 27, 1910.....	Oct. 12, 1910.....	Nov. 1, 1910.....	680.09	43
July 21, 1910.....	do.....	Sept. 1, 1910.....	Sept. 28, 1910.....	Oct. 14, 1910.....	136.26	44
Sept. 1, 1910.....	Minister.....	Nov. 3, 1910.....	Nov. 16, 1910.....	Dec. 19, 1910.....	27.98	45
Sept. 22, 1910.....	do.....	Oct. 21, 1910.....	Nov. 10, 1910.....	Dec. 2, 1910.....	33.93	46
Sept. 27, 1910.....	Board.....	Oct. 29, 1910.....	Feb. 22, 1911.....	Mar. 5, 1911.....	195.88	47
Oct. 4, 1910.....	Minister.....	Oct. 25, 1910.....	Nov. 10, 1910.....	Dec. 12, 1910.....	36.50	48
Oct. 13, 1910.....	do.....	Nov. 15, 1910.....	May 31, 1911.....	June 8, 1911.....	300.51	49
Nov. 1, 1910.....	Board.....	Dec. 20, 1910.....	Jan. 31, 1911.....	Feb. 23, 1911.....	34.07	50
Nov. 24, 1910.....	do.....	Apr. 20, 1911.....	June 16, 1911.....	July 3, 1911.....	259.14	51
do.....	do.....	Jan. 10, 1911.....	June 20, 1911.....	July 10, 1911.....	93.68	52
Dec. 1, 1910.....	Minister.....	Feb. 8, 1911.....	Mar. 1, 1911.....	Apr. 1, 1911.....	54.75	53
Mar. 2, 1911.....	Board.....	Mar. 13, 1911.....	Apr. 29, 1911.....	May 1, 1911.....	130.18	54
Apr. 27, 1911.....	do.....	June 12, 1911.....	do.....	do.....	528.02	55
May 4, 1911.....	Minister.....	June 27, 1911.....	Oct. 24, 1911.....	Nov. 4, 1911.....	158.16	56
May 11, 1911.....	Board.....	do.....	Mar. 25, 1912.....	Mar. 25, 1912.....	119.23	57
May 13, 1911.....	do.....	June 6, 1911.....	June 30, 1911.....	July 14, 1911.....	175.19	58
May 18, 1911.....	do.....	June 20, 1911.....	July 8, 1911.....	July 24, 1911.....	34.07	59
Sept. 21, 1911.....	Minister.....	Nov. 21, 1911.....	Feb. 28, 1912.....	Mar. 25, 1912.....	81.51	60
Sept. 29, 1911.....	Board.....	Oct. 18, 1911.....	Jan. 17, 1912.....	Jan. 1, 1912.....	142.35	61
do.....	do.....	Oct. 24, 1911.....	Jan. 3, 1912.....	Jan. 8, 1912.....	139.91	62
Oct. 30, 1911.....	do.....	Nov. 28, 1911.....	Jan. 27, 1912.....	Jan. 29, 1912.....	122.88	63

## OPERATIONS OF WAGES BOARDS APPOINTED FROM

Marginal number.	Title of board.	Request for board made by—	Number enrolled.	
			Em- ployers.	Em- ployees.
64	Ironworkers assistants' board—Brisbane.....	Employees..	22	288
65	Meat industry board—Brisbane.....		42	602
66	Men's and boys' clothing board—Brisbane.....		38	790
67	Printing board—Brisbane.....		41	554
68	Carpentry and joinery board—Brisbane.....		35	318
69	Boot trade board—Brisbane.....		42,	190
70	Carting trade board—Brisbane.....		204,	895
71	Bread and pastry cooking trade board—Brisbane.....		42	133
72	Saddle, harness, and collar making trade board for the southeast- ern division.		14	179
73	Masters and engineers of river and bay steamboats and barges, Brisbane board for.		10	59
74	Shop assistants' board—Brisbane.....		133	1,524
75	Gas stoking industry board—Brisbane.....		2	99
76	House painting and decorating trade board—Brisbane.....			
77	Coal working and lightering industry board—Brisbane.....		6	54
78	Hairdressing industry board—Brisbane.....		14	38
79	Tinsmithing trade board—Brisbane.....		13	135
80	Chemists assistants' board—Brisbane.....	Employees..	26	49
81	Men's and boys' clothing board—Brisbane.....		17	706
82	Carting trade board for the central division.....	Employees..	81	186
83	Storemen for the central division, board for.....	do.....	50	130
84	Tramways employees' industry board—Brisbane.....		1	515
85	Carpentry and joinery trade board for the central division.....	Employees..	31	210
86	Furniture trade board—Brisbane.....		33	490
87	Men's and boys' clothing trade for southeastern division.....	Employees..	65	525
88	Carpentry and joinery trade board for the Mackay division.....		6	20
89	Storemen for the Mackay division, board for.....		5	11

<sup>1</sup> Amendments.

## THE ENACTMENT OF THE LAW TO JUNE 30, 1912—Concluded.

Members of board appointed—	Chairman of board named by—	Date of first meeting.	Date of announcement of determination.	Date determination came into force.	Amount of fees paid to board.	Marginal number.
Nov. 2, 1911.....	Minister.....	.....	.....	.....	.....	64
Nov. 9, 1911.....	Board.....	.....	.....	.....	.....	65
Nov. 20, 1911....	Minister.....	.....	.....	.....	.....	66
.....do.....	.....do.....	.....	.....	.....	.....	67
.....do.....	Board.....	.....	.....	.....	.....	68
Dec. 6, 1911.....	Minister.....	.....	Sept. 7, 1911 <sup>1</sup> .....	Oct. 4, 1911.....	.....	69
Dec. 8, 1911.....	.....do.....	.....	Sept. 23, 1911 <sup>1</sup> .....	Sept. 25, 1911.....	.....	70
Dec. 14, 1911....	Board.....	.....	.....	.....	.....	71
.....do.....	.....do.....	.....	Aug. 16, 1911 <sup>1</sup> .....	Aug. 26, 1911.....	.....	72
Jan. 3, 1912.....	Minister.....	.....	.....	.....	.....	73
.....do.....	.....do.....	.....	.....	.....	.....	74
Jan. 16, 1912....	Board.....	.....	.....	.....	.....	75
.....do.....	Minister.....	.....	.....	.....	.....	76
Jan. 18, 1912....	.....do.....	.....	Jan. 3, 1912 <sup>1</sup> .....	Jan. 15, 1912.....	.....	77
Mar. 7, 1912.....	.....do.....	.....	.....	.....	.....	78
.....do.....	Board.....	.....	Jan. 3, 1912 <sup>1</sup> .....	Jan. 8, 1912.....	.....	79
Mar. 21, 1912....	.....do.....	Apr. 22, 1912.....	June 21, 1912.....	.....	149.64	80
Mar. 22, 1912....	.....do.....	.....	.....	.....	.....	81
Apr. 11, 1912....	Minister.....	.....	.....	.....	.....	82
Apr. 15, 1912....	.....do.....	June 14, 1912.....	.....	.....	7.30	83
Apr. 26, 1912....	Board.....	.....	.....	.....	.....	84
Apr. 29, 1912....	.....do.....	June 25, 1912.....	.....	.....	.....	85
.....do.....	.....do.....	.....	.....	.....	.....	86
May 23, 1912....	.....do.....	.....	.....	.....	.....	87
June 18, 1912....	.....do.....	.....	.....	.....	.....	88
.....do.....	.....do.....	.....	.....	.....	.....	89

The wages-board system was in 1912 replaced by a system of industrial or wages boards with an arbitration court, by the industrial peace act of 1912. The immediate cause of this legislation was a general strike in 1912 which for a time paralyzed the industries of the country

The industrial boards are constituted by the governor in council on recommendation of the industrial court, but without any preliminary parliamentary resolution. The members of the boards are appointed by the governor in council after an election of their representatives by the employers and employees, respectively. Each board elects its own chairman. The jurisdiction of the boards extends to any industrial matter or dispute in connection with the industry or calling for which the board was created.

The act of 1912 created an industrial court, consisting of a judge appointed by the governor in council. Appeal may be taken from the awards of the industrial boards to this court. The court has power also in case of any willful or unnecessary delay on the part of the board to take over all questions in the hands of the board and to exercise the functions of the board and issue an award in the place of the board. The court also has jurisdiction over any industrial matters and industrial disputes which may be submitted to it by the minister or by an employer employing not less than 20 persons, or by not less than 20 employees in any calling. In such a case the court exercises the powers and authority of a board and as such makes awards and orders.

At the end of April, 1914, it was reported that 92 industrial boards had been authorized, of which 81 were at that time in existence. The number of awards in force was 76. On June 30, 1914, the number of employees affected by the 92 awards then in force was 90,000.

### **SOUTH AUSTRALIA.**

Minimum-wage legislation in South Australia dates from the factories act of December 5, 1900. As in most of the other Australian States, the special purpose of the act was to do away with sweating, which according to the reports of the chief inspector of factories was prevalent in the clothing trades. The chief inspector reported that he had even found that manufacturers in other Australian States were shipping their materials to South Australia to be made up at the very low rates there prevailing and to be returned to those States and sold.

In form the South Australia act of 1900 was modeled on the Victorian legislation. A statutory minimum of 4s. (97.3 cents) a week was fixed and the establishment of wages boards was authorized for factory and outworkers engaged in the manufacture of: (1) White work, (2) boots and shoes, (3) furniture, (4) bread, and "such other

manufacturing trades or businesses as may be from time to time fixed and determined by resolution of Parliament."

The act was to go into effect as soon as regulations were accepted by Parliament. Regulations were drawn up and submitted to Parliament in 1901. The proposed regulations, however, were not approved, and it was not until 1905 that the appointment of any boards was secured. This, however, was not under the act of 1900, but under the act of 1904, applying only to clothing and white work and including all females, and males under 21. The first determination under the clothing board was issued December 1, 1905. The determination of the shirt-making and white-work board was issued early in 1906. Even then, because of opposition and defects disclosed in the act, the determinations were held invalid. The report of the chief factory inspector, however, shows that many of the manufacturers conformed to the rates fixed by the boards.

In 1906 Parliament provided for boards similar to the Victorian model in 8 trades, namely, bread making, boots, brick making, butchering, dressmaking, carriers and drivers, furniture making, and shirt making and white work. Boards were at once appointed in these 8 trades and determinations became effective in September, 1906.

In 1907 the various factory acts were consolidated in the factories act of 1907, in effect January 1, 1908, under which it was necessary to draw up new regulations. Opposition to the enforcement of the act again developed and the regulations were withdrawn in Parliament. New regulations were approved under date of September 30, 1908, from which the actual beginning of operations of the wages-board system in South Australia may be said to date.

The industrial arbitration act of 1912, enacted December 19, 1912, substituted for the wages-board system formerly in effect a mixed system of wages boards and an industrial court resembling that of the New South Wales act of 1912. Under the new law the wages boards were continued, but were subordinate to the industrial court, whose powers were made considerably broader than those formerly granted to the wages boards under the old system. The boards, however, are not appointed on the recommendation of the industrial court as in New South Wales, but by the governor in council upon the nomination of employers and employees, respectively. The boards nominate their president, who is then appointed by the governor.

As in most of the Australian States the basis which the boards use in fixing the minimum wage is the "living wage." The South Australian act provides that "the court shall not have power to order or prescribe wages which do not secure to the employees affected a living wage. 'Living wage' means a sum sufficient for the normal and



reasonable needs of the average employee living in the locality where the work under consideration is done or is to be done."

At the end of April, 1914, it was reported that 56 boards had been authorized, 51 of which were at that date in existence. Approximately 25,000 employees were in the trades which had been brought under the jurisdiction of boards. At the same date 54 determinations were in force, 6 of which had been made by the industrial court after the minister of industry had reported the inability to appoint boards as provided for by the law or the failure of the duly appointed boards to discharge the duties in accordance with their appointment.

### TASMANIA.

Tasmania was the last of the Australian States to adopt minimum-wage legislation. The wages board act of 1910 (January 13, 1911), which came into operation March 31, 1911, followed the Victorian model, but applied only to clothing and wearing apparel, including boots and shoes. The system could be extended to other trades only by parliamentary authorization. In 1912 Parliament authorized the creation of 19 additional boards, as follows:

Bakers and pastry cooks' board.	Flour millers' board.
Bricklayers and stonemasons' board.	Furniture makers' board.
Brickmakers and pottery makers' board.	Hotels, coffee palaces, restaurants, and clubs' board.
Butchers' board.	Ironmolders' board.
Carpenters and joiners' board.	Jam makers' board.
Carters and drivers' board.	Painters and decorators' board.
Coach builders' board.	Pastoral industry board.
Engineers' board.	Printers' board.
Plasterers' board.	Threshing machine board.
Timber trade board.	

The wages boards are appointed by the governor in council on nominations by employers and employees. As in Victoria, each board consists of not less than 4 nor more than 10 members and a chairman, selected either by the members, or in case of default in selection, appointed by the governor. At the end of April, 1914, 23 boards had been authorized and 21 were in existence.

The act provides for no court of appeal, but permits an appeal to the supreme court on grounds of legality. The minister of labor, however, is authorized to suspend or refer back for reconsideration any determination.

The act also forbids a lockout or strike on account of any matter in respect to which a board has made a determination. For violation of this provision severe penalties are imposed, namely: In the case of an organization £500 (\$2,433.25) and in the case of an individual £20 (\$97.33).

As originally passed, the act of 1910 provided that the minimum wage to be fixed should be based on and could not exceed "the

average prices or rates of payment (whether piecework prices or rates of wages prices or rates) paid by reputable employers to employees of average capacity." As in Victoria and some of the other States, the form of reference to "reputable employers" was considered objectionable by employees as it limited the wages to be fixed to those paid at the time. The objectionable provision was repealed in the act of September 14, 1911 (wages board act, 1911). The basis now prescribed in the law for fixing minimum wage is shown in the following quotation from the act of 1911:

SEC. 22. (1) The board, for the purpose of determining the lowest prices or rates of payment which may be paid, shall take such evidence as it deems sufficient, and shall take into consideration—

- (a) The nature, kind, and class of the work;
- (b) The mode and manner in which the work is to be done;
- (c) The age and sex of the workers, and in addition, as regards apprentices and improvers, their experience at the trade; and

(d) Any matter whatsoever which may from time to time be prescribed.

(2) The board shall ascertain what prices or rates are fair and reasonable as the lowest prices or rates to be paid, taking into consideration the evidence and the matters and things mentioned in subsection (1) of this section, and shall make their determination accordingly; and the board (if it thinks fit) may fix different prices or rates accordingly.

### WESTERN AUSTRALIA.

In Western Australia an abortive industrial conciliation and arbitration act was passed December 5, 1900, and as amended February 19, 1902, became operative in that year. The act of 1902 was modeled on that of New Zealand, including an arbitration court of three members and district conciliation boards.

The present act, which is a consolidation of previously existing laws, is the industrial arbitration act of 1912, enacted December 21, 1912.

The act provides for a court of arbitration, appointed by the governor, one member to be appointed on the recommendation of the industrial unions of employers and one on the recommendation of the industrial unions of employees, the third member, who acts as president, to be a judge of the supreme court. The powers of the court are very broad, extending practically to any industrial matter.

In fixing the minimum wage in its award, the living wage is the standard, the law providing that "no minimum rate of wages or other remuneration shall be prescribed which is not sufficient to enable the average worker to whom it applies to live in reasonable comfort, having regard to any domestic obligations to which such average worker would be ordinarily subject."

At the end of April, 1914, it was reported that 18 awards were in force. In addition, there were 93 industrial agreements, which under the law have the force and effect of awards. The membership of registered industrial unions was reported as 30,000.

## NEW ZEALAND.

### INTRODUCTION.

The first of all the laws providing a means for fixing the legal minimum wage was the New Zealand Industrial Conciliation and Arbitration Act of 1894, enacted August 31, 1894, and in force January 1, 1895. The New Zealand act was primarily a compulsory arbitration act for the prevention and settlement of strikes and lockouts. The authority conferred upon the arbitration court to fix conditions of employment included fixing the minimum rates of wages to be paid in the cases coming before it.

The New Zealand law has been many times amended,<sup>1</sup> but has remained from the beginning primarily an act for the settlement of disputes and the fixing of wages by an arbitration court. In 1908 councils of conciliation were introduced, with functions and methods somewhat similar to those of the wages boards, and disputes were required to be heard by the conciliation tribunal before they could be referred to the court of arbitration. Thus under the present law a large proportion of the disputes are settled by the councils of conciliation.

The number of awards and agreements actually in force March 31, 1914, was 445. During the period since the act came into force the number of factories has increased from 4,109 in 1894-95, to 13,469 in 1913-14. The number of factory workers had increased within the same period from 29,879 to 87,517, an increase in number of employees having been recorded each year except two.<sup>2</sup>

New Zealand, like most of the Australian States, has also an act fixing a minimum wage below which no person may be employed. This law was first enacted October 21, 1899, and is now embodied in the factories act, 1908. This law fixes the minimum wage at 5s. (\$1.22) a week for the first year of employment in the trade, 8s. (\$1.95) a week for the second year, with additions of 3s. (73 cents) a week for each year of employment in the same trade until a wage of 20s. (\$4.87) is reached. The purpose of this provision of law was to prevent the employment of children and apprentices without any wage or at a premium, as was often done under the pretense of teaching the trade.

### SUMMARY OF PROVISIONS OF INDUSTRIAL ARBITRATION ACT.

The main provisions of the New Zealand law may be summarized as follows:<sup>3</sup>

#### Industrial Districts.

Under the regulations of the act the Dominion of New Zealand is divided into eight industrial districts.

<sup>1</sup> The later acts are: Oct. 18, 1895; Oct. 17, 1896; Nov. 5, 1898; Oct. 20, 1900 (consolidation act); Nov. 7, 1901; Sept. 24, 1903; Nov. 20, 1903; Nov. 8, 1904; Oct. 27, 1905 (consolidation act); Oct. 31, 1905; Oct. 29, 1906; Aug. 4, 1908 (consolidation act); Oct. 10, 1908; Dec. 3, 1910; Oct. 28, 1911; Oct. 3, 1913. The text of the law as existing early in 1900 was printed in Bulletin of the Bureau of Labor, No. 33, pp. 207 et seq. The text of the law as existing early in 1903 was printed in Bulletin of the Bureau of Labor, No. 49, pp. 1282 et seq.

<sup>2</sup> Twenty-third Annual Report of the New Zealand Department of Labour, 1914, p. 7.

<sup>3</sup> New Zealand Official Year Book, 1914. Wellington, 1913, pp. 661-665.

Registration of Industrial Unions and Associations.

Any society consisting of not fewer than three persons in the case of employers or fifteen in the case of workers in any specified industry or industries in an industrial district may be registered as an "industrial union" on compliance with the requirements for registration. Any incorporated company may also be registered as an industrial union of employers. Any two or more industrial unions of either employers or workers in any industries may form an "industrial association," and register the same under the act. Industrial associations are usually formed for the whole or greater part of New Zealand, comprising the unions registered in the various industrial districts.

Such registration enables any union or association—

(1) To enter into and file an industrial agreement specifying the conditions of employment agreed upon. This agreement (which is binding only on the parties to it), although required by the act to be limited to a period of not more than three years, remains in force until superseded by another agreement or an award of the court of arbitration, except where the registration of the union of workers concerned is canceled.

(2) In the event of failure to arrive at an industrial agreement, to bring an industrial dispute before a council of conciliation set up for the purpose, and, if necessary, before the court of arbitration.

It should be noted that while employers may individually be cited by a workers' union or association, workers can be cited by employers only when such workers are voluntarily registered under the act as an industrial union or association of workers.

The constitution of councils of conciliation and of the court of arbitration is explained later on in this section. A council of conciliation has no compulsory powers; it merely endeavors to bring about a settlement. If a settlement is effected it may be filed as an "industrial agreement." In most cases, however, it has been found that on arriving at a settlement through the council of conciliation the parties prefer to have the agreement made into an award of the court of arbitration, and in such cases the dispute is formally passed on to the court for that purpose.

If the members of the council agree upon a unanimous recommendation, but do not get an "industrial agreement" signed by all the parties, the recommendation is now (vide the 1911 and 1913 amendments) filed for one month, and if no party disagrees with the same within that time the recommendation becomes automatically binding on the parties.

If a complete settlement is not arrived at, the council is required by the act to refer the dispute to the court of arbitration, which, after hearing the parties, may make an award, and any items of the dispute that have been agreed upon before the council may be embodied by the court into its award without any further reference. Such an award is, like an industrial agreement, binding on all the parties cited, and is also binding on any other employers subsequently commencing business in the same trade in the district. Unless the district is further limited by the court in the award, the award applies to the industrial district in which it is made. Pending the sitting of the court of arbitration to hear the dispute, it is the duty of the council to endeavor to bring about some provisional agreement.

Awards are also required by the act to be limited to a period of not more than three years, but, nevertheless, remain in force until superseded either by another award or by a subsequent agreement, except where the registration of the union of workers has been canceled.

Under the act in force from 1901 to 1908 power was given to any of the parties to a dispute, when once filed for hearing by the board of conciliation appointed under that act to hear all disputes in the district, to refer the same to the court of arbitration direct without waiting for a hearing by the board. This provision was repealed in 1908, when all disputes were again required to be heard by the conciliation tribunal before being referred to the court of arbitration. In 1911, however, a clause was inserted to enable an industrial association, party to a dispute extending over more than one industrial district (and therefore beyond the jurisdiction of a conciliation council), to apply direct to the court of arbitration for the hearing of the dispute.

Registration also enables a union or association to cite before a magistrate any party committing a breach of an award or industrial agreement. Parties generally prefer, however, to hand over any such cases to the labor department to cite or otherwise dispose of as it thinks fit.

Under the act individual employers have the same powers as unions or associations of citing other parties, although they seldom exercise those powers.

#### Constitution of Conciliation Councils.

The act provides for the appointment of not more than four conciliation commissioners to hold office for three years; three have been appointed and each of the eight industrial districts is placed under the jurisdiction of one of them.

When a dispute arises the union, association, or employer desiring to have the same heard makes application to the commissioner in the form provided, stating the nature of the dispute, and the names of the respondents, and recommending, at its option, one, two, or three assessors to act as representatives on the council to be set up. On receipt of the application the commissioner notifies the respondents and calls upon them to similarly recommend an equal number of assessors to represent them. The assessors must, except in special cases at the discretion of the commissioner, have been engaged in the industry. Councils of conciliation are thus set up for each dispute as it arises.

#### Constitution of the Court of Arbitration.

The court of arbitration is appointed for the whole of New Zealand, and consists of three members, one of whom—the permanent judge of the court—possesses the same powers, privileges, etc., as a judge of the supreme court. Of the other members, one is nominated by the various unions of employers throughout the Dominion and one by the unions of workers, and their appointments are determined by a majority of the unions on each side, respectively. Like the members of the former boards of conciliation, they hold office for three years, and are eligible for reappointment. The judge and one member constitute a quorum. All decisions of the court are arrived at by the judgment of a majority of the members present at the sitting, or, if those members present are equally divided in opinion, the decision of the judge is final. The court has full power to deal with questions

brought before it, and, except in the case of matters which may be ruled to be beyond the scope of the act, there is no appeal from its decision.

#### Breaches.

Breaches of awards and industrial agreements are punishable as follows: A union, association, or employer by fine not exceeding £100 (\$486.65) for each breach; a worker by fine not exceeding £5 (\$24.33) for each breach. Penalties are recoverable at the suit of either an inspector of awards (by action in the magistrates' court or the arbitration court), or any party to the award or agreement (by action in the magistrates' court), but there is a right of appeal from the magistrates' to the arbitration court. Actions for the recovery of penalties must be commenced within six months after the cause of action has arisen.

#### COMPARISON OF MINIMUM RATES UNDER AWARDS WITH ACTUAL RATES PAID.

The department of labor of New Zealand in its report for 1909 makes extensive comparisons of the actual rates paid in various industries in the four chief industrial centers with the minimum rates paid under arbitration awards. In commenting upon its figures, the department report says:<sup>1</sup>

Appended to this report appears the result of an investigation, as far as factories are concerned, into the extent to which the arbitration court in fixing a minimum wage has or has not lowered the average wage, or injured high rates for especially good workers. It has so often been asserted with blind confidence that every award of a minimum wage has "leveled down" all wages, that it will come as a surprise to the general public to find how few workers have to accept the minimum wage, which is not, as has been so often stated, "the award wage," but a limit of wage below which no persons in that particular trade may be paid. In the bootmaking trade, for instance, in Auckland 66 per cent, in Wellington 85½ per cent, in Christchurch 66 per cent, and in Dunedin 50 per cent of the workers receive wages above the minimum wage. In Auckland 91 per cent, in Wellington 57½ per cent, in Christchurch 50 per cent, and in Dunedin 26 per cent of the cabinetmakers receive above the minimum wage named in the award. Plumbers and gas fitters receiving wages above the award minimum are: In Auckland 66 per cent, Wellington 19 per cent, in Christchurch 84 per cent, in Dunedin 59 per cent. It is of no use laboring the matter here by quoting figures too profusely, since the whole state of the case can be seen by any person studying the table, but the investigation has served to prick one of the bubbles so freely blown by opponents of the act when trying to gain the sympathy of those whose wages have been for years protected by the industrial courts from the undercutting of unscrupulous mates or the forcing-down methods of greedy exploiters.

The same report makes similar comparisons in a large number of industries. <sup>2</sup> In the tailoring trade, including factory-made clothing,

<sup>1</sup> Eighteenth Annual Report of the New Zealand Department of Labour, 1909. Wellington, 1909, p. xiii.

<sup>2</sup> *Idem.*, pp. 133 et seq.

a trade in which the majority of employees are women, similar differences were found, as is shown in the following table:

PER CENT OF WORKERS RECEIVING MORE THAN THE MINIMUM AWARD RATES.

Sex.	Auckland (city).		Wellington.		Christchurch.		Dunedin.	
	Minimum rates under awards.	Per cent receiving more than minimum.	Minimum rates under awards.	Per cent receiving more than minimum.	Minimum rates under awards.	Per cent receiving more than minimum.	Minimum rates under awards.	Per cent receiving more than minimum.
Males.....	\$12. 17	64	\$13. 38	37½-100	\$13. 38	27-100	\$13. 38	33½-87
Females.....	\$6.08-7. 30	24½	6. 08	74 - 90	6. 08	26-100	6. 08	34 - 57
Total.....	.....	47	.....	77	.....	46	.....	55

The report of the New Zealand department for 1910 makes similar comparisons of actual rates paid and minimum rates under awards. Upon its figures for the year 1910 the report contains the following comment:<sup>1</sup>

Again this year I append a table of an investigation, as far as factories are concerned, showing rates paid to workers as compared with the minimum wage under awards, etc. For this purpose the wages of 7,374 workers have been compared. Of this number, 2,785 received the minimum wage, and 4,589 in excess of it, or a total of 62 per cent. In making this comparison only the wages of persons over the age of 21 are taken; and on reference to the return it will show how each industry governed by an award is dealt with. Unfortunately, owing to the difficulty of making comparisons, some of our principal industries have not been dealt with, as the awards provide for two or three rates to be paid to certain classes of employees, and the schedules received from employers do not always separate the workmen into the various classes. However, there is sufficient evidence to show that in our manufacturing industries at least an average of 50 per cent of the workers compared received more than the rates granted in the awards of the court of arbitration. Such a result must be exceedingly gratifying to those interested in the industrial legislation of the Dominion, especially in view of the fact that opponents of the act have stated in and out of season that the majority of workers are receiving only the minimum wage, and that the work accomplished by the first-class man gets no more recognition than that of the ordinary employee who makes no special effort to deserve extra monetary reward. If this allegation is true in regard to workers outside manufacturing industries—which I very much doubt—the figures quoted by the department in this report hardly bear out the contention in regard to many of our leading manufacturing industries. I find in regard to the cities the returns show that in Auckland, out of 2,119 employees compared, 782 receive the minimum rate and 1,337 in excess, equal to 63 per cent. In Wellington 1,513 employees have been compared, 535 of whom receive the minimum rate and 978 in excess of the minimum, or 64 per cent. In Christchurch 2,367 have been compared, 869 of whom receive the minimum

<sup>1</sup> Nineteenth Annual Report of the New Zealand Department of Labour, 1910. Wellington, 1910, pp. xi, xii.

rate and 1,498 in excess of minimum, or 63 per cent. In Dunedin 1,375 employees have been compared, of whom 599 receive the minimum and 776 in excess of the minimum, or 56½ per cent.

### WORK OF CONCILIATION COUNCILS AND ARBITRATION COURT.

The work of the conciliation councils and arbitration court during the year ended March 31, 1914, may be summarized as follows:<sup>1</sup>

	Cases.
Industrial agreements.....	42
Recommendations of councils of conciliation.....	166
Awards of the arbitration court.....	93
Applications for awards refused.....	3
Enforcements of awards (conducted by department) in arbitration court.....	8
Interpretation of awards.....	20
Other decisions (amending awards, adding parties, etc.).....	48
Appeals from decisions of stipendiary magistrates in enforcement cases.....	5
Appeal from registrar's decision to refuse registration of union....	1
Magistrate's courts:	
Enforcements of awards, etc. (conducted by department)....	425
Enforcements of awards (conducted by unions).....	4
Enforcements of act.....	7
Permits to underrate workers granted by inspectors of factories and secretaries of unions.....	208

Of 433 cases for breaches of awards in which the proceedings were taken by the labor department, 401 were decided in favor of the department and 32 were dismissed. In four cases conducted by unions, one conviction was recorded, and three cases were dismissed.

### COST OF ADMINISTRATION.

The cost of administration of the act by the arbitration court and councils of conciliation during the year 1912-13 was £8,171 19s. 6d. (\$39,768.91), made up as follows:<sup>2</sup>

	£	s.	d.	
Salaries of members of arbitration court....	2,800	0	0	(\$13,626.20)
Salaries of conciliation commissioners.....	1,500	0	0	( \$7,299.75)
Salaries of arbitration court officers.....	165	0	0	( \$802.97)
Fees paid to assessors, councils of conciliation.....	1,473	15	0	( \$7,172.00)
Traveling, etc., expenses of arbitration court.....	1,249	13	11	( \$6,081.64)
Traveling, etc., expenses of conciliation commissioners.....	373	10	7	( \$1,817.78)
Traveling, etc., expenses of conciliation assessors.....	610	0	0	( \$2,968.57)
Total.....	8,171	19	6	(\$39,768.91)

The cost of administration for the year 1913-14 was £415 16s. 8d. (\$2,023.65) less than in the preceding year, the differences being chiefly in traveling expenses.<sup>1</sup>

<sup>1</sup> Twenty-third Annual Report of the New Zealand Department of Labour, 1914, pp. 18 and 19.

<sup>2</sup> New Zealand Official Year Book, 1913. Wellington, 1913, p. 674.



## GREAT BRITAIN.<sup>1</sup>

### SUMMARY OF PROVISIONS OF TRADE BOARDS ACT.

Minimum-wage legislation in Great Britain was initiated by the trade boards act which came into operation January 1, 1910. The original act provided for the establishment of trade boards authorized to fix minimum rates of wages in four trades, selected as being especially subject to sweating. These trades were the following:

1. Ready-made and wholesale bespoke tailoring, employing upward of 200,000 persons, about one-third of whom were men.
2. Paper-box making, employing about 25,000 persons.
3. Machine-made lace and net finishing, and mending or darning operations of lace curtain finishing, employing about 10,000 persons.
4. Certain kinds of chain making, employing some 3,000 persons, two-thirds of whom were women.

By the trade boards provisional orders confirmation act enacted August 15, 1913, four additional trades were brought within the scope of the act. These were:

1. Sugar confectionery and food preserving, employing about 80,000 persons.
2. Shirt making, employing approximately 40,000 persons.
3. Hollow ware, employing about 15,000 persons.
4. Linen and cotton embroidery, employing about 3,000 persons.

In 1913, and again in 1914, the Board of Trade took steps to secure the extension of the act, by Parliament, to power laundries. On both occasions, however, Parliament declined to grant the necessary authorization because of defects in the bill presented or lack of the information desired preliminary to definite action in the case.

The act provides that the Board of Trade may make a provisional order applying the act to any other trade if they are satisfied that the rate of wages prevailing in any branch of that trade is "exceptionally low" as compared with that in other employments, and that the other circumstances of the trade are such as to render the application of the act to the trade expedient.

No provisional order extending the act to any additional trade has effect unless and until it is confirmed by Parliament.

The principal function of trade boards is to fix minimum rates of wages; that is to say, rates of wages which in the opinion of the trade board are the lowest which ought to be paid to workers in the trade and district for which the rates are fixed.

Every trade board consists of equal numbers of members representing employers and members representing workers in the trade, to-

<sup>1</sup> This section is based largely upon an official report entitled "Memoranda in reference to the working of the trade boards act" presented to Parliament by the Board of Trade, May 27, 1913. London, 1913, H. C. 134.

gether with a smaller number of "appointed members," who are persons unconnected with the trade and appointed by the Board of Trade.

The membership of the trade boards in existence in June, 1913, is shown in the following statement, which also indicates the cases in which members were elected and those in which members were nominated by the Board of Trade:

MEMBERSHIP OF TRADE BOARDS, JUNE, 1913.

Trade.	Ap- pointed mem- bers.	Representatives of—				Additional members chosen by Board of Trade.		Total represen- tative mem- bers.
		Employers.		Workers.		Em- ployers.	Work- ers.	
		Elect- ed.	Nomi- nated.	Elect- ed.	Nomi- nated.			
Chain making .....	3	6	.....	6	.....	.....	.....	12
Lace finishing .....	3	.....	8	.....	8	2	2	20
Paper-box making (Great Britain)...	3	16	.....	.....	16	3	3	38
Paper-box making (Ireland).....	3	4	.....	4	.....	1	1	10
Tailoring (Great Britain).....	5	.....	13	.....	13	2	2	30
Tailoring (Ireland).....	3	10	.....	10	.....	.....	.....	20
Total.....	.....	36	21	20	37	8	8	130

Nine district trade committees, covering the whole country, have been established by the paper-box trade board (Great Britain) and seven district trade committees, covering the whole country, have been established by the tailoring trade board (Great Britain). No minimum rate of wages can have effect in an area for which a district trade committee has been established, unless the committee has recommended it or has had an opportunity of reporting to the trade board.

The district trade committees consist partly of appointed members, partly of representative members of the trade board, and partly of representatives of local employers and local workers. The local representatives have in all cases been nominated by the Board of Trade.

The membership of the 16 district trade committees mentioned above is shown in the two following tables:

MEMBERSHIP OF PAPER-BOX DISTRICT TRADE COMMITTEES (EXCLUSIVE OF APPOINTED MEMBERS), JUNE, 1913.

District. <sup>1</sup>	Representative members of the trade board chosen to act on committees.		Local representa- tives.		Additional mem- bers chosen by Board of Trade.		Total represen- tative mem- bers.
	Employ- ers.	Work- ers.	Employ- ers.	Work- ers.	Employ- ers.	Work- ers.	
Manchester.....	2	2	4	4	1	1	14
Liverpool.....	2	2	4	4	1	1	14
Leeds.....	2	2	5	5	.....	.....	14
Leicester.....	2	2	5	5	.....	.....	14
Nottingham.....	2	2	4	4	.....	.....	12
Birmingham.....	3	3	5	5	1	1	16
Bristol.....	3	3	5	5	1	1	18
London.....	4	4	7	7	2	2	26
Glasgow.....	3	3	5	5	.....	.....	16
Total.....	23	23	44	44	5	5	144

<sup>1</sup> The districts are here named, for the sake of brevity, after the principal centers of the trade in the several areas. The districts covered by the committees are set out in full in the regulations for the paper-box trade board (Great Britain).

## MEMBERSHIP OF TAILORING DISTRICT TRADE COMMITTEES (EXCLUSIVE OF APPOINTED MEMBERS), JUNE, 1913.

District. <sup>1</sup>	Representative members of the trade board chosen to act on the committees.		Local representatives.		Total representative members.
	Employers.	Workers.	Employers.	Workers.	
Glasgow.....	3	3	6	6	18
Leeds.....	4	4	8	8	24
Manchester.....	3	3	8	8	22
Leicester.....	3	3	6	6	18
Norwich.....	2	2	5	5	14
London.....	4	4	29	29	26
Bristol.....	3	3	6	6	18
Total.....	22	22	48	48	140

<sup>1</sup> The districts are here named, for the sake of brevity, after the principal centers of the trade in the several areas. The districts covered by the committees are set out in full in the regulations for the tailoring trade board (Great Britain).

<sup>2</sup> Including 1 additional member nominated by the Board of Trade.

## ORGANIZATION AND WORK OF TRADE BOARDS.

The act requires the trade boards to fix minimum time rates of wages for their trades. It also gives them power to fix general minimum piece rates. These rates, whether by time or piece, may be fixed so as to apply to the whole trade or to any special process or to any special class of workers or to any special area.

Before fixing any minimum rate of wages a trade board must give notice of the rate which they propose to fix, and must consider any objections that may be put before them within three months; and when the rate has been fixed notice of it must be given by the trade board for the information of the employers and workers affected.

Any rate so fixed immediately has a limited operation, as follows:

- (a) An employer must pay wages at not less than the minimum rate, unless there is a written agreement under which the worker agrees to accept less. If there is no such written agreement, wages at the minimum rate can be recovered from the employer as a debt (but the employer will not be liable to a fine).
- (b) Any employer may give notice to the trade board that he is willing to be bound by the rate fixed and be liable to the same fine for underpayment as if the rate had been obligatory. No employer will receive a contract from a Government department or local authority unless he has given notice to the trade board in this manner.

The limited operation described above continues (unless the Board of Trade direct to the contrary in any case in which they have directed the trade board to reconsider the rate) until the Board of Trade make an order making the rate obligatory. Such an order must be made by the Board of Trade six months after notice of the fixing of the rate has been given by the trade board, unless the

Board of Trade consider it premature or otherwise undesirable to make an obligatory order. In that case the Board of Trade must make an order suspending the obligatory operation of the rate. After the expiration of six months from the date of any order of suspension the trade board may apply to the Board of Trade for an obligatory order. On any such application the Board of Trade must make an obligatory order unless they are of opinion that a further order of suspension is desirable.

When a minimum rate has been made obligatory by order of the Board of Trade, any agreement for the payment of wages at less than the minimum rate is void, and payment of wages at less than the minimum rate, clear of all deductions, renders the employer liable to a fine of not more than £20 (\$97.33), and to a fine not exceeding £5 (\$24.33) for each day on which the offense is continued after conviction therefor.

Employers may arrange with their workers for payment either by piece or time. If the workers are paid by piece for doing work for which a minimum time rate but no general minimum piece rate has been fixed, two courses are open to the employer: (a) He may fix the piece rate himself, in which case he must be able to show, if challenged, that his rate would yield to an ordinary worker, in the circumstances of the case, at least as much money as the time rate fixed by the trade board (*it is not necessary for him to show that the piece rate which he has fixed yields every worker, however slow or incapable, at least the same amount of money as the minimum time rate would yield, nor, on the other hand, is it sufficient for him to show that the piece rate which he has fixed will yield the equivalent of the minimum time rate in the case of a specially fast worker*); or, (b) he may, if he chooses, apply to the trade board to fix a special minimum piece rate for the persons he employs.

In cases where a trade board are satisfied that a worker is affected by an infirmity or physical injury which renders him incapable of earning the minimum time rate, and that he can not suitably be employed on piecework, they may grant to the worker a permit of exemption; and so long as the conditions prescribed by the trade board on the grant of the permit are complied with, an employer is not liable to penalty for paying the worker wages at less than the minimum time rate.

The minimum rates of pay for adults fixed by the trade boards up to the present time are as follows:

MINIMUM WAGE RATES FIXED FOR ADULTS BY TRADE BOARDS FOR GREAT BRITAIN.

Trade.	Males.	Females.
Chain making .....	5d.-7 $\frac{1}{2}$ d. <sup>1</sup> (10.1 cents-15.6 cents)	2 $\frac{1}{2}$ d. (5.6 cents).
Wholesale tailoring .....	6d. (12.2 cents) (at 22 years) .....	3 $\frac{1}{2}$ d. <sup>2</sup> (6.6 cents).
Lace finishing .....	No males.	2 $\frac{1}{2}$ d. (5.6 cents).
Paper-box making .....	6d. (12.2 cents) (at 21 years) .....	3d. (6.1 cents).
Confectionery <sup>3</sup> .....	6d. (12.2 cents) (at 22 years) .....	3d. (6.1 cents).
Shirt making <sup>4</sup> .....	(*) .....	3 $\frac{1}{2}$ d. (7.1 cents).

<sup>1</sup> According to size of chain.

<sup>2</sup> An increase to 3 $\frac{1}{2}$ d. (7.1 cents) has recently been proposed (January, 1915) by the trade board.

<sup>3</sup> These are the proposed rates. They have not been finally determined.

<sup>4</sup> Men do not desire minimum wages to be fixed.

### PROSECUTIONS FOR ENFORCEMENT OF ACT.

Officers have been appointed by the Board of Trade for the purpose of investigating complaints and otherwise securing the proper observance of the act. These officers have power to enter factories, workshops and places used for giving out work and to require the production of wages sheets, lists of outworkers, and other relevant information.

An important part of the work of the investigating officers has been concerned with cases in which nonobservance of the minimum rates has been found to be due to misunderstanding or carelessness, and it has seemed desirable to effect a settlement, on the basis of a revision of the rates of wages and payment of the arrears due to the workers without recourse to legal proceedings.

As examples of the cases dealt with, the following may be of interest:

- (1) Found three workers underpaid. Arrears paid in all cases. Amount, £15 15s. 4 $\frac{1}{2}$ d. (\$76.74).
- (2) Found that time workers were receiving minimum or over, and that proportion of pieceworkers who earned less than the minimum did not appear to be excessive. Complaint not considered to be substantiated.
- (3) Found three time workers had been underpaid. Arrears paid, £2 15s. 3d. (\$13.44). On first visit 23 per cent pieceworkers earned less than minimum; piece rates were in some cases increased, and on second visit only 10 per cent earned less.
- (4) Found six time workers underpaid. Correct rates to be paid in future. Arrears paid, £20 16s. 11d. (\$101.45.)

Proceedings have been taken against employers in four cases in which breaches of the act have been brought to the notice of the Board of Trade, and in each case a conviction was obtained.

The first prosecution was that of an employer in the chain trade for failure to pay wages to three workers at the minimum rates fixed for dollied chain making by the chain trade board. In this case an attempt was made to conceal the infraction of the act by false entries in the wages books. As the court considered that the offenses were serious they imposed fines amounting to £15 (\$73), with £9 9s. (\$45.99) costs; and in addition the defendant was ordered to pay to the workers arrears of wages amounting to £7 15s. 10 $\frac{1}{2}$ d. (\$37.93).

In the second prosecution, that of a Nottingham middlewoman for failure to pay wages at the minimum rates fixed by the lace-finishing trade board, the defendant was fined (£1 \$4.87), with £1 1s. (\$5.11) costs, the magistrates intimating that any future offense would be dealt with severely.

The third prosecution was that of a box manufacturer in East London for failure to pay wages to a female worker at the minimum time rate fixed by the paper-box trade board (Great Britain). In this case the defendant was fined £3 3s. (\$15.33), with £5 5s. (\$25.55) costs, and was also ordered by the magistrate to pay the sum of 17s. (\$4.14) to the worker.

The fourth prosecution was that of a man and his wife, who were carrying on business as subcontractors ("middle people") in the lace-finishing trade, for hindering an investigating officer. The man was fined 10s. (\$2.43) and his wife was acquitted with a caution, the magistrates taking into account the poverty of the defendants.

The act has been in operation for barely three years and a half, and a considerable portion of this time has necessarily been spent in the preliminary work of establishing the trade boards. In the largest of the trades affected (ready-made and wholesale bespoke tailoring) the minimum rates for Great Britain have been obligatory only since February 20, 1913, and in the next largest trade (paper and cardboard box making) the minimum rates for female workers in Great Britain have been obligatory only since September 12, 1912, while the minimum time rates fixed for male workers have not yet been made obligatory.<sup>1</sup> In these circumstances it would appear to be premature at the present time to attempt to give an account of the ultimate effects of the act on the trades to which it has been applied.

#### OPINION OF BRITISH BOARD OF TRADE UPON OPERATION OF ACT.

The following list of questions concerning the operation of the minimum-wage law in England was sent by the New York State factory investigating commission to the Board of Trade at London:<sup>2</sup>

First. Does the minimum wage become the maximum?

Second. How far are the unfit displaced by such legislation?

Third. Do such laws tend to drive industry from the State?

Fourth. Do they result in decreasing efficiency?

In response the following statement was received:

I am directed by the Board of Trade to say that, as the trade boards act has only been in operation for a comparatively short period, they consider that it is as yet too early to express a definite judgment on its indirect and ultimate results.

The Board are of opinion, however, that provisional replies, based on the experience so far obtained of the working of the act, may be given to the questions contained in your letter as follows:

(1) The Board are not aware of any general tendency among employers to reduce rates to the minimum allowed by law in cases where higher rates have been paid in the past. On the contrary, there is reason to suppose that the better organization of the work-

<sup>1</sup> These rates were made obligatory July 7, 1913.

<sup>2</sup> Third Report of the New York State Factory Investigating Commission. Appendix III. Minimum-wage legislation, by Irene Osgood Andrews, pp. 243 and 244.

ers, which has been observed to have taken place in the trades to which the act has been applied, tends to prevent the legal minimum rate from becoming in fact the maximum.

(2) So far as the Board are aware, there has been no general dismissal of workers as a result of the fixing of minimum rates; and even where workers have been dismissed on this account, it has frequently been found that this has been due to misunderstanding of the act and not to its actual provisions.

(3) The Board are not aware of any tendency on the part of manufacturers to transfer their business to foreign countries, or, in cases where lower minimum rates have been fixed for Ireland than for Great Britain, to transfer their business from Great Britain to Ireland.

(4) There is no evidence in the possession of the Board to show that the efficiency of workers has been reduced as a result of the fixing of minimum rates of wages. On the contrary, there are indications that in many cases the efficiency of the workers has been increased. The fixing of minimum rates has also resulted in better organization among the employers and in improvements in the equipment and organization of their factories.

At the hearings of the parliamentary committee appointed to consider the extension of the trade boards act to additional trades, Mr. G. S. Barnes, second secretary to the Board of Trade, said July 3, 1913: <sup>1</sup> "I think you may take it that as a whole the working of the trade boards act has been successful beyond what anybody imagined possible. The employers as a whole are, I think, satisfied, and the workers are satisfied. I believe that the employers as a whole are anxious to pay rather higher wages than they have been paying in some cases in the past, provided that they are protected against other employers undercutting them."

Speaking at the hearings before a similar committee, June 18, 1914, Mr. J. D. Fitzgerald, counsel for the Board of Trade, said: <sup>2</sup> "Another thing that weighs also with the Board of Trade is this, that the experience they have had of trade boards that have been already set up has been quite satisfactory. \* \* \* Their action has been beneficial, and so far from injuring the trades, they have given satisfaction alike to employers and employed."

As an indication of the attitude of employers and employees toward the trade boards act, it is significant that upon the Board of Trade's proposal to extend the act to apply to five additional trades in 1913 the proposal with reference to four of these trades was entirely unopposed either by employers or employees. Upon this question of the extension of the act to other trades Mr. Barnes stated <sup>3</sup> that "since these trades have been scheduled we have had communications from a large number of employers that they would like their particular trade put in."

<sup>1</sup> Special Report from the Select Committee on the Trade Boards Act Provisional Orders Bill together with the Proceedings of the Committee and the Minutes of Evidence. London, 1913. H. C. 209, p. 7.

<sup>2</sup> Report and Special Report from the Select Committee on Trade Boards Act Provisional Order Bill, together with the Proceedings of the Committee, Minutes of Evidence, and an Appendix. London, 1914. H. C. 317, p. 3.

<sup>3</sup> Special Report from the Select Committee, etc., p. 8.

TYPICAL DETERMINATION OF A TRADE BOARD.<sup>1</sup>

*Minimum rates fixed for those branches of the ready-made and wholesale bespoke tailoring trade in Great Britain which are engaged in making garments to be worn by male persons.<sup>2</sup>*

In accordance with regulations made under section 18 of the above act by the Board of Trade, and dated April 27, 1910, the trade board established under the above act for those branches of the ready-made and wholesale bespoke tailoring trade in Great Britain which are engaged in making garments to be worn by male persons, hereby give notice, as required by section 4 (3) of the above act, that they have fixed the following minimum (or lowest) rates of wages:

**Minimum-time Rates for Female Workers.**

SECTION 1. The minimum (or lowest) time rates for female workers in those branches of the ready-made and wholesale bespoke tailoring trade in Great Britain which are engaged in making garments to be worn by male persons, shall (subject to the provisions of this notice as to female learners) be as follows, clear of all deductions:

(a) For female workers other than home workers, 3½d. (6.6 cents) an hour.

(b) For female home workers, 3½d. (6.6 cents) an hour.

**Learners.**

SECTION 2. (a) In lieu of the above rates female "learners" (as hereinafter defined) shall, subject to the provisions of this section, receive the following minimum or lowest time rates clear of all deductions, that is to say:

	Wages (per week) of learners commencing at—			
	14 and under 15 years of age.	15 and under 16 years of age.	16 and under 21 years of age.	21 years of age and over.
	1	2	3	4
First 6 months of employment..	s. d. 3 0 (\$0.73)	s. d. 3 8 (\$0.89)	s. d. 5 2 (\$1.26)	First 3 months, 6s. 9d. (\$1.64).
Second 6 months of employment.	4 6 (\$1.10)	5 2 (\$1.26)	6 9 (\$1.64)	Second 3 months, 8s. 4d. (\$2.03).
Third 6 months of employment.	6 0 (\$1.46)	7 3 (\$1.76)	9 5 (\$2.29)	Third 3 months, 10s. 11d. (\$2.66).
Fourth 6 months of employment.	7 3 (\$1.76)	8 10 (\$2.15)	12 6 (\$3.04)	Fourth 3 months, 12s. 6d. (\$3.04).
Fifth 6 months of employment..	8 4 (\$2.03)	10 11 (\$2.66)	-----	
Sixth 6 months of employment.	9 5 (\$2.29)	12 6 (\$3.04)	-----	
Seventh 6 months of employment.	11 5 (\$2.78)	-----	-----	
Eighth 6 months of employment.	12 6 (\$3.04)	-----	-----	

(b) The minimum or lowest time rate for learners under 14 years of age shall be 3s. (73 cents) a week, and on reaching the age of 14 they shall be entitled to the amounts shown in column 1 above as if they had commenced at 14.

(c) The learners' rates are weekly rates based on a week of 50 hours, but they shall be subject to a proportionate deduction or increase according as the number of hours actually spent by the learner in the factory or workshop in any week is less or more than 50.

(d) The advances to be given to learners shall be paid on the first pay days in January and July, the learner being entitled to her first advance on the first of such pay days following her entry into the trade, provided that she has been in the trade at least three months.

<sup>1</sup> Memorandum in reference to the working of the trade boards act presented to Parliament by the Board of Trade May 27, 1913 (H. C. 134), pp. 26-28.

<sup>2</sup> These rates have been made obligatory by an order of the Board of Trade dated Feb. 20, 1913.



(e) A learner shall cease to be a learner and be entitled to the full minimum time rate for a worker applicable to her under section 1 upon the fulfillment of the following conditions:

Age of entering upon employment.	Conditions.
Under 15 years of age.....	The completion of not less than 3 years' employment, and the attainment of the age of 18 years.
15 and under 16 years of age....	The completion of not less than 2 years' employment, and the attainment of the age of 18 years.
16 and under 21 years of age....	The completion of 2 years' employment.
21 years of age and over.....	The completion of 1 year's employment.

(f) No female learner shall be held to be entitled to the full minimum rate under section 1 until she has attained the age of 18 years, notwithstanding any employment she may have had.

(g) Any female who has been previously employed in any branch of the trade as described in section 1 and has not held a certificate or certified copy certificate and is subsequently taken on as a learner shall count the whole period of such previous employment for the purpose of claiming the time rate at which she is to be paid, and shall have such period of employment entered upon her certificate or certified copy.

SECTION 3. The above rates shall apply to all female workers as specified above who are employed during the whole or any part of their time in any branch of the ready-made and wholesale bespoke tailoring trade which is engaged in making garments to be worn by male persons, but they shall not apply to any persons engaged merely as clerks, messengers, stockroom assistants, warehouse assistants, saleswomen, travelers, packers, parcelers, distributors, cleaners, or to any other persons whose work stands in a relationship to the trade similar to that of the foregoing excluded classes.

SECTION 4. A female learner is a worker who—

(a) Is employed during the whole or a substantial part of her time in learning any branch or process of the trade by an employer who provides the learner with reasonable facilities for such learning; and

(b) Has received a certificate or certified copy certificate issued in accordance with rules from time to time laid down by the trade board and held subject to compliance with the conditions contained in this section, or has made an application therefor which has been duly acknowledged and is still under consideration. The trade board may, if any condition contained in this section is not in fact complied with, cancel the original certificate, whereupon any copy thereof shall become canceled. Notice of such cancellation shall forthwith be given to the learner and her employer.

*Provided*, That an employer may employ a female learner, on her first employment, in the branch or branches of the trade as above described, without a certificate for a probation period not exceeding four weeks, but in the event of such learner being continued thereafter at her employment the probation period shall be included in her period of learnership.

*Provided*, That notwithstanding compliance with the conditions contained in this section a person shall not be deemed to be a learner if she works in a room used for dwelling purposes and is not in the employment of her parent or guardian.

#### Minimum Time Rate for Male Workers.

SECTION A. The minimum (or lowest) time rates for male workers in those branches of the ready-made and wholesale bespoke tailoring trade in Great Britain which are engaged in making garments to be worn by male persons shall (subject to the provisions of this notice as to male learners) be as follows clear of all deductions:

(1) For male workers other than home workers, 6d. (12.2 cents) an hour.

(2) For male home workers, 6d. (12.2 cents) an hour.

**Learners.**

**SECTION B.** (1) In lieu of the above rates male "learners" (as hereinafter defined) shall receive the following minimum or lowest time rates clear of all deductions; that is to say:

When employed under 15 years of age, 4s. 2d. (\$1.01) a week.

When employed at 15 and under 16 years of age, 6s. 3d. (\$1.52) a week.

When employed at 16 and under 17 years of age, 8s. 4d. (\$2.03) a week.

When employed at 17 and under 18 years of age, 11s. 6d. (\$2.80) a week.

When employed at 18 and under 19 years of age, 14s. 7d. (\$3.55) a week.

When employed at 19 and under 20 years of age, 17s. 8d. (\$4.30) a week.

When employed at 20 and under 21 years of age, 19s. 10d. (\$4.83) a week.

When employed at 21 and under 22 years of age, 21s. 11d. (\$5.33) a week.

Learners commencing employment in the tailoring trade at and over the age of 19 may serve a period of six months at 15s. 8d. (\$3.81) per week and thereafter a period of six months at 19s. 10d. (\$4.83) per week. They shall then receive such rates as their age may entitle them to under the foregoing provisions.

(2) The learners' rates are weekly rates based on a week of 50 hours, but they shall be subject to a proportionate deduction or increase according as the number of hours actually spent by the learner in the factory or workshop in any week is less or more than 50.

**SECTION C.** The above rates shall apply to all male workers as specified above who are engaged during the whole or any part of their time in any branch of the ready-made and wholesale bespoke tailoring trade which is engaged in making garments to be worn by male persons; but they shall not apply to any persons engaged merely as clerks, messengers, stockroom assistants, warehouse assistants, salesmen, travelers, packers, parcelers, distributors, mechanics, engineers, carpenters, cleaners, and to others whose work stands in a relationship to the trade similar to that of the above-excluded classes.

**SECTION D.** A male learner is a worker who—

(1) Is employed during the whole or a substantial part of his time in learning any branch or process of the trade by an employer who provides the learner with reasonable facilities for such learning; and

(2) Has received a certificate or certified copy certificate issued in accordance with rules from time to time laid down by the trade board and held subject to compliance with the conditions contained in this section, or has made an application therefor which has been duly acknowledged and is still under consideration. The trade board may, if any condition contained in this section is not in fact complied with, cancel the original certificate, whereupon any copy thereof shall become canceled. Notice of such cancellation shall forthwith be given to the learner and his employer.

*Provided,* That an employer may employ a male learner on his first employment in the branch or branches of the trade as above described, without a certificate for a probation period not exceeding four weeks, but in the event of such learner being continued thereafter at his employment the probation period shall be included in his period of learnership.

*Provided,* That notwithstanding compliance with the conditions contained in this section a person shall not be deemed to be a learner if he works in a room used for dwelling purposes and is not in the employment of his parent or guardian.

In totaling up any reckonings, in the aggregate arrived at when paying the rates fixed hereunder, every fraction of a farthing shall count as a farthing.

The expression "home worker" shall be held to mean a worker who works in his or her own home or in any other place not under the control or management of the employer.

## TRADE BOARDS IN GERMANY.

The impression that wage boards had been established by law in Germany would appear to be based upon the fact that under the home workers' law of December 20, 1911, also sometimes called the sweat-shop law, provision is made for the establishment by the Federal Council of so-called trade boards (*Fachausschüsse*) for certain branches of industry and certain localities in which home workers are employed.

If the use of this term suggests any powers and duties similar to those imposed by law upon the British trade boards, the term is entirely misleading, for the German trade boards appear to be strictly limited to investigatorial and educative work and to have absolutely no powers of enforcing any suggestion.

The boards, where established under the Federal authority, are to report on the industrial and economic conditions prevalent in their respective trades and districts. On the request of the State and communal authorities they are to give opinions on (1) the execution of the law, and (2) the interpretation of agreements and existing usages for the fulfillment of obligations between employers and home workers. The trade boards must also consider suggestions as to the conditions in their respective trades and districts, encourage plans for improving such conditions, collect information as to the earnings of home workers, render opinions and make suggestions as to the adequacy of such earnings, and encourage the formation of collective agreements.

The boards are to consist of an equal number of representatives of the employers and home workers concerned, together with a chairman and two associates. The chairman must be neither an industrial employer nor a home worker, and both he and the associates must possess technical knowledge of the trade. If women are largely employed as home workers, they must be proportionately represented on the board. The State central authorities decide the number of representatives. They also appoint the chairman, the associates, and, after a hearing of the employers and home workers, one-half of their representatives. The remaining half are chosen by a majority vote of these appointed representatives. Additional regulations as to the establishment and composition of the trade boards may be issued by the Federal Council. The costs of the trade boards must be provided for by the Federal States in whose territory they are created.

## MINIMUM WAGE FOR FEMALE WORKERS IN FRANCE.<sup>1</sup>

The French Chamber of Deputies at its session of November 13, 1913, passed a bill relating to a compulsory minimum wage for female home workers of the clothing industry. This bill proposes to introduce for the first time into French legislation the principle of a minimum wage and enlarges in a noteworthy manner the rights of trade-unions.

The most important provisions of the law are the following:

The law is applicable to all female home workers on clothing, including hats, shoes, lingerie, embroideries, laces, plumes, and artificial flowers.

Each manufacturer, jobber, and middleman who gives out such labor for home work must keep a register containing the names and addresses of all female workers employed. He must post the piece prices in the waiting rooms as well as in the rooms in which the raw material is handed out and the finished goods are received.

Each female worker is to be furnished with a tablet or book on or in which is to be entered the nature and quantity of the work, the date, and the piece price. This price may not be lower than the one posted. At the delivery of the goods there are to be entered the date, the wages, and the costs borne by the worker. These entries are to be made in duplicate.

The piece prices are to be computed in such a manner that a worker of average ability may earn in 10 hours a wage equal to a minimum determined upon for the occupation and locality by the labor councilors, or, in their absence, by the industrial courts.

The labor councilors or the industrial courts shall determine this minimum wage in such a manner that it shall in no instance be less than two-thirds of the usual local wage paid for the same occupation to female workers employed in shops. In localities where home work exists exclusively, the wage received by female day laborers or that of female workers employed at the same occupation in other comparable localities shall be taken as a basis. The minimum wage determined upon in this manner shall serve as a basis for judgments by the industrial courts in wage disputes submitted to them. The labor council shall revise the minimum wage at least every three years.

The labor councilors may compile wage tables for the various kinds of piecework. These tables are, however, not binding on the indus-

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<sup>1</sup> Arbeiter-Zeitung of Vienna, Nov. 21, 1913.

trial courts in the same manner as the minimum wage. Representatives of the employers and workmen are to be called in at the determination of the minimum wage by the industrial court. The justice of the peace shall act as chairman.

The labor councilors and the industrial courts shall publish the minimum wages and wage tables determined upon. If the Government, a trade-union, or a person interested in the trade, appeals within three months against the determination, a central commission in the department of labor, to which shall belong two members of the labor council or industrial court which made the appealed determination, two judges of industrial courts elected for three years—of both these bodies a representative of the employers and of the workmen—and a member of the supreme court as president, shall have final jurisdiction. The minimum wage becomes compulsory three months after its publication or after the decision of the central commission.

The industrial courts shall be competent to decide all disputes arising under this law. The difference between the wages paid and the wages owed to the female worker on the basis of the minimum wage must be paid to her without prejudice to damages which the employer may be adjudged to pay. Each manufacturer, jobber, and middleman is liable for nonpayment by his own fault of the minimum wage.

Associations authorized by decree of the department of labor, and trade-unions of the clothing industry existing in a district, even if composed entirely or in part of shop workers, may bring civil suit for noncompliance with the present law without having to prove any damage.

In case male workmen of the clothing industry who perform at home the same work as female workers receive a lower wage than the minimum determined upon for the matter, they may request that the industrial court establish the same minimum for them as for the female workers.

After a hearing of the supreme advisory labor council the above provisions may by administrative order also be extended to other trades.

# TEXT OF MINIMUM WAGE LAWS.

## CALIFORNIA.

### ACTS OF 1913.

**CHAPTER 324.**—*An Act regulating the employment of women and minors and establishing an industrial welfare commission to investigate and deal with such employment, including a minimum wage; providing for an appropriation therefor and fixing a penalty for violations of this act.*

**SECTION 1.** There is hereby established a commission to be known as the Industrial Welfare Commission, hereinafter called the commission. Said commission shall be composed of five persons, at least one of whom shall be a woman, and all of whom shall be appointed by the governor as follows: Two for the term of one year, one for the term of two years, one for the term of three years, and one for the term of four years; *Provided, however,* That at the expiration of their respective terms, their successors shall be appointed to serve a full term of four years. Any vacancies shall be similarly filled for the unexpired portion of the term in which the vacancy shall occur. Three members of the commission shall constitute a quorum. A vacancy on the commission shall not impair the right of the remaining members to perform all the duties and exercise all the powers and authority of the commission.

Commission established.

**SEC. 2.** The members of said commission shall draw no salaries but all of said members shall be allowed \$10 per diem while engaged in the performance of their official duties. The commission may employ a secretary, and such expert, clerical and other assistants as may be necessary to carry out the purposes of this act, and shall fix the compensation of such employees, and may, also, to carry out such purposes, incur reasonable and necessary office and other expenses, including the necessary traveling expenses of the members of the commission, of its secretary, of its experts, and of its clerks and other assistants and employees. All employees of the commission shall hold office at the pleasure of the commission.

Per diem of commissioners.

Employees.

**SEC. 3.** (a) It shall be the duty of the commission to ascertain the wages paid, the hours and conditions of labor and employment in the various occupations, trades, and industries in which women and minors are employed in the State of California and to make investigations into the comfort, health, safety and welfare of such women and minors.

Commission to investigate wages, etc.

(b) It shall be the duty of every person, firm or corporation employing labor in this State:

1. To furnish to the commission, at its request, any and all reports or information which the commission may require to carry out the purposes of this act, such reports and information to be verified by the oath of the person, or a member of the firm, or the president, secretary, or manager of the corporation furnishing the same, if and when so requested by the commission or any member thereof.

Employers to furnish reports.

2. To allow any member of the commission, or its secretary, or any of its duly authorized experts or employees, free access to the place of business or employment of such person, firm or corporation for the purpose of making any investigation authorized by this act, or to make inspection of, or excerpts from, all books, reports, contracts, pay rolls, documents, or papers, of such person, firm, or corporation relating to the employment of labor and payment therefor by such person, firm or corporation.

Commission to have access to places and records.

3. To keep a register of the names, ages, and residence addresses of all women and minors employed.

(c) For the purposes of this act, a minor is defined to be a person of either sex under the age of 18 years.

Preliminary  
hearings.

SEC. 4. The commission may specify times to hold public hearings, at which times, employers, employees, or other interested persons, may appear and give testimony as to the matter under consideration. The commission or any member thereof shall have power to subpoena witnesses and to administer oaths. All witnesses subpoenaed by the commission shall be paid the fees and mileage fixed by law in civil cases. In case of failure on the part of any person to comply with any order of the commission or any member thereof, or any subpoena, or upon the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated before any wage board or the commission, it shall be the duty of the superior court or the judge thereof, on the application of a member of the commission, to compel obedience in the same manner, by contempt proceedings or otherwise, that such obedience would be compelled in a proceeding pending before said court. The commission shall have power to make and enforce reasonable and proper rules of practice and procedure and shall not be bound by the technical rules of evidence.

Wage board.

SEC. 5. If, after investigation, the commission is of the opinion that, in any occupation, trade, or industry, the wages paid to women and minors are inadequate to supply the cost of proper living or the hours or conditions of labor are prejudicial to the health, morals or welfare of the workers, the commission may call a conference, hereinafter called "wage board," composed of an equal number of representatives of employers and employees in the occupation, trade, or industry in question, and a representative of the commission to be designated by it, who shall act as the chairman of the wage board. The members of such wage board shall be allowed \$5 per diem and necessary traveling expenses while engaged in such conferences. The commission shall make rules and regulations governing the number and selection of the members and the mode of procedure of such wage board, and shall exercise exclusive jurisdiction over all questions arising as to the validity of the procedure and of the recommendations of such wage board. The proceedings and deliberations of such wage board shall be made a matter of record for the use of the commission, and shall be admissible as evidence in any proceedings before the commission. On request of the commission it shall be the duty of such wage board to report to the commission its findings, including therein:

Rules for wage  
board.

Findings of  
wage board.

1. An estimate of the minimum wage adequate to supply to women and minors engaged in the occupation, trade or industry in question the necessary cost of proper living and to maintain the health and welfare of such women and minors.

2. The number of hours of work per day in the occupation trade or industry in question, consistent with the health and welfare of such women and minors.

3. The standard conditions of labor in the occupation, trade or industry in question, demanded by the health and welfare of such women and minors.

Power to fix  
wages, etc.

SEC. 6. (a) The commission shall have further power after a public hearing had upon its own motion or upon petition, to fix:

1. A minimum wage to be paid to women and minors engaged in any occupation, trade or industry in this State, which shall not be less than a wage adequate to supply to such women and minors the necessary cost of proper living and to maintain the health and welfare of such women and minors.

2. The maximum hours of work consistent with the health and welfare of women and minors engaged in any occupation, trade or industry in this State: *Provided*, That the hours so fixed shall not be more than the maximum now or hereafter fixed by law.

3. The standard conditions of labor demanded by the health and welfare of the women and minors engaged in any occupation, trade or industry in this State.

Hearings upon  
determinations.

(b) Upon the fixing of a time and place for the holding of a hearing for the purpose of considering and acting upon any matters referred to in subsection (a) hereof, the commission shall give public notice by

advertisement in at least one newspaper published in each of the cities of Los Angeles and Sacramento and in the city and county of San Francisco, and by mailing a copy of said notice to the county recorder of each county in the State of such hearing and purpose thereof, which notice shall state the time and place fixed for such hearing, which shall not be earlier than 14 days from the date of publication and mailing of such notices.

(c) After such public hearing, the commission may, in its discretion, make a mandatory order to be effective in 60 days from the making of such order, specifying the minimum wage for women or minors in the occupation in question, the maximum hours: *Provided*, That the hours specified shall not be more than the maximum for women or minors in California; and the standard conditions of labor for said women or minors: *Provided, however*, That no such order shall become effective until after April 1, 1914. Such order shall be published in at least one newspaper in each of the cities of Los Angeles and Sacramento and in the city and county of San Francisco, and a copy thereof be mailed to the county recorder of each county in the State, and such copy shall be recorded without charge, and to the labor commissioner who shall send by mail, so far as practicable, to each employer in the occupation in question, a copy of the order, and each employer shall be required to post a copy of such order in the building in which women or minors affected by the order are employed. Failure to mail notice to the employer shall not relieve the employer from the duty to comply with such order. Finding by the commission that there has been such publication and mailing to county recorders shall be conclusive as to service.

Mandatory orders.

SEC. 7. Whenever wages, or hours, or conditions of labor have been so made mandatory in any occupation, trade or industry, the commission may at any time in its discretion, upon its own motion or upon petition of either employers or employees, after a public hearing held upon the notice prescribed for an original hearing, rescind, alter, or amend any prior order. Any order rescinding a prior order shall have the same effect as herein provided for in an original order.

Reconsideration of orders.

SEC. 8. For any occupation in which a minimum wage has been established, the commission may issue to a woman physically defective by age or otherwise, a special license authorizing the employment of such licensee, for a period of six months, for a wage less than such legal minimum wage; and the commission shall fix a special minimum wage for such person. Any such license may be renewed for like periods of six months.

Special licenses.

SEC. 9. Upon the request of the commission, the labor commissioner shall cause such statistics and other data and information to be gathered, and investigations made, as the commission may require. The cost thereof shall be paid out of the appropriations made for the expenses of the commission.

Labor commissioner to make investigations.

SEC. 10. Any employer who discharges, or threatens to discharge, or in any other manner discriminates against any employee because such employee has testified or is about to testify, or because such employer believes that said employee may testify in any investigation or proceedings relative to the enforcement of this act, shall be deemed guilty of a misdemeanor.

Discrimination against employees.

SEC. 11. The minimum wage for women and minors fixed by said commission as in this act provided, shall be the minimum wage to be paid to such employees, and the payment to such employees of a less wage than the minimum so fixed shall be unlawful, and every employer or other person who, either individually or as an officer, agent, or employee of a corporation or other person, pays or causes to be paid to any such employee a wage less than such minimum, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$50, or by imprisonment for not less than 30 days, or by both such fine and imprisonment.

Penalty for paying below minimum wage.

SEC. 12. In every prosecution for the violation of any provision of this act, the minimum wage established by the commission as herein provided shall be *prima facie* presumed to be reasonable and lawful, and to be the living wage required herein to be paid to women and minors. The findings of fact made by the commission acting within

Prosecutions.



its powers shall, in the absence of fraud, be conclusive; and the determination made by the commission shall be subject to review only in a manner and upon the grounds following: Within 20 days from the date of the determination, any party aggrieved thereby may commence in the superior court in and for the city and county of San Francisco, or in and for the counties of Los Angeles or Sacramento, an action against the commission for review of such determination. In such action a complaint, which shall state the grounds upon which a review is sought, shall be served with the summons. Service upon the secretary of the commission, or any member of the commission, shall be deemed a complete service. The commission shall serve its answer within 20 days after the service of the complaint. With its answer, the commission shall make a return to the court of all documents and papers on file in the matter, and of all testimony and evidence which may have been taken before it, and of its findings and the determination. The action may thereupon be brought on for hearing before the court upon such record by either party on 10 days' notice of the other. Upon such hearing, the court may confirm or set aside such determination; but the same shall be set aside only upon the following grounds:

Grounds for setting aside determinations.

- (1) That the commission acted without or in excess of its powers.
- (2) That the determination was procured by fraud.

Upon the setting aside of any determination the court may recommit the controversy and remand the record in the case to the commission for further proceedings. The commission, or any party aggrieved, by a decree entered upon the review of a determination, may appeal therefrom within the time and in the manner provided for an appeal from the orders of the said superior court.

Right to recover.

Sec. 13. Any employee receiving less than the legal minimum wage applicable to such employee shall be entitled to recover in a civil action the unpaid balance of the full amount of such minimum wage, together with costs of suit, notwithstanding any agreement to work for such lesser wage.

Complaints.

Sec. 14. Any person may register with the commission a complaint that the wages paid to an employee for whom a living rate has been established, are less than that rate, and the commission shall investigate the matter and take all proceedings necessary to enforce the payment of a wage not less than the living wage.

Reports.

Sec. 15. The commission shall biennially make a report to the governor and the State legislature of its investigations and proceedings.

Appropriation.

Sec. 16. There is hereby appropriated annually out of the moneys of the State treasury, not otherwise appropriated, the sum of \$15,000, to be used by the commission in carrying out the provisions of this act, and the controller is hereby directed from time to time to draw his warrants on the general fund in favor of the commission for the amounts expended under its direction, and the treasurer is hereby authorized and directed to pay the same.

Arbitration during strike or lockout forbidden.

Sec. 17. The commission shall not act as a board of arbitration during a strike or lockout.

Constitutionality of act.

Sec. 18. (a) Whenever this act, or any part or section thereof, is interpreted by a court, it shall be liberally construed by such court.

(b) If any section, subsection, or subdivision of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, or phrases is declared unconstitutional.

Scope of act.

Sec. 19. The provisions of this act shall apply to and include women and minors employed in any occupation, trade or industry, and whose compensation for labor is measured by time, piece or otherwise.

Approved May 26, 1913.

# CONSTITUTIONAL AMENDMENT ADOPTED NOVEMBER 3, 1914.

SECTION 17½. The legislature may, by appropriate legislation, provide for the establishment of a minimum wage for women and minors and may provide for the comfort, health, safety and general welfare of any and all employees. No provision of this constitution shall be construed as a limitation upon the authority of the legislature to confer upon any commission now or hereafter created, such power and authority as the legislature may deem requisite to carry out the provisions of this section.

## COLORADO.

### ACTS OF 1913.

#### CHAPTER 110.—*An Act providing for the determination of minimum wages for women and minors.*

SECTION 1. There is hereby created a State wage board, to be composed of three members, at least one of whom shall be a representative of labor, at least one of whom shall be a woman, and one of whom shall be an employer of labor. The members of said board shall be appointed by the governor immediately upon the taking effect of this act, and the term of existence of said board shall be for two years.

Wage board established.

SEC. 2. It shall be the duty of the wage board to inquire into the wages paid to female employees above the age of 18 years and minor employees under 18 years of age in any mercantile, manufacturing, laundry, hotel, restaurant, telephone, or telegraph business in this State, if the board or any member of it may have reason to believe the wages paid any such employees are inadequate to supply the necessary cost of living, maintain them in health, and supply the necessary comforts of life. The wage board shall also inquire into the cost of living in the locality or localities in which the business is carried on and shall take into consideration the financial condition of the business and the probable effect thereon of any increase in the minimum wage paid in different localities, which inquiry and investigation shall be held in the locality affected. After such investigation it shall be the duty of the wage board to fix the minimum wage, whether by time rate or piece rate, suitable for the female employees over 18 years of age in such business or in any or all of the branches thereof and also a suitable minimum wage for minors under 18 years of age employed in the said business. When two or more members of the wage board shall agree upon a minimum-wage determination, the board shall give public notice, by advertisement published once in a newspaper of general circulation in the county or counties in which any such business so affected is located, declaring such minimum-wage determination or determinations and giving notice of a public hearing thereon to be heard in the town or city nearest the place wherein the inadequate wage is found to exist; said hearing to be held not earlier than 30 days from the date of such publication. A copy of such notice shall also be mailed to the person, association or corporation engaged in the business affected. After such public hearing or after the expiration of the 30 days, provided no public hearing is demanded, the wage board shall issue an obligatory order to be effective in 60 days from the date of said order specifying the minimum wages for women or minors, or both, in the occupation affected or any branch thereof, and after such order is effective, it shall be unlawful for any employer in said occupation to employ a female over 18 years of age or a minor under 18 years of age for less than the rate of wages specified for such female or minor. The order shall be published once in a newspaper of general circulation in the county or counties in which any such business affected is located, and a copy of the order shall be sent by mail to the person, association, or corporation engaged in said business; and each such employer shall be required to post a copy of said order in a conspicuous place in each building in which women or minors affected by the order are employed.

Board to investigate wages and cost of living.

Minimum wages to be fixed.

Hearings on wage determinations.

Obligatory orders.

Power of board to subpoena witnesses, etc.

Sec. 3. The board shall, for the purposes of this act, have the power to subpoena witnesses and compel their attendance, to administer oaths, and examine witnesses under oath, and to compel the production of papers, books, accounts, documents and records. If any person shall fail to attend as a witness when subpoenaed by the board or shall refuse to testify when ordered so to do, the board may apply to any district court or county court to compel obedience on the part of such person and such district or county court shall thereupon compel obedience by proceedings for contempt as in case of disobedience of any order of said court.

Payment of witnesses.

Sec. 4. Each witness who shall appear before the board by order of the board shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in the district courts of the State.

Record of proceedings.

Sec. 5. A full and complete record shall be kept of all testimony taken by, and of all proceedings had before the board.

Appeal from orders of board.

Sec. 6. Any employer, employee, or other person directly affected by any order of the board fixing and determining a minimum wage in any occupation or industry, shall have the right of appeal from such order to the district court of the State on the ground that such order is unlawful or unreasonable. The evidence considered upon such appeal shall be confined to the evidence presented to the board in the case from the decision in which the appeal is taken, and the order of the board shall remain in full force and effect until such order is reversed or set aside by the district court. In all proceedings in the district court the district attorney shall appear for the board. In all proceedings in the supreme court the attorney general shall appear for the board.

Penalty for violation of act.

Sec. 7. Any person or partnership or corporation employing any female person above the age of 18 years at less than the minimum wage fixed for such persons by this board, and any person, partnership or corporation employing any person of either sex under the age of 18 years at less than the minimum wage fixed for such persons by this board, or violating any other provisions of this act shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than \$100 for each offense, or by imprisonment in the county jail for not more than three months or by both fine and imprisonment.

Discrimination against employees.

Sec. 8. Any employer who discharges or in any other manner discriminates against any employee because such employee has testified, or is about to testify, or because such employer believes that said employee may testify, in any investigation or proceeding relative to the enforcement of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of \$25 for each such misdemeanor.

Sec. 9. Justices of the peace shall have, according to law, jurisdiction within their respective counties of all offenses arising under the provisions of this act.

Right to recover.

Sec. 10. If any employee shall receive less than the minimum wage fixed by this board for employees in the occupation in which said person is employed, he or she shall be entitled to recover in a civil action, the full amount which would have been due said employee if the minimum wage fixed by the board had been paid, together with costs and attorney fees to be fixed by the court, notwithstanding any agreement to work for such lower wage. In such action, however, the employer shall be credited with any wages which have been paid said employee.

Special licenses.

Sec. 11. For any occupation in which a minimum-time rate only has been established, the wage board may issue to any female over the age of 18, physically defective, a special license authorizing the employment of such licensee for a wage less than the legal minimum wage: *Provided*, It is not less than the special minimum wage fixed for said person.

Payment of board and expenses.

Sec. 12. The wage board shall, by and with the consent of the governor, appoint a secretary who may, or may not be a member of the board and who shall give his entire time to the duties of the office, whose salary shall be \$1,200 per annum, payable monthly. The members of said wage board and the secretary thereof shall be paid all necessary traveling and incidental expenses actually incurred in the performance of their official duties, not to exceed \$1,300 per annum. The

board of capitol managers shall provide a suitable room for the use of of said wage board and its secretary. There is hereby appropriated for the payment of the aforesaid salary and expenses, out of any moneys in the State treasury not otherwise appropriated for other ordinary expenses of the departments of the State, the sum of \$5,000; and the auditor of state is hereby authorized and directed to draw his warrants on said fund upon certified vouchers of the chairman of said board attested by its secretary.

SEC. 13. The board shall, within 30 days after the convening of the twentieth general assembly, make a report to the governor and to the general assembly of its investigations and proceedings during the period of its existence, up to and including November 30, 1914.

Report.

SEC. 14. All acts or parts of acts in conflict with any of the provisions of this act are hereby repealed.

Approved May 14, 1913.

## MASSACHUSETTS.

### ACTS OF 1912.

CHAPTER 706.—*An Act to establish the minimum wage commission and to provide for the determination of minimum wages for women and minors.*

SECTION 1. There is hereby established a commission to be known as the Minimum Wage Commission. It shall consist of three persons, one of whom may be a woman, to be appointed by the governor, with the advice and consent of the council. One of the commissioners shall be designated by the governor as chairman. The first appointments shall be made within 90 days after the passage of this act, one for a term ending October 1, 1913, one for a term ending October 1, 1914, and one for a term ending October 1, 1915; and beginning with the year 1913, one member shall be appointed annually for the term of three years from the 1st day of October and until his successor is qualified. Any vacancy that may occur shall be filled in like manner for the unexpired part of the term.

Commission established.

SEC. 2. Each commissioner shall be paid \$10 for each day's service, in addition to the traveling and other expenses incurred in the performance of his official duties. The commission may appoint a secretary, who shall be the executive officer of the board and to whose appointment the rules of the civil service commission shall not apply. It shall determine his salary, subject to the approval of the governor and council. The commission may incur other necessary expenses not exceeding the annual appropriation therefor, and shall be provided with an office in the statehouse or in some other suitable building in the city of Boston.

Payment of commissioners and expenses.

SEC. 3. It shall be the duty of the commission to inquire into the wages paid to the female employees in any occupation in the Commonwealth, if the commission has reason to believe that the wages paid to a substantial number of such employees are inadequate to supply the necessary cost of living and to maintain the worker in health.

Commission to investigate wages.

SEC. 4. If after such investigation the commission is of the opinion that in the occupation in question the wages paid to a substantial number of female employees are inadequate to supply the necessary cost of living and to maintain the worker in health, the commission shall establish a wage board consisting of not less than six representatives of employers in the occupation in question and an equal number of persons to represent the female employees in said occupation, and of one or more disinterested persons appointed by the commission to represent the public, but the representatives of the public shall not exceed one-half of the number of representatives of either of the other parties. The commission shall designate the chairman from among the representatives of the public, and shall make rules and regulations governing the selection of members and the modes of procedure of the boards, and shall exercise exclusive jurisdiction over all questions arising with reference to the validity of the procedure and of the determinations of

Wage board.

Rules for wage board.

the boards. The members of wage boards shall be compensated at the same rate as jurors; they shall be allowed the necessary traveling and clerical expenses incurred in the performance of their duties, these payments to be made from the appropriation for the expenses of the commission.

Duties of wage board.

Sec. 5 (as amended by ch. 673, Acts of 1913). The commission may transmit to each wage board all pertinent information in its possession relative to the wages paid in the occupation in question. Each wage board shall take into consideration the needs of the employees, the financial condition of the occupation and the probable effect thereon of any increase in the minimum wages paid, and shall endeavor to determine the minimum wage, whether by time rate or piece rate, suitable for a female employee of ordinary ability in the occupation in question, or for any or all of the branches thereof, and also suitable minimum wages for learners and apprentices and for minors below the age of 18 years. When a majority of the members of a wage board shall agree upon minimum-wage determinations, they shall report such determinations to the commission, together with the reasons therefor and the facts relating thereto.

Commission to review determinations of boards.

Sec. 6 (as amended by ch. 673, Acts of 1913). Upon receipt of a report from a wage board, the commission shall review the same, and may approve any or all of the determinations recommended, or may disapprove any or all of them, or may recommit the subject to the same or to a new wage board. If the commission approves any or all of the determinations of the wage board it shall, after not less than 14 days' notice to employers paying a wage less than the minimum wage approved, give a public hearing to such employers, and if, after such public hearing, the commission finally approves the determination, it shall enter a decree of its findings and note thereon the names of employers, so far as they may be known to the commission, who fail or refuse to accept such minimum wage and to agree to abide by it. The commission shall thereafter publish in at least one newspaper in each county of the Commonwealth a summary of its findings and of its recommendations. It shall also at such times and in such manner as it shall deem advisable publish the facts, as it may find them to be, as to the acceptance of its recommendations by the employers engaged in the industry to which any of its recommendations relate, and may publish the names of employers whom it finds to be following or refusing to follow such recommendations. An employer who files a declaration under oath in the supreme judicial court or the superior court to the effect that compliance with the recommendation of the commission would render it impossible for him to conduct his business at a reasonable profit shall be entitled to a review of said recommendation by the court under the rules of equity procedure. The burden of proving the averments of said declaration shall be upon the complainant. If, after such review, the court shall find the averments of the declaration to be sustained, it may issue an order restraining the commission from publishing the name of the complainant as one who refuses to comply with the recommendations of the commission. But such review, or any order issued by the court thereupon, shall not be an adjudication affecting the commission as to any employer other than the complainant, and shall in no way affect the right of the commission to publish the names of those employers who do comply with its recommendations. The type in which the employers' names shall be printed shall not be smaller than that in which the news matter of the paper is printed. The publication shall be attested by the signature of at least a majority of the commission.

Publication of names of employers.

Court review.

Sec. 7. In case a wage board shall make a recommendation of a wage determination in which a majority but less than two-thirds of the members concur, the commission, in its discretion, may report such recommendation and the pertinent facts relating thereto to the general court.

Wage report to legislature.

Reconsideration of rates.

Sec. 8. Whenever a minimum-wage rate has been established in any occupation, the commission may, upon petition of either employers or employees, reconvene the wage board or establish a new wage board, and any recommendation made by such board shall be dealt with in the same manner as the original recommendation of a wage board.

SEC. 9. For any occupation in which a minimum-time rate only has been established, the commission may issue to any woman physically defective a special license authorizing the employment of the licensee for a wage less than the legal minimum wage: *Provided*, That it is not less than the special minimum wage fixed for that person.

Special licenses.

SEC. 10. The commission may at any time inquire into the wages paid to minors in any occupation in which the majority of employees are minors, and may, after giving public hearings, determine minimum wages suitable for such minors. When the commission has made such a determination, it may proceed in the same manner as if the determination had been recommended to the commission by a wage board.

Minimum wages for minors.

SEC. 11. Every employer of women and minors shall keep a register of the names and addresses of all women and minors employed by him, and shall on request permit the commission or any of its members or agents to inspect the register. The commission shall also have power to subpoena witnesses, administer oaths and take testimony, and to examine such parts of the books and records of employers as relate to the wages paid to women and minors. Such witnesses shall be summoned in the same manner and be paid from the treasury of the Commonwealth the same fees as witnesses before the superior court.

Registers of employees to be kept.

Power of commission to examine witnesses and records.

SEC. 12. Upon request of the commission, the director of the bureau of statistics shall cause such statistics and other data to be gathered as the commission may require, and the cost thereof shall be paid out of the appropriation made for the expenses of the commission.

Bureau of statistics to gather data.

SEC. 13 (as amended by ch. 673, Acts of 1913). Any employer who discharges or in any other manner discriminates against any employee because such employee has testified, or is about to testify, or because the employer believes that the employee may testify, in any investigation or proceeding relative to the enforcement of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$200 and not more than \$1,000 for each offense.

Discrimination against employees.

SEC. 14. The commission shall from time to time determine whether employers in each occupation investigated are obeying its decrees, and shall publish in the manner provided in section 6, the name of any employer whom it finds to be violating any such decree.

Publication of names of employers violating decrees.

SEC. 15. Any newspaper refusing or neglecting to publish the findings, decrees, or notices of the commission at its regular rates for the space taken shall, upon conviction thereof, be punished by a fine of not less than \$100 for each offense.

Penalty for newspapers refusing to publish names.

SEC. 16. No member of the commission and no newspaper publisher, proprietor, editor or employee thereof, shall be liable to an action for damages for publishing the name of any employer in accordance with the provisions of this act, unless such publication contains some willful misrepresentation.

Nonliability for damages.

SEC. 17. The commission shall annually, on or before the first Wednesday in January, make a report to the general court of its investigations and proceedings during the preceding year.

Reports of commission.

SEC. 18. This act shall take effect on the 1st day of July in the year 1913.

Act in effect.

Approved June 4, 1912.

## MINNESOTA.

### ACTS OF 1913.

CHAPTER 547.—*An Act to establish a minimum wage commission, and to provide for the determination and establishment of minimum wages for women and minors.*

SECTION 1. There is hereby established a commission to be known as the Minimum Wage Commission. It shall consist of three persons, one of whom shall be the commissioner of labor who shall be the chairman of the commission, the governor shall appoint two others, one of whom shall be an employer of women, and the third shall be a woman, who shall act as secretary of the commission. The first appointments shall be made within 60 days after the passage of this act for a term ending

Commission established.

January 1, 1915. Beginning with the year 1915 the appointments shall be for two years from the 1st day of January and until their successors qualify. Any vacancy that may occur shall be filled in like manner for the unexpired portion of the term.

Commission to investigate wages.

SEC. 2. The commission may at its discretion investigate the wages paid to women and minors in any occupation in the State. At the request of not less than 100 persons engaged in any occupation in which women and minors are employed, the commission shall forthwith make such investigation as herein provided.

Employers to keep records of wages and hours.

SEC. 3. Every employer of women and minors shall keep a register of the names and addresses of and wages paid to all women and minors employed by him, together with number of hours that they are employed per day or per week; and every such employer shall on request permit the commission or any of its members or agents to inspect such register.

Public hearings—Power to subpoena.

SEC. 4. The commission shall specify times to hold public hearings at which employers, employees, or other interested persons may appear and give testimony as to wages, profits and other pertinent conditions of the occupation or industry. The commission or any member thereof shall have power to subpoena witnesses, to administer oaths, and to compel the production of books, papers, and other evidence. Witnesses subpoenaed by the commission may be allowed such compensation for travel and attendance as the commission may deem reasonable, to an amount not exceeding the usual mileage and per diem allowed by our courts in civil cases.

When minimum wage must be established.

SEC. 5. If after investigation of any occupation the commission is of opinion that the wages paid to one-sixth or more of the women or minors employed therein are less than living wages, the commission shall forthwith proceed to establish legal minimum rates of wages for said occupation, as hereinafter described and provided.

Minimum wage determination directly by board.

SEC. 6. The commission shall determine the minimum wages sufficient for living wages for women and minors of ordinary ability, and also the minimum wages sufficient for living wages for learners and apprentices. The commission shall then issue an order, to be effective 30 days thereafter, making the wages thus determined the minimum wages in said occupation throughout the State, or within any area of the State if differences in the cost of living warrant this restriction. A copy of said order shall be mailed, so far as practicable, to each employer affected; and each such employer shall be required to post such a reasonable number of copies as the commission may determine in each building or other work place in which affected workers are employed. The original order shall be filed with the commissioner of labor.

Advisory board.

SEC. 7. The commission may at its discretion establish in any occupation an advisory board which shall serve without pay, consisting of not less than 3 nor more than 10 persons representing employers, and an equal number of persons representing the workers in said occupation, and of one or more disinterested persons appointed by the commission to represent the public; but the number of representatives of the public shall not exceed the number of representatives of either of the other parties. At least one-fifth of the membership of any advisory board shall be composed of women, and at least one of the representatives of the public shall be a woman. The commission shall make rules and regulations governing the selection of members and the modes of procedure of the advisory boards, and shall exercise exclusive jurisdiction over all questions arising with reference to the validity of the procedure and determination of said boards: *Provided*, That the selection of members representing employers and employees shall be, so far as practicable, through election by employers and employees respectively.

Power of advisory board.

SEC. 8. Each advisory board shall have the same power as the commission to subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. Witnesses subpoenaed by an advisory board shall be allowed the same compensation as when subpoenaed by the commission. Each advisory board shall recommend to the commission an estimate of the minimum wages, whether by time rate or by price [piece] rate, sufficient for living wages for

Advisory board to recommend minimum wage.

women and minors of ordinary ability, and an estimate of the minimum wages sufficient for living wages for learners and apprentices. A majority of the entire membership of an advisory board shall be necessary and sufficient to recommend wage estimates to the commission.

SEC. 9. Upon receipt of such estimates of wages from an advisory board, the commission shall review the same, and if it approves them shall make them the minimum wages in said occupation, as provided in section 6. Such wages shall be regarded as determined by the commission itself and the order of the commission putting them into effect shall have the same force and authority as though the wages were determined without the assistance of an advisory board.

Commission to review and determine minimum wages.

SEC. 10. All rates of wages ordered by the commission shall remain in force until new rates are determined and established by the commission. At the request of approximately one-fourth of the employers or employees in an occupation, the commission must reconsider the rates already established therein and may, if it sees fit, order new rates of minimum wages for said occupation. The commission may likewise reconsider old rates and order new minimum rates on its own initiative.

Reconsideration of rates.

SEC. 11. For any occupation in which a minimum-time rate of wages only has been ordered the commission may issue to a woman physically defective a special license authorizing her employment at a wage less than the general minimum ordered in said occupation; and the commission may fix a special wage for such person: *Provided*, That the number of such persons shall not exceed one-tenth of the whole number of workers in any establishment.

Special licenses.

SEC. 12. Every employer in any occupation is hereby prohibited from employing any worker at less than the living wage or minimum wage as defined in this act and determined in an order of the commission; and it shall be unlawful for any employer to employ any worker at less than said living or minimum wage.

Employment at less than minimum wage prohibited.

SEC. 13. It shall likewise be unlawful for any employer to discharge or in any manner discriminate against any employee because such employee has testified, or is about to testify, or because such employer believes that said employee is about to testify, in any investigation or proceeding relative to the enforcement of this act.

Discrimination against employees.

SEC. 14. Any worker who receives less than the minimum wage ordered by the commission shall be entitled to recover in civil action the full amount due as measured by said order of the commission, together with costs and attorney's fees to be fixed by the court, notwithstanding any agreement to work for a lesser wage.

Right to recover.

SEC. 15. The commission shall enforce the provisions of this act, and determine all questions arising thereunder, except as otherwise herein provided.

Commission to enforce act.

SEC. 16. The commission shall biennially make a report of its work to the governor and the State legislature, and such reports shall be printed and distributed as in the case of other executive documents.

Reports.

SEC. 17. The members of the commission shall be reimbursed for traveling and other necessary expenses incurred in the performance of their duties on the commission. The woman member shall receive a salary of \$1,800 annually for her work as secretary. All claims of the commission for expenses necessarily incurred in the administration of this act, but not exceeding the annual appropriation hereinafter provided, shall be presented to the State auditor for payment by warrant upon the State treasurer.

Payment of commission and expenses.

SEC. 18. There is appropriated out of any money in the State treasury not otherwise appropriated for the fiscal year ending July 31, 1914, the sum of \$5,000, and for the fiscal year ending July 31, 1915, the sum of \$5,000.

Appropriation.

SEC. 19. Any employer violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished for each offense by a fine of not less than \$10 nor more than \$50 or by imprisonment for not less than 10 nor more than 60 days.

Penalty for violation of act.

SEC. 20. Throughout this act the following words and phrases as used herein shall be considered to have the following meanings respectively, unless the context clearly indicates a different meaning in the connection used:

Definition of terms.



(1) The terms "living wage" or "living wages" shall mean wages sufficient to maintain the worker in health and supply him with the necessary comforts and conditions of reasonable life; and where the words "minimum wage" or "minimum wages" are used in this act, the same shall be deemed to have the same meaning as "living wage" or "living wages."

(2) The term "rate" or "rates" shall mean rate or rates of wages.

(3) The term "commission" shall mean the minimum wage commission.

(4) The term "woman" shall mean a person of the female sex 18 years of age or over.

(5) The term "minor" shall mean a male person under the age of 21 years, or a female person under the age of 18 years.

(6) The terms "learner" and "apprentice" may mean either a woman or a minor.

(7) The terms "worker" or "employee" may mean a woman, a minor, a learner, or an apprentice, who is employed for wages.

(8) The term "occupation" shall mean any business, industry, trade, or branch of a trade in which woman or minors are employed.

SEC. 21. This act shall take effect and be in force from and after its passage.

Approved April 26, 1913.

## NEBRASKA.

### ACTS OF 1913.

CHAPTER 211.—*An Act to establish a minimum wage commission and provide for the determination of minimum wages for women and minors.*

Commission established.

SECTION 1. There is hereby established a commission to be known as the Nebraska Minimum Wage Commission. The governor is hereby made a member of said commission. Within 30 days from the passage and approval of this act he shall appoint the following additional members: Deputy commissioner of labor; a member of the political science department of the University of Nebraska; one other member who shall be a citizen of the State. At least one member of said commission shall be a woman. Each of the above appointments shall be for a period of two years and may be renewed thereafter. Any vacancy occurring in the commission shall be filled by the governor. Within 10 days after such appointment the commission shall meet and organize by the election of a chairman and secretary.

Payment of expenses of commission.

SEC. 2. Each commissioner shall be paid all traveling and other expenses incurred in the performance of his or her official duties. The commission may incur other necessary expenses not exceeding the biennial appropriation therefor and shall be provided with an office in the statehouse or at the State university.

Commission to investigate wages.

SEC. 3. It shall be the duty of the commission to inquire into the wages paid to the female employees in any occupation in the Commonwealth, if the commission has reason to believe that the wages paid to a substantial number of such employees are inadequate to supply the necessary cost of living and to maintain the worker in health.

Wage board.

SEC. 4. If after such investigation the commission is of the opinion that in the occupation in question the wages paid to a substantial number of female employees are inadequate to supply the necessary cost of living and to maintain the worker in health, the commission shall establish a wage board consisting of not less than three representatives of employers in the occupation in question and of an equal number of persons to represent the female employees in said occupation, and in addition thereto the three appointed members of the commission to represent the public. The chairman of the commission shall be chairman of the wage board and shall make rules and regulations governing the procedure of the board and exercise jurisdiction over all questions arising with reference to the validity of the procedure and the determinations of the board. The secretary of the commission shall be secretary of the wage board and keep such record of hearings and arguments as the wage board shall direct. The members of wage boards

shall be compensated at the same rate as jurors in district courts; they shall be allowed necessary traveling and other expenses incurred in the performance of their duties, these payments to be made from the appropriation for the expenses of the commission.

SEC. 5. The commission may transmit to each wage board all pertinent information in its possession relative to the wages paid in the occupation in question. Each wage board shall take into consideration the needs of the employees, the financial condition of the occupation and the probable effect thereon of any increase in the minimum wages paid, and shall endeavor to determine the minimum wage, whether by time rate or piece rate, suitable for a female employee of ordinary ability in the occupation in question, or for any or all of the branches thereof, and also suitable minimum wages for learners and apprentices and for minors below the age of 18 years. When two-thirds of the members of a wage board shall agree upon minimum wage determinations, they shall report such determinations to the commission, together with the reasons therefor and the facts relating thereto, and also the names, so far as they can be ascertained by the board, of employers who pay less than the minimum wage so determined.

Duties of wage board.

SEC. 6. Upon receipt of a report from a wage board, the commission shall review the same, and report its review to the governor. If the commission approves any or all of the determinations of the wage board it shall, after not less than 30 days' notice to employers paying a wage less than the minimum wage approved, give a public hearing to such employers, and if, after such public hearing, the commission finally approves the determination, it shall enter a decree of its findings and note thereon the names of employers, so far as they may be known to the commission, who fail or refuse to accept such minimum wage and to agree to abide by it. The commission shall, within 30 days thereafter, publish the names of all such employers in at least one newspaper in each county in the Commonwealth, together with the material part of its findings, and a statement of the minimum wages paid by every such employer. Any employer upon filing a declaration under oath in the district court to the effect that compliance with such decree would endanger the prosperity of the business to which the same is made applicable, shall be entitled to a stay of execution of such decree, and a review thereof with reference to the question involved in such declaration. Such review shall be made by the court under the rules of equity procedure, and if it shall be found by the court that compliance with such decree is likely to endanger the prosperity of the business to which the same is applicable, then an order shall issue from said court revoking the same. The type in which the employers' names shall be printed shall not be smaller than that in which the news matter of the paper is printed. The publication shall be attested by the signature of at least a majority of the commission.

Commission to review determinations of board.

Publication of names of employers paying less than minimum.

Court review.

SEC. 7. In case a wage board shall make a recommendation of a wage determination in which a majority, but less than two-thirds, of the members concur, the commission, in its discretion, may report such recommendation and the pertinent facts relating thereto to the legislature.

Wage report to legislature.

SEC. 8. Whenever a minimum-wage rate has been established in any occupation, the commission may, upon petition of either employers or employees, reconvene the wage board or establish a new wage board; and any recommendation made by such board shall be dealt with in the same manner as the original recommendation of a wage board.

Reconsideration of rates.

SEC. 9. For any occupation in which a minimum-time rate only has been established, the commission may issue to any woman physically defective a special license authorizing the employment of the license[e] for a wage less than the legal minimum wage: *Provided*, That it is not less than the special minimum wage fixed for that person.

Special licenses.

SEC. 10. The commission may at any time inquire into the wages paid to minors in any occupation in which the majority of employees are minors, and may after giving public hearings, determine minimum wages suitable for such minors. When the commission has made such a determination, it may proceed in the same manner as if the determination had been recommended to the commission by a wage board.

Minimum wages for minors.

Registers of employees to be kept.

Power of commission to examine witnesses and records.

Statistics.

Discrimination against employees.

Publication of names of employers violating decrees.

Penalty for newspapers refusing to publish findings.

Nonliability for damages.

Reports of commission.

SEC. 11. Every employer of women and minors shall keep a register of the names and addresses of all women and minors employed by him, and shall on request permit the commission or any of its members or agents to inspect the register. The commission shall also have power to subpoena witnesses, administer oaths and take testimony, and to examine such parts of the books and records of employers as relate to the wages paid to women and minors. Such witnesses shall be summoned in the same manner and be paid from the treasury of the Commonwealth the same fees as witnesses before the district court.

SEC. 12. The commission may cause such statistics and other data to be gathered as it may deem desirable, and the cost thereof shall be paid out of the appropriation made for the expenses of the commission.

SEC. 13. Any employer who discharges or in any other manner discriminates against any employee because such employee has testified, or is about to testify, or because the employer believes that the employee may testify, in any investigation or proceeding relative to the enforcement of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of \$25 for each offense.

SEC. 14. The commission shall from time to time determine whether employers in each occupation investigated are obeying its decrees, and shall publish in the manner provided in section 6, the name of any employer whom it finds to be violating any such decree.

SEC. 15. Any newspaper publisher or publishers refusing or neglecting to publish the findings, decrees or notices of the commission at its regular rates for the space taken, shall, upon conviction thereof, be punished by a fine of not less than \$100 for each offense.

SEC. 16. No member of the commission and no newspaper publisher, proprietor, editor or employee thereof shall be liable to an action for damages for publishing the name of any employer in accordance with the provisions of this act, unless such publication contains some willful misrepresentation.

SEC. 17. The commission shall make a report to the governor on or before the first day of November, 1914, and biennially thereafter, covering the results secured and data gathered in its work. It may also make such additional reports in the form of bulletins from time to time as in its judgment shall best serve the public interest.

Approved April 21, 1913.

## OREGON.

### ACTS OF 1913.

CHAPTER 62.—*An Act to protect the lives and health and morals of women and minor workers, and to establish an industrial welfare commission and define its powers and duties, and to provide for the fixing of minimum wages and maximum hours and standard conditions of labor for such workers, and to provide penalties for violation of this act.*

Whereas, the welfare of the State of Oregon requires that women and minors should be protected from conditions of labor which have a pernicious effect on their health and morals, and inadequate wages and unduly long hours and unsanitary conditions of labor have such a pernicious effect; therefore, be it enacted \* \* \*:

Certain hours, conditions, and wages unlawful.

SECTION 1. It shall be unlawful to employ women or minors in any occupation within the State of Oregon for unreasonably long hours; and it shall be unlawful to employ women or minors in any occupation within the State of Oregon under such surroundings or conditions—sanitary or otherwise—as may be detrimental to their health or morals; and it shall be unlawful to employ women in any occupation within the State of Oregon for wages which are inadequate to supply the necessary cost of living and to maintain them in health; and it shall be unlawful to employ minors in any occupation within the State of Oregon for unreasonably low wages.

Commission established.

SEC. 2. There is hereby created a commission composed of three commissioners, which shall be known as the "Industrial Welfare Commission"; and the word "commission" as hereinafter used refers to

and means said "industrial welfare commission"; and the word "commissioner" as hereinafter used refers to and means a member of said "industrial welfare commission." Said commissioners shall be appointed by the governor. The governor shall make his first appointments hereunder within 30 days after this bill becomes a law; and of the three commissioners first appointed, one shall hold office until January 1, 1914, and another shall hold office until January 1, 1915, and the third shall hold office until January 1, 1916; and the governor shall designate the terms of each of said three first appointees. On or before the 1st day of January of each year, beginning with the year 1914, the governor shall appoint a commissioner to succeed the commissioner whose term expires on said 1st day of January; and such new appointee shall hold office for the term of three years from said 1st day of January. Each commissioner shall hold office until his successor is appointed and has qualified; and any vacancy that may occur in the membership of said commission shall be filled by appointment by the governor for the unexpired portion of the term in which such vacancy occurs. A majority of said commissioners shall constitute a quorum to transact business, and the act or decision of such a majority shall be deemed the act or decision of said commission; and no vacancy shall impair the right of the remaining commissioners to exercise all the powers of said commission. The governor shall, so far as practicable, so select and appoint said commissioners—both the original appointments and all subsequent appointments—that at all times one of said commissioners shall represent the interests of the employing class and one of said commissioners shall represent the interests of the employed class and the third of said commissioners shall be one who will be fair and impartial between employers and employees and work for the best interests of the public as a whole.

SEC. 3. The first commissioners appointed under this act shall, within 20 days after their appointment, meet and organize said commission by electing one of their number as chairman thereof and by choosing a secretary of said commission; and by or before the 10th day of January of each year, beginning with the year 1914, said commissioners shall elect a chairman and choose a secretary for the ensuing year. Each such chairman and each such secretary shall hold his or her position until his or her successor is elected or chosen; but said commission may at any time remove any secretary chosen hereunder. Said secretary shall not be a commissioner; and said secretary shall perform said duties as may be prescribed and receive such salary as may be fixed by such commission. None of said commissioners shall receive any salary as such. All authorized and necessary expenses of said commission and all authorized and necessary expenditures incurred by said commission shall be audited and paid as other State expenses and expenditures are audited and paid. Organization, expenses.

SEC. 4. Said commission is hereby authorized and empowered to ascertain and declare, in the manner hereinafter provided, the following things: (a) Standards of hours of employment for women or for minors and what are unreasonably long hours for women or for minors in any occupation within the State of Oregon; (b) Standards of conditions of labor for women or for minors in any occupation within the State of Oregon and what surroundings or conditions—sanitary or otherwise—are detrimental to the health or morals of women or of minors in any such occupation; (c) standards of minimum wages for women in any occupation within the State of Oregon and what wages are inadequate to supply the necessary cost of living to any such women workers and to maintain them in good health; and (d) standards of minimum wages for minors in any occupation within the State of Oregon and what wages are unreasonably low for any such minor workers. Powers of commission.

SEC. 5. Said commission shall have full power and authority to investigate and ascertain the wages and the hours of labor and the conditions of labor of women and minors in the different occupations in which they are employed in the State of Oregon; and said commission shall have full power and authority, either through any authorized representative or any commissioner to inspect and examine any and all books and pay rolls and other records of any employer of women or minors that in any way appertain to or have a bearing upon the ques-

tions of wages or hours of labor or conditions of labor of any such women workers or minor workers in any of said occupations and to require from any such employer full and true statements of the wages paid to and the hours of labor of and the conditions of labor of all women and minors in his employment.

Employers to  
keep registers.

SEC. 6. Every employer of women or minors shall keep a register of the names of all women and all minors employed by him, and shall, on request, permit any commissioner or any authorized representative of said commission to inspect and examine such register. The word "minor," as used in this act, refers to and means any person of either sex under the age of 18 years; and the word "women," as used in this act, refers to and means a female person of or over the age of 18 years.

Hearings.

SEC. 7. Said commission may hold meetings for the transaction of any of its business at such times and places as it may prescribe; and said commission may hold public hearings at such times and places as it deems fit and proper for the purpose of investigating any of the matters it is authorized to investigate by this act. At any such public hearing any person interested in the matter being investigated may appear and testify. Said commission shall have power to subpoena and compel the attendance of any witness at any such public hearing or at any session of any conference called and held as hereinafter provided; and any commissioner shall have power to administer an oath to any witness who testifies at any such public hearing or at any such session of any conference. All witnesses subpoenaed by said commission shall be paid the same mileage and per diem as are allowed by law to witnesses in civil cases before the circuit court of Multnomah County.

Conference or  
wage board.

SEC. 8. If, after investigation, said commission is of opinion that any substantial number of women workers in any occupation are working for unreasonably long hours or are working under surroundings or conditions detrimental to their health or morals or are receiving wages inadequate to supply them with the necessary cost of living and maintain them in health, said commission may call and convene a conference for the purpose and with the powers of considering and inquiring into and reporting on the subject investigated by said commission and submitted by it to such conference. Such conference shall be composed of not more than three representatives of the employers in said occupation and of an equal number of the representatives of the employees in said occupation and of not more than three disinterested persons representing the public and of one or more commissioners. Said commission shall name and appoint all the members of such conference and designate the chairman thereof. Said commission shall present to such conference all information and evidence in the possession or under the control of said commission which relates to the subject of the inquiry by such conference; and said commission shall cause to be brought before such conference any witnesses whose testimony said commission deems

Duties of con-  
ference.

material to the subject of the inquiry by such conference. After completing its consideration of and inquiry into the subject submitted to it by said commission, such conference shall make and transmit to said commission a report containing the findings and recommendations of such conference on said subject. Accordingly as the subject submitted to it may require, such conference shall, in its report, make recommendations on any or all of the following questions concerning the particular occupation under inquiry, to wit: (a) Standards of hours of employment for women workers and what are unreasonably long hours of employment for women workers; (b) standards of conditions of labor for women workers and what surroundings or conditions—sanitary or otherwise—are detrimental to the health or morals of women workers; (c) standards of minimum wages for women workers and what wages are inadequate to supply the necessary cost of living to women workers and maintain them in health. In its recommendations on a question of wages such conference shall, where it appears that any substantial number of women workers in the occupation under inquiry are being paid by piece rates as distinguished from time rate recommend minimum piece rates as well as minimum time rate and recommend such minimum piece rates as will in its judgment be adequate to supply the necessary

cost of living to women workers of average ordinary ability and maintain them in health; and in its recommendations on a question of wages such conference shall, when it appears proper or necessary, recommend suitable minimum wages for learners and apprentices and the maximum length of time any woman worker may be kept at such wages as a learner or apprentice, which said wages shall be less than the regular minimum wages recommended for the regular women workers in the occupation under inquiry. Two-thirds of the members of any such conference shall constitute a quorum; and the decision or recommendation or report of such a two-thirds on any subject submitted shall be deemed the decision or recommendations or report of such conference.

SEC. 9. Upon receipt of any report from any conference said commission shall consider and review the recommendations contained in said report; and said commission may approve any or all of said recommendations or disapprove any or all of said recommendations; and said commission may resubmit to the same conference or a new conference any subject covered by any recommendations so disapproved. If said commission approves any recommendations contained in any report from any conference, said commission shall publish notice, not less than once a week for four successive weeks in not less than two newspapers of general circulation published in Multnomah County, that it will on a date and at a place named in said notice hold a public meeting at which all persons in favor of or opposed to said recommendations will be given a hearing; and after said publication of said notice and said meeting, said commission may, in its discretion, make and render such an order as may be proper or necessary to adopt such recommendations and carry the same into effect and require all employers in the occupation affected thereby to observe and comply with such recommendations and said order. Said order shall become effective in 60 days after it is made and rendered and shall be in full force and effect on and after the sixtieth day following its making and rendition. After said order becomes effective and while it is effective, it shall be unlawful for any employer to violate or disregard any of the terms or provisions of said order or to employ any woman worker in any occupation covered by said order for longer hours or under different surroundings or conditions or at lower wages than are authorized or permitted by said order. Said commission shall, as far as is practicable, mail a copy of any such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room in his establishment in which women workers work. No such order of said commission shall authorize or permit the employment of any woman for more hours per day or per week than the maximum now fixed by law.

Commission to review recommendations of conference.

SEC. 10. For any occupation in which only a minimum time rate wage has been established, said commission may issue to a woman physically defective or crippled by age or otherwise a special license authorizing her employment at such wage less than said minimum time rate wage as shall be fixed by said commission and stated in said license.

Special licenses.

SEC. 11. Said commission may at any time inquire into wages or hours or conditions of labor of minors employed in any occupation in this State and determine suitable wages and hours and conditions of labor for such minors. When said commission has made such determination, it may issue an obligatory order in the manner provided for in section 9 of this act, and after such order is effective, it shall be unlawful for any employer in said occupation to employ a minor at less wages or for more hours or under different conditions of labor than are specified or required in or by said order; but no such order of said commission shall authorize or permit the employment of any minor for more hours per day or per week than the maximum now fixed by law or at any times or under any conditions now prohibited by law.

Minimum wages, etc., for minors.

SEC. 12. The word "occupation" as used in this act shall be so construed as to include any and every vocation and pursuit and trade and industry. Any conference may make a separate inquiry into and report on any branch of any occupation; and said commission may

Orders for separate occupations or localities.

make a separate order affecting any branch of any occupation. Any conference may make different recommendations and said commission may make different orders for the same occupation in different localities in the State when, in the judgment of such conference or said commission, different conditions in different localities justify such different recommendations or different orders.

**Compliance with orders.** SEC. 13. Said commission shall, from time to time, investigate and ascertain whether or not employers in the State of Oregon are observing and complying with its orders and take such steps as may be necessary to have prosecuted such employers as are not observing or complying with its orders.

**Assistance by other State offices.** SEC. 14. The "commissioner of labor statistics and inspector of factories and workshops" and the several officers of the "board of inspection of child labor" shall, at any and all times, give to said commission any information or statistics in their respective offices that would assist said commission in carrying out this act and render such assistance to said commission as may not be inconsistent with the performance of their respective official duties.

**Rules for enforcement and for conferences.** SEC. 15. Said commission is hereby authorized and empowered to prepare and adopt and promulgate rules and regulations for the carrying into effect of the foregoing provisions of this act, including rules and regulations for the selection of members and the mode of procedure of conferences.

**Court review.** SEC. 16. All questions of fact arising under the foregoing provisions of this act shall, except as otherwise herein provided, be determined by said commission, and there shall be no appeal from the decision of said commission on any such question of fact, but there shall be a right of appeal from said commission to the Circuit Court of the State of Oregon for Multnomah County from any ruling or holding on a question of law included in or embodied in any decision or order of said commission, and, on the same question of law, from said circuit court to the Supreme Court of the State of Oregon. In all such appeals the attorney general shall appear for and represent said commission.

**Penalty for violation of act.** SEC. 17. Any person who violates any of the foregoing provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$25 nor more than \$100 or by imprisonment in the county jail for not less than 10 days nor more than 3 months or by both such fine and imprisonment in the discretion of the court.

**Discrimination against employees.** SEC. 18. Any employer who discharges or in any other manner discriminates against any employee because such employee has testified, or is about to testify, or because such employer believes that said employee may testify, in any investigation or proceedings under or relative to this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$25 nor more than \$100.

**Right of recovery.** SEC. 19. If any woman worker shall be paid by her employer less than the minimum wage to which she is entitled under or by virtue of an order of said commission, she may recover in a civil action the full amount of her said minimum wage less any amount actually paid to her by said employer, together with such attorneys' fees as may be allowed by the court and any agreement for her to work for less than such minimum wage shall be no defense to such action.

**Report.** SEC. 20. Said commission shall, on or before the 1st day of January of the year 1915 and of each second year thereafter, make a succinct report to the governor and legislature of its work and the proceedings under this act during the preceding two years.

**Appropriation.** SEC. 21. There is hereby appropriated out of the general fund of the State of Oregon the sum of \$3,500 per annum, or so much thereof as may be necessary per annum, to carry into effect the provisions of this act and to pay the expenses and expenditures authorized by or incurred under this act.

Filed in the office of secretary of state February 17, 1913.

UTAH.

ACTS OF 1913.

CHAPTER 63.—*An Act to establish a minimum wage for female workers, providing a penalty for violation of the provisions of this act, and providing for its enforcement.*

SECTION 1. It shall be unlawful for any regular employer of female workers in the State of Utah to pay any woman (female) less than the wage in this section specified, to wit:

Unlawful to pay less than scale.

For minors, under the age of 18 years, not less than 75 cents per day; for adult learners and apprentices not less than 90 cents per day: *Provided*, That the learning period or apprenticeship shall not extend for more than one year; for adults who are experienced in the work they are employed to perform, not less than \$1.25 per day.

Minimum wage scale.

SEC. 2. All regular employers of female workers shall give a certificate of apprenticeship for time served to all apprentices.

Certificate of apprenticeship.

SEC. 3. Any regular employer of female workers who shall pay to any woman (female) less than the wage specified in section 1 of this act shall be guilty of a misdemeanor.

Penalty for paying less than wage specified.

SEC. 4. The commissioner of immigration, labor and statistics shall have general charge of the enforcement of this act, but violations of the same shall be prosecuted by all the city, State and county prosecuting officers in the same manner as in other cases of misdemeanor.

Commissioner of immigration, labor, and statistics to enforce act.

Approved March 18, 1913.

WASHINGTON.

ACTS OF 1913.

CHAPTER 174.—*An Act to protect the lives, health, morals of women and minors, workers, establishing an industrial welfare commission for women and minors, prescribing its powers and duties, and providing for the fixing of minimum wages and the standard conditions of labor for such workers and providing penalties for violation of the same, and making an appropriation therefor.*

SECTION 1. The welfare of the State of Washington demands that women and minors be protected from conditions of labor which have a pernicious effect on their health and morals. The State of Washington, therefore, exercising herein its police and sovereign power declares that inadequate wages and unsanitary conditions of labor exert such pernicious effect.

Purpose of act.

SEC. 2. It shall be unlawful to employ women or minors in any industry or occupation within the State of Washington under conditions of labor detrimental to their health or morals; and it shall be unlawful to employ women workers in any industry within the State of Washington at wages which are not adequate for their maintenance.

Certain conditions and wages unlawful.

SEC. 3. There is hereby created a commission to be known as the "Industrial welfare commission" for the State of Washington, to establish such standards of wages and conditions of labor for women and minors employed within the State of Washington, as shall be held hereunder to be reasonable and not detrimental to health and morals, and which shall be sufficient for the decent maintenance of women.

Commission established.

SEC. 4. Said commission shall be composed of five persons, four of whom shall be appointed by the governor, as follows: The first appointments shall be made within 30 days after this act takes effect; one for the term ending January 1, 1914; one for the term ending January 1, 1915; one for the term ending January 1, 1916; and one for the term ending January 1, 1917: *Provided, however*, That at the expiration of their respective terms, their successors shall be appointed by the governor to serve a full term of four years. No person shall be eligible to appointment as a commissioner hereunder who is, or shall have been at any time within five years prior to the date of such appointment a member of



any manufacturers or employers association or of any labor union. The governor shall have the power of removal for cause. Any vacancies shall be filled by the governor for the unexpired portion of the term in which the vacancy shall occur. The commissioner of labor of the State of Washington shall be ex officio member of the commission. Three members of the commission shall constitute a quorum at all regular meetings and public hearings.

Payment of commission. Sec. 5. The members of said commission shall draw no salaries. The commission may employ a secretary whose salary shall be paid out of the moneys hereinafter appropriated. All claims for expenses incurred by the commission shall, after approval by the commission, be passed to the State auditor for audit and payment.

Duties and powers of commission. Sec. 6. It shall be the duty of the commission to ascertain the wages and conditions of labor of women and minors in the various occupations, trades and industries in which said women and minors are employed in the State of Washington. To this end, said commission shall have full power and authority to call for statements and to examine, either through its members or other authorized representatives, all books, pay rolls or other records of all persons, firms and corporations employing females or minors as to any matter that would have a bearing upon the question of wages of labor or conditions of labor of said employees.

Employers to keep registers. Sec. 7. Every employer of women and minors shall keep a record of the names of all women and minors employed by him, and shall on request permit the commission or any of its members or authorized representatives to inspect such record.

Minor defined. Sec. 8. For the purposes of this act a minor is defined to be a person of either sex under the age of 18 years.

Hearings. Sec. 9. The commission shall specify times to hold public hearings, at which times employers, employees or other interested persons may appear and give testimony as to the matter under consideration. The commission shall have power to subpoena witnesses and to administer oaths. All witnesses subpoenaed by the commission shall be paid the same mileage and per diem allowed by law for witnesses before the superior court in civil cases.

Conference or wage board. Sec. 10. If, after investigation, the commission shall find that in any occupation, trade or industry, the wages paid to female employees are inadequate to supply them necessary cost of living and to maintain the workers in health, or that the conditions of labor are prejudicial to the health or morals of the workers, the commission is empowered to call a conference composed of an equal number of representatives of employers and employees in the occupation or industry in question, together with one or more disinterested persons representing the public; but the representatives of the public shall not exceed the number of representatives of either of the other parties; and a member of the commission shall be a member of such conference and chairman thereof.

Rules for conference. The commission shall make rules and regulations governing the selection of representatives and the mode of procedure of said conference, and shall exercise exclusive jurisdiction over all questions arising as to the validity of the procedure and of the recommendations of said conference. On request of the commission it shall be the duty of the conference to recommend to the commission an estimate of the minimum wage adequate in the occupation or industry in question to supply the necessary cost of living, and maintain the workers in health, and to recommend standards of conditions or labor demanded for the health and morals of the employees. The finding and recommendations of the conference shall be made a matter of record for the use of the commission.

Duties of conference. Sec. 11. Upon the receipt of such recommendations from a conference, the commission shall review the same and may approve any or all of such recommendations, or it may disapprove any or all of them and recommit the subject or the recommendations disapproved of, to the same or a new conference. After such approval of the recommendations of a conference the commission shall issue an obligatory order to be effective in 60 days from the date of said order, or if the commission shall find that unusual conditions necessitate a longer period, then it shall fix a later date, specifying the minimum wage for women in the occupation affected, and the standard conditions of

Commission to review recommendations of conference.

labor for said women; and after such order is effective, it shall be unlawful for any employer in said occupation to employ women over 18 years of age for less than the rate of wages, or under conditions of labor prohibited for women in the said occupations. The commission shall send by mail so far as practicable to each employer in the occupation in question a copy of the order, and each employer shall be required to post a copy of said order in each room in which women are affected by the order are employed. When such commission shall specify a minimum wage hereunder the same shall not be changed for one year from the date when such minimum wage is so fixed.

SEC. 12. Whenever wages or standard conditions of labor have been made mandatory in any occupation, upon petition of either employers or employees, the commission may at its discretion reopen the question and reconvene the former conference or call a new one, and any recommendations made by such conference shall be dealt with in the same manner as the original recommendations of a conference.

Reconsideration of orders.

SEC. 13. For any occupation in which a minimum rate has been established, the commission through its secretary may issue to a woman physically defective or crippled by age or otherwise, or to an apprentice in such class of employment or occupation as usually requires to be learned by apprentices, a special license authorizing the employment of such licensee for a wage less than the legal minimum wage; and the commission shall fix the minimum wage for said person, such special license to be issued only in such cases as the commission may decide the same is applied for in good faith and that such license for apprentices shall be in force for such length of time as the said commission shall decide and determine is proper.

Special licenses.

SEC. 14. The commission may at any time inquire into wages, and conditions of labor of minors, employed in any occupation in the State and may determine wages and conditions of labor for such minors. When the commission has made such determination in the cases of minors it may proceed to issue an obligatory order in the manner provided for in section 11 of this act, and after such order is effective it shall be unlawful for any employer in said occupation to employ a minor for less wages than is specified for minors in said occupation, or under conditions of labor prohibited by the commission for said minors in its order.

Minimum wages, etc., for minors.

SEC. 15. Upon the request of the commission the commissioner of labor of the State of Washington shall furnish to the commission such statistics as the commission may require.

Commissioner of labor to furnish statistics.

SEC. 16. Any employer who discharges, or in any other manner discriminates against any employee because such employee has testified or is about to testify, or because such employer believes that said employee may testify in any investigation or proceedings relative to the enforcement of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of from \$25 to \$100 for each such misdemeanor.

Discrimination against employees.

SEC. 17. Any person employing a woman or minor for whom a minimum wage or standard conditions of labor have been specified, at less than said minimum wage, or under conditions of labor prohibited by the order of the commission; or violating any other of the provisions of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than \$25 nor more than \$100.

Penalty for violation of act.

SEC. 17½. Any worker or the parent or guardian of any minor to whom this act applies may complain to the commission that the wages paid to the workers are less than the minimum rate and the commission shall investigate the same and proceed under this act in behalf of the worker.

Investigation of complaints.

SEC. 18. If any employee shall receive less than the legal minimum wage, except as hereinbefore provided in section 13, said employee shall be entitled to recover in a civil action the full amount of the legal minimum wage, as herein provided for, together with costs and attorney's fees, to be fixed by the court, notwithstanding any agreement to work for such lesser wage. In such action, however, the employer shall be credited with any wages which have been paid on account.

Right of recovery.

**Court appeal.** SEC. 19. All questions of fact arising under this act shall be determined by the commission, and there shall be no appeal from its decision upon said question of fact. Either employer or employee shall have the right of appeal to the superior court on questions of law.

**Report.** SEC. 20. The commission shall biennially make a report to the governor and State legislature of its investigations and proceedings.

**Appropriation.** SEC. 21. There is hereby appropriated annually out of any moneys of the State treasury not otherwise appropriated, the sum of \$5,000 or as much thereof as may be necessary to meet the expenses of the commission.

Approved by the governor March 24, 1913.

## WISCONSIN.

### LAWS OF 1913.

CHAPTER 712.—*An Act to create sections 1729s-1 to 1729s-12, inclusive, of the statutes relating to the establishment of a living wage for women and minors, and making an appropriation, and providing a penalty.*

SECTION 1. There are added to the statutes 12 new sections to read:

**Definition of terms.** of SECTION 1729s-1. The following terms as used in section 1729s-1 to 1729s-12, inclusive, shall be construed as follows:

(1) The term "employer" shall mean and include every person, firm or corporation, agent, manager, representative, contractor, subcontractor or principal, or other person having control or direction of any person employed at any labor or responsible directly or indirectly for the wages of another.

(2) The term "employee" shall mean and include every person who is in receipt of or is entitled to any compensation for labor performed for any employer.

(3) The term "wage" and the term "wages" shall each mean any compensation for labor measured by time, piece or otherwise.

(4) The term "welfare" shall mean and include reasonable comfort, reasonable physical well-being, decency, and moral well-being.

(5) The term "living wage" shall mean compensation for labor paid, whether by time, piecework or otherwise, sufficient to enable the employee receiving it to maintain himself or herself under conditions consistent with his or her welfare.

**Living wage to be paid.** SECTION 1729s-2. Every wage paid or agreed to be paid by any employer to any female or minor employee, except as otherwise provided in section 1729s-7, shall be not less than a living wage.

**Penalty.** SECTION 1729s-3. Any employer paying, offering to pay, or agreeing to pay to any female or minor employee a wage lower or less in value than a living wage shall be deemed guilty of a violation of sections 1729s-1 to 1729s-12, inclusive, of the statutes.

**Commission to determine and fix living wage.** SECTION 1729s-4. It shall be the duty of the industrial commission and it shall have power, jurisdiction and authority to investigate, ascertain, determine and fix such reasonable classification, and to issue general or special orders determining the living wage, and to carry out the purposes of sections 1729s-1 to 1729s-12, inclusive, of the statutes. Such investigations, classifications and orders, and any action, proceeding, or suit to set aside, vacate or amend any such order of said commission, or to enjoin the enforcement thereof, shall be made pursuant to the proceedings in sections 2394-41 to 2394-70, inclusive, of the statutes, which are hereby made a part hereof, so far as not inconsistent with the provisions of sections 1729s-1, 1729s-2, 1729s-3, 1729s-4, 1729s-5, 1729s-6, 1729s-7, 1729s-8, 1729s-9, 1729s-10, 1729s-11, and 1729s-12 of the statutes; and every order of the said commission shall have the same force and effect as the orders issued pursuant to said sections 2394-41 to 2394-70, inclusive, of the statutes, and the penalties therein shall apply to and be imposed for any violation of sections 1729s-1, 1729s-2, 1729s-3, 1729s-4, 1729s-5, 1729s-6, 1729s-7, 1729s-8, 1729s-9, 1729s-10, 1729s-11, and 1729s-12 of the statutes.

SECTION 1729s-5. After July 1, 1913, the industrial commission may, upon its own initiative, and after July 1, 1914, the industrial commission shall, within 20 days after the filing of a verified complaint of any person setting forth that the wages paid to any female or minor employee in any occupation are not sufficient to enable such employee to maintain himself or herself under conditions consistent with his or her welfare, investigate and determine whether there is reasonable cause to believe that the wage paid to any female or minor employee is not a living wage. When commission shall act.

SECTION 1729s-6. If, upon investigation, the commission finds that there is reasonable cause to believe that the wages paid to any female or minor employee are not a living wage, it shall appoint an advisory wage board, selected so as fairly to represent employers, employees, and the public, to assist in its investigations and determinations. The living wage so determined upon shall be the living wage for all female or minor employees within the same class as established by the classification of the commission. Advisory wage board.

SECTION 1729s-7. The industrial commission shall make rules and regulations whereby any female or minor unable to earn the living wage theretofore determined upon, shall be granted a license to work for a wage which shall be commensurate with his or her ability. Each license so granted shall establish a wage for the licensee, and no licensee shall be employed at a wage less than the rate so established. Special licenses.

SECTION 1729s-8. 1. All minors working in an occupation for which a living wage has been established for minors, and who shall have no trade, shall, if employed in an occupation which is a trade industry, be indentured under the provisions of sections 2377 to 2386, inclusive, of the statutes. Minors to be indentured.

2. A "trade" or a "trade industry" within the meaning of this act shall be a trade or an industry involving physical labor and characterized by mechanical skill and training such as render a period of instruction reasonably necessary. The industrial commission shall investigate, determine and declare what occupations and industries are included within the phrase a "trade" or a "trade industry." Trade industry.

3. All minors working in an occupation for which a living wage has been established for minors but which is not a trade industry, who have no trade, shall be subject to the same provisions as minors between the ages of 14 and 16 as provided in section 1728c-1 of the statutes.

4. The industrial commission may make exceptions to the operation of subsections 1 and 2 of this section where conditions make their application unreasonable. Exceptions.

SECTION 1729s-9. Every employer employing three or more females or minors shall register with the industrial commission, on blanks to be supplied by the commission. In filling out the blank he shall state separately the number of females and the number of minors employed by him, their age, sex, wages, and the nature of the work at which they are employed, and shall give such other information relative to the work performed and the wages received as the industrial commission requires. Each employer shall also keep a record of the names and addresses of all women and minors employed by him, the hours of employment and wages of each, and such other records as the industrial commission requires. Registration of employers.

SECTION 1729s-10. Any employer who discharges or threatens to discharge, or in any way discriminates, or threatens to discriminate against any employee because the employee has testified or is about to testify, or because the employer believes that the employee may testify, in any investigation or proceeding relative to the enforcement of this act, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of \$25 for each offense. Discrimination against employees.

SECTION 1729s-11. Each day during which any employer shall employ a person for whom a living wage has been fixed at a wage less than the living wage fixed shall constitute a separate and distinct violation of sections 1729s-1 to 1729s-12, inclusive, of the statutes. Violation of act.

SECTION 1729s-12. Any person may register with the industrial commission a complaint that the wages paid to an employee for whom a Complaints.

living wage has been established are less than that rate, and the industrial commission shall investigate the matter and take all proceedings necessary to enforce the payment of a wage not less than the living wage.

Sec. 2. This act shall take effect and be in force from and after its passage and publication.

Approved July 31, 1913.

## VICTORIA.

### FACTORIES AND SHOPS ACT, 1912.

[No. 2386.]

Short title and commencement.

SECTION 1. This act may be cited as the factories and shops act, 1912, and shall come into operation on the 1st day of January, 1913.

#### PART VII.—SPECIAL BOARDS.

##### (1) APPOINTMENT OF BOARDS.

Existing boards confirmed.

SECTION 133. (1) Every special board purporting to have been appointed prior to the commencement of this act shall be deemed to have been validly appointed.

Power to appoint special board.

(2) Where a resolution is or has been passed by both Houses of Parliament declaring that it is expedient to appoint any special board to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed anywhere in Victoria (whether in a factory or not) in any process trade business or occupation or any group thereof specified in the resolution or where any special board has prior to the commencement of this act been appointed for any process trade business or occupation or any group thereof the governor in council may if he thinks fit from time to time—

(a) Appoint one or more special boards for any one of such processes trades businesses or occupations or for any branch or branches thereof or for any group or groups thereof; and

(b) Define the area or locality (including the whole or any part or parts of Victoria) within which the determination of each of such special boards shall be operative; and extend or redefine any such area or locality; and

(c) As between any two or more special boards, adjust the powers which such boards or any of them may lawfully exercise, and for that purpose deprive any special board of any of its powers and confer them upon any other special board.

(3) When any special board is deprived of any of its powers pursuant to this section any determination thereof or of the court of industrial appeals made before such deprivation under any power of which the special board is deprived shall continue in operation until superseded by a determination of the special board upon which such power is conferred, and upon such determination being made shall cease to have effect.

(4) Where under this section the area or locality within which the determination of any special board is to be operative is extended so as to include any part or parts of Victoria outside the Metropolitan district or outside any city town or borough the governor in council if in any case he thinks it necessary may appoint a new special board to take the place of the special board the operation of whose determination is so extended.

(5) Where any new special board is so appointed any determination of the board whose place it takes or of the court of industrial appeals theretofore made shall within the area or locality for which the determination was made continue in operation until superseded by a determination of the new special board and upon such determination being made shall cease to have effect.

(6) Each special board shall consist of not less than 4 nor more than 10 members and a chairman.

SEC. 134. The governor in council may by order published in the Government Gazette direct that any special board may in any regulation determination order or instrument or legal proceedings be described for all purposes by some short title specified in such order.

Short title.

SEC. 135 (as amended by section 25, act No. 2558, November 2, 1914).

(1) The governor in council may by an order published in the Government Gazette extend the powers under this act of any special board so that such board may fix the lowest prices or rates for any process, trade, business, or occupation or part of any such process, trade, business or occupation which in the opinion of the governor in council is of the same or similar class or character as that for which such board was appointed, and such board shall as regards the process, trade, business or occupation mentioned in the extending order in council have all the powers conferred on a special board by this act.

Power to extend scope of special board.

(2) A copy of the Government Gazette containing an order so extending the powers of a special board shall be conclusive evidence of the making of such order and such order shall not be liable to be challenged or disputed in any court whatever.

Evidence.

SEC. 136 (as amended by section 26, act No. 2558, November 2, 1914).

(1) One-half of the members of a special board shall be appointed as representatives of employers and one-half as representatives of employees.<sup>1</sup>

Constitution of board.

(2) The representatives of the employers shall be bona fide and actual employers in the trade concerned, or shall have been so for six months during the three years immediately preceding their appointment, and the representatives of the employees shall be actual and bona fide employees in such trade, or shall have been so for six months during the three years immediately preceding their appointment.

(3) All the representatives of employers and employees respectively nominated for any special board shall reside in the area or locality to which the determination of the special board is to be applied; and if any such representative ceases to reside as aforesaid he shall thereupon cease to be qualified as and shall cease to be a member of the board.

Members of boards to reside in locality.

(4) In any case where one-fifth of the employers or employees in any process trade business or occupation carry on or are engaged in such process trade business or occupation outside the metropolitan district as defined in this act one at least of the persons so nominated as representatives of employers and one at least of the persons so nominated as representatives of employees shall be a person who resides and who carries on or is engaged in or has carried on or been engaged in (as the case may be) such process trade business or occupation outside the said metropolitan district.

County representative.

(5) In any case where after the lapse of three months from the date of the order in council for the appointment of any special board the minister is satisfied that a sufficient number of qualified employers or employees can not be found to act as members of the board the governor in council on the advice of the minister may appoint any persons who have been engaged in the trade concerned to be representatives of the employers or the employees on such board.

Appointment of members of special boards.

(6) (a) Appointments as members of any special board shall be for three years only, but any member of a special board may on the expiration of his term of office be reappointed thereto;

Term of office.

(b) The chairman of any special board shall be deemed and taken to be a member thereof; and

(c) The governor in council may at any time remove any member of a special board.

Removal of members.

SEC. 137 (as amended by section 27, act No. 2558, November 2, 1914).

(1) Before appointing the members of any special board the minister may by notice published in the Government Gazette nominate persons as representatives of employers and representatives of employees to be appointed as members of such special board.

Provisions for appointment of representative members.

<sup>1</sup> See also section 162.

<sup>2</sup> Although the minister has power to nominate whomsoever he pleases within the limitations of section 136 ante, his invariable practice is to consult the parties interested. It is open for any person or association to forward the names of persons suitable for nomination. If such names exceed the number to be appointed, the minister makes a selection, and nominates those selected by publishing their name in the Government Gazette.

(2) Unless within 21 days after the date when such nominations are so published at least one-fifth of the employers or at least one-fifth of the adult employees respectively engaged in the process trade business or occupation subject to such special board give notice in writing to the minister that they object to the appointment of the persons nominated as their representatives (as the case may be) then such persons so nominated may be appointed members of the special board by the governor in council as representatives thereon of the employers or employees (as the case may be).

Duty of employers.

(3) For the purpose of furnishing the information necessary for preparing rolls of electors (none of whom shall be under the age of 18 years) for special boards in any process trade business or occupation not usually or frequently carried on in a factory as defined by this act all employers shall send to the chief inspector their names and addresses and also the names and addresses of all employees not under 18 years of age, in the form or to the effect of the seventh schedule and the chief inspector shall compile voters' rolls therefrom and each employer and each employee shall have one vote.

Any employer failing so to forward his name and address shall not be entitled to vote for representatives of employers on the special board to be elected.

Every employee not under 18 years of age, who produces evidence to the satisfaction of the chief inspector that his ordinary occupation when at work is employment in any process trade business or occupation in regard to which the lowest prices or rates of payment are to be determined by any special board shall notwithstanding that his name and address have not been forwarded by his employer, be enrolled as an elector of representatives of employees on such special board.

The minister may decide whether any process trade business or occupation falls within this subsection.

Decision as to objectors.

(4) The minister shall decide whether persons nominated as representatives have been objected to by at least one-fifth of employers or adult employees (as the case may be) and for that purpose he shall accept the records given by the chief inspector in his latest annual report.

*Provided*, That in any case where no records are given in the latest annual report of the chief inspector of factories with respect to any persons, likely to be affected by the determination of any such special board the minister if he is satisfied that there is substantial objection to the persons nominated by him as representatives of employers or employees on such special board and notwithstanding that an objection signed by one-fifth of the employers or adult employees, respectively engaged in the process trade business or occupation subject to such special board has not been lodged, may decide that an election shall be held.

Provision for election.

(5) If the minister is satisfied that at least one-fifth of the employers or of the adult employees object within the time aforesaid to the persons nominated as their representatives or that otherwise there is substantial objection then such representatives of employers or such representatives of employees shall subject to the provisions of this act be elected as may be prescribed by regulations<sup>1</sup> made by the governor in council.<sup>2</sup>

Appointment after nominations.

SEC. 138. If the number of persons nominated as representatives of employers or employees (as the case may be) does not exceed the number of persons to be elected the persons nominated shall be deemed and taken to have been elected and shall be appointed by the governor in council accordingly to be members of the special board.

Vacancies.

SEC. 139. In the event of any vacancy occurring from any cause whatsoever in any special board, the governor in council may without previous nomination or election appoint a person as representative of employers or employees as the case may require (and the person so appointed shall be deemed and taken to have been elected by such employers or employees, as the case may be); and such person shall be so appointed for the unexpired portion of the term of office of the member who dies or resigns or is removed.<sup>3</sup>

<sup>1</sup> For regulations see p. 228.

<sup>2</sup> See section 161.

<sup>3</sup> It is the practice of the minister to consult the interests of the persons concerned. If the board is sitting when the vacancy occurs, its remaining members usually suggest a suitable person. It is well, therefore, for parties interested to be ready with nominations as soon as a seat on the board becomes vacant.

(2) APPOINTMENT OF CHAIRMEN.

SEC. 140 (1) The members of a special board shall within fourteen days after their appointment nominate in writing some person (not being one of such members) to be chairman of such special board, and such person shall be appointed by the governor in council to such office. Nomination of chairman.

(2) In the event of the minister not receiving such nomination within fourteen days after the appointment of the said members then the governor in council may appoint the chairman on the recommendation of the minister.

(3) POWERS AND FUNCTIONS OF BOARDS. <sup>1</sup>

SEC. 141 (as amended by section 28, act No. 2558, November 2, 1914).

(1) Every special board in accordance with the terms of its appointment—

(a) Shall determine the lowest prices or rates of payment payable to any person or persons or classes of persons employed in the process of trade business or occupation specified in such appointment. Such prices or rates of payment may be fixed at piecework prices or at wages rates or both as the special board thinks fit; Board to determine lowest rates of pay.

(b) Shall determine the maximum number of hours per week for which such lowest wages rates shall be payable according to the nature or conditions of the work; and the wages rates payable for any shorter time worked shall be not less than a pro rata amount of such wages rates and not less than such a rate as may be fixed for casual labor. Board to fix number of hours.

In fixing such lowest prices or rates the special board shall take into consideration the following matters and may (if it thinks fit) fix different prices or rates accordingly— Matters to be considered.

- (i) The nature kind and class of work;
- (ii) The mode and manner in which the work is to be done;
- (iii) The age and the sex of the workers;<sup>2</sup>
- (iv) The place or locality where the work is to be done;
- (v) The hour of the day or night when the work is to be done;
- (vi) Whether more than six consecutive days' work is to be done;
- (vii) Whether the work is casual as defined by the board;<sup>3</sup>
- (viii) Any recognized usage or custom in the manner of carrying out the work; and
- (ix) Any matter whatsoever which may from time to time be prescribed.

(2) Every special board shall fix higher wages rates to be paid for overtime; and for that purpose it shall exercise the powers set out in any one but not more than one of the paragraphs in this subsection numbered (a), (b), (c), or (d): Special boards to fix overtime rates.

(a) It may fix an overtime rate for any hour or fraction of an hour worked in any week in excess of the number of hours determined for a week's work; or Overtime rates.

(b) It may fix the hour of beginning and the hour of ending work on each day; and in that case shall—

Fix higher wages rates to be paid for any hour or fraction of an hour worked in any week—

- (i) Outside the hours so fixed;<sup>4</sup>
- (ii) Within the hours so fixed in excess of the number of hours determined for a week's work; or

(c) It may fix the hour of beginning and the hour of ending each shift; and in that case shall—

Fix the rate to be paid for work done on each shift; and

Fix a higher rate to be paid for each hour or fraction of an hour worked by any employee before or after his shift; or

<sup>1</sup> A board may fix rates for repairing articles. See section 152 post. For additional powers as to apprentices and improvers, see section 182 post.

<sup>2</sup> As to persons under 21 years of age, other than apprentices or improvers, see section 154 post.

<sup>3</sup> According to section 29, act No. 2558, Nov. 2, 1914, casual work shall mean work during any week for not more than one-half the maximum number of hours fixed by the special board in respect of any particular process, trade, business, or occupation and the determination of any special board with respect to casual work shall always be subject to this provision.

<sup>4</sup> It will be noted that, under paragraphs (1) and (2), two different classes of overtime can be fixed. Under (1) and (2) the boards are bound to fix the number of hours for a week's work, and the wages rate for any time in excess. Under (2) they may fix the times



(d) It may fix a higher rate to be paid for any hour or fraction of an hour worked on any day in a factory before or after the ordinary working hours of the factory.

Special rates for  
Sundays and hol-  
idays.

(3) In addition to the powers conferred by this section every special board may exercise either or both of the following powers, namely:

For time occu-  
pied in traveling  
to and from work.

(a) It may fix special rates for work to be done on a Sunday or public holiday; or<sup>1</sup>

Apprenticeship  
indenture.

Board may  
vary overtime or  
hours.

(b) It may fix special rates to be paid to any employee who works away from his employer's place of business for time occupied in traveling between the employer's place of business and work or between the employee's residence and work.

(c) May prescribe the form of apprenticeship indenture to be used;

(d) When in this act or any regulations thereunder the number of the hours of work per week or the overtime rates of pay are fixed for any class or classes of workers, a special board when exercising any of the powers conferred by this section instead of fixing the number of working hours per week of overtime rate for the class or classes of workers to be affected by the determination of such board fixed by the factories and shops acts may fix a different number of working hours or overtime rate as the case may be.

Piecework  
price.

SEC. 142. Where pursuant to this act by any determination of a special board both a piecework price and a wages rate are fixed for any work, the piecework price shall be based on the wages rate; but no determination shall be liable to be questioned or challenged on the ground that any piecework price is a greater or less amount than such price would be if based upon the wages rate.

Outside work.

SEC. 143. For wholly or partly preparing or manufacturing outside a factory articles of clothing or wearing apparel or boots or shoes a piecework price only shall be fixed, and the board shall on request of any occupier of a factory or shop or place fix a wages rate for any work done by persons operating at a machine used in such factory or shop or place.

Basis for  
piecework  
price.

SEC. 144. (1) Any special board instead of specifying the lowest piecework prices which may be paid for wholly or partly preparing or manufacturing any articles may determine that piecework prices based on wages rates fixed by such special board may be fixed and paid therefor subject to and as provided in the next following subsection.

(2) Any employer who pursuant to such determination fixes and pays piecework prices shall base such piecework prices on the earnings of an average worker working under like conditions to those for which the piecework prices are fixed and who is paid by time at the wages rates fixed by such special board. Every such employer shall if required by the chief inspector so to do forward a statement of such prices to the chief inspector.

Offering lower  
price an offense.

(3) Any person who having fixed a piecework price as in this section provided either directly or indirectly or by any pretense or device pays or offers or permits any person to offer or attempts to pay any person a piecework price lower than the price so fixed by such first-

of beginning and ending work upon each day, and, having done so, must fix a higher rate for all time worked outside those hours. If these two powers were exercised independently of one another, they would clash.

It has been found necessary, when any board wishes to exercise both powers, to adopt a form such as follows:

*Time of beginning and ending work.*—That the time of beginning and ending work shall be—

Time of beginning, 7.30 a. m.; time of ending, 12 noon on the day on which the half holiday is observed. Time of beginning, 7.30 a. m.; time of ending, 6 p. m. on the other working days of the week.

*Overtime.*—That the following rates shall be paid for all work done:

(a) Within the hours fixed in clause in excess of 48 hours in any week, time and a quarter.

(b) Outside the hours fixed in clause, time and a quarter.

In many trades it is found better to exercise only the power of fixing overtime rates on the week's work, without fixing the time of beginning and ending. This course has the advantage of elasticity, allowing employers and employees to arrange their hours of work to suit themselves, according to the conditions and locality of their work.

<sup>1</sup> The only days which a wage board has power to name as public holidays are: 1st January (New Year's Day), 26th January (Foundation Day), Good Friday, Easter Saturday, Monday, and Tuesday, 21st April (Eight Hours' Day), 3d June (King's birthday), first Thursday in September (Royal Agricultural Show day, in localities named in the Royal Agricultural Show Act), 25th December (Christmas Day), and 26th December (Boxing Day).

mentioned person or who refuses or neglects to forward a statement of such prices when required to do so by the chief inspector, shall be deemed guilty of a contravention of the provisions of this part.<sup>1</sup>

(4) In proceedings against any person for a contravention of the provisions of the two last preceding subsections of this section the onus of proof that any piecework price fixed or paid by such person is in accordance with the provisions of such subsections shall in all cases lie on the defendant.

Burden of proof on defendant.

SEC. 145. When in any determination a special board has fixed a wages rate only for wholly or partly preparing or manufacturing either inside or outside a factory any articles or for doing any work then it shall not be lawful for any person to pay or authorize or permit to be paid therefor any piecework prices, and the receipt or acceptance of any piecework prices shall not be deemed to be payment or part payment of any such wages.

Piecework price forbidden.

SEC. 146. When in any determination a special board has fixed piecework prices for wholly or partly preparing or manufacturing any articles and in the description of the work in respect of which such piecework price is to be paid such board enumerates several operations, and when any one or more of such operations is by the direction or with the expressed or implied consent of the occupier of the factory or his manager or foreman or agent omitted, such omission shall not affect the price to be paid in connection with the particular work, but such price shall, unless otherwise provided in such determination, be that fixed as the price for the whole work described.

Effect on piecework price of varying usual course.

SEC. 147. Notwithstanding anything contained in this act the price or rate of payment to be fixed by any special board for wholly or partly preparing or manufacturing any article of furniture<sup>2</sup> shall wherever practicable be both a piecework price and a wages rate. The piecework price shall be based on the wages rate fixed by such board.

Piecework price and wages rate.

SEC. 148. Where it appears to be just and expedient special wages rates may be fixed for aged infirm or slow workers by any special board.<sup>3</sup>

Special rates.

SEC. 149. All powers of any special board may be exercised by a majority of the members thereof.

Exercise of powers.

SEC. 150. During any vacancy in a special board (other than in the office of chairman) the continuing members may act as if no vacancy existed, provided no member of the board objects.<sup>4</sup>

Vacancies.

SEC. 151. The chairman of any special board may require any person (including a member of a special board) giving evidence before a board to give his evidence on oath and for such purpose shall be entitled to administer an oath accordingly to such person.

Chairman to administer oaths.

SEC. 152. A special board shall have power to determine the lowest prices or rates to be paid to any person or persons or classes of persons employed in repairing—

Prices for repairing.

(a) Any articles of clothing or wearing apparel or furniture in respect to which such board may make a determination; or

(b) Any articles which are subject to the determination of a special board for any process trade or business.

SEC. 153. Where by the determination of a special board the wages of an apprentice or of an improver are to vary in accordance with his experience or length of employment in his trade, then for the purpose of determining the wages he is entitled to receive, any time during which such apprentice or improver has worked at his trade shall be reckoned in his length of employment in such trade.

Wages of apprentices.

SEC. 154. When fixing the wages rate to be paid to persons (other than apprentices or improvers) under 21 years of age for any particular class of work any special board may fix different rates having regard to the length of experience of such persons in such particular class.

Varying rates.

SEC. 155. No special board shall sit during ordinary working hours in any trade except by mutual agreement of the representatives of the employers and employees on the board, or by the direction of the minister.

Board not to sit during working hours.

<sup>1</sup> Penalty, section 226.

<sup>2</sup> For additional powers of furniture board, see sections 152 and 156 post.

<sup>3</sup> Very few boards have exercised their powers under this section. Under section 202 the chief inspector can grant a license to an old, slow, or infirm worker to work for less than the minimum wage, but it is questionable whether in case a board had fixed rates, the chief inspector could legally grant a license to work for anything less than the rate fixed by the board.

<sup>4</sup> In practice the boards do not usually decide important points during a vacancy.

## (4) MISCELLANEOUS PROVISIONS AS TO SPECIAL BOARDS.

Additional powers for furniture board.

SEC. 156. The special board heretofore appointed with regard to articles of furniture may also determine the lowest prices or rates which may be paid to female workers employed as upholstresses whether as carpet hands table hands or drapery hands, also to male persons employed in planning and laying carpets or linoleums or floor cloths or fixing draperies or making and fixing window venetian and wire blinds if a resolution shall have been passed by both houses of Parliament declaring it is expedient for the special board so to do.

Rates fixed by boards for engine drivers, etc., to supersede rates fixed by other boards for same classes.

SEC. 158. (1) Special boards may be appointed in order to determine the lowest prices or rates which may be paid to any person or persons or classes of persons wheresoever employed in the process trade or business of either the whole or any part of the ironworking trade (for which a special board has not been constituted) including—

- (a) Engineering.
- (b) Boiler making.
- (c) Blacksmithing.
- (d) General ironwork.

(2) The lowest prices or rates which may be determined under and pursuant to the factories and shops acts by any special board appointed—

In the occupation of a fireman, boiler attendant, or engine driver in connection with the use of steam boilers or steam engines other than steam boilers or steam engines connected with mines; or

Under the provisions of paragraphs (a), (b), (c), and (d) of this section—

for any person or persons or classes of persons shall be the lowest prices or rates to be paid to such person or persons or classes of persons wheresoever employed, notwithstanding that any other rates are determined with respect to such person or persons or classes of persons by any other special board.

Extension of powers of board for engine drivers.

SEC. 159. (1) Any special board appointed—

(a) In the occupation of a fireman boiler attendant or engine driver in connection with the use of steam boilers or steam engines other than steam boilers or steam engines connected with mines; or

(b) In the occupation of a fireman boiler attendant or engine driver in connection with a steam engine or steam boiler in or about mines of every kind—

is hereby given power to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in the occupation of assistant engine driver greaser or trimmer in connection with the use of steam engines or steam boilers.

(2) Such special board may exercise all the powers conferred on special boards under this act so far as any person or persons or classes of persons mentioned in this section are concerned.

Extension of powers of carters board.

SEC. 160. (1) Notwithstanding anything contained in this act, the carters board appointed on the 1st day of December 1909 is hereby given power to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in or in connection with any stable (other than a livery stable) in which are stabled the horses used in his business trade or occupation by any person subject to the determination of the said special board.

(2) Such special board may exercise all the powers conferred on special boards under this act so far as any such person or persons or classes of persons mentioned in this section are concerned.

Special board for furniture trade.

SEC. 161. Notwithstanding anything contained in this act the members of any special board to determine or fix the lowest price or rate which may be paid to any person for wholly or partly preparing or manufacturing any particular articles of furniture shall not be elected, and the governor in council may from time to time appoint such special board.

Men's and boys' clothing board.

SEC. 162. In the case of the special board for men's and boys' clothing, the representatives of the employers shall consist of three representatives of makers of ready-made clothing and two of makers of order clothing, and the rolls for any election of such respective representa-

tives shall be prepared and votes given in such manner as may be prescribed.

SEC. 163. Notwithstanding anything contained in this act the special board called the iron molders board appointed on the seventeenth day of December one thousand nine hundred and one is hereby given power to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed in the process trade or business of a steel molder and to exercise all the powers conferred on special boards under this act so far as the process, trade, or business of a steel molder is concerned.<sup>1</sup>

Extension of powers of the iron molders' board.

2. (1) (added by act No. 2447 of December 31, 1912). In addition to the powers it already possesses the special board heretofore appointed and called the hotel employees board is hereby given power to either—

(a) Fix prices and rates to be paid to employees without taking into consideration either board or lodging; or

(b) Fix prices and rates to be paid to employees varying according to whether full or partial board or lodging is received by the employee.

(2) When the board makes a determination having exercised either of these powers it shall be an offence for any employer to accept any payment from any employee under the jurisdiction of the said board for either board or lodging.

(5) DURATION, PUBLICATION, AND APPLICATION OF DETERMINATIONS OF SPECIAL BOARDS AND COURT OF APPEALS.

SEC. 164. Any price or rate determined by any special board shall from a date (not being within 30 days of such determination)<sup>2</sup> fixed by such board, be and remain in force until amended by a determination of such special board; but such determination may at any time be amended or revoked by the court of industrial appeals.

Price or rate to remain.

SEC. 165. (1) The determination of any special board shall be signed by the chairman thereof and published in the Government Gazette and shall apply to the area or locality (including the whole or any part or parts of Victoria) defined by the governor in council as the area or locality within which the determination of such special board shall be operative.<sup>3</sup>

Application of determination.

(2) Every amendment of any determination of any special board at any time made shall apply to the same part or parts of Victoria as the determination amended.

SEC. 166 (as amended by act No. 2447 of December 31, 1912). No determination of a special board shall prevent the sons or daughters of any employer being employed by him in any capacity whether he has or has not the full number of apprentices and improvers, and he shall not be bound to pay his sons and daughters the rates fixed by any determination.

Children of employer.

<sup>1</sup> The following provisions respecting the coal miners' board have been added by section 30, act No. 2558, November 2, 1914:

(1) In addition to the powers it already possesses the special board heretofore appointed and called the coal miners board may if it thinks fit as part of its determination make rules regulating the cavilling for places which are worked at piecework prices on any coal mine.

(2) Such cavilling shall be carried out by the employees affected.  
(3) Any person guilty of any contravention of any such rules or of any failure to carry out the decision or requirements of any such cavil shall on information laid by any person aggrieved be liable on conviction by any court of petty sessions consisting of a police magistrate with or without justices to a penalty of not more than £50 (\$243.33).

<sup>2</sup> It may be noted that it is only a price or rate that must stand for 30 days. Any part of a determination which does not fix a price or rate apparently can be brought into force without any period of waiting. Although this section prevents a price or rate coming into force until after the lapse of 30 days, nothing in the factories and shops acts requires preliminary notice. In practice, the department endeavors to give reasonable notice in the Government Gazette, but there have been instances when circumstances have rendered that impossible, and the determination has come into force immediately on being published.

<sup>3</sup> There is nothing in this section to indicate upon whom the duty lies of publishing a determination in the Government Gazette. The amended determination of the hair-dressers board was sent to the minister of labor in December, 1911. The minister refused to gazette it. Application was made to Mr. Justice Cussen for a mandamus. The judge refused the application.

Payment for two or more classes of work.

SEC. 167. Where any person is employed to perform two or more classes of work to which a rate fixed by a special board is applicable then such person shall be paid in respect of the time occupied in each class of work at the rate fixed by the board for such work.<sup>1</sup>

Rate of wages throughout day.

SEC. 168. When any person is employed during any part of a day for an employer at work for which a special board has fixed a wages rate then all work whatever done by such person during such day for such employer whether inside or outside a factory or shop or place whatsoever or wheresoever shall be paid for at the same wages rate.

Determination to be posted.

SEC. 169. There shall be kept printed, painted, or affixed in legible Roman characters, in some conspicuous place at or near the entrance of each and every factory or shop or place to which the determination of a special board applies, in such a position as to be easily read by the persons employed therein, a true copy of the determination of the special board as to the lowest prices or rates of payment determined by such board.

Employees not to be paid in goods.

SEC. 170 (as amended by section 43, act No. 2558, November 2, 1914). Where a piecework price or a wages rate has been fixed by the determination of any special board for wholly or partly preparing or manufacturing either inside or outside any factory any articles or for doing any work no person shall either directly or indirectly require or compel any person affected by such determination to accept goods of any kind or board and lodging in lieu of money or in payment or part payment for any work done or wages earned and the receipt or acceptance of any goods or board and lodging shall not be deemed to be payment or part payment for any such work or of any such wages.

#### (6) VALIDITY OF DETERMINATION.

Determination challengeable before the supreme court only.

SEC. 171. (1) If any person desires to dispute the validity of any determination of any special board made or purporting to have been made under any of the provisions of this act or any act repealed thereby it shall be lawful for such person to apply to the supreme court upon affidavit for a rule calling upon the chief inspector to show cause why such determination should not be quashed either wholly or in part for the illegality thereof; and the said court may make the said rule absolute or discharge it with or without costs as to the court shall seem meet.

(2) Every determination of any special board shall unless and until so quashed have and be deemed and taken to have the like force validity and effect as if such determination had been enacted in this act, and shall not be in any manner liable to be challenged or disputed; but any such determination may be altered or revoked by any subsequent determination under this act.<sup>2</sup>

#### (7) SUSPENSION OF DETERMINATION.

Power to suspend.

SEC. 172. (1) Notwithstanding anything contained in this act the governor in council may at any time for such period or periods as he thinks fit not exceeding six months in the whole by order published in the Government Gazette suspend the operation of the determination of any special board.<sup>3</sup> When the operation of any determination (whether

<sup>1</sup> This section imposes the duty upon the employer of paying an employee in accordance with the period of time occupied under each determination, or under different parts of the same determination. In cases where several determinations are operative this may become a difficult matter, and necessitates the times being carefully kept and properly booked. It was the difficulty of carrying out the provisions of this section that induced the appointment of the country shop assistants board, which fixes a flat rate for all shop assistants in the districts to which the determination extends, whether they be drapers, grocers, or fancy goods sellers, etc., as it was considered impossible to allocate the time in a country store to each of the many classes of employment.

Compare section 141 (b) as to payment of a pro rata amount for less hours worked than those fixed by the board and section 168.

<sup>2</sup> The court of industrial appeals has power to amend a special board's determination. (See section 176 (6).)

No change should be made in the determination of a board or of the court of industrial appeals unless on some ground which may reasonably be considered as permanent, or at least likely to last for some considerable time. Mr. Justice Hood, *In re the Bread Board*, 13 A. L. R., 589.

<sup>3</sup> This provision became law on Sept. 27, 1897, by virtue of section 6 of the factories and shops act, 1897 (No. 1518), and the power of suspension was exercised on only one occasion. On Nov. 25, 1897, the governor in council suspended the first determination of the boot board, which was made on Nov. 3, 1897, and was to come into force on Nov. 29, 1897.

published in the Government Gazette or not) is so suspended it shall be the duty of such special board to forthwith hear receive and examine evidence as to such determination, and thereupon such special may either adhere to the said determination or may make such amendments therein as to such board seems proper.

(2) In the event of such special board making any such amendments, such determination as so amended shall forthwith be published in the Government Gazette and shall for all purposes be deemed and taken to be the determination of such special board from such date as may be fixed in such amended determination, and the suspended determination shall thereupon have no further force or effect.

Publication of amended determination.

(3) In the event of such special board notifying the minister that such board adheres to its determination without amendment such suspension of the operation of such determination shall by an order in council published in the Government Gazette be revoked from such date not later than 14 days as may be fixed in such order.

Removal of suspension.

SEC. 173. Where the minister is satisfied that an organized strike or industrial dispute is about to take place or has actually taken place in connection with any process trade business occupation or employment as to any matter which is the subject of a determination of a special board or of the court of industrial appeals the governor in council may by order published in the Government Gazette suspend<sup>1</sup> for any period not exceeding 12 months the whole or any part or parts of such determination so far as it relates to the matter in reference to which such organized strike or industrial dispute is about to take place or has taken place, and such suspension may at any time by an order published in the Government Gazette, be removed by the governor in council or altered or amended in such manner as he thinks fit.

Power to suspend in case of strike.

#### PART VIII.—COURT OF INDUSTRIAL APPEALS.

SEC. 174 (as amended by section 51, act No. 2558, November 2, 1914).

Constitution of court.

(1) There shall be a court of industrial appeals for deciding all appeals against a determination of a special board and for dealing with any determination of a special board referred to the court by the minister.

(2) Such court shall consist of a president and two other persons.

(3) A court of industrial appeals consisting of the president and of two other persons as aforesaid shall be constituted from time to time as occasion requires by order in council published in the Government Gazette.

Court constituted by order in council.

(4) (a) The president—

(i) Shall be such one of the judges of the supreme court as the governor in council appoints;

President to sit in all courts of industrial appeals.

(ii) Shall be entitled to hold office as president for such period as the governor in council thinks fit; and

(iii) Shall sit in every court of industrial appeals constituted from time to time.

(b) The two other persons, constituting a court of industrial appeals shall be such persons as are appointed by the governor in council upon nomination as hereinafter provided; but they shall act only in the court of industrial appeals for which they are appointed.

Two other persons appointed as occasion requires.

(5) (a) When a determination of a special board is appealed against in accordance with the provisions of this act or is referred by the minister for the consideration of the court of industrial appeals then within 21 days from the date of the appeal or the reference (as the case may be)—

Nomination of persons to represent employers and employees on court.

The representatives of the employers on such special board shall nominate one person to represent the employers, and

The representatives of the employees shall nominate one person to represent the employees.

(b) Nominations shall be made in writing and shall be forwarded to the minister.

(c) Only persons who are bona fide and actually engaged in the trade concerned or have been so engaged for at least six months during the three years immediately preceding such nomination shall be eligible for nomination.

<sup>1</sup> The power of suspension under section 173 has never been exercised.

Default of nomination.	(6) If default is made in nominating an eligible person to represent the employers or the employees (as the case may be) or if any vacancy in a court occurs by reason of death, resignation, incapacity, refusal to act, or otherwise, the minister may nominate some similarly qualified person to represent the employers or the employees (as the case may require) on such court.
Vacancies.	
President and two other persons to hear appeals and references.	(7) The president and the two other persons constituting a court of industrial appeals shall hear and determine every appeal and reference to such court; and subject to this act a majority shall decide.
Remuneration of persons representing employers and employees on court.	(8) Every person appointed to represent the employers or the employees on a court of industrial appeals shall be paid a fee of £2 (\$9.73) for every full day of attendance at such court.
Registrar.	(9) (a) Subject to the public service acts the governor in council may appoint a registrar of the court of industrial appeals who shall be an officer of the factories branch of the department of the chief secretary. (b) The registrar shall attend the sittings of the court of industrial appeals.
Rules of practice.	(10) The governor in council may make general rules to carry into effect the provisions of this act with respect to the court of industrial appeals and in particular with respect to the summoning of and procedure before any such court and the publication of such rules. Subject to such rules (if any) the court may regulate its own procedure. (11) In the construction of the factories and shops acts any reference to the court of industrial appeals shall (unless inconsistent with the context or subject-matter) be deemed to include a court of industrial appeals constituted from time to time as aforesaid.
Principles as to past determinations.	Sec. 175. Where any determination made by a special board either before or after the commencement of this act is being dealt with by the court, such court shall consider whether the determination appealed against has had or may have the effect of prejudicing the progress maintenance of or scope of employment in the trade or industry affected by any such price or rate; and if of opinion that it has had or may have such effect the court shall make such alterations as in its opinion may be necessary to remove or prevent such effect and at the same time to secure a living wage to the employees in such trade or industry who are affected by such determination.
Living wage.	
Appeal to court.	Sec. 176. (1) Notwithstanding anything contained in this act a majority of the representatives of employers or a majority of the representatives of employees on any special board or any employer or group of employers who employ not less than 25 per cent of the total number of the workers in any trade or 25 per cent or more of the workers in any trade, may at any time in the prescribed manner appeal against such determination to the court. For the purposes of this subsection the court shall accept the records given by the chief inspector in his latest annual report. <sup>1</sup> (2) The minister may without appeal at any time after the making of a determination by a special board refer such determination for the consideration of the court and may also refer any appeal made as hereinbefore provided for the consideration of the court. (3) No appeal against or reference to the court of a determination which has been published in the Government Gazette shall have the effect of suspending or delaying the operation of such determination. (4) Every determination of a special board referred to the court by the minister and such documents relating thereto as may be deemed necessary shall be forwarded by the chief inspector to the registrar of the court. (5) Except as hereinafter provided no barrister and solicitor or agent shall be allowed to appear before or be heard by the court. By the direction of the court or with the consent of both parties to the appeal or reference either party may at its own cost be represented by a barrister and solicitor or agent. In appeals by a minority of employers or

<sup>1</sup> The power given by this section is to be distinguished from the power to challenge a determination before the supreme court under section 171 post, in which latter case it is only challengeable for illegality. While the court is considering the determination the board has no powers whatever, nor has it any power to alter or amend the determination afterwards until such time as it obtains leave to do so from the court under subsection (9) of this section. Compare section 180.

employees as provided under subsection (1) of this section the court may give such directions for the representation of parties as may in the circumstances appear to be proper.

(6) The court shall have and may exercise all or any of the powers conferred on a special board by this act and may either increase or decrease any prices or rates of payment (whether piecework prices or wages rates) and shall have full power to amend the whole or any part of any determination of a special board.<sup>1</sup>

(7) The court shall have and may exercise in respect of the summoning sending for and examining of witnesses, documents and books in respect of persons summoned or giving evidence before the court the same powers as are by the evidence act 1890 conferred on a board or commission appointed or issued by the governor in council: *Provided, however,* That every summons to attend the court may be signed by the registrar.

(8) No evidence relating to any trade secret or to the profits or financial position of any witness or party shall be disclosed or published without the consent of the person entitled to the trade secret or non-disclosure.

(9) The determination of the court shall be final and without appeal and may not be reviewed or altered by a special board without leave of the court, but the court if satisfied upon affidavit that a prima facie case for review exists may either give such leave or may direct a rehearing before the court, when the court may itself alter or amend its determination.

(10) The determination of the court shall be forwarded to the minister by the registrar.

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<sup>1</sup> An appeal to the court of industrial appeals from the determination of a wages board is in the nature of a rehearing, and the court is not confined to a consideration of the materials which were before the board in coming to a conclusion as to what should be the minimum wage in the trade, process, or business for which the special board was appointed. Mr. Justice Hood, *In re the Bread Board*, 13 A. L. R. 589. Mr. Justice Hodges, *In re the Ice Board*, 16 A. L. R. 46.

Appended is a list of the cases in which determinations were referred to the court of industrial appeals.

On September 14, 1904, an appeal was made to the court by a group of six employers against the determination of the artificial manure board on the ground that the wage for adults, 40s. 6d. (\$9.85), was too high, and it was suggested that 36s. (\$8.76) be not exceeded. The court fixed the wages of adults at 36s. (\$8.76) per week.

On September 17, 1906, the determination of the fellmongers board was appealed against by the representatives of employers on that board, who stated that the hours should be 54, and not 48, and that the proportion of improvers should be increased. The court fixed the number of hours per week at 54, but did not alter the proportion of improvers.

Again, on October 2, 1906, the court was appealed to by the employees, and as a result, in 1909 the court fixed the hours at 48 per week instead of 54, and some of the rates fixed at 42s. (\$10.22) were amended to 45s. (\$10.95).

On October 11, 1906, the representatives of employers on the printers' board appealed against the board's determination, stating that the condition of the trade did not then warrant an increase in wages. The court dismissed the appeal and upheld the determination of the board.

The starch board being unable to arrive at a determination, the matter of determining the wages of the employees in that trade was referred by the minister of labor to the court of industrial appeals, and the court drew up a determination, which came into force on June 29, 1907.

On August 15, 1907, the employers' representatives on the bread board appealed against the increase in wages in the determination of the board. The court dealt with the matter, and in its determination, which came into force on September 15, 1907, the minimum wage of 54s. (\$13.14) was altered to 50s. (\$12.17) per week.

On November 12, 1909, an appeal against the determination of the ice board was made by the representatives of employers on that board, who considered that the rate for chamber hands, 1s. 3d. (30.4 cents) was too high. The court amended the wage and fixed it at 1s. (24.3 cents) per hour.

On November 16, 1909, three representatives of employers on the hairdressers' board appealed against the determination of their board, on the grounds that the minimum wages of certain male and female workers were too high and that the proportion of improvers was too low. As a result of their representations, the proportion of improvers was amended by the court, but the minimum wages fixed for males and females were upheld.

On July 24, 1912, an appeal was lodged by the representatives of employers on the boilermakers' board against a rate of 54s. (\$13.14) fixed for a certain class of laborers. A supplementary appeal was lodged on August 15, 1912, against a rate of 48s. (\$11.68) fixed for another class of laborers. The court fixed four rates for laborers at 54s., 52s., 50s., and 48s. (\$13.14, \$12.65, \$12.17, and \$11.68), respectively.

On December 21, 1912, the minister of labor referred the first determination of the commercial clerks' board for the consideration of the court, more particularly with regard to rates to be paid to female typewriters. No decision has yet been given.



Publications, etc. SEC. 178 (as amended by section 52, act No. 2558, Nov. 2, 1914).

(1) The minister shall cause each determination of the court to be published in the Government Gazette and such determination shall apply to every part of Victoria to which the referred determination applies or is expressly applied.

(2) The production before any court judge or justice of a copy of the Government Gazette containing a determination of the court shall be conclusive evidence of the making and existence of such determination and of the constitution of such court and of all preliminary steps necessary to the making of such determination.

(3) The provisions of this act for or relating to the enforcement of any determination of a special board shall equally apply to any determination made by the court, and such provisions shall with such substitutions as may be necessary be read and construed accordingly.

SEC. 179 (as amended by section 53, act No. 2558, Nov. 2, 1914). A determination of the court of industrial appeals may be dealt with by the governor in council in the same way in every respect as if it were a determination of a special board.

Court may revise or alter determinations. SEC. 180. The court of industrial appeals may revise or alter its own determination at any time and from time to time on the application of either the representatives of employers or representatives of employees on the special board.

Powers of president of court. SEC. 181 (as amended by section 54, act No. 2558, Nov. 2, 1914). In addition to the powers otherwise conferred upon the court of industrial appeals, the said court shall have all the powers of the supreme court which last-mentioned powers shall be exercised only by the president; and the court of industrial appeals shall in every case be guided by the real justice of the matter without regard to legal forms and solemnities and shall direct itself by the best evidence it can procure or that is laid before it whether the same be such evidence as the law would require or admit in other cases or not; and if the court considers any further evidence or information which would assist the court could be obtained, the court shall intimate in open court what further evidence or information the court desires.

## PART IX.—APPRENTICES AND IMPROVERS.

### (1) APPRENTICES AND IMPROVERS.

Special boards to fix number of apprentices and improvers, etc. SECTION 182. (1) When determining any prices or rates of payment every special board shall also determine—

(a) The number or proportionate number of apprentices and improvers who may be employed within any factory or shop or place or in any process trade business or occupation;<sup>1</sup> and

(b) The lowest prices or rates of pay payable to apprentices or improvers when wholly or partly preparing or manufacturing any articles as to which any special board has made or makes a determination or when engaged in any process trade business or occupation as to which any special board has made or makes a determination.<sup>2</sup>

Board to consider age, sex, and experience. (2) The board when so determining may—

(a) Take into consideration the age, sex, and experience of such apprentices or improvers;

(b) Fix a scale of prices or rates payable to such apprentices or improvers respectively according to their respective age sex and experience; and

(c) Fix a different number or proportionate number of male and female apprentices or improvers.

<sup>1</sup> It will be noted that a board is given power to determine the number or proportionate number of apprentices and improvers who may be employed—

(1) In any factory or shop or place;

(2) In any process, trade, business, or occupation.

Boards have always fixed the number with reference to a factory, shop, or place, or with reference to an individual employer. It is difficult to see how a fixing of the number in a process, trade, business, or occupation could be practically administered, seeing that there would be no means of deciding how many improvers or apprentices any particular employer would be entitled to.

<sup>2</sup> Any improver may, at the option of his employer, be put to any class of work. It is allowable for a board to fix varying rates for improvers according to the work at which they are employed. The case is different, however, regarding apprentices. An apprentice has to be taught the whole of the trade to which he is apprenticed, and only one scale of payment can be fixed, no matter what his work.

(d) Prescribe the form of apprenticeship indentures to be used.

(3) In fixing the number or proportionate number of apprentices the board shall not fix a less number or proportionate number than one apprentice for every three or fraction of three workers engaged in the particular process trade business or occupation and receiving the minimum wage or earning at piecework not less than the minimum wage fixed for the time by such determination.

(4) Provided that where prior to the 4th day of January, 1911, all the apprentices of any employer have been engaged so that all of their terms of apprenticeship would expire within 18 months of one another, such employer shall be exempt from the operation of this act and from the determination of any special board so far as limitation of apprentices is concerned for a period not exceeding the term of apprenticeship in the particular trade from the said 4th day of January, 1911, so that it shall be lawful during such period as each apprentice of such employer completed his first, second, third, fourth, fifth, or sixth year, for the employer to take another apprentice to supply his place, so that a due and not disproportionate number of skilled workmen shall be secured: *Provided*, That at the expiration of such period of exemption the number of apprentices is not in excess of the number such employer would be entitled to employ in proportion to the number of persons other than apprentices and improvers employed.

SEC. 183. No person who has a greater number of apprentices in his employ than is prescribed in the determination of a special board shall be or be deemed to be guilty of a contravention of this act if he proves—

Act not contravened in certain cases.

(a) That such apprentices employed by him were under indentures of apprenticeship entered into before the 31st day of December, 1910; or

(b) That the date of entering into the indentures of apprenticeship in respect to the last apprentice employed by him and for three months previous thereto he had in his employ such number of persons other than apprentices and improvers as at that date entitled him to the number of apprentices (including such last apprentice) in his employ.

SEC. 184. Where any indentures of apprenticeship are entered into with respect to any trade to which the determination of a special board applies and the wages to be paid to the apprentice are stated in such indentures then notwithstanding anything contained in this act and notwithstanding any subsequent alteration of such determination by such special board the wages to be paid to such apprentice during the currency of such indentures shall be the wages stated in the indentures.

Wages of apprentices.

SEC. 185. (Act 2386.) (Repealed by section 4, act 2447.)<sup>1</sup>

## (2) APPRENTICES.

SECTION 186. Where any apprentice under the age of 21 years has been bound in writing by indentures of apprenticeship for a period of not less than two years, no provision in any determination of a special board shall invalidate cancel or alter such deed of apprenticeship in any way whatever if such deed of apprenticeship was signed by all parties thereto before the notice of motion for the resolution for the appointment of such special board was given in either House of Parliament.

Determinations not to affect certain apprentices.

SEC. 187. (1) No indenture of apprenticeship shall be deemed to be invalid under this act by reason only that such indenture is not under seal.

Absence of seal.

(2) No indenture of apprenticeship shall be entered into after the passing of this act in connection with any trade working under this act except in the form<sup>3</sup> (if any) prescribed by any special board dealing with such trade and approved of by the minister.

<sup>1</sup> Section 185 was a machinery section designed in the consolidating act to provide against the expiry of sections 182, 183, and 184, which were only in force till December 31, 1912. The repeal of section 185 merely has the effect of making sections 182, 183, and 184 permanent.

<sup>2</sup> Section 5 defines "Apprentice." "Apprentice" means any person under 21 years of age bound by indentures of apprenticeship or any person over 21 years of age who with the sanction of the minister is bound by indentures of apprenticeship.

<sup>3</sup> The power of a special board to prescribe the form of indenture will be found in sections 141 and 182.

SEC. 188 (as amended by section 31, act No. 2558 November 2, 1914). (1) Any failure either by an employer or an apprentice to carry out the terms of an indenture of apprenticeship shall be deemed to be a contravention of this section.<sup>1</sup>

(2) When the minister is satisfied that there is any such failure either by an employer or apprentice he may direct that proceedings shall be instituted against the employer or apprentice, as the case may be.

(3) A court of petty sessions may for any such contravention—

(a) Impose a penalty not more than £10 (\$48.67) and in addition—

(b) Order the defendant to enter into a recognizance within 14 days in any sum of not more than £50 (\$243.33) with such sureties as the court thinks fit of not more than £50 (\$243.33), each to carry out the terms covenants and conditions of the indentures; and may further order that in default of entering into the recognizance as aforesaid the person or persons in default be imprisoned for a term of not more than one month unless such recognizance be sooner entered into and for a second or subsequent contravention impose a penalty on the defendant of not more than £25 (\$121.66) and in addition may estreat the recognizance (if any).

(c) Or impose on any employer a penalty not more than £25 (\$121.66) if the court is satisfied that the apprentice has not been taught the trade in accordance with the indenture of apprenticeship and that the employer has not given to the court any satisfactory explanation of such failure to teach the apprentice the trade. The whole or any part of such penalty may be applied for the benefit of the apprentice or otherwise as the minister determines.

SEC. 189. The minister may grant permission in writing to any person—

(a) To be bound for less than three years as an apprentice to any trade subject to the determination of a special board;

(b) Who may become over 21 years of age during the term of his apprenticeship to complete the term of his apprenticeship;

(c) Who is over 21 years of age to be bound by indentures of apprenticeship.<sup>2</sup>

SEC. 190. Except in cases where the minister has given his permission in writing as aforesaid all apprentices unless bound by indentures of apprenticeship which bind the employer to instruct such apprentice for a period of at least three years shall be deemed to be improvers for the purposes of this act.<sup>3</sup>

### (3) PROHIBITION OF CERTAIN PREMIUMS AND GUARANTIES.

SECTION 191. Any person who either directly or indirectly or by any pretense or device requires or permits any person to pay or give or who receives from any person any consideration premium or bonus for engaging or employing any female as an apprentice or improver in preparing or manufacturing articles of clothing or wearing apparel shall be

<sup>1</sup> Where either an employer or an apprentice considers that the other is committing a breach of any of the covenants full information should be sent to the chief inspector of factories with the duplicate copy of the indenture. Inquiry will then be made, and steps taken by the officers of the factories department to enforce observance of the agreement.

<sup>2</sup> Any person of working age and under 21 can enter into apprenticeship for a term of three years or over in any trade subject to the determination of a special board, but if it is desired that the term of apprenticeship be less than three years, an application should be made to the minister of labor, on the form provided for that purpose, which may be obtained at the office of the chief inspector of factories. That permission will be granted freely in case it is desired to enable a young worker to complete his experience in his trade. If, for instance, he had served three and a half years' apprenticeship to one employer, and desired for any reason (his first indentures having expired or been canceled) to complete five years' experience by serving one and a half years with another employer, he would be granted permission as a matter of course. If, on the other hand, he had no experience, and wished to be bound newly to a trade for less than three years, the minister would require strong reasons for permitting apprenticeship for a term which would be considered too short to enable him to completely master his craft. A term of application under any of the paragraphs of this section may be obtained at the office of the chief inspector of factories.

<sup>3</sup> Section 5 defines "improver." "Improver" means any person (other than an apprentice) who does not receive a piecework price or a wage rate fixed by any special board for persons other than apprentices or improvers and who is not over 21 years of age or who being over 21 years of age holds a license from the minister to be paid as an improver.

guilty of an offense and shall be liable on conviction to a penalty not more than £10 (\$48.67); and the person who pays or gives such consideration premium or bonus may recover the same in any court of competent jurisdiction from the person who received the same.

Sec. 192. Any shopkeeper (other than a registered pharmaceutical chemist) who either directly or indirectly or by any pretense or device requires or permits any person to pay or give him or who receives from any person any consideration premium or bonus for engaging or employing any person in connection with the selling of goods or in connection with the business of a hairdresser or barber as an apprentice or improver in a shop shall be guilty of an offense and shall be liable on conviction to a penalty not more than £10 (\$48.67); and the person who pays or gives such consideration premium or bonus may recover the same in any court of competent jurisdiction from the person who received the same.

No premium to be demanded by shopkeeper.

Sec. 193. (1) Except with the consent of the minister in writing, no person shall require or permit any person to pay any sum of money or enter into or make any guaranty or promise requiring or undertaking that such person shall pay any sum of money in the event of the behavior or attendance or obedience of any apprentice improver or employee not being at any time satisfactory to the employer.

Certain guaranties illegal.

(2) Any such guaranty or promise as aforesaid or to the like effect entered into or made after the commencement of this act without the consent of the minister as aforesaid shall be null and void, and any person who without such consent makes or requires such guaranty or promise shall be liable on conviction to a penalty not exceeding 10 pounds.

(3) Any sum which after the commencement of this act is paid in pursuance of such a guaranty or promise as aforesaid or to the like effect made in contravention of this section shall be returned to the person paying same; and the person who has so paid any such sum may if the same is not returned to him on demand recover the same with costs in any court of competent jurisdiction from the person who received the same.

#### (4) IMPROVERS.

SECTION 194. The minister is hereby authorized to grant to any person over 21 years of age who has satisfied him that such person has not had the full experience prescribed for improvers by the special board a license<sup>1</sup> to work as an improver for the period named in such license at the wage fixed by the board for an improver of any like experience.

License to improvers over 21 years old.

### PART X.—MISCELLANEOUS.

#### (7) OLD, SLOW, AND INFIRM WORKERS.

SECTION 202. (1) If it is proved to the satisfaction of the chief inspector that any person by reason of age slowness or infirmity is unable to obtain employment at the minimum wage fixed by any special board, the chief inspector may in such case grant to such aged or infirm or slow worker a license<sup>2</sup> for 12 months to work at a less wage (to be named in such license) than the said minimum wage, and such license may be renewed from time to time.

Aged, slow, or infirm workers.

<sup>1</sup> This license should always be produced at the chief inspector's office when application is made for renewal.

<sup>2</sup> These licenses are only granted in extreme cases to people who, through age, some physical or mental defect, or through some permanent weakness, are unable to do anything like an average day's work. They are not granted to any but persons who have served in and learned the trade for which they desire a license. For example, a laborer would not be granted a license to work as a slow worker in the saddlery trade, nor would an old or infirm saddler be allowed in the bootmaking trade. Applications should be backed up by full information as to the age, slowness, or infirmity of the applicant, and should be made on the form supplied for that purpose at the office of the chief inspector of factories in Melbourne. It should further be remembered that these applications should not properly be granted on the ground of inexperience at the trade. In that case an improver's license (sec. 194, *ante*) is more applicable. Within the metropolitan district the applicant should, if possible, attend at the chief inspector's office to make the application.

(2) The number of persons so licensed as slow workers employed in any factory shall not without the consent of the minister exceed the proportion of one-fifth of the whole number of persons employed in such factory at the minimum wage fixed for adults or at piecework prices: *Provided*, That one licensed slow worker may be employed in any registered factory and any person who without such consent, employs any greater number than such proportion shall be guilty of a contravention of this act.

(3) Any person who, either directly or indirectly or by any pretense or device pays or offers to pay or permits any person to offer or pay any such aged or infirm or slow worker at a lower rate than that fixed by the chief inspector in such license shall be deemed to be guilty of a contravention of this act.

(4) In the event of the chief inspector refusing to grant such license such person may appeal to the minister who may grant such license in the place of such inspector.

## PART XII.—OFFENSES, PENALTIES, AND LEGAL PROCEEDINGS.

Two justices to  
adjudicate under  
this act.

SECTION 219 (as amended by section 36, act No. 2558, November 2, 1914). Where any person is charged with an offense against this act, such charge shall be heard before and all penalties imposed by this act shall be recovered before a court of petty sessions consisting of a police magistrate sitting either with or without justices; and where in this act it is provided that anything may be done by any justices the same shall be done by a police magistrate either with or without any other justice or justices.

Proceedings  
against offenders.

SEC. 220 (as amended by section 37, act No. 2558, November 2, 1914).

(1) Every offense against the provisions of this act shall be reported to the minister, who may if he think fit direct proceedings to be taken against the offender and all courts shall take judicial notice of the signature of every person who is or shall be, or shall have been minister, chief inspector of factories and shops or assistant chief inspector of factories and shops to every document required to be signed for the purposes of the factories and shops acts.

(2) All proceedings directed to be taken by the minister against any person for contravening any of the provisions of this act may be taken by any member of the police force or by any inspector.

(3) Where the minister has directed proceedings to be taken against any offender, if the court or justices amend the information warrant or summons for any variance between it and the evidence on the part of the prosecution, such direction of the minister shall be sufficient authority for the continuance of the proceedings against the offender after such amendment thereof by the court or justices.

Defense.

SEC. 221. In proceedings before courts of petty sessions for any contravention of the provisions of this act it shall not be a defense that the occupier of a factory or shop was not in the State at the time an alleged offense against any provision of the said act was committed; and for any such contravention service of a summons by leaving the same with some person apparently of the age of 16 years or upwards at the usual place of business in Victoria of the person named in such summons shall be deemed to be good and sufficient service thereof.

Service of sum-  
mons.

General provi-  
sions as to pro-  
ceedings before  
justices.

SEC. 222 (as amended by section 38, act No. 2558, November 2, 1914). The following provisions shall have effect with reference to proceedings before courts of petty sessions for offences under this act:

(a) The information if for any offense in connection with the preparation or manufacture or stamping of furniture or the unlawful paying or receiving any sum of money in connection with the employment of an apprentice or improver, shall be laid within 12 months after the commission of the offense; and if for any other offense shall be laid within two months after the commission thereof;

(g) In proceedings against any person for employing any apprentices or improvers in excess of the number or proportionate number as determined by a special board, the onus of proof that the provisions of this act and of such determination with regard to the number or proportionate number of apprentices or improvers who may be employed have been complied with shall in all cases be on the defendant;

(i) The onus of proof that the person named in a summons as an employee of the defendant in a certain capacity was not employed in the capacity named in such summons shall in all cases be on the defendant.

SEC. 223. The production before any court judge or justices of a copy of the Government Gazette containing the determination of any special board shall be conclusive evidence of the due making and existence of such determination and of the due appointment of such board and of all preliminary steps necessary to the making of such determination.

Evidence of determination.

SEC. 224. When any determination of a special board is amended or repealed, such amendment or repeal shall not directly or indirectly affect any legal proceedings of any kind theretofore commenced under the provisions of this act for any breach of such determination or any right existing at the time of such amendment or repeal under the provisions of this act.

Effect of amendment of determination.

SEC. 225 (as amended by section 39, act No. 2558, November 2, 1914). Where any employer employs any person who does any work for him for which a special board has determined the lowest prices or rates, then such employer shall be liable to pay and shall pay in full in money without any deduction whatever to such person the price or rate so determined, and such person if he has made demand in writing on such employer within two months after such money became due may within 12 months after such money became due take proceedings in any court of competent jurisdiction to recover from the employer the full amount or any balance of such sum so demanded due in accordance with the determination, any smaller payment or any express or implied agreement or contract to the contrary notwithstanding.<sup>1</sup>

Power to recover rate determined by special board.

SEC. 226 (as amended by section 40, act No. 2558, November 2, 1914). (1) Where a price or rate of payment for any person or persons or classes of persons has been determined by a special board and is in force, then any person—

Penalty for breach of determination.

(a) Who either directly or indirectly, or under any pretense or device, attempts to employ or employs or authorizes or permits to be employed any person, apprentice, or improver at a lower price or rate of wages or piecework (as the case may be) than the price or rate so determined; or

(b) Who attempts to employ or employs or authorizes or permits to be employed any apprentice or improver in excess of the number or proportionate number so determined; or

(c) Who is guilty of a contravention of any of the provisions of this act with relation to any special board's determination or of a contravention of any of the provisions of Part VII or of section 202 of this act shall be guilty of an offense<sup>2</sup> against this act, and shall on conviction be liable to a penalty for the first offense of not more than £10 (\$48.67), and for the second offense of not less than £5 (\$24.33) nor more than £25 (\$121.66), and for the third or any subsequent offense of not less than £50 (\$243.33) nor more than £100 (\$486.65).

*Provided*, That the minister may permit any student of the University of Melbourne or any student taking full day courses of technological study at any workingmen's college or any school of mines or any other technical college or technical school in Victoria to enter and work in any factory shop or place during the time he is a student at any such institution for the purpose only of acquiring practical knowledge and skill in the trade carried on in such factory shop or place; notwithstanding that he is not paid the rates provided by any determination in force in the trade concerned.

Permission for certain students to acquire practical knowledge in factories, etc.

<sup>1</sup> Under this section an employee may sue for his wages at any time within 12 months. The time within which the factories department can prosecute for an offense is, however, limited by section 222 to two months, and in some cases to 6 and 12 months. It is very essential, therefore, that any employee who is being underpaid should be given information promptly, so as to allow sufficient time to make the necessary inquiries in connection with the preparation of the case. A case in point was where information was given after the lapse of one month. The employer in the country was really a trustee living in a different country town. Before the inspector had ascertained the facts in the case and the real parties to proceed against, the remaining month had expired, and the employee had to be left to take his own proceedings. Moreover, if claims are allowed to become stale, experience shows that they are more difficult to substantiate. Compare section 232 *post*.

<sup>2</sup> A saddler was engaged by the employer's foreman to do piecework at a lower rate of pay than that fixed by the saddlery board. The employer, a member of the saddlery board, paid the rates as agreed. *Held*, that there was evidence of every element of the offense created by the section, and that the defendant was rightly convicted. *Billingham v. Oaten* (1911), V. L. R. 44, 17 A. L. R. 36.

Power for court  
to order payment  
of arrears.

SEC. 232. A court of petty sessions in addition to imposing a penalty for a contravention of any of the provisions of this act or the regulations made thereunder or of a determination of a special board may order the offender to pay to any person in respect of whom he has been convicted of a contravention as aforesaid and who is or has been in his employ such sums for arrears of pay or overtime or tea money (for any period not exceeding 12 months) <sup>1</sup> as the court may consider to be due to such person and any such sum may be recovered by distress and in default of payment the offender shall be liable to imprisonment for a term not more than three months with or without hard labor.

Discharge for-  
bidden.

SEC. 239. Any employer who dismisses from his employment any employee by reason merely of the fact that the employee—

(a) Is a member of a special board; or

(b) Has given information with regard to matters under this act to an inspector; or

(c) Has after having given reasonable notice to his employer of his intention absented himself from work through being engaged in other duties as member of a special board

shall be liable to a penalty not more than £25 (\$121.66) for each employee so dismissed.

### PART XIII.—REGULATIONS.<sup>2</sup>

Regulations.

SECTION 242. The governor in council may by order published in the Government Gazette make regulations—

For prescribing the provisions of this act and regulations thereunder to be posted in factories, and the forms of and particulars to be given in records to be made or kept by occupiers of factories;

For requiring occupiers of factories to furnish all information necessary for preparing lists and rolls of electors none of whom shall be under the age of 18 years for special boards, and for determining the mode of preparing such lists and rolls and the mode of electing members of such boards, the appointment and duties of returning officers and the times and places of meeting of special boards and their mode of procedure;

For imposing penalties not exceeding £5 (\$24.33) on any person failing or neglecting to comply with any regulations made under this act;

For prescribing the rates of pay to be given to the chairman and to members of special boards for attendance at the meetings of such boards; and

Generally for the better carrying out of the provisions of this act.

### REGULATIONS UNDER THE FACTORIES AND SHOPS ACTS.<sup>3</sup>

Whereas by the factories and shops acts it is enacted that the governor in council may, by order published in the Government Gazette, from time to time, make, alter, and repeal regulations for the purposes therein mentioned, and generally for carrying into effect the provisions of the said acts: Now therefore his excellency the governor of Victoria, with the advice of the executive council thereof, doth by this order repeal the regulations made on February 14, 1911, and on August 4, 1911, under the provisions of the factories and shops acts, and doth make the following regulations—that is to say:

<sup>1</sup> A comparison of this section with section 225 ante shows that there are two methods by which an employee may obtain through the court wages due to him. Under this section an employer must be convicted in a prosecution against him taken by the chief inspector of factories to enable the court to order payment of all arrears. Under section 225 the employee himself must issue a civil summons for the recovery of his wages. Compare section 226 ante and footnote thereto.

<sup>2</sup> The validity of the regulations made or purporting to be made under the provisions of this act can only be tested before the supreme court.

<sup>3</sup> The law relating to factories and shops in Victoria, compiled by H. M. Murphy, chief inspector of factories and shops, Melbourne, 1913, pp. 123 et seq.

## CHAPTER I.

## ELECTING MEMBERS OF SPECIAL BOARDS.

## SECTION 137.

1. The chief inspector shall prepare rolls of electors, none of whom shall be under 18 years of age, in the form of Schedule I hereto, and each employer and each employee shall have one vote.

*Employers to forward lists.*

2. Every employer (whenever by notice in writing required by the chief inspector so to do) shall forward a list of persons employed by him in the form of Schedule II.

*Employer's rolls.*

3. The employer's rolls for occupations usually carried on in a factory shall be prepared from the register in the factories office, for all other occupations, from the lists forwarded by employers in accordance with section 137 (4) of the factories and shops act 1912.

*Employee's rolls.*

4. The roll of electors for employees shall in all cases be prepared from lists specially obtained from employers in each case.

*Enrolling employees.*

5. Every employee, not under 18 years of age, whose name has been omitted, and who will be affected by the board to be appointed, who produces evidence to the satisfaction of the chief inspector that his ordinary occupation when at work is employment in the process, trade, business, or occupation in regard to which the lowest prices or rates of payment are to be determined by any special board shall be enrolled as an elector of representatives of employees on such special board.

*Notice.*

6. The chief inspector shall notify every elector enrolled for the purposes of a special board that his name has been duly enrolled.

*Appeal.*

7. If the chief inspector fail, neglect, or refuse to enter any person's name on the elector's roll, such person may appeal to the minister, who may direct the chief inspector to enter such person's name as an elector on the roll, or may dismiss the appeal, and such decision shall be final.

8. No person shall be entitled to be enrolled both as an elector of representatives of employers and as an elector of representatives of employees.

*Dates for election.*

9. When an election is necessary and the rolls of electors have been prepared as herein prescribed the minister may by notice in the Government Gazette appoint a day on or before which nominations of candidates for election may be received by the returning officer, and a day for the election of candidates should the number of nominations exceed the number of vacancies to be filled.

10. The undersecretary shall be returning officer for the purposes of the election of any special board, and he may, by writing under his hand, appoint a substitute to act for him.

11. The returning officer, the substitute returning officer, and every clerk employed to count the votes at any election shall, before entering on any of his duties, make and sign before some justice the following declaration:



*Oath.*

I, ———, do solemnly declare that I will faithfully and impartially, according to the best of my skill and judgment, exercise and perform all the powers, authorities, and duties reposed in or required of me by the regulations under the factories and shops acts, as returning officer (or substitute of the returning officer, or clerk employed in counting the votes) for the election of special boards.

And I do further solemnly promise and declare that I will not, at any such election, attempt to ascertain, save in cases in which I am expressly authorized by law so to do, how any person has voted; and that if in the discharge of my said duties at or concerning any such poll, I learn how any person votes, I will not, by word or act, directly or indirectly, divulge or discover the same, save in answer to some question which I am legally bound to answer.

*Nominations.*

12. Every candidate as a representative of employers on any special board shall be nominated, in writing, by 10 electors, and every candidate as a representative of employees on any special board shall be nominated, in writing, by 25 electors, provided that a nomination by not less than one-fifth of the whole number of employers or of employees (as the case may be) on the electors' roll prepared by the chief inspector of factories shall be sufficient. Every such nomination shall contain the written consent of the candidate to his nomination and shall be delivered or posted to the returning officer so as to reach him before 4 o'clock on the day of nomination.

13. Should the number of persons so nominated for any special board as representatives of employers or as representatives of employees not exceed the number to be so elected, the returning officer shall report to the minister that such persons so nominated to the special board have been duly elected as representatives of employers or as representatives of employees (as the case may be).

*Publication of nominations.*

14. Should the number of persons nominated either as representatives of employers or as representatives of employees exceed the number to be elected on any special board, the returning officer shall publish the names of persons so nominated in the Government Gazette, and a poll shall be taken on the date fixed by the minister. The poll shall be taken by voting papers only, and no voting paper shall be allowed which is received by the returning officer after 4 o'clock in the afternoon of the day for taking the poll.

*Roll.*

15. No additional names shall be added to the roll of electors after the returning officer has published in the Government Gazette the names of persons nominated until after that particular election is over.

*Voting papers.*

16. Every voting paper shall contain the names of each of the candidates for election either as a representative of employers or employees (as the case may be). The chief inspector shall cause a voting paper to be posted at least four days prior to the date of such election to every elector whose name and address are on the roll of electors.

*Voting.*

17. Each elector shall strike out on the voting paper forwarded to him all the names except those of the candidates for whom such elector desires to vote, and shall forthwith return such voting paper to the returning officer by placing it in a ballot box at the office of the chief inspector of factories, or posting it. No voting paper shall be allowed in which more or fewer names are left uncanceled than the number of persons to be elected.

*Counting vote.*

18. The returning officer shall, as soon as practicable after the hour fixed for receiving voting papers, count the votes received, and report to the minister the election of those candidates, not exceeding the number to be elected, who have received the greatest number of votes.

*Casting vote.*

19. In case of two or more candidates receiving an equal number of votes, the returning officer shall have a casting vote.

20. In all cases not herein provided for the rules and usages at parliamentary elections shall be allowed so far as they may be applicable.

## MEETINGS OF SPECIAL BOARDS AND PAYMENT OF MEMBERS.

## SECTION 242.

*Nomination of chairman.*

21. Every special board shall meet at the office of the chief inspector of factories for the purpose of nominating a chairman, and thereafter at such other times and places as may be arranged by such special board.

*Secretary.*

22. The chief inspector may direct some officer to act as secretary to each special board.

*Minutes.*

23. Entries of all proceedings of any special board shall be kept by the secretary with the names of the members who attended each meeting.

*Conduct of meetings.*

24. The mode of conducting the business for which any special board is appointed may be fixed by such special board, or may be left to the decision of the chairman.

*Determination.*

25. Every determination shall be communicated to the minister, in writing, by the chairman of such special board.

26. After the determination of any special board has been communicated to the minister such board shall adjourn sine die, and shall meet again only when convened by the minister of labor or by the chairman of such special board.

*Fees.*

27. The chairman of a special board for attendance at a meeting may be paid £1 (\$4.87) for each meeting of the board extending over the morning and afternoon of any day, and £1 (\$4.87) for a meeting of the board commenced during the afternoon of any day and continued after 7 p. m. the same day. For a meeting either during only the forenoon or afternoon the chairman may be paid 10s. (\$2.43).

28. Every member of a special board for attendance at a meeting may be paid 10s. (\$2.43) for each meeting of the board extending over the morning and afternoon of any day, and 10s. (\$2.43) for a meeting of not less than four hours of a board commenced during the afternoon of any day and continued after 7 p. m. the same day. For a meeting either during only the forenoon or afternoon of any day each member may be paid 5s. (\$1.22).

*Expenses.*

29. Any representative of employers or employees residing not less than 40 miles from Melbourne shall be entitled to be paid train fare only from such place of residence and a sum of 10s. (\$2.43) per day for traveling expenses.

## CHAPTER VII.

## FORMS TO BE KEPT IN A FACTORY OR SHOP OR FORWARDED TO THE CHIEF INSPECTOR.

*Record of work done inside a factory.*

2. The true record of the names, work, and wages of all persons employed in a factory, and the ages of all persons so employed under 21 years of age, required to be kept by section 22, shall be in the form and contain the particulars prescribed by Schedule VII hereto, and such record shall be forwarded to the chief inspector within 7 days after October 31 in each year.

*Record of employees in shops, etc.*

3. The true record of the names, work, and wages of the persons employed, and the name and age of every person employed under 21 years of age, required to be kept by sections 126 and 197, shall be in the form and contain the particulars prescribed by Schedule VIII, and such record shall be forwarded to the chief inspector within 7 days after February 1 in each year.

*Record of work done outside a factory.*

4. The record to be kept by the occupier of every factory, and every employer of a factory within the meaning of section 23, of the work done outside a factory, and the name and address of the person by whom the same is done, and the prices paid in each instance for the work, shall be in the form of and contain the particulars specified in Schedule IX hereto for each and every week of the year.

*Record of fines imposed.*

## SECTION 22.

6. The record of all fines levied upon his employees by the occupier of any factory shall be kept in the form of Schedule XI, and a copy of such schedule shall be forwarded to the chief inspector within 7 days of the 1st February in each year.

## CHAPTER X.

## MODE OF APPEALING TO THE COURT OF INDUSTRIAL APPEALS.

1. Every appeal under the provisions of section 176 of the factories and shops act 1912 against the determination of a special board shall be instituted by the person entitled to appeal and desiring so to do, forwarding to the minister of labor a notice, in writing, containing particulars of such desire.

2. The notice of appeal shall state the character in which the appellant claims to appear, and when the appeal is by a single employer or group of employers employing not less than 25 per cent of the total number of workers shall set out particulars of the numbers of workers employed by each appellant. The notice shall be written in legible characters, and shall clearly and distinctly set forth or otherwise identify separately the item or items in the determination against which appellant is appealing, and his grounds of objection to such item or items.

3. The notice of appeal shall be signed in a legible manner by each appellant, and the full address and occupation of each appellant shall be given opposite each signature.

4. Such notice shall name some address for service, not more than 5 miles from the general post office, where notices, orders, summonses, documents, and written communications may be left for the appellant or appellants, and all notices, orders, summonses, documents, and written communications served or left at such address shall constitute effective service on the appellant or appellants, if there be more than one.

5. Two copies of the notice of appeal shall be forwarded with the original.

6. The chief inspector of factories, and the registrar of the court of industrial appeals may allow any employer or employee in the trade affected by a determination against which an appeal has been lodged to make a copy of the notice of appeal for the purpose of entering an appearance against such appeal.

7. Any employer or employee in the trade affected by the determination which is the subject of an appeal who desires to be heard by the court against such appeal, shall, 7 days at least before the hearing, notify the registrar of the court of industrial appeals of such desire, and shall give his full name, his occupation, and address in such notification.

8. The chief inspector of factories shall attach to such notice of appeal a list containing the names and addresses of the members of the special board the determination of which is the subject of appeal, and also, when necessary, a certificate giving the number of persons employed in the trade affected by such employer or group of employers, and also the total number of persons employed in such trade as indicated in Appendix A of the chief inspector's last annual report issued prior to such appeal, or in the case of appeal by the workers in any trade, a certificate giving the number of persons employed in such trade as indicated in Appendix A of the chief inspector's last annual report.

9. Noncompliance with these regulations shall not prevent the hearing of an appeal or of opposition thereto unless the court so orders.

## NEW SOUTH WALES.

### INDUSTRIAL ARBITRATION ACT, 1912, NO. 17.

*An Act to provide for the regulation of the conditions of industries in certain particulars by means of industrial conciliation and arbitration, and for the repression of lockouts and strikes; to establish and define the powers, jurisdiction, and procedure of an industrial court and certain subsidiary tribunals; to preserve certain awards and industrial agreements; to repeal the industrial disputes act, 1908, the industrial disputes amendment act, 1908, the industrial disputes (amendment) act, 1909, and the industrial disputes (amendment) act, 1910; to amend the clerical workers act, 1910, and certain other acts; and for purposes consequent thereon or incidental thereto.*

#### PART I.—PRELIMINARY.

SECTION 1. This act may be cited as the "Industrial arbitration act, 1912." Short title.

SEC. 2. This act shall commence on and from a date to be proclaimed by the governor in the Gazette: Commencement.

*Provided,* That the provisions of this act relating to the registration of industrial unions and the appointment of boards, and all provisions necessary for such registration and for making such appointments, shall come into force on the passing of this act.

SEC. 4. (1) The industrial disputes act, 1908, the industrial disputes amendment act, 1908, the industrial disputes (amendment) act, 1909, and the industrial disputes (amendment) act, 1910, are repealed. Repeal and savings.

(2) All awards, orders, and industrial agreements made under authority of the acts hereby repealed and in force at the commencement of this act shall, until rescinded under this act, continue in force for the respective periods fixed by such awards, orders, or industrial agreements, and shall be deemed to have been made under this act. In construing any such award, order, or industrial agreement references to the registrar shall be read as references to the registrar appointed under this act, and for the purpose of any appeal from the registrar references to the industrial court shall be read as references to the court of industrial arbitration constituted by this act. Awards.

Summonses issued.

(3) All summonses issued at such commencement under sections 41, 43, or 55 of the industrial disputes act, 1908, and returnable before the industrial court, shall continue in force, but shall be returnable before, and shall be heard and determined by the court of industrial arbitration constituted by this act, or by the registrar or an industrial magistrate on being referred to him by the court. For the purpose of carrying out the above provisions, the enactments of the industrial disputes act, 1908, shall continue in force and shall, *mutatis mutandis*, apply to the hearing and determination of any such matter by the court of industrial arbitration constituted by this act, and to the enforcement of any order of such court.

All documents relating to any such matters or proceedings, and filed or deposited with the industrial court shall be handed over to the court of industrial arbitration, and filed with such court.

The registrar.

(4) The registrar appointed under any act hereby repealed, and holding office at the commencement of this act, shall be deemed to have been appointed hereunder.

Regulations.

(5) All regulations made under the acts hereby repealed, and in force at the commencement of this act, shall, *mutatis mutandis*, apply as if made under this act.

### *Definitions.*

Definitions.

SEC. 5. In this act, unless the context otherwise indicates "apprentice" means an employee under 21 years of age who is serving a period of training under an indenture or other written contract for the purpose of rendering him fit to be a qualified worker in an industry.

"Award" means award under this act, and includes a variation of such award.

"Board" means industrial board constituted under this act.

"Boarding house" shall include a lodging house, and shall mean a house in which five or more paying boarders or lodgers, not being members of the proprietor's family, are accommodated.

"Calling" means craft or other occupation.

"Court" means court of industrial arbitration established by this act.

"Employee" means person employed in any industry, whether on wages or piecework rates or as member of a *butty gang*, but shall not include a member of a family in the employment of a parent, and the fact that a person is working under a contract for labor only, or substantially for labor only, or as lessee of any tools or other implements of production, or any vehicle used in the delivery of goods, shall not in itself prevent such person being held to be an employee.

"Employer" means person, firm, company, or corporation employing persons working in any industry, whether on behalf of himself or itself or any other person or on behalf of the government of the State, and includes the chief commissioner for railways and tramways, the Sydney Harbor trust commissioners, the metropolitan board of water supply and sewerage, the Hunter district water supply and sewerage board, and any council of a municipality or shire, and includes for the purpose of constituting a board, a director, manager, or superintendent of an employer as defined as aforesaid.

"Improver" means an employee under 21 years of age who is serving for the purpose of rendering him fit to be a qualified worker in an industry or special section of an industry.

"Industrial agreement" means industrial agreement made and filed under any act hereby repealed, or under this act.<sup>1</sup>

"Industrial court" means industrial court constituted by the repealed acts.

"Industrial magistrate" means industrial magistrate appointed under this act.

<sup>1</sup> Section 13 of the acts of 1901 reads as follows: Any industrial union may make an agreement in writing relating to any industrial matter (a) with another industrial union, or (b) with an employer, which, if it is made for a specified term not exceeding three years from the making of the agreement, and if a copy thereof is filed with the registrar, shall be or become an industrial agreement within the meaning of this act.

"Industrial union" means industrial union registered as an industrial union under this act.

"Industrial matters" means matters or things affecting or relating to work done or to be done, or the privileges, rights, or duties of employers or employees in any industry, not involving questions which are or may be the subject of proceedings for an indictable offense; and, without limiting the ordinary meaning of the above definition, includes all or any matters relating to—

(a) The wages, allowances, or remuneration of any persons employed or to be employed in any industry, or the piecework, contract, or other prices paid or to be paid therein in respect of such employment.

(b) The hours of employment, sex, age, qualification, or status of employees, and the mode, terms, and conditions of employment.

(c) The employment of children or young persons, or of any persons or class of persons in any industry, or the right to dismiss or to refuse to employ or reinstate in employment any particular persons or class of persons therein; but not so as to give preference of employment to members of industrial unions, except in accordance with the provisions of section 24, subsection 1, paragraph (g);

(d) Any established custom or usage of any industry, either general or in any particular locality;

(e) The interpretation of an industrial agreement or award;

"Industry" means occupation or calling in which persons of either sex are employed for hire or reward.

"Judge" or "the judge" means the judge of the court of industrial arbitration, and includes an additional judge of the court.

"Justice" means justice of the peace, and includes a magistrate.

"Lockout" (without limiting its ordinary meaning) includes a closing of a place of employment, or a suspension of work, or a refusal by an employer to continue to employ any number of his employees with a view to compel his employees, or to aid another employer in compelling his employees, to accept terms of employment.

"Magistrate" means stipendiary or police magistrate.

"Members of a board" and "members of a conciliation committee" include the chairman of the board and of the committee respectively.

"Metropolitan district court" means district court of the metropolitan district, holden at Sydney.

"Minister" means minister of the Crown administering this act.

"Necessary commodity" includes—

(a) Coal;

(b) Gas for lighting, cooking, or industrial purposes;

(c) Water for domestic purposes; and

(d) Any article of food, the deprivation of which may tend to endanger human life or cause serious bodily injury.

"Prescribed" means prescribed by this act or by regulations made thereunder.

"Registrar" means industrial registrar appointed under this act.

"Repealed acts" means the acts repealed by this act.

"Schedule" means schedule to this act, and any amendment of or addition to such schedule made in pursuance of this act.

"Strike" (without limiting its ordinary meaning) includes the cessation of work by any number of employees acting in combination, or a concerted refusal or a refusal under a common understanding by any number of employees to continue to work for an employer with a view to compel their employer, or to aid other employees in compelling their employer, to accept terms of employment, or with a view to enforce compliance with demands made by them or other employees on employers.

"Trade-union" means trade-union registered under the trade-union act, 1881, and includes a branch so registered.

#### *Industrial unions.*

SEC. 6. The registrar may, on application made as hereinafter provided, register under this act as an industrial union of employers any person or association of persons, or any incorporated company, or association of incorporated companies, who or which has in the aggregate

Registration of  
industrial union  
of employers.

throughout the six months next preceding the date of the application for registration employed on an average, taken per month, not less than 50 employees.

Such application shall be made as prescribed, and, if made by an association or company, shall be signed by a majority in number of the governing body thereof.

Registration under repealed acts and act of 1901.

SEC. 7. Any person or body whose registration under the act No. 59, 1901, as an industrial union is at the commencement of this act in force, and any trade-union registered under section 9 of the industrial disputes act, 1908, whose registration under that act is at the said commencement in force, shall, unless and until such registration is canceled, be deemed to be an industrial union.

Registration of industrial union of employees.

SEC. 8. (1) The registrar may, on application made as hereinafter provided, register under this act any trade-union of employees. On such registration the trade-union shall be an industrial union until such registration is duly canceled.

(2) Such application shall be made in writing as prescribed by the committee of management of the trade-union, and shall be signed by a majority in number of the members of such committee. Notice of any such application shall be published as prescribed.

The registrar may require such proof as he thinks necessary of the authority of the said members to make the said application.

(3) Any such application may be refused by the registrar if he is of opinion that the organization applying is not a bona fide trade-union, or if registered under this act would not be a bona fide industrial union, or if it appears that another trade-union to which the members of the applicants' union might conveniently belong has already been registered as an industrial union.

(4) The registrar shall fix a day for considering any objections on the above ground to the granting of the application, and shall notify the same as prescribed.

(5) No branch shall be registered, unless it is a bona fide branch of sufficient importance to be registered separately.

(6) Any decision of the registrar under this section in respect of an objection taken as aforesaid, or on refusal of registration, shall be subject to appeal to the court as prescribed.

(7) The court may, for any reasons which appear to it to be good, cancel the registration of any industrial union, provided that, save where otherwise mentioned in this act, such cancellation shall not relieve the industrial union or any member thereof from the obligation of any award or industrial agreement, or order of the court or a board, or from any penalty or liability incurred prior to such cancellation.

Cancellation of registration at request of union.

SEC. 9. (1) The court may cancel the registration of an industrial union if proof is given to its satisfaction that a majority in number of the members of the union, by secret ballot taken as prescribed, require such cancellation:

(2) *Provided*, That such power of cancellation shall not be exercised while any award or any industrial agreement relating to members of any such union whether made under the repealed acts or this act is in force.

The court may cancel registration.

SEC. 10. The court may, if satisfied that an industrial union is instigating to or aiding any other union or any of its members in a lockout or strike for which such other union or any of its members are liable to a penalty under this act, in its discretion cancel such registration and cancel any award or industrial agreement relating to such industrial union or the members thereof with the consent of all other parties bound by such award or industrial agreement.

#### *Industrial agreement.*

Power to make industrial agreements.

SEC. 11. Any industrial union of employees may make an agreement in writing with an employer or any other industrial union relating to any industrial matter.

Any such agreement if made for a term specified therein not exceeding five years from the making thereof, and if filed at the office of the registrar, shall be an industrial agreement within the meaning of this act, and shall be binding on the parties, and on all persons for

the time being members of such unions, but may be rescinded or varied in writing by the parties. Any variation of any such agreement, if filed as aforesaid, shall be binding as part of the agreement.

Any such industrial agreement may be enforced under this act.

SEC. 12. If after the commencement of this act any trade-union of employees, not being an industrial union, enters into and executes in the manner prescribed by the rules of such union any agreement relating to any industrial matters with an employer or an industrial union of employers, either party to such agreement may file the same in the office of the registrar. Any such agreement, if made for a term specified therein not exceeding five years from the making thereof, shall, in so far as it relates to industrial matters, be binding on the parties, and on all persons for the time being members of such unions, and shall be enforceable in the same manner as an industrial agreement made under this act. Such agreements may be rescinded or varied by the parties, and any such variation if filed as aforesaid shall be binding as part of the agreement.

## PART II.—THE INDUSTRIAL COURT AND THE BOARDS.

### *Constitution of the court.*

SECTION 13. (1) There is hereby constituted a court to be called the court of industrial arbitration. It shall be a superior court and a court of record, and shall have a seal, which shall be judicially noticed.

The court shall have the jurisdiction and powers conferred on it by this act, and also the jurisdiction and powers conferred in the industrial court by the clerical workers act, 1910. Subject to the said act, with regard to jurisdiction, the provisions of this act shall apply so far as they are applicable for the purpose of making and enforcing awards under the said act.

(2) The industrial court established by the repealed acts is dissolved, and the present judge of that court shall be the judge of the court of industrial arbitration, and shall hold such office subject to the provisions of subsections 6 and 7 of this section.

Whenever the office of the judge becomes vacant, the governor may appoint a supreme court judge or a district court judge, or a barrister at law of five years' standing, to be the judge.

(3) The governor may appoint a supreme court judge or a district court judge, or a barrister at law of five years' standing, to be judge to act as an additional judge of the court. Such additional judge shall have the same rights, powers, jurisdiction, and privileges as the judge of the court.

(4) The governor may appoint a supreme court judge or a district court judge, or a barrister at law of five years' standing, to be deputy judge to act temporarily in the absence of the judge of the court. Such deputy judge shall, while exercising the jurisdiction conferred on him, have the same salary and all the rights, powers, jurisdiction, and privileges of the judge of the court.

(5) The court shall be constituted by the judge or additional or deputy judge of the court sitting alone, or, in the cases hereinafter in this act provided, with assessors. Should both judge and additional judge be sitting at the same time, each shall constitute the court under this act.

(6) The present or any future or additional judge of the court shall be liable to be removed from office in the same manner and upon such grounds only as a supreme court judge is by law liable to be removed from office.

(7) Where a supreme court judge holds the office of judge of the court, his annual salary as supreme court judge shall continue. Where a district court judge holds such office his annual salary shall be £1,000 (\$4,866.50) in addition to his salary as district court judge. Where a barrister at law is appointed to such office his annual salary shall be the same as that prescribed for a district court judge holding such office.

SEC. 14. The court, in addition to the jurisdiction and powers conferred on it by this act, shall have the powers and may exercise the



jurisdiction hereby conferred on industrial boards and on the chairmen thereof and on the chairmen of conciliation committees, and on the industrial registrar and an industrial magistrate.

*Constitution of the boards.*

Dissolution of boards under repealed acts.

SEC. 15. All the boards appointed under the repealed acts are at the commencement of this act dissolved, except where at such commencement any part-heard matter is before any such board, in which case such board may continue to act and deal with and determine such matter in the same manner as if this act had not passed. On such matter being determined, the board shall be dissolved on proclamation to that effect, made by the governor in the Gazette.

Boards for industries in Schedule I.

SEC. 16. (1) Industrial boards shall, on the recommendation of the court, be constituted by the minister under the board designations mentioned in the first column of Schedule I, and under such further or other board designations as the governor may from time to time proclaim, for any one or more of the industries or callings mentioned in the second column of such schedule, and from time to time added to such second column by the governor on resolution passed by both houses of Parliament, and for any such transposition, division, combination, rearrangement, or regrouping of such industries or callings as the minister, on the recommendation of the court, may direct.

Appointment of chairman.

(2) The minister shall appoint a chairman who shall be recommended by the court for all the boards which may be constituted under each of the board designations mentioned in the first column of Schedule I. Such chairman shall preside over and be a member of all such boards.

Appointment of other members.

(3) The minister shall appoint the other members of such boards who shall be recommended by the court.

Board constituted.

(4) On the chairman and members being appointed a board shall be deemed to be constituted.

Members.

(5) Each such board shall, besides its chairman, consist of two or four other members, as may be recommended by the court. One-half in number of such other members shall be employers, and the other half employees, each of whom has been or is actually and bona fide engaged in one of the industries or callings so specified: *Provided*, That where the employers or the employees in the industries or callings consist largely of females, members may be appointed who are not engaged in the industries or callings: *Provided also*, That where, in the opinion of the court, no suitable employer or no suitable employee in the industry can be found who is willing to act on the board on behalf of the employers or employees, as the case may be, such court may recommend any person whom it considers to be acquainted with the working of the industry to represent the employers or employees on the board, and the minister shall appoint such person.

Demarcation of callings.

(6) Where it appears to the court that a question has arisen as to the right of employees in specified callings to do certain work in an industry to the exclusion of the employees in other callings, the court may, on application made by any such employees, constitute a special board to determine such question.

Such board shall consist of a chairman and such number of other members as the court fixes, but so that—

(a) One-half in number of such other members shall be employers and the other half employees, each of whom has been or is actually and bona fide engaged in one of the said callings;

(b) Such of the callings as the court considers to be directly interested in the question shall be represented on the board by an employer or employers, and by an employee or an equal number of employees.

The chairman and other members of any such board shall be appointed by the court.

The determination shall have effect as an award of a board.

Boards for industries in Schedule II.

SEC. 17. (1) The minister shall, on the recommendation of the court, constitute industrial boards for the industries and callings mentioned in Schedule II as amended or added to in pursuance of this act.

Appointment.

(2) The minister shall—

(a) Appoint chairmen who shall preside at and be members of such boards;

(b) Appoint the other members of such boards. The persons so appointed shall be recommended by the court.

(3) Each such board shall have jurisdiction as to matters relating to such of the said industries or callings or sections thereof as may be specified by the court in its recommendation to the minister.

Jurisdiction.

(4) Each such board shall, besides the chairman, consist of two or four other members, as may be recommended by the court, one-half in number of whom shall be employers and the other half employees, each of whom has been or is actually and bona fide engaged in one of the industries or callings so specified:

Members.

*Provided*, That where the employers or the employees in the industries or callings consist largely of females, members may be appointed who are not engaged in the industries or callings:

*Provided also*, That where, in the opinion of the court, no suitable employer or no suitable employee in the industry can be found who is willing to act on the board on behalf of the employers or employees, as the case may be, such court may appoint any person whom it considers to be acquainted with the working of the industry to represent the employers or employees on the board.

(5) The provisions of this act relating to boards shall apply to any board constituted under this section.

Application of act to such boards.

(6) The governor may on resolution passed by both houses of Parliament amend Schedule II or add thereto other industries. Any such amendment or addition shall be published in the Gazette.

Amendment of Schedule II.

SEC. 18. If any member of a board, without reasonable excuse, neglects on two successive occasions to attend meetings of the board duly convened, or to vote when present at any such meeting on any question duly submitted to the board, he shall be liable to a penalty not exceeding £5 (\$24.33), and the governor may declare his office vacant, and thereupon such member shall cease to hold office.

Failure of member to attend.

SEC. 19. Each member of a board shall, upon his appointment, take an oath not to disclose any matter or evidence before the board or the court relating to trade secrets; the profits or losses or the receipts and outgoings of any employer; the books of an employer or witness produced before the board or the court; or the financial position of any employer or of any witness; and if he violates his oath, he shall be liable to a penalty not exceeding £500 (\$2,433.26), and, on conviction of such offense, he shall cease to hold office.

Oath to be taken by members.

SEC. 20. (1) The minister, on the recommendation of the court, may at any time dissolve a board; he may also on such recommendation remove any member of a board from his office on the ground that such member is of unsound mind, or in prison, or has abandoned his residence in this State, or is not properly discharging his duties as a member of such board.

Dissolution of board and removal of member.

(2) Subject to the above provision, the members of a board shall hold office until the expiration of three years from the date of their appointment, and then shall cease to hold office: *Provided*, That a member may resign his office.

Period of office.

(3) A new board may be appointed under this act to take the place of a board that has been dissolved, or the members of which have resigned, or have ceased to hold office.

New board.

Members ceasing to hold office on a board shall be eligible for appointment to the new board.

The provisions of this act relating to the constitution and manner of appointment of boards shall apply to the appointment of such new board.

SEC. 21. (1) Where, from any cause, a member of a board ceases to hold office, the minister may appoint a duly qualified person, who shall be recommended by the court, to his office for the residue of the period for which such member was appointed.

Appointment to vacancies.

(2) Where a person is appointed to any vacancy on a board, the board as newly constituted may, if no member of the board objects, continue the hearing of and may determine any part-heard case.

SEC. 22. Every appointment of a member of a board shall be published in the Gazette, and a copy of a Gazette containing a notice of such appointment purporting to have been published in pursuance of this act shall be conclusive evidence that the person named in such

Appointments to be gazetted.

notice was legally appointed to the office named, and had power and jurisdiction to act in such office, and such appointment shall not be challenged for any cause.

**Fees.** SEC. 23. The members of a board shall be paid such fees as may be fixed by the governor.

### PART III.—JURISDICTION OF BOARDS AND OF THE COURT.

**Power of board to make recommendation.** SECTION 24. (1) A board, on any reference or application to it may, with respect to the industries or callings for which it has been constituted, make an award—

(a) Fixing the lowest prices for work done by employees and the lowest rates of wages payable to employees, other than aged, infirm, or slow workers;

(b) Fixing the number of hours and the times to be worked in order to entitle employees to the wages so fixed;

(c) Fixing the lowest rates for overtime and holidays and other special work, including allowances as compensation for overtime, holidays, or other special work;

(d) Fixing the number or proportionate number of apprentices and improvers and the lowest prices and rates payable to them;

(e) Determining any industrial matter;

(f) Rescinding or varying any award made in respect of any of the industries or callings for which it has been constituted;

(g) Declaring that preference of employment shall be given to members of any industrial union of employees over other persons offering their labor at the same time, other things being equal: *Provided*, That where any declaration giving such preference of employment has been made in favor of an industrial union of employees, such declaration shall be canceled by the court of arbitration if at any time such union, or any substantial number of its members, takes part in a strike or instigates or aids any other persons in a strike; and if any lesser number takes part in a strike, or instigates or aids any other persons in a strike, such court may suspend such declaration for such period as to it may seem just.

**Charitable institutions.** (2) Where an institution carried on wholly or partly for charitable purposes provides for the food, clothing, lodging, or maintenance of any of its employees or any of its inmates who are deemed to be employees, the board in its award as to the wages of such employees or inmates, shall make due allowance therefor. The board may exempt such institution from all or any terms of the award where the food, clothing, lodging, and maintenance provided by the institution, together with the money if any, paid by the institution to such employees or inmates as wages, are at least equal in value to the value of the labor of such employees or inmates.

**Award of board.** SEC. 25. (1) The award of a board shall be signed by the chairman and forwarded to the registrar who shall forthwith publish the same in the Gazette and notify the parties. On such publication every award shall take effect and be binding on all persons engaged in the industries or callings and within the locality and for the period not exceeding three years specified therein.

**Applications to court to vary recommendations.** (2) Within 30 days of such publication any of the parties to the proceedings before the board, with the consent of the court, and any other person, with the like consent, may in manner prescribed make application to the court for variation or amendment of such award, or for rehearing in respect to any matter in or omission from the award.

(3) If the board refuses to make any award, any of the said parties may, within 14 days after such refusal, make application to the court to make an award as to any matter included in a claim or reference made to the board.

**Determination by court.** (4) On any such application the court may confirm, or vary, or rescind the award thus appealed from, or make a new award, and may make such order as to the costs of the appeal as it thinks just.

At such hearing the members of the board other than the chairman shall, if any person making the application so desires, sit with the court as assessors.

(5) The pendency of an appeal shall not suspend the operation of an award appealed from.

Sec. 26. Employees employed by the Government of New South Wales or by any of its departments, including the chief commissioner for railways and tramways, the Sydney Harbor trust, the metropolitan board of water supply and sewerage, and the Hunter district board of water supply and sewerage shall be paid rates and prices not less than those paid to other employees not employed by the Government or its departments doing the same class of work under similar circumstances. But the fact that employment is permanent, or that additional privileges are allowed in the service of the Government or its departments, shall not of itself be regarded as a circumstance of dissimilarity. The court or an industrial board shall not fix rates and prices for such first-mentioned employees lower than those fixed for such other employees.

Wages of Government employees.

Sec. 27. (1) Any aged, infirm, or slow worker who may deem himself unable to earn the minimum wage prescribed by any award, may apply to the registrar for a permit in writing to work for less than the wage so prescribed.

Permits for aged, infirm, or slow workers.

(2) The registrar shall be the tribunal to determine whether and on what conditions such permit shall be granted, and shall have power to revoke or cancel any permit.

(3) The registrar shall forthwith notify the secretary of the industrial union of the trade or calling in which such applicant desires to be employed, of the grant of such permit and of the conditions contained therein.

(4) The said union may at any time after such notice apply to the registrar in the manner prescribed for the cancellation of such permit.

(5) An appeal against any such determination shall not lie from the registrar to the court except on the ground that the trade or calling concerned is one in which no such permit should be granted.

Sec. 28. Unless otherwise expressly provided in this act, an award, whether made under this act or the repealed acts, may be rescinded, added to, or varied only on application or reference to a board in pursuance of this act.

Variation of award.

But the court may, at any time, on its own initiative or on application made to it, prohibit any proceeding of a board or vary or rescind any award made under this act or the repealed acts.

Sec. 29. Subject to the right of appeal under this act, and to such conditions and exemptions as the board may, and is, hereby authorized to determine and direct, an award shall be binding on all persons engaged in the industries or callings and within the locality, and for the period not greater than three years specified therein.

Award to be binding.

Sec. 30. The Crown may, where, in the opinion of the minister, the public interests are or would be likely to be affected, intervene in any proceedings under this part before a board or the court, or appeal from an award of a board and make such representations as it thinks necessary in order to safeguard the public interests.

Intervention by Crown.

#### PART IV.—PROCEDURE OF BOARDS.

SECTION 31. (1) Proceedings before a board shall be commenced by—

Commencement of proceedings.

(a) Reference to the board by the court or the minister; or

(b) Application to the board by employers or employees in the industries or callings for which the board has been constituted.

(2) Any such application shall be in the form, and shall contain the particulars prescribed, and shall be signed by—

(a) An employer or employers of not less than twenty employees in any such industry or calling; or

(b) An industrial union whose members are employers or whose members are employees in any such industry or calling.

Convening of meetings.

(3) All meetings of a board shall be convened by the chairman by notice to each member served as prescribed.

Inquiry by board.

Sec. 32. In every case where an application or reference to a board is made, it shall be the duty of the chairman to endeavor to bring the parties to an agreement with respect to the matters referred to in such application or reference, and to this end the board shall, in such manner as it thinks fit, expeditiously and carefully inquire into such matters and anything affecting the merits thereof.

In the course of such inquiry, the chairman may make all such suggestions and do all such things as he deems right and proper for inducing the parties to come to a fair and amicable settlement of such matters.

Power of entry  
and inspection.

SEC. 33. A board, or any two or more members thereof authorized by the board under the hand of its chairman, may enter and inspect any premises used in any industry to which a reference or application to the board relates, and any work being carried on there.

If any person hinders or obstructs a board or any member thereof in the exercise of the powers conferred by this section, or hinders or obstructs the judge in the exercise of like powers, he shall be liable to a penalty not exceeding £10 (\$48.67).

Conduct of pro-  
ceedings of board,  
and its powers as  
to witnesses.

SEC. 34. A board may—

- (a) Conduct its proceedings in public or private as it may think fit;
- (b) Adjourn the proceedings to any time or place;
- (c) Exercise in respect of witnesses and documents and persons summoned or giving evidence before it, or on affidavit, the same powers as are by section 136 of the parliamentary electorates and elections act, 1902, conferred on a committee of elections and qualifications, and the provisions of the said section shall apply in respect of the proceedings of the board: *Provided*, That unless a person raises the objection that the profits of an industry are not sufficient to enable him to pay the wages or grant the conditions claimed, no person shall be required without his consent to produce his books, or to give evidence with regard to the trade secrets, profits, losses, receipts, and outgoings of his business, or his financial position.

Where a person raises such objection he may be required, on the order of the chairman, to produce the books used in connection with the carrying on of the industry in respect of which the claim is made, and to give evidence with regard to the profits, losses, receipts, and outgoings in connection with such industry, but he shall not be required to give evidence regarding any trade secret, or, saving as hereinbefore provided, his financial position. No such evidence shall be given without his consent except in the presence of the members of the board alone, and no person shall inspect such books except the chairman or an accountant appointed by the board, who may report to the board whether or not his examination of such books supports the evidence so given, but shall not otherwise disclose the contents of such books. Such accountant shall, before acting under this paragraph, take the oath prescribed in respect of members of a board by section 19 of this act;

(d) Admit and call for such evidence as in good conscience it thinks to be the best available, whether strictly legal evidence or not.

Evidence to be  
on oath.

SEC. 35. (1) The chairman shall require any person, including a member of the board, to give his evidence on oath, and may on behalf of the board issue any summons requiring the attendance of witnesses; if any person so summoned does not attend he shall be liable to a penalty not exceeding £50 (\$243.33).

Admissibility  
of evidence.

(2) Any question as to the admissibility of evidence shall be decided by the chairman alone, and his decision shall be final.

Questions  
of jurisdiction.

(3) Where during the hearing of any matter before a board its jurisdiction is disputed, the chairman may decide the question of jurisdiction subject to appeal to the court, or may submit it to the court; in which case the court shall decide such question and remit its decision to the board.

Proceedings at  
meetings.

SEC. 36. At any meeting of a board, unless otherwise provided in this act—

- (a) The chairman shall preside;
- (b) Each member except the chairman shall have one vote; and where the votes for and against any matter are equal, the chairman shall decide the question, but shall not give such decision unless satisfied that the question can not otherwise be determined.
- (c) Any member of the board may call, examine, or cross-examine witnesses.

Appearance of  
parties by adv-  
ocate or agent.

SEC. 37. In any proceedings before the court or a board, no person, except with the consent of the court or the chairman, shall appear as an advocate or agent who is not or has not been actually and bona fide engaged in one of the industries or callings in respect of which such proceedings are taken.

## PART V.—CONCILIATION COMMITTEES.

*Committees for colliery districts.*

SECTION 38. The minister may, as prescribed, notify districts as follows: A northern colliery district; a southern colliery district; a western colliery district. Notification of districts.

He may also notify, as he may think fit, any other district in which more than 500 employees work in or about coal or metalliferous mines, and may cancel or amend any notification made under this section.

SEC. 39. (1) The minister may, in the manner prescribed, constitute for each such district a conciliation committee consisting of two or four members, as the minister may determine, and to be appointed by him, one-half in number of whom shall be nominated by the employers and the other half nominated by the employees, and a chairman. Conciliation committees.

The chairman shall be chosen by the unanimous agreement of the other members, but if no such agreement is arrived at, or if the chairman so chosen is unable or refuses to act, he shall be appointed by the governor: *Provided*, That the minister may, if he thinks fit, appoint the judge to be chairman of any such committee.

(2) No such committee shall be appointed unless the employees in the industry concerned are registered as an industrial union under this act.

(3) Such of the provisions of sections 19 to 23 as relate to members of boards shall, so far as applicable, and subject to the provisions of this section, apply to any member of a committee established under this section except the judge.

SEC. 40. (1) Any such committee shall meet on being summoned by its chairman, as prescribed, or at the request of the minister, and shall inquire into any industrial matter in connection with coal mining or metalliferous mining, as the case may be, within its district. Inquiry by committee.

(2) The chairman shall preside at all meetings of a committee, and shall endeavor to induce the other members to come to an agreement, but shall not take any part in the decisions of the committee.

SEC. 41. If such agreement is come to, it shall be reduced to writing and signed by the other members on behalf of the employers and the industrial unions concerned. Such agreement on being certified by the chairman as prescribed shall be filed and shall have effect as an industrial agreement between such employers and unions. Agreement to have effect as industrial agreement.

SEC. 42. The minister may also, as prescribed, constitute a conciliation committee for any occupation or calling in which more than 500 persons are employed other than coal or metalliferous mining. Such committee shall be appointed in the manner and shall have the powers mentioned in sections 39, 40, and 41 of this act. Constitution of conciliation committee.

*Special commissioner.*

SEC. 43. (1) There shall be a special commissioner, who shall be appointed in that behalf by the minister. Special commissioner.

(2) Such commissioner may require the attendance of any persons to meet the conference whenever any question has arisen that in his opinion might lead to a lockout or strike, and either no board has been constituted which would have jurisdiction in the matter or he is of opinion that a preliminary or temporary agreement should be made before the matter is submitted to a board. At such conference the commissioner shall preside and endeavor to induce the parties to come to an agreement. Conference.

(3) If any person so required does not attend in conference as aforesaid he shall be liable to a penalty not exceeding £50 (\$243.33). Penalty.

## PART VI.—LOCKOUTS AND STRIKES.

*Lockouts.*

SECTION 44. If any person, including an industrial union of employers, does any act or thing in the nature of a lockout, or takes part in a lockout, or instigates to or aids in any of the above-mentioned acts, the court may order him to pay a penalty not exceeding £1,000 (\$4,866.50). Penalty for lockout.

*Strikes.*

Penalty for strike by any person.

SEC. 45. (1) If any person does any act or thing in the nature of a strike, or takes part in a strike, or instigates to or aids in any of the above-mentioned acts, the court may order him to pay a penalty not exceeding £50 (\$243.33).

Amount of penalty to be a charge on wages.

(2) Where a person is under this section ordered to pay a penalty, the court shall order that the amount of such penalty shall be a charge on any moneys which are then or which may thereafter be due to such person from his then or future employer, including the Crown, for wages or in respect of work done.

Such order may be for the payment of such penalty in one sum or by such installments as the court may direct.

On the making of any such order of attachment the employer on being notified thereof, shall, from time to time, pay such moneys into the court as they become due and payable in satisfaction of the charge imposed by the order.

No charge upon or assignment of his wages, or of moneys in respect of work done or to be done, whenever or however made by any such person shall have any force whatever to defeat or affect an attachment; and an order of attachment may be made and shall have effect as if no such charge or assignment existed.

Union to contribute to payments of penalty.

SEC. 46. (1) Where any person is under the last preceding section ordered to pay a penalty, and it appears that he was, at the time of his doing the acts complained of, a member of a trade or industrial union, the court may, in addition to making the charge provided for in the said section, order such union, or the trustees thereof, to pay out of the funds of the union any amount not exceeding £20 (\$97.33) of the penalty.

Union to be heard.

(2) The court shall, before making such order, hear the said trustees or the said union, and shall not make such order if it is proved that the union has by means that are reasonable under the circumstances bona fide endeavored to prevent its members from doing any act or thing in the nature of a lockout or strike, or from taking part in a lockout or strike, or from instigating to or aiding in a lockout or strike.

Penalty against union.

SEC. 47. If any industrial union or trade-union of employees instigates to or aids in any act for which any person is liable to be ordered to pay a penalty under section forty-five, the court may order such industrial or trade union to pay a penalty not exceeding £1,000 (\$4,866.50), and may in its discretion suspend the operation of or cancel the registration under this act of any such industrial union, and may, with the consent of the other parties bound by such award or industrial agreement, cancel any award whether made under the repealed acts or this act so far as it relates to the members of such industrial or trade union, or may do both those things.

*Injunction.*

Injunction to prohibit a lock-out or strike.

SEC. 48. The court may grant a writ of injunction to restrain any person from continuing to instigate to or aid in a lockout or strike. Such writ, may upon application made as prescribed, be granted ex parte or on notice.

If any person disobeys such writ of injunction he shall be guilty of a misdemeanor, and shall be liable to imprisonment for any period not exceeding six months.

Such person may be committed for trial for such offense by any justice or justices, acting under and in pursuance of the justices act, 1902, and any acts amending the same, or by the court.

For the purpose of such committal the court shall have the powers of a justice or justices under the said acts.

## PART VII.—BREACHES OF AWARDS AND OTHER OFFENSES.

*Payment of wages awarded.*

Recovery of wages.

SECTION 49. (1) Where an employer employs any person to do any work for which the price or rate has been fixed by an award, or by an industrial agreement, whether made under the repealed acts or this

act he shall be liable to pay in full in money to such person and without any deduction the price or rate so fixed.

(2) Such person may, within six months after such money has become due, apply in the manner prescribed to the registrar or to an industrial magistrate for an order directing the employer to pay the full amount of any balance due in respect of such price or rate. Such order may be so made notwithstanding any smaller payment or any express or implied agreement to the contrary. The registrar or magistrate may make any order he thinks just, and may award costs to either party, and assess the amount of such costs. Order for payment.

(3) Such person may, within the said period of six months, in lieu of applying for an order under the last preceding subsection, sue for any balance due as aforesaid in any district court or court of petty sessions: *Provided*, That any person feeling himself aggrieved by a judgment or order of such court given or made under this subsection may appeal therefrom to the court of industrial arbitration as prescribed. Alternative power to sue.

(4) Such person may take any such proceedings, and may recover any such balance due, and costs, notwithstanding that he may not be of full age either at the time of doing such work or at the time of taking such proceedings. Recovery of balance due.

*Breach of award or industrial agreement.*

SEC. 50. (1) If any person commits a breach of an award or a breach of an industrial agreement, whether by contravening or failing to observe the same, or otherwise, the registrar or an industrial magistrate may order him to pay a penalty not exceeding £50 (\$243.33). Penalty for breach of award.

(2) Where on making such order it appears that the breach complained of relates to the failure of the defendant to pay in full any wages (including wages for overtime) due to the complainant at the price or rate fixed by the award or agreement, the registrar or magistrate may also make such an order with respect to such wages as might have been made in proceedings taken under section 49. Such order may be made without motion, and shall be a bar to proceedings under the said section in respect of such wages. Order for payment of wages.

(3) Where an order is made under subsection 1 of this section against any person, and the registrar or magistrate is of opinion that the breach was committed by the willful act or default of such person, he may on motion or without motion, and in addition to any order made, grant a writ of injunction to restrain such person from committing further or other breaches of the award or industrial agreement. Injunction where breach is willful.

If any person disobeys such writ of injunction he shall be guilty of a misdemeanor and shall be liable to imprisonment for any period not exceeding six months.

Such person may be committed for trial for such offense by any justice or justices acting under and in pursuance of the justices act, 1902, and any acts amending the same, or by the court. For the purposes of such committal the court shall have the powers of a justice or justices under the said acts.

(4) Proceedings for a breach of an award or an industrial agreement may be taken and prosecuted by the minister or an employer, or the secretary of an industrial union concerned in the industry covered by such award or industrial agreement. Who may take proceedings for penalty.

The costs of any such proceedings shall be paid by the complainant if the order is not made, and by the defendant if the order is made. Such costs shall be according to a scale to be fixed by the court.

SEC. 51. If the secretary of an industrial union of employees or any person acting or purporting to act on behalf of any such industrial union receives any money paid in respect of any act constituting a breach of an award or industrial agreement otherwise than in pursuance of the order or with the previous approval of the registrar or an industrial magistrate, he shall be liable to a penalty not exceeding £20 (\$97.33). Secretary of union receiving money for breach of award.



*Unlawful dismissal.*

Penalty for unlawful dismissal.

SEC. 52. If an employer dismisses from his employment any employee by reason of the fact that the employee is a member of a board or of a trade-union, or an industrial union, or has absented himself from work through being engaged in other duties as member of a board, or is entitled to the benefit of an award or of an industrial agreement, the court may order such employer to pay a penalty not exceeding £20 (\$97.33) for each employee so dismissed.

In every case it shall lie on the employer to satisfy the court that such employee was dismissed from his employment for some substantial reason other than that above mentioned in this section.

No prosecution for an offense under this section shall be commenced except by leave of the court.

## PART VIII.—GENERAL AND SUPPLEMENTAL.

*Fines and subscriptions payable to unions.*

Fines and subscriptions payable to union.

SECTION 53. The registrar or an industrial magistrate may order the payment by any member of an industrial union of any fine, levy, penalty, or subscription payable in pursuance of the rules of the union.

Enforcement of certain orders.

SEC. 54. (1) Where an order is made under sections 44, 46, 47, 49, 50, 52, or 53, that any person or union shall pay the amount of any money due or any penalty, such order shall have the effect of a judgment for the amount of such money or of such penalty in the district court or court of petty sessions named in such order, or if no such court is so named, in the metropolitan district court at the suit of the Crown or person or union respectively, against the person or union against whom such order has been made; and such amount may be recovered and such recovery may be enforced by process of such court as in pursuance of such judgment.

Property of a union.

(2) Any property of a union, whether in the hands of trustees or not, shall be available to answer any order made as aforesaid.

*Appeal to court.*

Appeal from registrar or magistrate.

SEC. 55. (1) From any order of the registrar, or any industrial or other magistrate or justices under this act, imposing a penalty or ordering the payment of any sum of money or any penalty, an appeal shall lie to the court.

On any such appeal the court may either affirm the order appealed from or reverse the said order or reduce the amount so ordered to be paid or the amount of the penalty; and, in any case, the court may make such order as to the costs of the appeal, and of the proceedings before the registrar, magistrate, or justices, as it thinks just.

Case may be stated.

(2) The registrar, or any industrial or other magistrate or justices, may on the application made by any party to any proceedings for the payment of money or a penalty under this act state a case for the opinion of the court, setting forth the facts and the grounds for any order or conviction made by him or them.

Application of provisions of justices act.

(3) The provisions of the justices act, 1902, and any act amending the same which relate to appeals to a court of quarter sessions and to the stating of cases by justices for the opinion of the supreme court, and the decision of any such court thereon, and the carrying out of such decision shall, mutatis mutandis, and subject to any regulations made by the court under this act, apply to and in relation to appeals to and cases stated for the opinion of the court under this subsection.

No other appeals allowed.

(4) No other proceedings in the nature of an appeal from any such order or by prohibition shall be allowed.

*Procedure and decisions of court and boards.*

Rules to govern the court and boards.

SEC. 56. The court or a board exercising the jurisdiction conferred by this act shall be governed in its procedure and in its decisions by equity and good conscience, and shall not be bound to observe the rules of law governing the admissibility of evidence.

SEC. 57. Where the judge is unable to attend at the time and on the day appointed for the hearing of any matter by the court, the registrar, or, in his absence from the court, the chief clerk, shall adjourn the court, and also adjourn the hearing of any cases set down for that day to such day as he may deem convenient.

Adjournments of court.

SEC. 58. (1) Any decision of the court shall be final; and no award, and no order or proceeding of the court shall be vitiated by reason only of any informality or want of form or be liable to be challenged, appealed against, reviewed, quashed, or called in question by any court of judicature on any account whatsoever.

Decision of court to be final.

(2) No writ of prohibition or certiorari shall lie in respect of any award, order, proceeding, or direction of the court relating to any industrial matter or any other matter which on the face of the proceedings appears to be or to relate to an industrial matter.

(3) The validity of any proceeding or decision of the board or of a chairman of a board shall not be challenged except as provided by this act.

SEC. 59. In any proceeding before the court it may reserve its decision.

Court reserving its decision.

Where a decision has been so reserved it may be given at any continuation or adjournment of the court, or at any subsequent holding thereof, or the judge may draw up such decision in writing, and, having duly signed the same, forward it to the registrar. Whereupon the registrar shall notify the parties of his intention to proceed at some convenient time and place by him specified to read the same, and he shall read the same accordingly, and thereupon such decision shall be of the same force and effect as if given by the court.

#### *Evidence of award and its validity.*

SEC. 60. Evidence of any award, order, proclamation, notification, rule, or regulation made under the authority of this act or any of the repealed acts may be given by the production of any document purporting to be a copy thereof and purporting to be printed by the Government printer or by the authority of the minister.

Copy of Gazette to be evidence.

#### *Penalties and costs.*

SEC. 61. Any penalty imposed by or under this act or the regulations may, except where otherwise provided, be recovered upon summary conviction before a stipendiary, police, or industrial magistrate, or any two justices in petty sessions.

Recovery of penalties.

SEC. 62. The amount of any penalty recovered under this act shall be paid into the treasury and carried to the consolidated revenue fund.

Penalties to be paid to consolidated revenue.

SEC. 63. (1) Except where otherwise in this act provided, the court or the registrar, or any industrial or other magistrate or justices, may in any proceedings for a penalty or prosecution under this act, and in any proceedings under section 53 or for a writ of injunction, make such order as to the payment of costs as may be thought just, and may assess the amount of such costs.

Orders for costs.

(2) Every order for the payment of costs made by the court or the registrar or the industrial magistrate shall have the effect of and be deemed to be a judgment for such amount in the district court or court of petty sessions named in the order, or if no such court is so named, then in the metropolitan district court, at the suit of the person in whose favor such order is made, against the person so ordered to pay costs.

Enforcement of order.

Such amount may be recovered, and such recovery may be enforced by process of such court as in pursuance of such judgment.

SEC. 64. Whosoever, before a board or the court, willfully makes on oath any false statement knowing the same to be false shall be guilty of perjury.

Penalty for willfully false statement.

#### *The registrar, industrial magistrate, and inspectors.*

SEC. 65. (1) The governor may, subject to the public service act, 1902, appoint an industrial registrar who shall have the prescribed powers and duties.

Appointment of registrar.

(2) The governor may appoint any person to act as a deputy for the registrar appointed under this act for a time not exceeding in any

Deputy registrar.

case 30 days while such registrar is absent from his duties for any cause, and every such deputy shall while acting as such have the same jurisdiction and power, and perform the same duties as if he were the registrar.

His powers and duties.

(3) The judge may direct the registrar to inquire into any matter as to which he requires information for the purpose of the exercise of the jurisdiction of the court in any matter not being proceedings for a penalty under this act, and the registrar shall inquire accordingly, and report to the court.

For the purpose of such inquiry and for the purpose of any matter which by this act or the regulations is referred to him, the registrar may summon any persons, administer oaths and take affidavits, and examine parties and witnesses.

Every person summoned by the registrar shall be bound to attend upon such summons, and shall for disobedience thereto be liable to a penalty not exceeding £50 (\$243.33).

Powers of registrar.

(4) For the purpose of hearing and determining any proceedings for a penalty or for the recovery of money under this act, the registrar shall have the powers of two justices of the peace within any police district.

Appointment and powers of industrial magistrates.

Sec. 66. (1) The governor may appoint industrial magistrates, who shall have the qualifications of a police magistrate, and who shall throughout the State have the jurisdiction and powers conferred by this act on an industrial magistrate, and in the exercise of such jurisdiction may do alone whatever might be done by two or more justices sitting in petty sessions.

Deputy for industrial magistrate.

(2) The governor may appoint any person duly qualified as aforesaid to act as a deputy for any industrial magistrate appointed under this act for a time not exceeding in any case 30 days while such magistrate is absent from his duties for any cause, and every such deputy shall while acting as such have the same jurisdiction and power and perform the same duties as if he were an industrial magistrate.

Appointment and powers of inspectors.

Sec. 67. (1) The governor may, subject to the public service act, 1902, appoint inspectors, who shall have the powers and duties prescribed.

Any such inspector may exercise the following powers and perform the following duties in respect of an industry as to which an award or an industrial agreement is in force:

(a) He may at any reasonable times inspect any premises of any employer upon which any such industry as aforesaid is carried on, and any work being done therein.

(b) He may at any reasonable times require the employer in such industry to produce for his examination, and may examine, any time sheets and pay sheets of the employees in such industry.

(c) He may at any reasonable times examine any employee in such industry as to the prices for piecework and the rate of wages paid to him, and as to his hours of work as such employee.

(d) He may, on obtaining the authority of the minister, institute proceedings for a penalty under section 53.

An inspector shall report to the minister all breaches of this act, or of an award or industrial agreement, which have come to his knowledge.

(2) No inspector shall have any authority under this act to enter a private dwelling house, or the land used in connection therewith, unless some manufacture or trade in which labor is employed is carried on therein.

Obstructing inspector.

(3) If any person obstructs any inspector in the exercise of his powers under this act or fails when duly required as aforesaid to produce any time sheets or pay sheets, he shall be liable to a penalty not exceeding £10 (\$48.67).

#### Miscellaneous.

Time sheets and pay sheets to be kept.

Sec. 68. (1) Every employer in an industry in respect of which an award or an industrial agreement is in force shall keep, or cause to be kept, from day to day and at the place where his employees in such industry are working, in the manner and to the effect prescribed, time sheets and pay sheets of such employees, correctly written up in ink.

If he fails to carry out any of the requirements of this section he shall be liable to a penalty not exceeding £10 (\$48.67).

(2) A copy of any award whether made under the repealed acts or this act shall be exhibited and kept exhibited by every employer carrying on an industry to which it relates, at the place where the industry is carried on, so as to be legible by his employees. If such employer fails to carry out the provisions of this subsection he shall be liable to a penalty not exceeding £10 (\$48.67). Exhibition of award.

(3) The penalty imposed by each of the preceding subsections may in addition to being recoverable in terms of section 61 of this act, be ordered to be paid by the registrar or an industrial magistrate subject to the provisions of section 54 of this act.

SEC. 69. Employers and employees shall give at least 21 days' notice of an intended change affecting conditions of employment with respect to wages or hours or the prices of piecework. During any proceedings before a board, neither the employers nor the employees in the industry the subject of such proceedings shall alter the conditions of employment with respect to wages or hours, or the prices for piecework, unless upon the recommendation of the board that they be at liberty to do so. Notice of change affecting employment.

If any person fails to carry out any of the requirements of this section he shall be liable to a penalty not exceeding £50 (\$243.33).

SEC. 70. Any person who, either as principal or as an agent, makes or enters into any contract or agreement, or is or continues to be a principal of or engages in any combination or conspiracy with intent to restrain the trade of the State in any necessary commodity to the detriment of the public, shall be liable to a penalty not exceeding £500 (\$2,433.25). Penalty for contract or combination in restraint of trade.

SEC. 71. Any person who monopolizes or attempts to monopolize, or combines or conspires with any person to monopolize any part of the trade of the State with intent to control, to the detriment of the public, the supply or price of any necessary commodity, shall be liable to a penalty not exceeding £500 (\$2,433.25). Penalty for monopoly.

### *Regulations.*

SEC. 72. The judge may repeal any regulations made under the repealed acts and make regulations for carrying out the provisions of this act, and the clerical workers act, 1910, and in particular, but without derogating from the generality of such powers— Regulations made by judge.

(a) Prescribing the forms of references and applications to a board and generally the forms to be used in carrying out this act.

(b) Prescribing the form of oath to be taken by members of boards and committees.

(c) Regulating the exhibition by an employer of an award.

(d) Prescribing the form and mode of service of notices of meetings of a board and of a committee, and regulating the convening of such meetings.

(e) Prescribing the giving of notice of inspection by a board or its members of premises used in any industry, and prescribing the form and regulating the service of such notice.

(f) Regulating the procedure at meetings of boards and committees.

(g) Providing for the payment of expenses of witnesses; and persons summoned by the registrar or summoned to attend a conference under the provisions of Part V.

(h) Regulating the procedure to be followed in proceedings before the court and before the registrar and an industrial magistrate, and in enforcing judgments, convictions, and orders given and made under this act.

(i) For the enforcement of orders for penalties and orders for attachments made under this act.

(j) Prescribing the powers and duties of the registrar, and regulating the registration under this act of industrial unions.

(k) Imposing any penalty not exceeding £10 (\$48.67) for any breach of such regulations.

(l) As to matters which by this act may be prescribed.

SEC. 73. (1) Regulations made under this act, on being approved by the governor and published in the Gazette, shall, if not disallowed as hereinafter provided, and if not repugnant to this act, have the force of law. Publication of regulations.

(2) All such regulations on being gazetted shall be laid before both houses of Parliament within 14 days if Parliament is then sitting, and, if not sitting, then within 14 days after the next meeting of Parliament. But if either house of Parliament passes a resolution of which notice has been given at any time within 15 sittings days after such regulations have been laid before such house disallowing any regulation, such regulation shall thereupon cease to have effect.

Assented to April 15, 1912.

## SCHEDULES.

### INDUSTRIES AND CALLINGS.

The following extended form of the Schedules I and II to the act displays the method of grouping of industries and callings, as at the end of 1912. The first schedule covers the majority of industries, and is capable of extension from time to time to meet the requirements of advancing opinions. The additions made to the original Schedule I, published in July, 1912, are indicated in italics:

#### Building trades:

Carpenters, joiners, stonemasons, bricklayers, slaters, tilers, shinglers, plasterers, gantry and crane men, painters, paperhangers, decorators, sign writers, plumbers, gasfitters, builders' laborers, and all other employees engaged in the erection, alteration, or demolition of buildings, monumental masons and assistants, marble and slate workers, *tuck pointers, tile layers, stone machinists and all other employees engaged in the preparation of stone for use in the erection of buildings.*

#### Clothing trades:

Tailors, tailoresses, machinists, cutters and trimmers, pressers, *brushers, folders, and examiners*, felt and straw hat makers, textile workers, and all other persons engaged in the manufacture of clothing, felt and straw hats, and textile goods.

#### Coal mining (north):

Coal miners, wheelers, surface hands, and other persons employed in or about coal mines north of Sydney.

#### Coal mining (south):

Coal miners, wheelers, surface hands, and other persons employed in or about coal mines in the Metropolitan and the South Coast districts.

#### Coal and shale mining (west):

Coal miners and shale miners, wheelers, surface hands, and other persons employed in and about coal and shale mines west of Sydney.

#### Domestic:

Hotel, club, restaurant, caterer, tea-shop, boarding-house, and oyster-shop employees, hairdressers, barbers, wigmakers, laundry employees, hospital nurses and attendants, ambulance employees; employees of insane asylums and public charitable institutions, *billiard markers, medical school laboratory and microbiology department attendants.*

#### Engine drivers:

Shore engine drivers, firemen, greasers, trimmers, cleaners, and pumpers.

#### Gas makers:

All persons employed in the making, distribution, supply and lighting of gas, or the reading of gas meters.

#### Food supply and distribution (No. 1):

Bakers and assistants, bread carters, pastry cooks, employees in biscuit and cake factories, confectioners; butchers employed in shops, factories, slaughterhouses, and meat-preserving works, including carters; fruit preparers and canners and jam-factory employees; *candied-peel makers, employees in meat preserving works, poulterers, and assistants;* and yardmen, grooms, carters and laborers employed in connection with any such callings.

**Food supply and distribution (No. 2):**

Milk and ice carters, milk weighers and receivers, aerated water, cordial, and beverage makers, brewery employees, malt-house and distillery employees, bottlers, washers, wine and spirit store employees, ice manufacturers, cold-storage employees, freezing and cooling chamber employees; *persons engaged throughout the State of New South Wales in the manufacture of butterine and margarine and in butter, cheese, and bacon factories, and persons employed in the milk industry in the county of Cumberland, including employees of dairymen and milk vendors; grooms, laborers, and carters employed in connection with any such callings.*

**Furniture trades:**

Cabinetmakers, wood turners, french-polishers, upholsterers, chair makers, blind makers, mattress makers, wire-mattress makers, picture-frame makers, carpet planners, broom makers, brush makers, glassworkers, sawmill and timber-yard employees, wood machinists, coopers; wicker, pith-cane and bamboo workers; *wood carvers, pianoforte makers, billiard-table makers, loose-cover cutters, carpet cutters and fixers, and box and case makers, employees in box and case factories, and sawyers wherever employed; and yardmen, carters, grooms, and laborers employed in connection with any such callings.*

**Government railways:**

The employees of the chief commissioner of railways and tramways engaged on and in connection with the railways of the State.

**Government tramways:**

The employees of the chief commissioner of railways and tramways employed on and in connection with the tramways of the State.

**Government employees:**

The employees of the Sydney Harbor trust commissioners, the metropolitan board of water supply and sewerage, the Hunter district water supply and sewerage board, and fire brigade employees, and all employees on Government dredges; *assistants and attendants in the microbiological and other public bureaux of scientific investigation and research; nurses, attendants, and other employees in industrial homes, hospitals for the infirm, for the sick, and for the insane; health and sanitary inspectors.*

**Iron and shipbuilding trades:**

Engineers, smiths, boilermakers, iron-ship builders, angle-iron smiths, fitters, turners, pattern makers, iron molders, blacksmiths, coppersmiths, tinsmiths, sheet-iron workers, makers of gas meters, makers, repairers, and fitters of cycles and motor-cycles, makers, fitters, repairers, and installers of electrical apparatus and installations, and persons employed in the maintenance of electrical apparatus and installations or in running electrical plant, engine drivers, firemen, greasers, trimmers, cleaners and pumpers employed on land, ship and boat builders, and ship painters and dockers, farriers, employees engaged in the manufacture of iron or steel, wire-netting makers, *wire-workers, wire-fence, nail and tubular gate makers, iron-pipe makers, molders, grinders, dressers, and polishers of any metal, and brass finishers, canister makers, metal-ceiling employees and sheet-metal fixers; employees engaged in the manufacture of metallic bedsteads, metallic cots, metallic chair-beds, and metal parts of perambulators, wagon and carriage makers and repairers, agricultural and pastoral implements, and machinery makers and repairers, stove, oven and grate makers and repairers, and piano-frame makers, ship joiners, and ship carpenters, and all other persons engaged in the iron and shipbuilding trades; and all laborers and assistants employed in connection with any such callings.*

**Leather trades:**

Boot, shoe, and slipper makers, coach makers, coach painters, coach trimmers, and wheelwrights, saddle, harness, portman-teau, and bag makers, leather makers, tanners and curriers, fell-mongers, wool classers, wool and basil workers, *leather dressers, and boot, shoe, and slipper repairers; and all laborers and assistants employed in connection with any such callings.*

**Laborers:**

Persons engaged in the construction of railways, tramways, roads, bridges, and water conservation and irrigation works, cement makers, concrete workers, rock choppers, plate layers, hammer and drill men, timberers, pipe layers, manhole builders, tool sharpeners, navvies with or without horses and drays, gangers, employees of shires or municipal councils and of the city council, timber getters and carters; *persons engaged in the demolition of buildings, sewer miners, lime burners and makers, surveyors' laborers*; and all laborers and assistants employed in connection with any such callings.

**Manufacturing (No. 1):**

Brick, tile, pipe, pottery, terra-cotta, and chinaware makers and carters, tobacco, cigar, and cigarette makers and employees, bag and sack makers, boiling-down employees, bone millers and manure makers, makers of kerosene, naphtha, and benzine, or any other shale products, *all persons engaged in or in connection with the manufacture and repair of rubber goods, sail, tent, and tarpaulin and canvas makers*; and all laborers and assistants employed in connection with any such callings.

**Manufacturing (No. 2):**

Cardboard-box makers, grain, starch, and mill employees, condiment makers, tea, starch, pickles, and condiment packers, soap and candle makers, jewelry manufacturers and jewelers, electroplaters, goldsmiths, silversmiths, gilders, chasers, engravers, lapidaries, *persons engaged in the manufacture or repair of watches, clocks, electroplate ware, spectacles, optician employees (mechanical), metal badge workers, wholesale drug factories' employees, coffee and other mill employees, persons employed in or in connection with the manufacture and refining of sugar, and in all the products of sugar cane*; and all laborers and assistants employed in connection with any such callings.

**Metalliferous mining (Broken Hill):**

Miners and all persons engaged in and about the mines and quarries and ore smelting, refining, treatment, and reduction works of Broken Hill.

**Metalliferous mining (general):**

Metalliferous miners, limestone miners, quarrymen, and all persons engaged in and about metalliferous and limestone mines, quarries, mining dredges, or sluicing processes, ore smelting and refining treatment and reduction works, *employees engaged in or in connection with mining for minerals other than coal or shale, and all persons engaged in and about diamond and gem-bearing mines*.

**Pastoral and rural workers:**

Wool classers in charge of wool rooms in shearing sheds, or in charge of both wool rooms and shearing boards, in shearing sheds, shearers, shearing-shed employees, shearers' cooks, wool pressers, roustabouts.

**Printing trades:**

Compositors, linotype, monoline, and other typesetting or type-casting machine operators, and attendants, letter-press machinists, bookbinders, paper rulers, lithographic workers, metal varnishers, stone polishers, guillotine machine cutters, process engravers, paper makers, and all persons employed in paper mills, stereotypers, electrotypers, readers, feeders, flyers, publishing employees, book sewers, folders, numberers, wire stitchers, perforators, embossers, tin-box makers, copperplate printers, metallic printers box cutters and cardboard-box makers, and all other persons employed in or in connection with the callings herein mentioned or the printing industry.

**Professional and shop workers:**

Professional musicians, journalists, and paragraph writers, and newspaper and magazine illustrators, shop assistants, cashiers in shops and office assistants in shops, warehouse employees, *employees in any branch of the process of photography, employees in dental workrooms and theatrical employees*.

**Shipping:**

Shipmasters, officers, marine engineers, *marine motor drivers and coxswains*, sailors, lamp trimmers, donkey men, greasers, firemen, trimmers, deckhands, stewards, cooks, persons employed on dredges, tugboats, and ferryboats, *turnstile hands, ticket and change hands, wharf cleaners, and all other persons employed in connection with ferry services.*

**Transport:**

Drivers and loaders of trolleys, drays, and carts, wharf laborers and stevedores, coal lumpers and coal trimmers, cab and omnibus drivers, motor-wagon drivers, wood and coal carters, yardmen, grooms and stablemen, storemen and packers; and all persons in any way employed in connection with the carting of goods, produce, or merchandise.

**Miscellaneous:**

Billposters, undertakers, and undertakers' assistants and drivers, livery stable employees, *drivers and buggy boys employed in connection with the use of light vehicles for commercial purposes*, cab, omnibus, taxicab, and motor-car drivers; coke workers, rope-makers, lift attendants, office cleaners and caretakers, watchmen, *caretakers and cleaners employed in or in connection with any place of business, employees engaged in the working and maintenance of privately owned railways.*

Any such division, combination, arrangement, or regrouping of the employees in the industries or callings mentioned in this schedule, whether according to occupation or locality as the minister, on the recommendation of the court, may direct.

**REGULATIONS UNDER INDUSTRIAL ARBITRATION ACT, 1912.**

[Gazetted May 1, 1912.<sup>1</sup>]

I, Edward Scholes, deputy judge of the court of industrial arbitration, constituted under the "Industrial arbitration act, 1912," do hereby, in pursuance of the powers conferred upon me by the said act, make the following regulations for carrying out the provisions of the said act and the "Clerical workers act, 1910."

**CONSTITUTION OF BOARDS.**

*Constitution and dissolution of boards for industries, appointment of chairmen and members, and removal of members.*

15. The court will, on days to be appointed, of which due notice as hereinafter prescribed shall be given, proceed to inquire as to what boards and with what transposition, division, combination, rearrangement, or regrouping of the industries or callings shall be recommended to the minister for constitution, or appointment; and as to what chairman; and as to what persons as members and what number of members of such boards shall be recommended by the court to the minister for appointment; and as to what boards shall be recommended to the minister for dissolution, and as to what member or members of a board shall be recommended to the minister for removal from office: *Provided*, That where such inquiry involves Schedule II of the act, the court shall also inquire as to what matters (relating to such of the industries or callings or sections thereof as are mentioned in such schedule) specified by the court in its recommendation to the minister shall be within the jurisdiction of the board.

16. The court will cause to be advertised in Form 10 hereto in two metropolitan daily newspapers, and in such other newspapers circulating in any specific locality as the court may think proper, and cause to be served upon the secretary of any industrial union which shall appear to the court to be concerned in the matter a notice of the days and times at which the court will sit, and as to what boards and industries shall upon those days and at those times be dealt with for the purpose

<sup>1</sup> New South Wales Industrial Gazette, Vol. I, No. 2, August, 1912, pp. 1088 et seq.



of making such investigations as the court shall think necessary and advisable for the purpose.

17. All parties interested shall have the right to appear before the court and make such representations as they may think fit.

18. The facts upon which any such parties shall rely shall be brought before the court upon affidavits made by persons competent to affirm thereupon.

19. On such inquiry the court may make such orders, give such directions, and require such further evidence as it may deem necessary for the purpose of informing itself on any matters necessary for due investigation of the matters in question.

The registrar shall cause such orders as the court may make on such investigation to be served upon the persons concerned, or otherwise carried into effect.

*The recommendation.*

20. A recommendation of the court shall be signed by the judge and sealed with the seal of the court by the registrar, and by him forwarded to the minister.

PROCEDURE OF BOARDS.

50. The chairman of the board shall be notified by the registrar of the constitution or appointment of such board, and he shall thereupon convene a meeting of the board, to be held at such time and place as he shall appoint, by serving or causing to be served upon each member of the board a notice in Form 16 hereto. Such service may be duly effected by posting such notice in a prepaid letter addressed to such member at his address.

Every meeting of a board, subsequent to the first, shall be held at the time and place to which the board has adjourned the proceedings. Where the board has not adjourned the proceedings to a time and place, a majority of the members may, by writing, require the chairman to convene a meeting at a time and place specified; and the chairman, by service of notice as above specified, shall convene a meeting in accordance with the requisition. In the absence of any such requisition the chairman may, in similar manner, convene a meeting at such time and place as he thinks proper.

51. Application to the court to refer to a board any matter within the jurisdiction of such board shall be made by motion upon notice. The order of reference shall be in Form 17 hereto.

52. Reference by the minister to a board shall be in Form 18 hereto.

53. Application to a board shall be in Form 19 hereto, the matters claimed by the applicant being set out in the application in separate paragraphs numbered consecutively. The application shall be addressed to and shall be lodged with the chairman of the board.

54. Where any matter has been referred to the board, or where application has been made to the board, the chairman may direct that notice in Form 20 hereto, or to a like effect, shall be served on such firms, industrial unions, or persons, in such manner as he thinks fit, and published with necessary modifications in such newspapers as he thinks fit.

55. Every application to a board by an employer or employers shall be accompanied by a statutory declaration by such employer or employers that he is an employer or that they are employers of not less than 20 employees in the industry or industries in respect of which such application is made.

56. The procedure to be followed at any meeting of a board shall be as follows, provided that the chairman of the board may, if he think fit, vary the procedure herein prescribed, according to circumstances, in order to give to all parties such representation as he thinks fair.

- (1) The chairman of the board shall inform the board of any reference or application made through him.
- (2) The chairman shall determine the procedure before the board, and give such directions as to notice as he thinks fit.
- (3) At the hearing, the case for the applicant or the person conducting any reference shall be stated.
- (4) Evidence shall be called for the applicant or such person.

- (5) Witnesses shall be examined in the manner following:
  - (a) The applicant or his representative or the person conducting the reference shall conduct the examination in chief.
  - (b) The respondent or his representative shall conduct the cross-examination.
  - (c) Any member of the board may examine a witness.
  - (d) Any further question shall be put by permission of the chairman of the board in the manner directed by the chairman.
- (6) The case for the applicant or person conducting the reference shall then close.
- (7) The procedure laid down in clauses (3), (4), (5), and (6), with regard to the case for the applicant shall apply, *mutatis mutandis*, to the case for the respondent.
- (8) Evidence may be called by the applicant or the person conducting the reference in reply.
- (9) The board may call witnesses.
- (10) Such witnesses may, by permission of the chairman of the board, be examined or cross-examined by any of the parties.
- (11) The person or persons appearing on behalf of the respondent may then address the board.
- (12) The person or persons appearing on behalf of the applicant or the person conducting the reference may then address the board, when, unless otherwise ordered by the chairman, the hearing shall close.

57. Notice of an inspection under section 33 of the act shall be in Form 21 hereto, and shall be served by leaving it with the person ostensibly in charge of the premises in question during working hours, 24 hours at least previous to such inspection.

58. A summons to a witness shall be in Form 22 or Form 23 hereto, and shall be signed by the chairman of the board. Service may be effected by delivering a copy to the witness, and at the same time producing the original for his inspection if so desired. Any number of witnesses may be included in one summons, but the copy served need contain only the name of the witness upon whom it is served.

59. The chairman of a board shall keep or cause to be kept a record of the sittings of the board, of the times of attendance of each member of the board, and of the witnesses appearing before the board, and shall forward or cause the same to be forwarded to the registrar on the making of the award.

60. When a board has embodied its determination in an award, the chairman of the board shall forward to the registrar such award, and (for record purposes) all application papers and documents used in connection with the hearing and all notes of the proceedings before such board.

61. The oath to be taken by each member of a board and accountant, under section 34 of the act, shall be in Form 24 hereto.

62. Any person appointed to a board may resign his office by forwarding a written notice of resignation to the registrar.

No member of a board shall appear before the board as an advocate for or agent of any party before the board.

63. Appeals to the court under section 35 (3) of the act shall be made by motion upon notice.

64. Either party to a proceeding may at any time before the hearing, or at the hearing apply to the judge in chambers, or in court, or to the chairman of a board, for the consent of the court or chairman, that a person who is not or has not been actually and bona fide engaged in one of the industries or callings in respect of which such proceeding is taken may appear as an advocate or agent.

#### BREACHES OF AWARDS AND OTHER OFFENSES.

##### *Application for order under section 49.*

76. Upon application for an order under section 49 of the act, the complaint shall be filed in the office of the registrar.

Upon the hearing of such application, the applicant and defendant may appear, and each conduct his case by himself, or by any counsel or

attorney, or by any agent duly authorized by him in writing, provided that such authority shall be filed with the registrar.

*Appeal from district court under section 49.*

77. Every appeal from a judgment or order of any district court or court of petty sessions under section 49 of the act shall be made within 21 days by motion upon notice.

*Breach of award or industrial agreement.*

78. Proceedings for an order under section 50 of the act shall be commenced by complaint filed in the office of the registrar.

*Motion for writ of injunction before registrar or industrial magistrate.*

79. The motion for a writ of injunction under section 50 of the act shall be a motion upon notice in the form, mutatis mutandis, 12 hereto, and shall be served as directed by the registrar or industrial magistrate. The writ of injunction shall be in the form, mutatis mutandis, 28 hereto.

*Committal for trial under section 50.*

80. Proceedings for committal for trial by the court under section 50 of the act shall be commenced by information filed in the office of the registrar.

*Scale of costs.*

81. The scale of costs to be fixed by the court under section 50 subsection 4 of the act shall, in addition to the amount of the fees of court, be as follows:

If counsel appears—

	£.	s.	d.	
Where the hearing does not extend beyond 5 hours.....	3	3	0	(\$15. 33)
Where the hearing extends beyond 5 hours but not beyond 10 hours.....	4	4	0	(\$20. 44)
Where the hearing extends beyond 10 hours.....	6	6	0	(\$30. 66)

If an attorney without counsel appears—

Where the hearing does not extend beyond 5 hours.....	2	2	0	(\$10. 22)
Where the hearing extends beyond 5 hours but not beyond 10 hours.....	3	3	0	(\$15. 33)
Where the hearing extends beyond 10 hours.....	5	5	0	(\$25. 55)

If neither counsel nor attorney appears, but the case is conducted by an industrial inspector or by the party or his agent—

For each day or part of a day.....	10	0		( \$2. 43)
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*Proceedings for penalty under section 51.*

82. Proceedings for a penalty under section 51 of the act taken before an industrial magistrate shall be by information filed in the office of the registrar.

*Proceedings for unlawful dismissal under section 52.*

83. The proceedings for an offense under section 52 of the act shall be commenced after leave of the court first obtained by summons. Application to the court for such leave shall be by motion.

*Settlement by registrar.*

97. The registrar shall settle the minutes of the award, order, or direction, provided that if any party be dissatisfied as to the form in which the minutes have been settled, he may, within two days of the settlement thereof, apply to the court to vary the minutes as settled.

*Registrar may settle without appointment.*

98. The registrar may, by order or leave of the court or the judge, settle and pass any award, order, or direction without making any appointment to do so, or upon an appointment returnable forthwith, or without notice to any party.

*Awards, etc., to be signed by judge and filed.*

99. Every such award, order, and direction shall be approved and signed by the judge, and be filed with the registrar.

*Publication of awards.*

100. Every such award, order, or direction made on appeal from a board, or rescinding or varying any award, order, or direction shall, when signed by the judge and filed with the registrar, be published in the Government Gazette and in such newspapers as the judge directs.

*Fees.*

117. The fees to be demanded by and paid to the registrar shall be as follows:

On every summons or notice of motion issued, including filing fee.....	s. d.	
	2	6 (\$0.61)
On every order or determination of the court or judge, including filing.....	2	6 (\$0.61)
Affixing seal of court to any document...	5	0 (\$1.22)
On filing application for registration.....	5	0 (\$1.22)
On filing notice of objection to registration	2	0 (\$0.49)
On filing answer to notice of objection...	1	0 (\$0.24)
On filing application for cancellation.....	2	0 (\$0.49)
On filing answer to application for cancellation.....	2	0 (\$0.49)
On filing industrial agreement or rescission or variation of industrial agreement	5	0 (\$1.22)
On filing affidavit.....	1	0 (\$0.24)
On filing any other document.....	2	0 (\$0.49)
For issuing certificate of registration.....	10	0 (\$2.43)
Search.....	1	0 (\$0.24)
Inspection.....	1	0 (\$0.24)
For preparation of any document, per folio of 72 words.....	1	0 (\$0.24)
For copy of any document, per folio of 72 words.....	4	(\$0.08)
On every order or determination of the registrar (including filing fee).....	2	6 (\$0.61)
For certificate of registrar.....	2	6 (\$0.61)
On every appointment before registrar...	1	0 (\$0.24)

The fees to be paid in proceedings before an industrial magistrate or the registrar in the exercise of the powers of justices in petty sessions shall be according to the scale of fees fixed under the "Justices fees act, 1904," and published in the Government Gazette of August 3, 1910.

*Allowances to witnesses, etc.*

118. The scale of allowances to witnesses and persons summoned by the registrar, or summoned to attend a conference under the provisions of Part V of the act, shall be;

Barristers, solicitors, medical practitioners, surveyors, architects, and other professional men, per day, £1 ls. (\$5.11).

If country witnesses, an additional daily allowance, 5s. to £1 ls. (\$1.22 to \$5.11).

Merchants, bankers, accountants, auctioneers, and the like, per day, 10s. 6d. to £1 ls. (\$2.56 to \$5.11).

If country witnesses, an additional daily allowance, 5s. to 12s. 6d. (\$1.22 to \$3.04).

Tradesmen, master mariners, clerks, and the like, per day, 7s. 6d. to 15s. (\$1.83 to \$3.65).

If country witnesses, an additional daily allowance, 2s. to 6s. (\$0.49 to \$1.46).

Artisans, journeymen, sailors, laborers, and the like, per day, 5s. to 12s. (\$1.22 to \$2.92).

If country witnesses, an additional daily allowance, 2s. to 6s. (\$0.49 to \$1.46).

Female witnesses, according to station in life, 2s. 6d. to 10s. 6d. (\$0.61 to \$2.56).

If country witnesses, an additional daily allowance, 2s. to 6s. (\$0.49 to \$1.46).

No witness shall be deemed to be a country witness who resides within 5 miles of the principal post office or courthouse of the town where the suit is tried, or who ordinarily proceeds to some office or place of employment within 5 miles of such post office or courthouse.

In addition to the above allowances, country witnesses may be allowed such sums as the court, industrial magistrate, or registrar thinks reasonable, to provide for actual expenses of conveyance to and from the place of trial, excluding any charges for maintenance or sustenance or of traveling.

#### *Time sheets and pay sheets.*

119. The time sheets and pay sheets referred to in section 68 of the act shall be written up in English letters and figures, and shall contain the following particulars—

(1) The full names of the employees in the industry.

(2) The occupation and classification of the employees under the award or industrial agreement by which the industry is governed.

(3) The number of hours worked by each employee during each week, and where there is in the award a limitation of the daily hours of work in respect of any class of employee, and where provision is made for payment of daily overtime, the number of hours worked by each employee in such class during each day, and also the time or times of starting work and the time or times of ceasing work.

(4) Where the award or industrial agreement prescribes (a) a weekly, daily, or hourly rate of wage—the rate of wages per week, day or hour at which each employee is paid; (b) piecework—the number and description of pieces made by each employee, and the rate per piece at which such employee is paid.

(5) The amount of wages paid to each employee, showing deductions from such wages.

(6) Such other particulars as may be necessary to show on inspection that the hours, rates, or wages, and payment for overtime as laid down by the said award or industrial agreement are being complied with in every particular.

(7) When an employee is an apprentice, his age and the date of his apprenticeship.

#### *Exhibition of awards.*

120. Every award required by section 68 of the act to be exhibited and kept exhibited by an employer shall be exhibited and kept exhibited by the employer by being securely attached to a wall, partition, or other fixture, or notice board, at the place where the industry is carried on, so as to be legible by his employees either in their passage to or from their work or during the performance of their work.

### NEW ZEALAND.

#### INDUSTRIAL CONCILIATION AND ARBITRATION ACT, 1908.

##### Short title.

SECTION 1. (1) The short title of this act is "The industrial conciliation and arbitration act, 1908."

##### Interpretation.

SEC. 2 (as amended by act No. 239, 1908). (1) In this act, if not inconsistent with the context—

"Board" means a board of conciliation for an industrial district constituted under this act.

"Court" means the court of arbitration constituted under this act.

"Employer" includes persons, firms, companies, and corporations employing one or more workers.

"Industrial association" means an industrial association registered under this act.

"Industrial dispute" means any dispute arising between one or more employers or industrial unions or associations of employers and one or more industrial unions or associations of workers in relation to industrial matters.

"Industrial matters" means all matters affecting or relating to work done or to be done by workers, or the privileges, rights, and duties of employers or workers in any industry, not involving questions which are or may be the subject of proceedings for an indictable offense; and, without limiting the general nature of the above definition, includes all matters relating to—

(a) The wages, allowances, or remuneration of workers employed in any industry, or the prices paid or to be paid therein in respect of such employment

(b) The hours of employment, sex, age, qualification, or status of workers, and the mode, terms, and conditions of employment;

(c) The employment of children or young persons, or of any person or persons or class of persons, in any industry, or the dismissal of or refusal to employ any particular person or persons or class of persons therein;

(d) The claim of members of an industrial union of employers to preference of service from unemployed members of an industrial union of workers;

(e) The claim of members of industrial unions of workers to be employed in preference to nonmembers;

(f) Any established custom or usage of any industry, either generally or in the particular district affected

"Industrial union" means an industrial union registered under this act.

"Industry" means any business, trade, manufacture, undertaking, calling, or employment in which workers are employed.

"Judge" means the judge of the court of arbitration.

"Officer" when used with reference to any union or association, means president, vice president, treasurer, or secretary.

"Prescribed" means prescribed by regulations under this act.

"Registrar" means the registrar of industrial unions under this act.

"Supreme court office" means the office of the supreme court in the industrial district wherein any matter arises to which such expression relates; and, where there are two such offices in any such district, it means the office which is nearest to the place or locality wherein any such matter arises.

"Trade-union" means any trade-union registered under "The trade-unions act, 1908," whether so registered before or after the coming into operation of this act.

"Worker" means any person of any age of either sex employed by any employer to do any skilled or unskilled manual or clerical work for hire or reward.

(2) In order to remove any doubt as to the application of the foregoing definitions of the terms "employer," "industry," and "worker," it is hereby declared that for all the purposes of this act an employer shall be deemed to be engaged in an industry when he employs workers who by reason of being so employed are themselves engaged in that industry, whether he employs them in the course of his trade or business or not.

SEC. 3. The minister of labor shall have the general administration of this act. Administration of act.

SEC. 5 (as amended by act No. 239, 1908, and act No. 33, 1911). Subject to the provisions of this act, any society consisting of not less than three persons in the case of employers, or fifteen in the case of workers, lawfully associated for the purpose of protecting or furthering Registration of societies.

the interests of employers or workers in or in connection with any specified industry or industries in New Zealand, may be registered as an industrial union under this act on compliance with the following provisions:

(a) An application for registration shall be made to the registrar in writing, stating the name of the proposed industrial union, and signed by two or more officers of the society.

(b) Such application shall be accompanied by—

(i) A list of the members and officers of the society with the locality in which the members and officers reside or exercise their calling.

(ii) Two copies of the rules of the society.

(iii) A copy of a resolution passed by a majority of the members present at a general meeting of the society, specially called in accordance with the rules for that purpose only, and desiring registration as an industrial union of employers, or, as the case may be, of workers.

(c) Such rules shall specify the purposes for which the society is formed, and shall provide for—

(i) The appointment of a committee of management, a chairman, secretary, and any other necessary officers, and, if thought fit, of a trustee or trustees.

(ii) The powers, duties, and removal of the committee, and of any chairman, secretary, or other officer or trustee, and the mode of supplying vacancies.

(iii) The manner of calling general or special meetings, the quorum thereat, the powers thereof, and the manner of voting thereat.

(iv) The mode in which industrial agreements and any other instruments shall be made and executed on behalf of the society, and in what manner the society shall be represented in any proceedings before a board or the court.

(v) The custody and use of the seal, including power to alter or renew the same.

(vi) The control of the property, the investment of the funds, and an annual or other shorter periodical audit of the accounts.

(vii) The inspection of the books and the names of the members by every person having an interest in the funds.

(viii) A register of members, and the mode in which and the terms on which persons shall become or cease to be members, and so that no member shall discontinue his membership without giving at least three months' previous written notice to the secretary of intention so to do, nor until such member has paid all fees, fines, levies, or other dues payable by him under the rules, except pursuant to a clearance card duly issued in accordance with the rules.

(ix) The purging of the rolls by striking off any members in arrears of dues for twelve months; but this is not to free such discharged persons from arrears due.

(x) The conduct of the business of the society at some convenient address to be specified, and to be called "the registered office of the society."

(xi) The amendment, repeal, or alteration of the rules, but so that the foregoing requirements of this paragraph shall always be provided for.

(xii) Any other matter not contrary to law.

Same subject.

Sec. 6. (1) On being satisfied that the society is qualified to register under this act, and that the provisions of the last preceding section hereof have been complied with, the registrar shall, without fee, register the society as an industrial union pursuant to the application, and shall issue a certificate of registration, which, unless proved to have been canceled, shall be conclusive evidence of the fact of such registration and of the validity thereof.

(2) The registrar shall at the same time record the rules, and also the situation of the registered office.

Incorporation  
of societies.

Sec. 7. (1) Every society registered as an industrial union shall, as from the date of registration, but solely for the purposes of this act, become a body corporate by the registered name, having perpetual succession and a common seal, until the registration is canceled as herein-after provided.

(2) There shall be inserted in the registered name of every industrial union the word "employers" or "workers," according as such union is

a union of employers or workers, and also (except in the case of an incorporated company) the name of the industry in connection with which it is formed and the locality in which the majority of its members reside or exercise their calling, as thus: "The [Christchurch grocers'] industrial union of employers"; "The [Wellington tram drivers'] industrial union of workers."

Sec. 8. With respect to trade-unions the following special provisions shall apply, anything hereinbefore contained to the contrary notwithstanding: Registration of trade-unions.

(a) Any such trade-union may be registered under this act by the same name (with the insertion of such additional words as aforesaid).

(b) For the purposes of this act every branch of a trade-union shall be considered a distinct union, and may be separately registered as an industrial union under this act.

(c) For the purposes of this act the rules for the time being of the trade-union, with such addition or modification as may be necessary to give effect to this act, shall, when recorded by the registrar, be deemed to be the rules of the industrial union.

Sec. 9. With respect to the registration of societies of employers the following special provisions shall apply: Registration of societies of employers.

(a) In any case where a copartnership firm is a member of the society, each individual partner residing in New Zealand shall be deemed to be a member, and the name of each such partner (as well as that of the firm) shall be set out in the list of members accordingly, as thus: "Watson, Brown & Co., of Wellington, boot manufacturers; the firm consisting of four partners, of whom the following reside in New Zealand—that is to say, John Watson, of Wellington, and Charles Brown, of Christchurch": *Provided*, That this paragraph shall not apply where the society to be registered is an incorporated company.

(b) Except where its articles or rules expressly forbid the same, any company incorporated under any act may be registered as an industrial union of employers, and in such case the provisions of section five hereof shall be deemed to be sufficiently complied with if the application for registration is made under the seal of the company, and pursuant to a resolution of the board of directors, and is accompanied by—

(i) A copy of such resolution.

(ii) Satisfactory evidence of the registration or incorporation of the company.

(iii) Two copies of the articles of association or rules of the company.

(iv) A list containing the names of the directors, and of the manager or other principal executive officer of the company.

(v) The situation of the registered office of the company.

(c) Where a company registered out of New Zealand is carrying on business in New Zealand through an agent acting under a power of attorney, such company may be registered as an industrial union of employers, and in such case the provisions of section five hereof shall be deemed to be complied with if the application to register is made under the hand of the agent for the company, and is accompanied by— Registration of foreign companies.

(i) Satisfactory evidence of the registration or incorporation of the company.

(ii) Two copies of its articles of association or rules.

(iii) The situation of its registered office in New Zealand.

(iv) A copy of the power of attorney under which such agent is acting.

(v) A statutory declaration that such power of attorney has not been altered or revoked.

(d) In so far as the articles or rules of any such company are repugnant to this act they shall, on the registration of the company as an industrial union of employers, be construed as applying exclusively to the company and not to the industrial union.

Sec. 10. In no case shall an industrial union be registered under a name identical with that by which any other industrial union has been registered under this act, or by which any other trade-union has been registered under "The trade-unions act, 1908," or so nearly resembling any such name as to be likely to deceive the members or the public. Societies not registered under similar names.



Provision to prevent multiplicity of unions.

SEC. 11. In order to prevent the needless multiplication of industrial unions connected with the same industry in the same locality or industrial district, the following special provisions shall apply:

(a) The registrar may refuse to register an industrial union in any case where he is of opinion that in the same locality or industrial district and connected with the same industry there exists an industrial union to which the members of such industrial union might conveniently belong:

*Provided*, That the registrar shall forthwith notify such registered industrial union that an application for registration has been made.

(b) Such industrial union, if dissatisfied with the registrar's refusal, may in the prescribed manner appeal therefrom to the court, whereupon the court, after making full inquiry, shall report to the registrar whether in its opinion his refusal should be insisted on or waived, and the registrar shall be guided accordingly:

*Provided*, That it shall lie on the industrial union to satisfy the court that, owing to distance, diversity of interest, or other substantial reason, it will be more convenient for the members to register separately than to join any existing industrial union.

Effect of registration.

SEC. 12. The effect of registration shall be to render the industrial union, and all persons who are members thereof at the time of registration, or who after such registration become members thereof, subject to the jurisdiction by this act given to a board and the court respectively and liable to all the provisions of this act, and all such persons shall be bound by the rules of the industrial union during the continuance of their membership.

Branch office of industrial union.

SEC. 14. (1) In addition to its registered office, an industrial union may also have a branch office in any industrial district in which any of its members reside or exercise their calling.

(2) Upon application in that behalf by the union, under its seal and the hand of its chairman or secretary, specifying the situation of the branch office, the registrar shall record the same, and thereupon the branch office shall be deemed to be registered.

(3) The situation of the registered office and of each registered branch office of the industrial union may be changed from time to time by the committee of management, or in such other manner as the rules provide.

(4) Every such change shall be forthwith notified to the registrar by the secretary of the union, and thereupon the change shall be recorded by the registrar.

Industrial union may sue in registered name. Service of notices.

SEC. 18. Every industrial union may sue or be sued for the purposes of this act by the name by which it is registered; and service of any process, notice, or document of any kind may be effected by delivering the same to the chairman or secretary of such union, or by leaving the same at its registered office (not being a branch office), or by posting the same to such registered office in a duly registered letter addressed to the secretary of the union.

Amalgamation of industrial unions.

SEC. 20 (as amended by act No. 33, 1911). (1) Whenever two or more industrial unions in the same industrial district connected with the same industry desire to amalgamate so as to form one union and carry out such desire by registering a new industrial union, the registrar shall place upon the certificate of registration of such new union a memorandum of the names of the unions whose registration is shown to his satisfaction to have been canceled in consequence of such amalgamation and registration.

(2) Where there is more than one award or industrial agreement in force relating to that industry within the same industrial district or any part thereof the court, on the application of any party to any such award or industrial agreement may by order adjust the terms of such awards or industrial agreements and such order shall have effect as if it were a new award or industrial agreement.

(3) Until such order is made such amalgamation shall not have effect on any existing award or industrial agreement.

Cancellation of registration.

SEC. 21. Any industrial union may at any time apply to the registrar in the prescribed manner for a cancellation of the registration thereof, and thereupon the following provisions shall apply:

(a) The registrar, after giving six weeks' public notice of his intention to do so, may, by notice in the Gazette, cancel such registration:

*Provided*, That in no case shall the registration be canceled during the progress of any conciliation or arbitration proceedings affecting such union until the board or court has given its decision or made its award, nor unless the registrar is satisfied that the cancellation is desired by a majority of the members of the union.

(b) The effect of the cancellation shall be to dissolve the incorporation of the union, but in no case shall the cancellation or dissolution relieve the industrial union, or any member thereof, from the obligation of any industrial agreement, or award or order of the court, nor from any penalty or liability incurred prior to such cancellation.

SEC. 22. (1) If an industrial union makes default in forwarding to the registrar the returns required by section 17 hereof, and the registrar has reasonable cause to believe that the union is defunct, he may send by post to the last-known officers of the union a letter calling attention to the default, and inquiring whether the union is in existence.

Cancellation of registration of defunct union.

(2) If within two months after sending such letter the registrar does not receive a reply thereto, or receives a reply from any one or more of the officers to the effect that the union has ceased to exist, he may insert in the Gazette, and send to the last-known officers of the union, a notice declaring that the registration of the union will, unless cause to the contrary is shown, be canceled at the expiration of six weeks from the date of such notice.

(3) At the expiration of the time mentioned in the notice the registrar may, unless cause to the contrary is shown, strike the name of the union off the register, and shall publish notice thereof in the Gazette, and thereupon the registration of the union shall be canceled.

SEC. 23 (as amended by act No. 239, 1908). (1) Any council or other body, however designated, representing not less than two industrial unions of either employers or workers may be registered as an industrial association of employers or workers under this act.

Registration of councils.

(2) All the provisions of this act relating to industrial unions, their officers and members, shall, *mutatis mutandis*, extend and apply to an industrial association, its officers and members, and these provisions shall be read and construed accordingly in so far as the same are applicable:

Application of prior provisions.

*Provided*, That an industrial association shall not be entitled to nominate or vote for the election of members of the board, or to recommend the appointment of a member of the court.

SEC. 24. (1) An industrial dispute may relate either to the industry in which the party by whom the dispute is referred for settlement to a board or the court, as hereinafter provided, is engaged or concerned, or to any industry related thereto.

Industrial disputes in related trades.

(2) An industry shall be deemed to be related to another where both of them are branches of the same trade, or are so connected that industrial matters relating to the one may affect the other: Thus, bricklaying, masonry, carpentering, and painting are related industries, being all branches of the building trade, or being so connected as that the conditions of employment or other industrial matters relating to one of them may affect the others.

(3) The governor may from time to time, by notice in the Gazette, declare any specified industries to be related to one another, and such industries shall be deemed to be related accordingly.

(4) The court shall also in any industrial dispute have jurisdiction to declare industries to be related to one another.

SEC. 25. (1) The parties to industrial agreements under this act shall in every case be trade-unions or industrial unions or industrial associations or employers; and any such agreement may provide for any matter or thing affecting any industrial matter, or in relation thereto, or for the prevention or settlement of an industrial dispute.

Industrial agreements.

(4) Notwithstanding the expiry of the term of the industrial agreement, it shall continue in force until superseded by another industrial agreement, or by an award of the court, except where, pursuant to the provisions of sections 21 or 22 hereof, the registration of an industrial union of workers bound by such agreement has been canceled.

SEC. 31. (1) The governor may from time to time, by notice in the Gazette, constitute and divide New Zealand or any portion thereof into such industrial districts, with such names and boundaries, as he thinks fit.

Industrial districts.

- (2) All industrial districts constituted under any former act relating to industrial conciliation and arbitration and existing on the coming into operation of this act shall be deemed to be constituted under this act.
- Alteration of boundaries. SEC. 32. If any industrial district is constituted by reference to the limits or boundaries of any other portion of New Zealand defined or created under any act, then, in case of the alteration of such limits or boundaries, such alteration shall take effect in respect of the district constituted under this act without any further proceeding, unless the governor otherwise determines.
- Clerk of awards. SEC. 33. (1) In and for every industrial district the governor shall appoint a clerk of awards (elsewhere in this act referred to as "the clerk"), who shall be paid such salary or other remuneration as the governor thinks fit, and shall be subject to the control and direction of the registrar.
- Duties of clerk. SEC. 35. It shall be the duty of the clerk—  
 (a) To receive, register, and deal with all applications within his district lodged for reference of any industrial dispute to the board or to the court.  
 (b) To convene the board for the purpose of dealing with any such dispute.  
 (c) To keep a register in which shall be entered the particulars of all references and settlements of industrial disputes made to and by the board, and of all references, awards, and orders made to and by the court.  
 (d) To forward from time to time to the registrar copies of or abstracts from the register.  
 (e) To issue all summonses to witnesses to give evidence before the board or court, and to issue all notices and perform all such other acts in connection with the sittings of the board or court as are prescribed, or as the court, the board, or the registrar directs.  
 (f) Generally to do all such things and take all such proceedings as are prescribed by this act or the regulations thereunder, or as the court, the board, or the registrar directs.
- District boards of conciliation. SEC. 36. In and for every industrial district there shall be established a board of conciliation, which shall have jurisdiction for the settlement of any industrial dispute which arises in such district and is referred to the board under the provisions in that behalf hereinafter contained.
- Number of members of board, and election. SEC. 37. The board of each industrial district shall consist of such unequal number of persons as the governor determines, being not more than five, of whom—  
 (a) One (being the chairman) shall be elected by the other members in manner hereinafter provided; and  
 (b) The other members shall, in manner hereinafter provided, be elected by the respective industrial unions of employers and of workers in the industrial district, such unions voting separately and electing an equal number of such members:  
*Provided*, That an industrial union shall not be entitled to vote unless its registered office has been recorded as aforesaid for at least three months next preceding the date fixed for the election.
- Term of office. SEC. 38. (1) The ordinary term of office of the members of the board shall be three years from the date of the election of the board, or until their successors are elected as hereinafter provided, but they shall be eligible for reelection.
- Provisions for elections. SEC. 39. With respect to the ordinary election of the members of the board (other than the chairman) the following provisions shall apply:  
 (a) The clerk shall act as returning officer, and shall do all things necessary for the proper conduct of the election.  
 (b) The first ordinary election shall be held within not less than 20 nor more than 30 days after the constitution of the district in the case of districts hereafter constituted, and before the expiry of the current ordinary term of office in the case of existing boards.  
 (c) Each subsequent ordinary election shall in every case be held within not less than 20 nor more than 30 days before the expiry of the current ordinary term of office.

(d) The governor may from time to time extend the period within which any election shall be held for such time as he thinks fit, anything hereinbefore contained to the contrary notwithstanding.

(e) The returning officer shall give 14 days' notice, in one or more newspapers circulating in the district, of the day and place of election.

(f) For the purposes of each election the registrar shall compile and supply to the returning officer a roll setting forth the name of every industrial union entitled to vote, and every such union, but no other, shall be entitled to vote accordingly.

(g) The rule shall be supplied as aforesaid not less than 14 days before the day fixed for the election, and shall be open for free public inspection at the office of the clerk during office hours, from the day on which it is received by the clerk until the day of the election.

(h) Persons shall be nominated for election in such manner as the rules of the nominating industrial union prescribe, or, if there is no such rule, nominations shall be made in writing under the seal of the union and the hand of its chairman or secretary.

(i) An industrial union not entitled to vote shall not be entitled to nominate.

(j) Each nomination shall be lodged with the returning officer not later than 5 o'clock in the afternoon of the fourth day before the day of election, and shall be accompanied by the written consent of the person nominated.

(k) Forms of nomination shall be provided by the returning officer on application to him for that purpose.

(l) The returning officer shall give notice of the names of all persons validly nominated, by affixing a list thereof on the outside of the door of his office during the three days next preceding the day of election.

(m) If it appears that the number of persons validly nominated does not exceed the number to be elected, the returning officer shall at once declare such persons elected.

(n) If the number of persons validly nominated exceeds the number to be elected, then votes shall be taken as hereinafter provided.

(o) The vote of each industrial union entitled to vote shall be signified by voting paper under the seal of the union and the hands of the chairman and secretary.

(p) The voting paper shall be lodged with or transmitted by post or otherwise to the returning officer at his office, so as to reach his office not later than 5 o'clock in the afternoon of the day of the election; and the returning officer shall record the same in such manner as he thinks fit.

(q) Every voting paper with respect to which the foregoing requirements of this section are not duly complied with shall be deemed to be informal.

(r) Each industrial union shall have as many votes as there are persons to be elected by its division.

(s) Such votes may be cumulative, and the persons, not exceeding the number to be elected, having the highest aggregate number of valid votes in each division shall be deemed elected.

(t) In any case where two or more candidates in the same division have an equal number of valid votes, the returning officer, in order to complete the election, shall give a casting vote.

(u) As soon as possible after the votes of each division of industrial unions have been recorded, the returning officer shall reject all informal votes, and ascertain what persons have been elected as before provided, and shall state the result in writing, and forthwith affix a notice thereof on the door of his office.

(v) If any question or dispute arises touching the right of any industrial union to vote, or the validity of any nomination or vote, or the mode of election or the result thereof, or any matter incidentally arising in or in respect of such election, the same may in the prescribed manner be referred to the returning officer at any time before the gazetted notice of the election of the members of the board as hereinafter provided, and the decision of the returning officer shall be final.

(w) Except as aforesaid, no such question or dispute shall be raised or entertained.

(x) In case any election is not completed on the day appointed, the returning officer may adjourn the election, or the completion thereof,

to the next or any subsequent day, and may then proceed with the election.

(y) The whole of the voting papers used at the election shall be securely kept by the returning officer during the election, and thereafter shall be put in a packet and kept until the gazettement of the notice last aforesaid, when he shall cause the whole of them to be effectually destroyed.

(z) Neither the returning officer nor any person employed by him shall at any time (except in discharge of his duty or in obedience to the process of a court of law) disclose for whom any vote has been tendered, or retain possession of or exhibit any voting paper used at the election, or give to any person any information on any of the matters herein mentioned.

(aa) If any person commits any breach of the last preceding paragraph he is liable to a fine not exceeding £20 (\$97.33), to be recovered and applied as specified in subsection 6 of section 17 hereof.

Election of  
chairman.

SEC. 40. (1) As soon as practicable after the election of the members of the board, other than the chairman, the clerk shall appoint a time and place for the elected members to meet for the purpose of electing a chairman, and shall give to each such member at least three days' written notice of the time and place so appointed.

(2) At such meeting the members shall, by a majority of the votes of the members present, elect some impartial person who is willing to act, not being one of their number, to be chairman of the board.

Notice of elec-  
tion to be gazet-  
ted.

SEC. 41. (1) As soon as practicable after the election of the chairman the clerk shall transmit to the registrar a list of the names of the respective persons elected as members and as chairman of the board, and the registrar shall cause notice thereof to be gazetted.

(2) Such notice shall be final and conclusive for all purposes, and the date of gazettement of such notice shall be deemed to be the date of the election of the board.

Resignations.

SEC. 42. Any member of the board may resign, by letter to the registrar, and the registrar shall thereupon report the matter to the clerk.

Casual vacan-  
cies.

SEC. 43. If the chairman or any member of the board: (a) dies; or (b) resigns; or (c) becomes disqualified or incapable under section 105 hereof; or (d) is proved to be guilty of inciting any industrial union or employer to commit any breach of an industrial agreement or award; or (e) is absent during four consecutive sittings of the board—his office shall thereby become vacant, and the vacancy thereby caused shall be deemed to be a casual vacancy.

Casual vacan-  
cies, how filled.

SEC. 44. (1) Every casual vacancy shall be filled by the same electing authority, and, as far as practicable, in the same manner and subject to the same provisions, as in the case of the vacating member.

(2) Upon any casual vacancy being reported to the clerk he shall take all such proceedings as may be necessary in order that the vacancy may be duly supplied by a fresh election:

*Provided*, That the person elected to supply the vacancy shall hold office only for the residue of the term of the vacating member.

Quorum.

SEC. 47. The presence of the chairman and of not less than one-half in number of the other members of the board, including one of each side, shall be necessary to constitute a quorum at every meeting of the board subsequent to the election of the chairman:

*Provided*, That in the case of the illness or absence of the chairman the other members may elect one of their own number to be chairman during such illness or absence.

Mode of voting.

SEC. 48. In all matters coming before the board the decision of the board shall be determined by a majority of the votes of the members present, exclusive of the chairman, except in the case of an equality of such votes, in which case the chairman shall have a casting vote.

Acts not to be  
questioned.

SEC. 49. The board may act notwithstanding any vacancy in its body, and in no case shall any act of the board be questioned on the ground of any informality in the election of a member, or on the ground that the seat of any member is vacant, or that any supposed member is incapable of being a member.

SEC. 50. In any case where the ordinary term of office expires or is likely to expire while the board is engaged in the investigation of any industrial dispute, the governor may, by notice in the Gazette, extend such term for any time not exceeding one month, in order to enable the board to dispose of such dispute, but for no other purpose:

Term of office extended, when.

*Provided*, That all proceedings for the election of the board's successors shall be taken in like manner in all respects as if such term were not extended, and also that any member of the board whose term is extended shall be eligible for nomination and election to the new board.

SEC. 53. Any industrial dispute may be referred for settlement to a board by application in that behalf made by any party thereto, and with respect to such application and reference the following provisions shall apply:

Reference of dispute to board.

(a) The application shall be in the prescribed form, and shall be filed in the office of the clerk for the industrial district wherein the dispute arose.

(b) If the application is made pursuant to an industrial agreement, it shall specify such agreement by reference to its date and parties, and the date and place of the filing thereof.

(c) The parties to such dispute shall in every case be trade-unions, industrial unions, or industrial associations, or employers:

But the mention of the various kinds of parties shall not be deemed to interfere with any arrangement thereof that may be necessary to insure the industrial dispute being brought in a complete shape before the board; and a party may be withdrawn, or removed, or joined at any time before the final report or recommendation of the board is made, and the board may make any recommendation or give any direction for any such purpose accordingly.

(d) As soon as practicable after the filing of the application the clerk shall lay the same before the board at a meeting thereof to be convened in the prescribed manner.

(e) An employer being a party to the reference may appear in person, or by his agent duly appointed in writing for that purpose, or by barrister or solicitor where allowed as hereinafter provided.

(f) A trade-union, industrial union, or association being a party to the reference may appear by its chairman or secretary, or by any number of persons (not exceeding three) appointed in writing by the chairman, or in such other manner as the rules prescribe, or by barrister or solicitor where allowed as hereinafter provided.

(g) Except where hereinafter specially provided, every party appearing by a representative shall be bound by the acts of such representative.

(h) No barrister or solicitor, whether acting under a power of attorney or otherwise, shall be allowed to appear or be heard before a board, or any committee thereof, unless all the parties to the reference expressly consent thereto, or unless he is a bona fide employer or worker in the industry to which the dispute relates.

SEC. 54. In every case where an industrial dispute is duly referred to a board for settlement the following provisions shall apply:

Powers and duties of board.

(a) The board shall, in such manner as it thinks fit, carefully and expeditiously inquire into the dispute, and all matters affecting the merits thereof and the right settlement thereof.

(b) For the purposes of such inquiry the board shall have all the powers of summoning witnesses, administering oaths, compelling hearing and receiving evidence, and preserving order, which are by this act conferred on the court, save and except the production of books.

(c) In the course of such inquiry the board may make all such suggestions and do all such things as it deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute, and may adjourn the proceedings for any period the board thinks reasonable to allow the parties to agree upon some terms of settlement.

(d) The board may also, upon such terms as it thinks fit, refer the dispute to a committee of its members, consisting of an equal number of the representatives of employers and workers, in order that such committee may facilitate and promote an amicable settlement of the dispute.

(e) If a settlement of the dispute is arrived at by the parties it shall be set forth in an industrial agreement, which shall be duly executed by all the parties or their attorneys (but not by their representatives), and a duplicate original thereof shall be filed in the office of the clerk within such time as is named by the board in that behalf.

(f) If such industrial agreement is duly executed and filed as aforesaid, the board shall report to the clerk of awards that the dispute has been settled by industrial agreement.

(g) If such industrial agreement is not duly executed and filed as aforesaid, the board shall make such recommendation for the settlement of the dispute, according to the merits and substantial justice of the case, as the board thinks fit.

(h) The board's recommendation shall deal with each item of the dispute, and shall state in plain terms, avoiding as far as possible all technicalities, what in the board's opinion should or should not be done by the respective parties concerned.

(i) The board's recommendation shall also state the period during which the proposed settlement should continue in force, being in no case less than six months nor more than three years, and also the date from which it should commence, being not sooner than one month nor later than three months after the date of the recommendation.

(j) The board's report or recommendation shall be in writing under the hand of the chairman, and shall be delivered by him to the clerk within two months after the day on which the application for the reference was filed, or within such extended period, not exceeding one additional month, as the board thinks fit.

(k) Before entering upon the exercise of the functions of their office the members of the board, including the chairman, shall make oath or affirmation before a judge of the supreme court that they will faithfully and impartially perform the duties of their office, and also that except in the discharge of their duties they will not disclose to any person any evidence or other matter brought before the board:

*Provided*, That in the absence of a judge of the supreme court such oath or affirmation may be taken before a magistrate or such other person as the governor from time to time authorizes in that behalf.

Report to be  
filed.

Sec. 55. Upon receipt of the board's report or recommendation the clerk shall (without fee) file the same, and allow all the parties to have free access thereto for the purpose of considering the same and taking copies thereof, and shall, upon application, supply certified copies for a prescribed fee.

Procedure if  
parties accept  
board's recom-  
mendation.

Sec. 56. If all or any of the parties to the reference are willing to accept the board's recommendation, either as a whole or with modifications, they may, at any time before the dispute is referred to the court under the provisions in that behalf hereinafter contained, either execute and file an industrial agreement in settlement of the dispute or file in the office of the clerk a memorandum of settlement.

Memorandum  
of settlement.

Sec. 57. With respect to such memorandum of settlement the following provisions shall apply:

(a) It shall be in the prescribed form, and shall be executed by all or any of the parties or their attorneys (but not by their representatives).

(b) It shall state whether the board's recommendation is accepted as a whole or with modifications, and in the latter case the modifications shall be clearly and specifically set forth therein.

(c) Upon the memorandum of settlement being duly executed and filed the board's recommendation shall, with the modifications (if any) set forth in such memorandum, operate and be enforceable in the same manner in all respects as an industrial agreement duly executed and filed by the parties.

Acceptance of  
board's recom-  
mendation.

Sec. 58. At any time before the board's recommendation is filed all or any of the parties to the reference may by memorandum of consent in the prescribed form, executed by themselves or their attorneys (but not by their representatives), and filed in the office of the clerk, agree to accept the recommendation of the board, and in such case the board's recommendation, when filed, shall operate and be enforceable in the same manner in all respects as an industrial agreement duly executed and filed by the parties.

SEC. 59. With reference to every industrial dispute which, having been duly referred to the board, is not settled under the provisions for settlement hereinbefore contained, the following special provisions shall apply: Reference to court if dispute not settled by board.

(a) At any time within one month after the filing of the board's recommendation any of the parties may, by application in the prescribed form filed in the office of the clerk, refer such dispute to the court for settlement, and thereupon such dispute shall be deemed to be before the court.

(b) If at the expiration of such month no such application has been duly filed, then on and from the date of such expiration the board's recommendation shall operate and be enforceable in the same manner in all respects as an industrial agreement duly executed and filed by the parties.

SEC. 60. Notwithstanding anything to the contrary in this act, either party to an industrial dispute which has been referred to a board of conciliation may, previous to the hearing of such dispute by the board, file with the clerk an application in writing requiring the dispute to be referred to the court of arbitration, and that court shall have jurisdiction to settle and determine such dispute in the same manner as if such dispute had been referred to the court under the provisions of section 59 hereof. Power to refer dispute direct to court.

SEC. 61. The board may, in any matter coming before it, state a case for the advice and opinion of the court. Board may state case.

SEC. 62. There shall be one court of arbitration (in this act called "The court") for the whole of New Zealand for the settlement of industrial disputes pursuant to this act. Court of arbitration.

SEC. 63. The court shall have a seal, which shall be judicially noticed in all courts of judicature and for all purposes. Seal.

SEC. 64. The court shall consist of three members, who shall be appointed by the governor. Of the three members of the court one shall be the judge of the court, and shall be so appointed, and the other two (hereinafter called "nominated members") shall be appointed as hereinafter provided. Constitution of court.

SEC. 65. (1) No person shall be eligible for appointment as judge of the court unless he is eligible to be a judge of the supreme court. Appointment of judge.

(2) The judge so appointed shall, as to tenure of office, salary, emoluments, and privileges (including superannuation allowance), have the same rights and be subject to the same provisions as a judge of the supreme court.

(5) This act shall be deemed to be a permanent appropriation of the salary of the judge of the court.

SEC. 66 (as amended by act 239, 1908). (1) Of the two nominated members of the court one shall be appointed on the recommendation of the industrial unions of employers and one on the recommendation of the industrial unions of workers. Appointment of members.

(2) For the purposes of the appointment of the nominated members of the court (other than the judge) the following provisions shall apply:

(a) Each industrial union may, within one month after being requested so to do by the governor, recommend to the governor the names of two persons, one to be the nominated member and one to be the acting nominated member of the court, and from the names so recommended the governor shall select four persons as follows:

One from the persons recommended by the unions of employers and one from the persons recommended by the unions of workers, and shall appoint them to be nominated members of the court; and

One from the persons recommended by the unions of employers and one from the persons recommended by the unions of workers, and appoint them to be acting nominated members of the court.

(aa) In so appointing the members and acting members of the court on the recommendation of the industrial unions, the governor shall take into account the voting power of each such union, as determined in manner following; that is to say:

(i) Every union having not more than 50 members shall be deemed to have 1 vote.

(ii) Every union having more than 50 members shall be deemed to have 1 vote for every complete 50 of its members. For the purpose of so



estimating the voting power of a union, the number of its members shall be deemed to be the number specified in the last annual list forwarded by the union to the registrar, in pursuance of section 17 hereof.

(b) The recommendation shall in each case be made in the name and under the seal of the union, by the committee of management or other governing authority thereof, however designated.

(c) If either of the divisions of unions fails or neglects to duly make any recommendation within the aforesaid period, the governor shall, as soon thereafter as may be convenient, appoint a fit person to be a nominated member or an acting nominated member of the court, as the case may be; and such person shall be deemed to be appointed on the recommendation of the said division of unions.

(d) As soon as practicable after the nominated members and acting nominated members of the court have been appointed their appointment shall be notified in the Gazette, and such notification shall be final and conclusive for all purposes.

Term of office.

(3) Every nominated member or acting nominated member of the court shall hold office for three years from the date of the gazetting of his appointment or until the appointment of his successor and shall be eligible for reappointment.

Acting member to act, when.

SEC. 68. (1) If at any time either of the nominated members of the court is unable, by reason of illness or other cause to attend any sitting of the court on the day fixed for the same, and it is likely that he will be unable to attend any sitting of the court within seven days after the day so fixed, he may notify the clerk thereof.

(2) If at any time the clerk (whether or not he has been so notified) is satisfied that any such member is by reason of illness or other cause unable to attend any sitting of the court on the day fixed for the same, and it is likely that he will be unable to attend for seven days after the day so fixed, he shall notify the fact to the judge, who shall thereupon summon the acting nominated member appointed as aforesaid on the recommendation of the industrial unions of employers or of workers, as the case may be, to attend the sitting of the court and to act as a nominated member of the court during the absence of the nominated member who is unable to attend, and while so acting he shall have and may exercise all the powers, functions, and privileges of the nominated member for whom he is acting.

(3) On receipt by the clerk of a notice in writing, signed by the nominated member of the court, that he is able to resume the duties of his office, the acting nominated member shall cease to act as aforesaid:

*Provided*, That if he is then employed upon the hearing of a case he shall complete such hearing before so ceasing to act.

(4) The absence of the nominated member of the court while the acting nominated member is so acting shall not be deemed to have created a casual vacancy under section 71 hereof.

Same subject.

SEC. 69. (1) In any case where the permanent nominated member is himself a party to the dispute or proceedings, and is consequently unable to act as member, the acting nominated member may attend and act; and the provisions of the last preceding section shall, *mutatis mutandis*, apply.

(2) If in any such case as last aforesaid there is no duly appointed acting nominated member who can attend and act, the governor may, on the recommendation of the judge, appoint a fit person to attend and act for the purpose of hearing and determining the dispute or proceedings to which the permanent nominated member is a party, and the person so appointed shall be deemed to be an acting nominated member for the purpose aforesaid.

Oath of office.

SEC. 73. Before entering on the exercise of the functions of their office the nominated members of the court shall make oath or affirmation before the judge that they will faithfully and impartially perform the duties of their office, and also that, except in the discharge of their duties, they will not disclose to any person any evidence or other matter brought before the court.

Remuneration of members of the court.

SEC. 74. (1) There shall be paid to each nominated member of the court the annual sum of £500 (\$2,433.25), in addition to such traveling expenses as are prescribed by regulations.

(2) This act shall be deemed to be a permanent appropriation of the salaries of the nominated members of the court.

SEC. 75. (1) The governor may from time to time appoint some fit person to be registrar to the court, who shall be paid such salary as the governor thinks fit, and shall be subject to the control and direction of the court. Registrar to the court.

(2) The governor may also from time to time appoint such clerks and other officers of the court as he thinks necessary, and they shall hold office during pleasure, and receive such salary or other remuneration as the governor thinks fit. Officers.

SEC. 76. The court shall have jurisdiction for the settlement and determination of any industrial dispute referred to it under the provisions of this act. Jurisdiction.

SEC. 77. Forthwith after any dispute has been duly referred to the court for settlement under the provisions in that behalf hereinbefore contained, the clerk shall notify the fact to the judge. Notice to judges.

SEC. 78. Subject to provisions hereinafter contained as to the joining or striking out of parties, the parties to the proceedings before the court shall be the same as in the proceedings before the board, and the provisions hereinbefore contained as to the appearance of parties before a board shall apply to proceedings before the court. Parties to proceedings.

SEC. 79. With respect to the sittings of the court the following provisions shall apply: Sittings of court.

(a) The sittings of the court shall be held at such time and place as are from time to time fixed by the judge.

(b) The sittings may be fixed either for a particular case or generally for all cases then before the court and ripe for hearing, and it shall be the duty of the clerk to give to each member of the court, and also to all parties concerned, at least three clear days' previous notice of the time and place of each sitting.

(c) The court may be adjourned from time to time and from place to place in manner following, that is, to say:

(i) By the court or the judge at any sitting thereof, or if the judge is absent from such sitting, then by any other member present, or if no member is present, then by the clerk; and

(ii) By the judge at any time before the time fixed for the sitting, and in such case the clerk shall notify the members of the court and all parties concerned.

SEC. 80. Any party to the proceedings before the court may appear personally or by agent, or, with the consent of all the parties, by barrister or solicitor, and may produce before the court such witnesses, books, and documents as such party thinks proper. Appearance of parties.

SEC. 81. The court shall in all matters before it have full and exclusive jurisdiction to determine the same in such manner in all respects as in equity and good conscience it thinks fit. Powers of court.

SEC. 82. The following provisions shall have effect both with reference to applications and disputes pending on the coming into operation of this act and to applications hereafter filed: Provisions as to applications and disputes.

(a) The court may at or before the hearing of any dispute take steps to ascertain whether all persons who ought to be bound by its award have been cited to attend the proceedings.

(b) Whenever the court is of opinion, whether from the suggestion of parties or otherwise, that all such persons have not been cited it may direct that further parties be cited, and may postpone the hearing of the dispute until such time as it may conveniently be heard; and in such case the time for making the award under section 88 hereof shall not be deemed to commence to run until such direction has been complied with.

(c) Whenever the court is satisfied, by means of a statutory declaration of the secretary or president of any industrial union or industrial association, or of any employer, or by any other means that the court thinks sufficient, that reasonable steps have been taken by the applicant to cite all persons known to the applicant to be engaged in the industry to which the proposed award is intended to apply, but is of opinion that it is probable that further parties ought to be bound who, from their being numerous, or widely scattered, or otherwise, could not reasonably have been cited personally, the court, or, when it is not

sitting, the judge, may by order fix a day for the hearing, and give public notice thereof by advertisement or otherwise in such places and for such time or otherwise in such manner as it by such order determines.

(d) Such notice shall state the time and place of the intended sitting and the industry affected by the proposed award.

(e) The aforesaid order of the court or judge shall be conclusive evidence that it was made upon proper grounds, and a recital or statement in an award that such an order has been made shall be conclusive evidence of the fact.

(f) The cost of such notice shall be ascertained by the clerk and paid to him by the applicant before the same is incurred.

(g) Proof of the giving of such notice shall be sufficient proof of notice of the proceedings to every person, whether employer or worker, connected with or engaged in the industry to which the proceedings relate in the industrial district or the part thereof to which the award is intended to apply; and every such person, whether an original party to the proceedings or not, shall be entitled to be heard, and shall be bound by the award when made.

(h) The fixing of a date for the hearing shall not deprive the court of its power to adjourn the hearing; but any person who desires to have any adjournment notified to him may send intimation to that effect to the clerk, who shall enter his name and address in a book to be kept for that purpose, and thereafter keep him informed of any adjournment or postponement of the hearing.

(i) Any person may be made a party to an application by the applicant without an order of the court at any time not being less than seven days before the hearing of a dispute, and the court shall determine whether such person should properly be made a party to the award.

Evidence.

SEC. 83. With respect to evidence in proceedings before the court the following provisions shall apply:

(a) Formal matters which have been proved or admitted before the board need not be again proved or admitted before the court, but shall be deemed to be proved.

(b) On the application of any of the parties, and on payment of the prescribed fee, the clerk shall issue a summons to any person to appear and give evidence before the court.

(c) The summons shall be in the prescribed form, and may require such person to produce before the court any books, papers, or other documents in his possession or under his control in any way relating to the proceedings.

(d) All books, papers, and other documents produced before the court, whether produced voluntarily or pursuant to summons, may be inspected by the court, and also by such of the parties as the court allows; but the information obtained therefrom shall not be made public, and such parts of the documents as, in the opinion of the court, do not relate to the matter at issue may be sealed up.

(e) Every person who is summoned and duly attends as a witness shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil suits under "The magistrates' courts act, 1908."

(f) If any person who has been duly served with such summons, and to whom at the same time payment or tender has been made of his reasonable traveling expenses according to the aforesaid scale, fails to duly attend or to duly produce any book, paper, or document as required by his summons he commits an offense, and is liable to a fine not exceeding £20 (\$97.33) or to imprisonment for any term not exceeding one month, unless he shows that there was good and sufficient cause for such failure.

(g) For the purpose of obtaining the evidence of witnesses at a distance the court, or, whilst the court is not sitting, the judge, shall have all the powers and functions of a magistrate under "The magistrates' courts act, 1908," and the provisions of that act relative to the taking of evidence at a distance shall, *mutatis mutandis*, apply in like manner as if the court were a magistrate's court.

(h) The court may take evidence on oath, and for that purpose any member, the clerk, or any other person acting under the express or implied direction of the court, may administer an oath.

(i) On any indictment for perjury it shall be sufficient to prove that the oath was administered as aforesaid.

(j) The court may accept, admit, and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not.

(k) Any party to the proceedings shall be competent and may be compelled to give evidence as a witness.

(l) The court in its discretion may order that all or any part of its proceedings may be taken down in shorthand.

(m) On the hearing before the court of any industrial dispute the court may, if it thinks fit, dispense with any evidence on any matter on which all parties to the dispute have agreed in writing either as an industrial agreement or by memorandum before the board.

SEC. 84. (1) The presence of the judge and at least one other member shall be necessary to constitute a sitting of the court. Quorum.

(2) The decision of a majority of the members present at the sitting of the court, or if the members present are equally divided in opinion, then the decision of the judge, shall be the decision of the court. Decision of court.

(3) The decision of the court shall in every case be signed by the judge, and may be delivered by him, or by any other member of the court, or by the clerk.

SEC. 85. The court may refer any matters before it to a board for investigation and report, and in such case the award of the court may, if the court thinks fit, be based on the report of the board. Matters referred to board.

SEC. 86. The court may at any time dismiss any matter referred to it which it thinks frivolous or trivial, and in such case the award may be limited to an order upon the party bringing the matter before the court for payment of costs of bringing the same. Court may dismiss cases.

SEC. 87. The court in its award may order any party to pay to the other party such costs and expenses (including expenses of witnesses) as it deems reasonable, and may apportion such costs between the parties or any of them as it thinks fit, and may at any time vary or alter any such order in such manner as it thinks reasonable: Court may award costs.

*Provided*, That in no case shall costs be allowed on account of barristers, solicitors, or agents.

SEC. 88. The award of the court on any reference shall be made within one month after the court began to sit for the hearing of the reference, or within such extended time as in special circumstances the court thinks fit. Award to be made, when.

SEC. 89. (1) The award shall be signed by the judge, and have the seal of the court attached thereto, and shall be deposited in the office of the clerk of the district wherein the reference arose, and be open to inspection without charge during office hours by all persons interested therein. Award open to inspection.

(2) The clerk shall upon application supply certified copies of the award for a prescribed fee.

SEC. 90 (as amended by act No. 239, 1908). (1) The award shall be framed in such manner as shall best express the decision of the court, avoiding all technicality where possible, and shall specify— Terms of award.

(a) Each original party on whom the award is binding, being in every case each trade-union, industrial union, industrial association, or employer who is party to the proceedings at the time when the award is made.

(b) The industry to which the award applies.

(c) The industrial district to which the award relates, being in every case the industrial district in which the proceedings were commenced.

(d) The currency of the award, being any specified period not exceeding three years from the date of the award:

*Provided*, That, notwithstanding the expiration of the currency of the award, the award shall continue in force until a new award has been duly made or an industrial agreement entered into, except where, pursuant to the provisions of section 21 or 22 hereof, the registration of an industrial union of workers bound by such award has been canceled.

(2) The award shall also state in clear terms what is or is not to be done by each party on whom the award is binding, or by the workers affected by the award, and may provide for an alternative course to be taken by any party.

(3) The award, by force of this act, shall extend to and bind as subsequent party thereto every trade-union, industrial union, industrial association, or employer who, not being an original party thereto, is at any time whilst the award is in force connected with or engaged in the industry to which the award applies within the industrial district to which the award relates.

(4) The court may in any award made by it limit the operation of such award to any city, town, or district being within or part of any industrial district.

(5) The court shall in such case have power, on the application of any trade-union, industrial union, industrial association, or employer in industrial district within which the award has effect, to extend the provisions of such award (if such award has been limited in its operation as aforesaid) to any trade-union, industrial union, industrial association, employer, or person within such industrial district.

(6) The court may, if it thinks fit, limit the operation of any award heretofore made to any particular town, city, or locality in any industrial district in which such award now has effect.

(7) The extension or limitation referred to in subsections 5 and 6 of this section shall be made upon such notice to and application of such parties as the court may in its discretion direct.

Awards made  
prior to act to  
continue in force.

SEC. 91. (1) Any award in force on the coming into operation of this act shall, notwithstanding the expiration of the currency of such award, continue in force until a new award has been made under this act, except where, pursuant to the provisions of section 21 or 22 hereof, the registration of an industrial union of workers bound by such award has been canceled.

(2) The court may, upon notice to any trade-union, industrial union, industrial association, or employer within the district, and engaged in the industry to which any such award applies, not being an original party thereto, extend the award and its provisions to such trade-union, industrial union, industrial association, or employer.

Power to ex-  
tend and amend  
an award.

SEC. 92 (as amended by act No. 239, 1908). (1) With respect to every award, whether made before or after the coming into operation of this act, the following special powers shall be exercisable by the court by order at any time during the currency of the award, that is to say:

(a) Power to amend the provisions of the award for the purpose of remedying any defect therein or of giving fuller effect thereto;

(aa) Power to amend the provisions of any award made before the commencement of this act in the flax industry, where such amendment is deemed necessary or advisable by reason of any alteration in the profits of that industry:

*Provided*, That no such amendment shall be made unless the court is first satisfied that a substantial number of the workers and employers engaged in that industry are desirous that the award should be reviewed by the court.

(b) Power to extend the award so as to join and bind as party thereto any specified trade-union, industrial union, industrial association, or employer in New Zealand not then bound thereby or party thereto, but connected with or engaged in the same industry as that to which the award applies:

*Provided*, That the court shall not act under this paragraph except where the award relates to a trade or manufacture the products of which enter into competition in any market with those manufactured in another industrial district, and a majority of the employers engaged and of the unions of workers concerned in the trade or manufacture are bound by the award;

*Provided also*, That, in case of an objection being lodged to any such award by a union of employers or workers in a district other than that in which the award was made, the court shall sit for the hearing of the said objection in the district from which it comes, and may amend or extend the award as it thinks fit:

*Provided further*, That, notwithstanding anything contained in this paragraph, the court may extend an award to another industrial district so as to join and bind as parties to the award any specified trade-union, industrial union, industrial association, or employer where the award relates to a trade or manufacture the products of which enter into com-

petition in any market with those manufactured in the industrial district wherein the award is in force.

(2) The award, by force of this act, shall also extend to and bind every worker who is at any time whilst it is in force employed by any employer on whom the award is binding; and if such worker commits any breach of the award he shall be liable to a fine not exceeding £10 (\$48.67), to be recovered in like manner as if he were a party to the award.

Sec. 93. (1) The powers by the last preceding section conferred upon the court may be exercised on the application of any party bound by the award. Application to court.

(2) At least 30 days' notice of the application shall be served on all other parties, including, in the case of an application under paragraph (b) of that section, every trade-union, industrial union, industrial association, or employer to whom it is desired that the award should be extended.

(3) The application may be made to the court direct, without previous reference to the board.

Sec. 94. (1) Notwithstanding anything to the contrary in this act, the court shall have full power, upon being satisfied that reasonable notice has been given of any application in that behalf, to add any party or parties to any award; and thereupon any such party or parties shall be bound by the provisions thereof, subject to any condition or qualification contained in the order adding such party or parties. Court may add parties to an award.

(2) Orders adding parties heretofore made by the court shall be valid as if made in exercise of the foregoing power, whether made in pursuance of reservation in the award or not.

Sec. 95. (1) Where workers engaged upon different trades are employed in any one business of any particular employer, the court may make one award applicable to such business, and embracing, as the court thinks fit, the whole or part of the various branches constituting the business of such employer. Award applied to different trades.

(2) Before the court shall exercise such power notice shall be given to the respective industrial unions of workers engaged in any branch of such business.

Sec. 96 (as amended by act of Oct. 28, 1911). (1) In all legal and other proceedings on the award it shall be sufficient to produce the award with the seal of the court thereto, or a copy of the award certified under the hand of the clerk of awards, or any official printed copy of the award published by the labor department, and it shall not be necessary to prove any conditions precedent entitling the court to make the award. Award to be evidence.

(2) Proceedings in the court shall not be impeached or held bad for want of form, nor shall the same be removable to any court by certiorari or otherwise; and no award, order, or proceeding of the court shall be liable to be challenged, appealed against, reviewed, quashed, or called in question by any court of judicature on any account whatsoever. Proceedings not to be impeached.

Sec. 97 (as amended by act 239, 1908). The court in its award, or by order made on the application of any of the parties at any time whilst the award is in force, may fix and determine what shall constitute a breach of the award. Court to fix what constitutes breach of award.

Sec. 98. The court in its award, or by order made on the application of any of the parties at any time whilst the award is in force, may prescribe a minimum rate of wages or other remuneration, with special provision for a lower rate being fixed in the case of any worker who is unable to earn the prescribed minimum: Court may prescribe minimum rate of wages.

*Provided*, That such lower rate shall in every case be fixed by such tribunal in such manner and subject to such provisions as are specified in that behalf in the award or order.

Sec. 99. In every case where the court in its award or other order directs the payments of costs or expenses it shall fix the amount thereof, and specify the parties or persons by and to whom the same shall be paid. Costs to be fixed.

Sec. 100 (as amended by act No. 239, 1908). (1) Every inspector appointed under the factories act, 1908, shall be an inspector of awards under this act, and shall be charged with the duty of seeing that the Inspectors of awards.

provisions of any industrial agreement, or award, or order of the court are duly observed.

(2) Every inspector of mines appointed under either the coal mines act, 1908, or the mining act, 1908, shall be an inspector of awards, and shall be charged with the duty of seeing that the provisions of any such agreement, award, or order are duly observed in any coal mine or mine within his district.

(3) In the discharge of such duty an inspector of awards may require any employer or worker to produce for his examination any wages books and overtime books necessary for the purposes of this section; and, in addition, every such inspector shall have and may exercise all the powers conferred on inspectors of factories by section 6 of the factories act, 1908, and that section and sections 7 and 8 of the same act shall, *mutatis mutandis*, extend and apply to inspectors of awards.

(4) Except for the purposes of this act, and in the exercise of his functions under this act, an inspector shall not disclose to any person any information which in the exercise of such functions he acquires; and any inspector who, in contravention of this act, divulges any information shall be liable to a fine not exceeding £50 (\$243.33).

(5) A wages and overtime book shall be kept by every employer bound by an award or industrial agreement, and every such employer who fails to keep such book, or willfully makes any false entry therein, is liable to a fine not exceeding £50 (\$243.33).

(6) All fines under this section shall be recoverable summarily before a magistrate in accordance with the justices of the peace act, 1908.

Jurisdiction of  
court.

SEC. 103. The court shall have full and exclusive jurisdiction to deal with all offenses under paragraph (j) of section 83, section 108, section 114, section 115, or section 120 hereof, and for that purpose the following provisions shall apply:

(a) Proceedings to recover the fine by this act imposed in respect of any such offense shall be taken in the court in a summary way under the provisions of the justices of the peace act, 1908, and those provisions shall, *mutatis mutandis*, apply in like manner as if the court were a court of justices exercising summary jurisdiction under that act:

*Provided*, That in the case of an offense under section 114 of this act (relating to contempt of court) the court, if it thinks fit so to do, may deal with it forthwith without the necessity of an information being taken or a summons being issued.

(b) For the purpose of enforcing any order of the court made under this section, a duplicate thereof shall by the clerk of awards be filed in the nearest office of the magistrate's court, and shall thereupon, according to its tenor, be enforced in all respects as a final judgment, conviction, or order duly made by a magistrate under the summary provisions of the justices of the peace act, 1908.

(c) The provisions of section 96 hereof shall, *mutatis mutandis*, apply to all proceedings and orders of the court under this section.

(d) All fines recovered under this section shall be paid into the public account and form part of the consolidated fund.

Court may  
make rules.

SEC. 104. The court shall have power to make rules for the purpose of regulating the practice and procedure of the court, and the proceedings of parties: *Provided*, That such rules shall not conflict with regulations made under section 127 hereof.

Disqualifica-  
tions of members  
of board or court.

SEC. 105. The following persons shall be disqualified from being appointed, or elected, or from holding office as chairman or as member of any board, or as nominated member or acting nominated member of the court; and if so elected or appointed shall be incapable of continuing to hold the office:

(a) A bankrupt who has not obtained his final order of discharge;

(b) Any person convicted of any crime for which the punishment is imprisonment with hard labor for a term of six months or upwards; or

(c) Any person of unsound mind; or

(d) An alien.

Judge may  
state case.

SEC. 106 (as amended by act No. 239, 1908). The judge of the arbitration court may in any matter before the court state a case for the opinion of the court of appeal on any question of law arising in the matter.

SEC. 107 (as amended by act 33, 1911). (1) Where an industrial union of workers is party to an industrial dispute, the jurisdiction of the board or court to deal with the dispute shall not be affected by reason merely that no member of the union is employed by any party to the dispute, or is personally concerned in the dispute. Jurisdiction not affected.

(2) An industrial dispute shall not be referred for settlement to a board by an industrial union or association, nor shall any application be made to the court by any such union or association for the enforcement of any industrial agreement or award or order of the court, unless and until the proposed reference or application has been approved by the members of the union or of each of the unions concerned in manner following; that is to say: References approved by union.

(a) By resolution passed at a special meeting of the union and confirmed by subsequent ballot of the members, a majority of the votes recorded being in favor thereof, the result of such ballot to be recorded on the minutes.

(3) Each such special meeting shall be duly constituted, convened, and held in manner provided by the rules, save that notice of the proposal to be submitted to the meeting shall be posted to all the members, and that the proposal shall be deemed to be carried if, but not unless, a majority of all the members present at the meeting of the industrial union vote in favor of it. Special meeting.

(4) A certificate under the hand of the chairman of any such special meeting shall, until the contrary is shown, be sufficient evidence as to the due constitution and holding of the meeting, the nature of the proposal submitted, and the result of the voting. Certificate of chairman evidence.

SEC. 108. In every case where an industrial dispute has been referred to the board the following special provisions shall apply: Special provisions in case of dispute.

(a) Until the dispute has been finally disposed of by the board or the court neither the parties to the dispute nor the workers affected by the dispute shall, on account of the dispute, do or be concerned in doing, directly or indirectly, anything in the nature of a strike or lockout, or of a suspension or discontinuance of employment or work, but the relationship of employer and employed shall continue uninterrupted by the dispute, or anything preliminary to the reference of the dispute and connected therewith.

(b) If default is made in faithfully observing any of the foregoing provisions of this section, every union, association, employer, worker, or person committing or concerned in committing the default shall be liable to a fine not exceeding £50 (\$243.33).

(c) The dismissal or suspension of any worker, or the discontinuance of work by any worker, pending the final disposition of an industrial dispute shall be deemed to be a default under this section, unless the party charged with such default satisfies the court that such dismissal, suspension, or discontinuance was not on account of the dispute.

SEC. 109 (as amended by act No. 239, 1908). (1) Every employer who dismisses from his employment any worker by reason merely of the fact that the worker is an officer or a member of an industrial union, or merely because such worker has acted as an accessor on a council of conciliation or has represented his union in any negotiations or conference between employers and workers, or merely because such worker is entitled to the benefit of an award, order, or agreement, is liable to a penalty not exceeding £25 (\$121.66), to be recovered at the suit of an inspector of awards in the same manner as a penalty for the breach of an award. Penalty for dismissal of workers.

(2) A worker shall be deemed to be dismissed within the meaning of this section if he is suspended for a longer period than 10 days.

(3) In every case where the worker dismissed was immediately preceding his dismissal a president, vice president, secretary, or treasurer of an industrial union, or an assessor for a council of conciliation, or represented his union in any negotiations or conference between employers and workers, it shall lie on the employer to prove that such worker was dismissed for a reason other than that he has acted in any of the said capacities.

SEC. 110. If during the currency of an award any employer, worker, industrial union, or association, or any combination of either employers or workers has taken proceedings with the intention to defeat any of the Combining to defeat award.



provisions of the award, such employer, worker, union, association, or combination, and every member thereof, respectively, shall be deemed to have committed a breach of the award, and shall be liable accordingly.

Appointment of experts.

SEC. 112. Whenever an industrial dispute involving technical questions is referred to the board or court the following special provisions shall apply:

(a) At any stage of the proceedings the board or the court may direct that two experts nominated by the parties shall sit as experts;

(b) One of the experts shall be nominated by the party, or, as the case may be, by all the parties, whose interests are with the employers; and one by the party, or, as the case may be, by all the parties, whose interests are with the workers;

(c) The experts shall be nominated in such manner as the board or court directs, or as is prescribed by regulations, but shall not be deemed to be members of the board or court for the purpose of disposing of such dispute;

(d) The powers by this section conferred upon the board and the court respectively shall, whilst the board or the court is not sitting, be exercisable by the chairman of the board and the judge of the court respectively.

Powers of board or court.

SEC. 113 (as amended by act No. 33, 1911). (1) In order to enable the board or court the more effectually to dispose of any matter before it according to the substantial merits and equities of the case, it may, at any stage of the proceedings, of its own motion or on the application of any of the parties, and upon such terms as it thinks fit, by order—

(a) Direct parties to be joined or struck out;

(b) Amend or waive any error or defect in the proceedings;

(c) Extend the time within which anything is to be done; and

(d) Generally give such directions as are deemed necessary or expedient in the premises.

(2) The powers by this section conferred upon the board may, when the board is not sitting, be exercised by the chairman.

(3) The powers by this section conferred upon the court may, when the court is not sitting, be exercised by the judge.

Contempt of board or court.

SEC. 114. If in any proceedings before the board or court any person willfully insults any member of the board or court or the clerk, or willfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any willful contempt in the face of the board or court, it shall be lawful for any officer of the board or court, or any constable, to take the person offending into custody and remove him from the precincts of the board or court, to be detained in custody until the rising of the board or court, and the person so offending shall be liable to a fine not exceeding £10 (\$48.67).

Obstruction of board or court.

SEC. 115. Every person who prints or publishes anything calculated to obstruct or in any way interfere with or prejudicially affect any matter before the board or court is liable to a fine not exceeding £50 (\$243.33).

Power to proceed if any party fails to attend.

SEC. 116. If, without good cause shown, any party to proceedings before the board or court fails to attend or be represented, the board or court may proceed and act as fully in the matter before it as if such party had duly attended or been represented.

Proceedings to continue on change in board or court.

SEC. 117. Where any change takes place in the members constituting the board or the court, any proceeding or inquiry then in progress shall not abate or be affected, but shall continue and be dealt with by the board or the court as if no such change had taken place:

*Provided*, That the board or the court may require evidence to be retaken where necessary.

Proceedings not to abate by reason of death.

SEC. 118. (1) Proceedings before the board or court shall not abate by reason of the death of any member of the board or court being vacant for any cause whatever, or of the death of any party to the proceedings, and in the latter case the legal personal representative of the deceased party shall be substituted in his stead.

Recommendation or award not void for informality.

(2) A recommendation or order of the board, or an award or order of the court, shall not be void or in any way vitiated by reason merely of any informality or error of form, or noncompliance with this act.

SEC. 119. (1) The proceedings of the board or court shall be conducted in public: Proceedings public.

*Provided*, That, at any stage of the proceedings before it, the board or court, of its own motion or on the application of any of the parties, may direct that the proceedings be conducted in private; and in such case all persons (other than the parties, their representatives, the officers of the board or court, and the witness under examination) shall withdraw.

(2) The board or court may sit during the day or at night, as it thinks fit.

SEC. 120. (1) Any board and the court, and, upon being authorized in writing by the board or court, any member of such board or court respectively, or any officer of such board or court, or any other person, without any other warrant than this act, may at any time between sunrise and sunset— Power of entry, etc.

(a) Enter upon any manufactory, building, workshop, factory, mine, mine workings, ship or vessel, shed, place, or premises of any kind whatsoever, wherein or in respect of which any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking or has taken place, which is made the subject of a reference to such board or court;

(b) Inspect and view any work, material, machinery, appliances, article, matter, or thing whatsoever being in such manufactory, building, workshop, factory, mine, mine workings, ship or vessel, shed, place, or premises as aforesaid;

(c) Interrogate any person or persons who may be in or upon any such manufactory, building, workshop, factory, mine, mine workings, ship or vessel, shed, place, or premises as aforesaid in respect of or in relation to any matter or thing hereinbefore mentioned.

(2) Every person who hinders or obstructs the board or court, or any member or officer thereof, respectively, or other person, in the exercise of any power conferred by this section, or who refuses to the board or court, or any member or officer thereof respectively duly authorized as aforesaid, entrance during any such time as aforesaid to any such manufactory, building, workshop, factory, mine, mine workings, ship or vessel, shed, place, or premises, or refuses to answer any questions put to him as aforesaid, is liable to a fine not exceeding £50 (\$243.33).

SEC. 121. With respect to the Government railways open for traffic the following special provisions shall apply, anything elsewhere in this act to the contrary notwithstanding: Government railways.

(a) The society of railway servants called "The Amalgamated Society of Railway Servants," and now registered under the acts of which this act is a consolidation, shall be deemed to be registered under this act;

(b) In the case of the dissolution of the said society, any reconstruction thereof, or any society of Government railway servants formed in its stead, may register under this act as an industrial union of workers;

(c) The minister of railways may from time to time enter into industrial agreements with the registered society in like manner in all respects as if the management of the Government railways were an industry, and he were the employer of all workers employed therein;

(d) If any industrial dispute arises between the minister and the society it may be referred to the court for settlement as hereinafter provided: Procedure in case of disputes.

(e) The society may, by petition filed with the clerk and setting forth the particulars of the matters in dispute, pray the court to hear and determine the same;

(f) Such petition shall be under the seal of the society and the hands of two members of the committee of management;

(g) No such petition shall be filed except pursuant to a resolution of a special meeting of the society duly called for the purpose in accordance with its rules, and with respect to such resolution and the procedure thereon section 107 shall apply;

(h) Such petition when duly filed shall be referred to the court by the clerk, and the court, if it considers the dispute sufficiently grave to call for investigation and settlement, shall notify the minister thereof, Jurisdiction of court.

and appoint a time and place at which the dispute will be investigated and determined, in like manner as in the case of a reference, and the court shall have jurisdiction to hear and determine the same accordingly and to make award thereon;

(i) In making any award under this section the court shall have regard to the schedule of classification in the Government railways act, 1908;

(j) In any proceedings before the court under this section the minister may be represented by any officer of the department whom he appoints in that behalf;

(k) All expenses incurred and moneys payable by the minister under this section shall be payable out of moneys to be appropriated by Parliament for the purpose;

(l) In no case shall the board have any jurisdiction over the society, nor shall the society or any branch thereof have any right to nominate or vote for the election of any member of the board;

(m) Except for the purposes of this section the court shall have no jurisdiction over the society;

(n) For the purposes of the appointment of members of the court the society shall be deemed to be an industrial union of workers, and may make recommendations to the governor accordingly.

Awards to continue in force.

SEC. 122. Whenever any portion of a district is severed therefrom, and either added to another district or constituted a new district or part of a new district, every award and industrial agreement in force in the district from which such portion is severed shall, so far as it is in force in such portion, remain in force therein until superseded by another award or industrial agreement.

Permit to work at less than minimum wage.

SEC. 123 (as amended by act No. 239, 1908). Where in any award provision is made for the issue of a permit to any worker to accept a wage below that prescribed for ordinary workers in the trade to which the award relates the following provisions shall apply;

(a) The application for a permit shall be in writing, signed by the applicant, and addressed to the person authorized by the award to issue the same;

(b) Such person shall fix a time and place for the hearing of such application, being not later than two days after the receipt by him of the application, and shall give notice of such time and place to the secretary of the industrial union of workers in the trade to which the award relates;

(c) Such notice shall be in writing, and may be delivered to the secretary personally or left at the registered office of the industrial union within 24 hours after the receipt of the application;

(d) Such secretary, or some other person appointed in that behalf by the union, shall be afforded an opportunity to attend the hearing so as to enable the union to express its views upon the application;

(e) No such permit shall be granted to any person who is not usually employed in the industry to which the award applies;

(f) A permit shall be valid only for the period for which it is granted.

Notifications in Gazette to be evidence.

SEC. 124. Any notification made or purporting to be made in the Gazette by or under the authority of this act may be given in evidence in all courts of justice, in all legal proceedings, and for any of the purposes of this act by the production of a copy of the Gazette.

Documents and signatures to be judicially noticed.

SEC. 125. (1) Every document bearing the seal of the court shall be received in evidence without further proof, and the signature of the judge of the court, or the chairman of the board, or the registrar, or the clerk of awards shall be judicially noticed in or before any court or person or officer acting judicially or under any power or authority contained in this act:

*Provided*, Such signature is attached to some award, order, certificate, or other official document made or purporting to be made under this act or any enactment mentioned in the schedule hereto.

(2) No proof shall be required of the handwriting of official position of any person acting in pursuance of this section.

Service of process on Sunday void.

SEC. 126. (1) No person shall serve or cause to be served on Sunday any order or other process of the court, and such service shall be void to all intents and purposes whatsoever.

(2) Every person who commits a breach of this section is liable to a fine not exceeding £10 (\$48.67), to be recovered in a summary way under the justices of the peace act, 1908.

(3) Nothing in this section shall be construed to annul, repeal, or in any way affect the common law, or the provisions of any statute or rule of practice or procedure, now or hereafter in force, authorizing the service of any writ, process, or warrant.

Sec. 127. (1) The governor may from time to time make regulations for any of the following purposes:

Regulations.

(a) Prescribing the forms of certificates or other instruments to be issued by the registrar, and of any certificate or other proceeding of any board or any officer thereof;

(b) Prescribing the duties of clerks of awards, and of all other officers and persons acting in the execution of this act;

(c) Providing for anything necessary to carry out the first or any subsequent election of members of boards, or on any vacancy therein or in the office of chairman of any board, including the forms of any notice, proceeding, or instrument of any kind to be used in or in respect of any such election;

(d) Providing for the mode in which recommendations by industrial unions as to the appointment of members of the court shall be made and authenticated;

(e) Prescribing any act or thing necessary to supplement or render more effectual the provisions of this act as to the conduct of proceedings before a board or the court, or the transfer of such proceedings from one of such bodies to the other;

(f) Providing generally for any other matter or thing necessary to give effect to this act or to meet any particular case;

(g) Prescribing what fees shall be paid in respect of any proceeding before a board or the court and the party by whom such fees shall be paid;

(h) Prescribing what respective fees shall be paid to the members of the board;

(i) Prescribing what respective traveling expenses shall be payable to the members of the court (including the judge) and to the members of the board; and

(j) For any other purpose for which regulations are contemplated or required in order to give full effect to this act.

(2) All such regulations shall come into force on the date of the gazetting thereof, and shall, within 14 days after such gazetting, be laid before Parliament if in session, or if not in session, then within 14 days after the beginning of the next session.

Sec. 129. Except as provided by subsection 5 of section 65 and subsection 2 of section 74 hereof, all charges and expenses incurred by the Government in connection with the administration of this act shall be defrayed out of such annual appropriations as from time to time are made for that purpose by Parliament.

Expenses of administration.

Sec. 130. No stamp duty shall be payable upon or in respect of any registration, certificate, agreement, award, statutory declaration, or instrument effected, issued, or made under this act:

Stamp duty not payable, when.

*Provided*, That nothing in this section shall apply to the fees of any court payable by means of stamps.

Sec. 131. Except as provided by section 121 hereof, or by the special provisions of any other act, nothing in this act shall apply to the Crown or to any department of the Government of New Zealand.

Act not to apply to Crown or Government departments.

## INDUSTRIAL CONCILIATION AND ARBITRATION AMENDMENT ACT, 1908, NO. 239.

SECTION 1. This act may be cited as the industrial conciliation and arbitration amendment act, 1908, and shall be read together with and deemed to form part of the industrial conciliation and arbitration act, 1908 (hereinafter referred to as "the principal act").

Short title.

Sec. 2. This act shall come into operation on the 1st day of January, 1909.

Act in effect.

## PART I.—STRIKES AND LOCKOUTS.

Definition of "strike." of SECTION 3. (1) In this act the term "strike" means the act of any number of workers who are or have been in the employment whether of the same employer or of different employers in discontinuing that employment, whether wholly or partially, or in breaking their contracts of service, or in refusing or failing after any such discontinuance to resume or return to their employment, the said discontinuance, breach, refusal, or failure being due to any combination, agreement, or common understanding, whether express or implied, made or entered into by the said workers:

(a) With intent to compel or induce any such employer to agree to terms of employment, or comply with any demands made by the said or any other workers; or

(b) With intent to cause loss or inconvenience to any such employer in the conduct of his business; or

(c) With intent to incite, aid, abet, instigate, or procure any other strike; or

(d) With intent to assist workers in the employment of any other employer to compel or induce that employer to agree to terms of employment or comply with any demands made upon him by any workers.

(2) In this act the expression "to strike" means to become a party to a strike, and the term "striker" means a party to a strike.

Definition of "lockout." of Sec. 4. In this act the term "lockout" means the act of an employer in closing his place of business, or suspending or discontinuing his business or any branch thereof:

(a) With intent to compel or induce any workers to agree to terms of employment, or comply with any demands made upon them by the said or any other employer; or

(b) With intent to cause loss or inconvenience to the workers employed by him or to any of them; or

(c) With intent to incite, aid, abet, instigate, or procure any other lockout; or

(d) With intent to assist any other employer to compel or induce any workers to agree to terms of employment or comply with any demands made by him.

Penalties. Sec. 5. (1) When a strike takes place in any industry every worker who is or becomes a party to the strike and who is at the commencement of the strike bound by any award or industrial agreement affecting that industry shall be liable to a penalty not exceeding £10 (\$48.67).

(2) When a lockout takes place in any industry every employer who is or becomes a party to the lockout, and who is at the commencement of the lockout bound by any award or industrial agreement affecting that industry, shall be liable to a penalty not exceeding £500 (\$2,433.25).

(3) No worker or employer shall be liable to more than one penalty in respect of the same strike or lockout, notwithstanding the continuance thereof.

(4) No proceedings shall be commenced or continued under this section against any worker or employer who is a party to a strike or lockout if judgment has already been obtained under the next succeeding section in respect of the same strike or lockout against any industrial union or industrial association of which the worker or employer is a member.

Offenses by persons not parties to strike or lockout. Sec. 6. (1) Every person who incites, instigates, aids, or abets an unlawful strike or lockout or the continuance of any such strike or lockout, or who incites, instigates, or assists any person to become a party to any such strike or lockout, is liable, if a worker, to a penalty not exceeding £10 (\$48.67), and if an industrial union, industrial association, trade-union, employer, or any person other than a worker, to a penalty not exceeding £200 (\$973.30).

(2) Every person who makes any gift of money or other valuable thing to or for the benefit of any person who is a party to any unlawful strike or lockout, or to or for the benefit of any industrial union, industrial association, trade-union, or other society or association of which any such person is a member, shall be deemed to have aided or abetted the strike or lockout within the meaning of this section, unless he proves that he so acted without the intent of aiding or abetting the strike or lockout.

(3) When a strike or lockout takes place, and a majority of the members of any industrial union or industrial association are at any time parties to the strike or lockout, the said union or association shall be deemed to have instigated the strike or lockout.

(4) In this section the term "unlawful strike" means a strike of any workers who are bound at the commencement of the strike by an award or industrial agreement affecting the industry in which the strike arises.

(5) In this section the term "unlawful lockout" means a lockout by any employer who is bound at the commencement of the lockout by an award or industrial agreement affecting the industry in which the lockout occurs.

SEC. 7. Every penalty hereinbefore referred to shall be recoverable at the suit of an inspector of awards in the same manner as a penalty for a breach of an award and not otherwise, and all the provisions hereinafter in this act contained with respect to the enforcement of an award shall, so far as applicable, apply accordingly. Recovery of penalties.

SEC. 9. (1) If any person employed in any of the industries to which this section applies strikes without having given to his employer, within one month before so striking, not less than 14 days' notice in writing, signed by him, of his intention to strike, or strikes before the expiry of any notice so given by him, the striker shall be liable on summary conviction before a magistrate to a fine not exceeding £25 (\$121.66). Special penalties in specified industries.

(2) If any employer engaged in any of the industries to which this section applies locks out without having given to his employees, within one month before so locking out, not less than 14 days' notice in writing of his intention to lock out, or locks out before the expiry of any notice so given by him, such employer shall be liable on summary conviction before a magistrate to a fine not exceeding £500 (\$2,433.25).

(3) This section applies to the following industries:

- (a) The manufacture or supply of coal gas;
- (b) The production or supply of electricity for light or power;
- (c) The supply of water to the inhabitants of any borough or other place;
- (d) The supply of milk for domestic consumption;
- (e) The slaughtering or supply of meat for domestic consumption;
- (f) The sale or delivery of coal, whether for domestic or industrial purposes;

(g) The working of any ferry, tramway, or railway used for the public carriage of goods or passengers.

(4) Every person who incites, instigates, aids, or abets any offense against this section, or who incites, instigates, or assists any person who has struck or locked out in breach of this section to continue to be a party to the strike or lockout shall be liable, on summary conviction before a magistrate, to a fine not exceeding in the case of a worker £25 (\$121.66), or in the case of an industrial union, industrial association, trade-union, employer, or any person other than a worker, £500 (\$2,433.25).

(5) Nothing in this section shall affect any liability under section 5 or section 6 of this act, save that when a judgment or conviction has been obtained against any person under any one of those sections no further proceedings shall be taken or continued against him under any other of those sections in respect of the same act.

SEC. 10 (as amended by act No. 33, 1911). (1) When an industrial union or industrial association of workers is convicted under section 9 of this act of having incited, instigated, aided, or abetted a strike by any of its members in breach of that section, or the continuance by any of its members of a strike commenced in breach of that section, or when judgment is obtained under section 6 of this act against an industrial union or industrial association of workers for a penalty incurred by it for inciting, instigating, aiding, or abetting a strike by any of its members, or the continuance of any such strike, or for inciting, instigating, or assisting any person to become a party to any such strike, the court in which the conviction or judgment is obtained may in the said conviction or judgment order that the registration of the union or association shall be suspended for such period as the court thinks fit, not exceeding two years. Suspension of registration of union.

(2) During any such period of suspension the said union or association shall be incapable of instituting or continuing or of being a party to any conciliation or arbitration proceedings under the principal act or this act, or of entering into any industrial agreement, or of taking or continuing any proceedings for the enforcement of an award or industrial agreement, or of making any application for the cancellation of its registration.

(3) During any such period of suspension the operation of any award or industrial agreement in force at any time during that period shall be suspended so far as the award or industrial agreement applies to persons who are members of that union or association, or who were members thereof at the time when the offense was committed in respect of which the said judgment or conviction was given or obtained, and also so far as the award or industrial agreement applies to the employers of any such persons:

*Provided*, That in making the order of suspension the court may limit the operation of this subsection to any industrial district or districts, or to any portion thereof.

(4) During any period of such suspension no new industrial union or industrial association of workers shall be registered in the same industrial district in respect of the same industry.

(5) The industrial union or industrial association against which any such order of suspension is made may appeal therefrom in the same manner as from the judgment or conviction in respect of which the order is made, and on any such appeal the court in which it is heard may confirm, vary, or quash the order of suspension, and may make such order as to the costs of the appeal as the said court thinks fit.

(6) The variation or quashing of an order of suspension on appeal shall take effect as from the date on which the order is so varied or quashed, and not as from the date of the order.

(7) Every judgment or conviction in respect of which any such order of suspension is made shall be subject to appeal to the court of arbitration, whether on a point of law or fact, whatever may be the amount of that judgment or of the fine imposed by that conviction.

## PART II.—ENFORCEMENT OF AWARDS AND INDUSTRIAL AGREEMENTS.

Application of provisions.

SECTION 12. This part of this act applies to all awards and industrial agreements whether made before or after the commencement of this act, and to all breaches of awards or industrial agreements whether committed before or after the commencement of this act, save that all proceedings for the enforcement of any award or industrial agreement which are pending at the commencement of this act may be continued in the same manner as if this act had not been passed.

Penalties.

SEC. 13. (1) Every industrial union, industrial association, or employer who commits a breach of an award or industrial agreement shall be liable to a penalty not exceeding £100 (\$486.65) in respect of every such breach.

(2) Every worker who commits a breach of an award or industrial agreement shall be liable to a penalty not exceeding £5 (\$24.33) in respect of every such breach.

Recovery of penalties.

SEC. 14. (1) Subject to the provisions of section 21 hereof, every such penalty shall be recoverable by action in a magistrate's court, and not otherwise.

(2) Every such action may be brought in any magistrate's court in any industrial district in which the award or industrial agreement is in force or in which the cause of action or any part thereof arose, and shall be heard and determined by a magistrate only.

(3) Every such action may be brought at the suit of an inspector of awards or at the suit of any party to the award or industrial agreement.

(4) A claim for two or more penalties against the same defendant may be joined in the same action, although the aggregate amount so claimed may be in excess of the jurisdiction of the magistrate's court in an ordinary action for the recovery of money.

(5) No court fees shall be payable in respect of any such action.

(6) No industrial union or industrial association shall be capable of bringing any such action until a resolution to that effect has been

passed at a meeting of the members of the union or association, in accordance with the rules thereof.

(7) In every such action the summons shall be served on the defendant at least five clear days before the day of the hearing of the action.

SEC. 15. Unless within two clear days before the day of the hearing of any such action the defendant delivers to the plaintiff or to the clerk of the magistrate's court a notice of his intention to defend the action he shall not be entitled to defend the same except with the leave of the magistrate, and the magistrate may without hearing evidence give judgment for the plaintiff. Defendant to give notice.

SEC. 16. In any such action the magistrate may give judgment for the total amount claimed, or any greater or less amount as he thinks fit (not exceeding in respect of any one breach the maximum penalty hereinbefore prescribed), or, if he is of opinion that the breach proved against the defendant is trivial or excusable, the action may be dismissed, and in any case he may give such judgment as to costs as he thinks fit. Powers of magistrate.

SEC. 17. (1) Every penalty recovered in any such action shall be recovered by the plaintiff to the use of the Crown, and the amount thereof shall, when received by the plaintiff, be paid into the public account. Application of penalties recovered.

(2) When the plaintiff is any person other than an inspector of awards the amount of the penalty shall be paid into court or to an inspector of awards and not to the plaintiff, and shall thereupon be paid by the clerk of the court or by the said inspector into the public account.

SEC. 18. In any such action the magistrate may, if he thinks fit, before giving judgment, state a case for the opinion of the court of arbitration and may thereupon adjourn the hearing or determination of the action. Magistrate may state case.

SEC. 19 (as amended by act No. 33, 1911). (1) Any party to any such action may, if the amount of the claim is not less than £5 (\$24.33), appeal to the court of arbitration against the judgment of the magistrate in that action. Appeal to court of arbitration.

(2) Except as provided by this section, there shall be no appeal from the judgment of the magistrate in any such action.

(3) On any appeal under this section the court of arbitration shall have the same powers as the supreme court has in respect of an appeal from a magistrate's court, and the determination of the court of arbitration shall be final.

(4) In respect of any such appeal sections 153 to 158 and sections 160 and 161 of the magistrates' courts act, 1908, shall (subject to the provisions of this section) apply, and shall be read as if the references therein to the supreme court were references to the court of arbitration.

(5) No such action shall be removed into the supreme court.

SEC. 20. The judgment in any such action shall be enforceable in the same manner as a judgment for debt or damages in the magistrate's court, and in no other manner. Enforcement of judgment.

*Provided*, That, notwithstanding anything to the contrary in section 27 of the wages protection and contractors' liens act, 1908, where application is made in pursuance of any such judgment for the attachment of the wages of any worker an order of attachment may be made in respect of the surplus of his wages above the sum of £2 (\$9.73) a week in the case of a worker who is married or is a widower or widow with children, or above the sum of £1 (\$4.87) a week in the case of any other worker:

*Provided also*, That, for the purpose of any such application for attachment, all wages which may at any time thereafter become due to the judgment debtor by any employer, although they are not yet earned or owing, and whether they become due in respect of any contract of service existing at the time of the application or made at any later time, shall be deemed to be a debt accruing to the judgment debtor within the meaning of the provisions of the magistrates' courts act, 1908, relating to the attachment of debts; and on the making of any order of attachment in respect of such wages the employer shall pay into court from time to time as those wages become due and paya-



ble such sum as is sufficient to satisfy the charge imposed thereon by the order of attachment:

*Provided also*, That no charge upon or assignment of his wages, whenever or however made, by any worker shall have any force whatever to defeat or affect an attachment, and an order of attachment may be made and shall have effect as if no such charge or assignment existed:

*Provided also*, That no proceedings shall be taken under the imprisonment for debt limitation act, 1908, against any person for failing or refusing to pay any penalty or other sum of money due by him under this act.

Recovery of penalties. o f SEC. 21. (1) Notwithstanding anything hereinbefore contained, any action for the recovery of a penalty under this act may be brought by an inspector of awards in the court of arbitration instead of in a magistrate's court.

(2) The decision of the court of arbitration in any such action shall be final.

Procedure. (3) The procedure in actions so brought in the court of arbitration shall be determined by regulations to be made by the governor in council in pursuance of this act.

(4) The provisions of sections 15, 16 and 17 of this act shall, so far as applicable, extend and apply to any action so brought in the court of arbitration, and shall in respect of any such action be read as if every reference in those sections to a magistrate was a reference to the court of arbitration, and as if every reference therein to the clerk of the magistrate's court was a reference to the registrar of the court of arbitration.

(5) A certificate of the judgment of the court of arbitration in any such action, under the hand of the registrar of that court, specifying the amount payable under the judgment and the parties thereto, may be filed in any magistrate's court or magistrates' courts, and the said judgment shall thereupon be deemed to be a judgment duly recovered in an action for a penalty under this act in the court or in each of the courts in which a certificate has been so filed, and shall be enforceable in all respects accordingly.

Governor may make regulations. SEC. 22. The governor may by order in council make regulations, consistent with this act, prescribing the procedure in actions brought under the foregoing provisions of this act and in appeals to the court of arbitration.

Enforcement of certificate of court. SEC. 23. When an order for the payment of money is made by the court of arbitration, and no other provisions for the enforcement of that order are contained in this act or in the principal act, a certificate under the hand of the registrar of the said court, specifying the amount payable and the persons by and to whom it is payable, may be filed in any magistrate's court, and shall thereupon be enforceable in the like manner as a judgment given by the last-mentioned court in an action for the recovery of a debt.

Judgment recoverable from members of union or association. SEC. 24. If in any action judgment is given under the foregoing provisions of this act, whether by a magistrate's court or by the court of arbitration, against an industrial union or industrial association, and is not fully satisfied within one month thereafter, all persons who were members of the said industrial union or industrial association at the time when the offense was committed in respect of which the judgment was given shall be jointly and severally liable on the judgment in the same manner as if it had been obtained against them personally, and all proceedings in execution or otherwise in pursuance of the judgment may be taken against them or any of them accordingly, save that no person shall be liable under this section for a larger sum than £5 (\$24.33).

Unsatisfied judgment not a bar to action. SEC. 25. Judgment recovered at the suit of any person for a penalty under this act shall not, until and unless it is fully satisfied, be a bar to any other action at the suit of any other plaintiff for the recovery of the same penalty.

Action within six months. SEC. 26. No action shall be commenced for the recovery of any penalty under this act save within six months after the cause of action has arisen.

## PART III.—CONCILIATION.

SECTION 27. (1) After the commencement of this act no industrial dispute shall be referred to any board of conciliation under the principal act. Passing of conciliation boards.

(2) In the case of an industrial dispute which at the commencement of this act has already been referred to a board of conciliation, further proceedings for the settlement of that dispute shall be taken in the same manner as if this act had not been passed.

(3) After the commencement of this act no person shall be elected or appointed as a member of a board of conciliation; and all persons theretofore so elected or appointed shall retire from office on the expiration of the term for which they were elected or appointed.

SEC. 28. (1) After the commencement of this act no industrial dispute shall be referred to the court until it has been first referred to a council of conciliation in accordance with the provisions hereinafter contained. Disputes referred to councils of conciliation.

(2) Every party to a dispute so referred to a council of conciliation shall be either an industrial union, an industrial association, or an employer.

SEC. 29. (1) The governor may from time to time appoint such persons as he thinks fit (not exceeding four in number) as conciliation commissioners (hereinafter referred to as "commissioners") to exercise the powers and jurisdiction hereinafter set forth. Appointment of conciliation commissioners.

(2) Every commissioner shall be appointed for a period of three years, but may be reappointed from time to time, and may at any time be removed from office by the governor.

(3) Every commissioner shall exercise his jurisdiction within such industrial district or districts as may be from time to time assigned to him by the governor by order in council.

(4) Every commissioner shall receive such salary or other remuneration as is from time to time appropriated by Parliament for that purpose.

(5) If on or before the expiry of the term of office of any commissioner he is reappointed to that office, all proceedings pending before him or before any council of conciliation of which he is a member may be continued and completed as if he had held office continuously.

(6) If from any cause any commissioner is unable to act, the governor may appoint some other person to act in his stead during the continuance of such inability, and while so acting the person so appointed shall have all the powers and jurisdiction of the commissioner in whose stead he is acting.

(7) If any commissioner dies or resigns his office, or is removed from office, or if his term of office expires without reappointment, all proceedings then pending before him or before any council of conciliation of which he is a member may be continued before his successor or before the said council, as the case may be, and for this purpose his successor shall be deemed to be a member of that council, and all the powers and jurisdiction vested in the first-mentioned commissioner as a member of that council shall vest in his successor accordingly.

(8) When in any case no commissioner is immediately available to deal with any dispute which has arisen, the governor may appoint some person to act as a commissioner for the purpose of dealing with such dispute, and while so acting the person so appointed shall have all the powers and jurisdiction of a commissioner, and any commissioner so appointed shall be paid such fees as may be fixed by regulation.

(9) No appointment made in pursuance or intended pursuance of subsection five or subsection seven of this section shall in any court or in any proceedings be questioned or invalidated on the ground that due occasion for the appointment has not arisen or has ceased.

SEC. 30. (1) Any industrial union, industrial association, or employer, being a party to an industrial dispute, may make application in the prescribed form to the commissioner exercising jurisdiction within the industrial district in which the dispute has arisen that the dispute may be heard by a council of conciliation. Application to refer dispute to council of conciliation.

(2) No such application shall be made by an industrial union or industrial association unless the proposed application has been ap-

proved by the members in manner provided by section one hundred and seven of the principal act.

(3) Two or more industrial unions, industrial associations, or employers may join in making a joint application in respect of the same dispute.

(4) Every application made under this section shall state:

(a) The name of the union, association, or employer making the application (hereinafter, together with any other unions, associations, or employers subsequently joined as applicants, termed "the applicants");

(b) The name of all industrial unions, industrial associations, and employers whom the applicants desire to be made parties to the proceedings (hereinafter, together with any other unions, associations, or employers subsequently joined as respondents, termed "the respondents");

(c) A general statement of the nature of the dispute;

(d) A detailed statement of the claims made by the applicants against the respondents in the matter of the dispute;

(e) The proposed number of persons (being either one, two, or three) whom the applicants desire to be appointed on the recommendation of the applicants as assessors to sit with the commissioner in the hearing and settlement of the dispute;

(f) The names of the persons so recommended by the applicants;

(5) Every person so recommended as an assessor must be or have been actually and bona fide engaged or employed either as an employer or as a worker in the industry, or in any one of the industries, in respect of which the dispute has arisen (whether in the same or in another industrial district):

*Provided*, That if in any case, by reason of the special circumstances of that case, the commissioner is of opinion that it is impracticable or inexpedient that all the assessors should be persons so qualified, he may appoint as one of their assessors, on the recommendation of the applicants, a person who is not so qualified.

(6) Any person so recommended as an assessor may be one of the parties to the dispute, or may be a member of an industrial union or industrial association which is a party to the dispute.

(7) If the commissioner to whom the application is made is of opinion that any person so recommended is not duly qualified in accordance with this act, he shall reject the recommendation, and the applicants shall then recommend some other qualified person in his place. The provisions of subsection 2 of this section shall not apply to any such substituted recommendation. The decision of the commissioner as to the qualification of any person recommended as an assessor shall be final.

(8) If and as soon as the commissioner is satisfied that the proposed number of qualified persons have been so recommended by the applicants, he shall by writing under his hand appoint those persons as assessors for the purpose of the said application.

Hearing disputes.

SEC. 31. So soon as assessors have been nominated in manner aforesaid the commissioner shall appoint a day and place for the hearing of the dispute, and shall in the prescribed form and manner cite the respondents to attend at the hearing thereof, and in the meantime to recommend qualified persons for appointment as assessors at the said hearing, equal in number to the number so appointed on the recommendation of the applicants.

Qualification and appointment of assessors.

SEC. 32 (as amended by act No. 33, 1911). (1) The foregoing provisions as to the qualification of assessors recommended by the applicants shall also apply to assessors recommended by the respondents.

(2) If the commissioner is of opinion that any person so recommended by the respondents is not duly qualified in accordance with this act he shall reject the recommendation, and shall require the respondents to recommend some other qualified person, and so also in the case of any such subsequent recommendation, and the decision of the commissioner as to the qualification of any person so recommended shall be final.

(3) If and as soon as the commissioner is satisfied that qualified persons to the required number have been recommended by the respondents

ents, he shall by writing under his hand appoint those persons as assessors for the purposes of the application.

(4) Unless the respondents recommend the required number of qualified persons as assessors at least three clear days before the day appointed for the hearing of the dispute, the commissioner shall forthwith appoint on behalf of the respondents such number of qualified persons as is necessary to supply the full number of assessors required.

(5) The recommendation of assessors by the respondents shall be in writing, signed by or on behalf of the respondents. If they can not agree in the recommendation of assessors, separate recommendations may be made by the several respondents, and in that case the commissioner may appoint as assessors such of the qualified persons so recommended as he thinks fit.

SEC. 33. (1) On the appointment of assessors in accordance with the foregoing provisions, the commissioner together with the said assessors shall be and constitute a council of conciliation (hereinafter referred to as the council), having the powers and functions hereinafter provided.

Constitution of council.

(2) The assessors shall be entitled to receive out of the consolidated fund such fees as are prescribed by regulations.

(3) The validity or regularity of the appointment of any assessor by a commissioner shall not be questioned in any court or in any proceedings.

SEC. 34. (1) If at any time before the council has completely exercised the powers vested in it by this act any assessor dies, or resigns his office, or is proved to the satisfaction of the commissioner to be unable by reason of sickness or any other cause to act as assessor, the commissioner may, on the recommendation of the applicants or respondents, as the case may be, appoint some other qualified person as an assessor in lieu of the assessor so dying or resigning his office or becoming unable to act.

Vacancy in council.

(2) If the applicants or respondents, as the case may be, can not agree on any such recommendation, they may make separate recommendations, and the commissioner may thereupon appoint as an assessor such one of the qualified persons so recommended as he thinks fit.

(3) The powers and functions of the council shall not be affected by any such vacancy in the number of assessors, and during any such vacancy the council may, so far as it thinks fit so to do, exercise all its powers and functions in the same manner as if it were fully constituted.

SEC. 35. (1) It shall be the duty of the council to endeavor to bring about a settlement of the dispute, and to this end the council shall, in such manner as it thinks fit, expeditiously and carefully inquire into the dispute and all matters affecting the merits and the right settlement thereof.

Powers and duties of council.

(2) In the course of the inquiry the council shall make all such suggestions and do all such things as it deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute.

(3) The procedure of the council shall in all respects be absolutely in the discretion of the council, and the council shall not be bound to proceed with the inquiry in any formal manner, or formally to sit as a tribunal, or to hear any addresses or evidence save such as the council deems necessary or desirable.

(4) The council may on the inquiry hear any evidence that it thinks fit, whether such evidence would be legally admissible in a court of law or not.

(5) The inquiry shall be either public or private, as the council thinks fit.

(6) Meetings of the council shall be held from time to time at such time and at such places within the industrial district in which the dispute has arisen as the commissioner appoints.

(7) No such meeting shall be duly constituted unless the commissioner is present thereat, but the absence of any of the assessors shall not prevent the exercise by the council of any of its powers or functions.

(8) In all matters other than the making of a recommendation for the settlement of a dispute the decision of a majority of the assessors present at a meeting of the council shall be deemed to be the decision of the council, but if the assessors present are equally divided in opinion the

commissioner shall have a casting vote, and the decision of the council shall be determined accordingly.

(9) A record of the proceedings of every council of conciliation shall be made and preserved in manner prescribed by regulations, or, in default of such regulations, in such manner as the commissioner thinks fit.

(10) The commissioner shall have the same power of summoning witnesses and of taking evidence on oath, and of requiring the production of books and papers, as if the inquiry were the hearing of a complaint heard before a justice of the peace under the justices of the peace act, 1908, and all evidence given on oath before the council shall for all purposes be deemed to have been given in a judicial proceeding before a court of competent jurisdiction.

(11) No person shall be bound at any inquiry before the council to give evidence with regard to trade secrets, profits, losses, receipts, or outgoings in his business, or with respect to his financial position, or to produce the books kept by him in connection with his business.

(12) If any person desires to give any such evidence as is mentioned in the last preceding subsection, or to produce any such books as aforesaid, he may, if the commissioner thinks fit, do so in the presence of the commissioner alone sitting without the assessors; and in such case the commissioner shall not disclose to the assessor, or to any other person, the particulars of the evidence so given or of the books so produced, but may inform the assessors whether or not, in his opinion, any claim or allegation made by the applicants or respondents in the inquiry is substantiated by the said evidence or the said books.

Parties to dispute may appear before council.

Sec. 36. (1) An employer being a party to the dispute may appear before the council in person, or by his agent duly appointed in writing in that behalf.

(2) An industrial union or industrial association being a party to a dispute may appear before the council by its chairman or secretary, or by any number of persons (not exceeding three) appointed in writing by the chairman, or appointed in such other manner as its rules prescribe.

(3) No barrister or solicitor, whether acting under a power of attorney or otherwise, shall be allowed to appear or be heard before the council.

Absence of parties.

Sec. 37. If any or all of the applicants or respondents fail or refuse to attend or to be represented at the inquiry, the council may nevertheless proceed with the inquiry in the same manner so far as practicable as if all the said parties were present or represented.

Commissioner may join or strike out parties.

Sec. 38. The commissioner may at any time before or during the inquiry make an order joining any industrial union, industrial association, or employer as an applicant or respondent, or striking out the name of any industrial union, industrial association, or employer as an applicant or respondent.

Terms of settlement to form industrial agreement.

Sec. 39. If a settlement of the dispute is arrived at by the parties in the course of the inquiry, the terms of the settlement shall be set forth as an industrial agreement, which shall be duly executed by the parties or their attorneys, and all the provisions of the principal act and of this act with respect to industrial agreements shall apply to any such agreement accordingly.

Provisional arrangement.

Sec. 40. If no settlement of the dispute is arrived at by the parties in the course of the inquiry, the council shall endeavor to induce the parties to agree to some temporary and provisional arrangement until the dispute can be determined by the court of arbitration.

Voluntary settlement.

Sec. 41. The commissioner may at any time, if he thinks fit, after application has been made to him under section 30 of this act, and whether assessors have been appointed or not, take such steps as he deems advisable, whether by way of a conference between the applicants and respondents or otherwise, with intent to procure a voluntary settlement of the dispute.

Notice of failure to settle dispute.

Sec. 42. (1) Not earlier than one month or later than two months after the date fixed in pursuance of section 30 hereof for the hearing of the dispute, the council shall, unless a settlement of the dispute has been sooner arrived at by the parties and embodied in an industrial agreement duly executed in manner aforesaid, deliver to the clerk of awards for the industrial district in which the dispute has arisen a notification under the hand of the commissioner that on settlement of the dispute has been arrived at.

(2) The notification shall be accompanied by a copy of the application made to the council by the applicants, together with a record of the proceedings of the council, every such copy and record being under the hand of the commissioner.

SEC. 43. (1) Before delivering any such notification to the clerk of awards the council may make such recommendation for the settlement of the dispute according to the merits and substantial justice of the case as the council thinks fit, and may state in the recommendation whether, in the opinion of the council, the failure of the parties to arrive at a settlement was due to the unreasonableness or unfairness of any of the parties to the dispute. Recommendation of council.

(2) No such recommendation shall be made unless it is unanimously agreed to by all the assessors, and the commissioner shall have no vote in respect of the making or nature of any such recommendation.

(3) The recommendation of the council shall be signed by all the assessors, and shall be delivered to the clerk of awards under the hand of the commissioner, together with the notification.

(4) The recommendation of the council shall be published by the clerk of awards in such manner as may be prescribed.

(5) The recommendation of the council shall in no case have any binding force or effect, but shall operate merely as a suggestion for the amicable settlement of the dispute by mutual agreement, and as a public announcement of the opinion of the council as to the merits of the dispute.

SEC. 44. (1) If before the delivery of the notification of the council to the clerk of awards as aforesaid a partial settlement of the dispute is arrived at by all the parties thereto, the terms of that partial settlement may be reduced to writing, executed by all the parties thereto or their attorneys or representatives; and such writing (hereinafter termed a memorandum of partial settlement) shall be delivered by the council to the clerk of awards, together with the notification aforesaid and the recommendation (if any) made by the council. Memorandum of partial settlement.

(2) No such memorandum of partial settlement shall in itself have any binding force or effect, but the court of arbitration may, if it thinks fit, in making its award in accordance with the provisions hereinafter contained in that behalf, incorporate in the award the terms of the said memorandum, or any of those terms, without making inquiry into the matters to which those terms relate.

SEC. 45. The council may at any time state a case for the advice or opinion of the court of arbitration. Council may state case.

SEC. 47. (1) When an industrial dispute has been referred to the court in pursuance of this act the court shall have the same jurisdiction in the matter of that dispute as if the same had been referred to the court by the applicants in pursuance of the principal act after a reference to a board of conciliation, and all the provisions of the principal act shall, so far as applicable, apply accordingly. Powers of court.

(2) Subject to the provisions of the principal act as to the joinder or striking out of parties, the parties to the proceedings before the court shall be the same as in the proceedings before the council.

SEC. 49. The governor may from time to time, by order in council, make such regulations as he deems necessary for carrying this part of this act into effect. Regulations.

SEC. 50 (as amended by act No. 33, 1911). (1) The following sections of the principal act (referring to boards of conciliation) shall extend and apply to councils of conciliation under this act—namely, sections 108, 113, 114, 115, and 120. Provisions of principal act applying to councils.

(2) In those sections every reference to a board shall be read as a reference to a council of conciliation.

(3) For the purposes of those sections a dispute shall be deemed to have been referred to a council of conciliation so soon as the council is fully constituted in accordance with this act.

SEC. 61. When any payment of wages has been made to and accepted by a worker at a less rate than that which is fixed by any award or industrial agreement no action shall be brought by the worker against his employer to recover the difference between the wages so actually paid and the wages legally payable, save within three months after the day on which the wages claimed in the action became due and payable. Acceptance of wages a bar to action.

Certificate of labor department a proof of age.

Sec. 62. Where by any award or industrial agreement the age at which young persons may be employed is limited, or the wages payable to young persons of certain ages are fixed, then, in so far as the employer is concerned, it shall be sufficient proof of the age of any young person desiring employment if he produces to the employer a certificate of age granted by an official of the labor department; and in any proceedings against an employer who has acted in reliance on any such certificate for a breach of the award or industrial agreement the certificate shall be conclusive proof of the age of the young person so employed.

Copy of award to be posted.

Sec. 63. (1) In the case of any factory or shop to which any award or industrial agreement relates a printed or typewritten copy of the award or industrial agreement shall at all times be kept affixed in some conspicuous place at or near the entrance of the factory or shop, in such a position as to be easily read by the persons employed therein.

(2) For any breach of the provisions of this section the occupier of the said factory or shop shall be liable to a fine not exceeding £5 (\$24.33) on summary conviction on the information of an inspector of awards.

(3) In this section the terms "factory" and "shop" have the same meanings as in the factories act, 1908, and the shops and offices act, 1908, respectively.

Permits for under rate workers.

Sec. 65. Where in any award or industrial agreement made before the commencement of this act provision is made for the issue by the chairman of a board of conciliation or in any other manner which is rendered impracticable by the provisions of this act of permits to workers to accept a wage below that prescribed for ordinary workers, all such permits may be granted by an inspector of awards in manner provided by section 123 of the principal act.

Extension of application of industrial agreement.

Sec. 67. Whenever it is proved to the court that an industrial agreement (whether made before or after the commencement of this act) is binding on employers who employ a majority of the workers in the industry to which it relates in the industrial district in which it was made, the court may, if it thinks fit, on the application of any party to that agreement or of any person bound thereby, make an order extending the operation of that agreement to all employers who are or who at any time after the making of the said order become engaged in the said industry in the said district, and all such employers shall thereupon be deemed to be parties to the said agreement, and shall be bound thereby so long as it remains in force.

Validation of proceedings, etc.

Sec. 68. (1) If anything which is required or authorized to be done by the principal act or by this act is not done within the time limited for the doing thereof, or is done informally, the court of arbitration may, if it thinks fit in its discretion, on the application of any person interested, make an order extending the time within which the thing may be done, or validating the thing so informally done.

(2) Nothing in this section shall apply so as to authorize the court of arbitration to make any such order in respect of judicial proceedings theretofore already instituted in any court other than the court of arbitration.

Awards prevail over contracts.

Sec. 69. Every award or industrial agreement shall prevail over any contract of service or apprenticeship in force on the coming into operation of the award or industrial agreement so far as there is any inconsistency between the award or industrial agreement and the contract; and the contract shall thereafter be construed and have effect as if the same had been modified, so far as necessary, in order to conform to the award or industrial agreement.

Court may fix date of award.

Sec. 70. In making its award the court may, if in its discretion it thinks fit, direct that any provision of the award relating to the rate of wages to be paid shall have effect as from such date prior to the date of the award as the court thinks fit.

To whom awards and agreements apply.

Sec. 71. No award or industrial agreement made after the commencement of this act shall affect the employment of any worker who is employed otherwise than for the direct or indirect pecuniary gain of the employer:

*Provided*, That this section shall not be deemed to exempt any local authority or body corporate from the operation of any award or industrial agreement.

SEC. 72. When an industrial dispute has been referred to the court, the court may, if it considers that for any reason an award ought not to be made in the matter of that dispute, refuse to make an award therein. Court may refuse to make award.

SEC. 73. (1) Notwithstanding anything in section 21 of the principal act, the cancellation under that section of the registration of an industrial union shall not be prevented by the pendency of any conciliation or arbitration proceedings, if the application for cancellation has been made to the registrar before the commencement of the said proceedings. Cancellation of registration.

(2) The said section and this section shall extend and apply to conciliation proceedings before a council of conciliation under this act.

(3) For the purposes of this section conciliation proceedings before a council of conciliation shall be deemed to have commenced so soon as the commissioner has appointed assessors on the recommendation of the applicants, and shall be deemed to have ceased so soon as the notification of the council has been delivered to the clerk of awards, or the dispute has been settled by an industrial agreement.

(4) For the purposes of the said section and this section arbitration proceedings shall be deemed to be pending and in progress so soon as the notification of the council has been delivered to the clerk of awards.

SEC. 74. (1) The provisions of an award or industrial agreement shall continue in force until the expiration of the period for which it was made, notwithstanding that before such expiration any provision inconsistent with the award or industrial agreement is made by any act passed after the commencement of this act, unless in that act the contrary is expressly provided. Effect of subsequent legislation.

(2) On the expiration of the said period the award or industrial agreement shall, during its further subsistence, be deemed to be modified in accordance with the law then in force.

## INDUSTRIAL CONCILIATION AND ARBITRATION ACT, 1911, NO. 33.

SECTION 2. Where the registration of a union or association is canceled for the purpose of the issue of a fresh certificate or of the union or association being registered under a new name, such cancellation shall not affect the operation of any award or industrial agreement in force to which the original union or association was a party. Cancellation of registration not to affect award, etc.

SEC. 3. Where it is proved to the court that an industrial agreement (whether made before or after the commencement of this act) is binding on employers who employ a majority of the workers in the industry to which it relates in the industrial district in which it was made, the court shall, on the application of any of the parties to the agreement, declare the same to be an award unless, in the opinion of the court, such agreement is, by reason of its provisions, against the public good or is in excess of the jurisdiction of the court. Industrial agreement may be made into award.

SEC. 4. (1) Notwithstanding anything to the contrary in the principal act, an industrial association of employers or workers may make application to the court in the first instance for an award to apply to more than one industrial district. Dispute covering more than one industrial district.

(2) The application shall contain the particulars mentioned in paragraphs (a) to (d) of subsection four of section 30 of the industrial conciliation and arbitration amendment act, 1908, and such of the provisions of that section as are applicable shall extend and apply accordingly.

(3) The application shall be filed with the clerk of awards in each of the industrial districts in which the award is intended to apply.

(4) Notice of the application shall be given in the prescribed form to the parties who it is intended shall be bound by the award.

(5) The application shall be heard at such place or places as the parties may agree on, or, in default of such agreement, as the court, on the application of any party after notice in the prescribed form to the other parties to the dispute, directs.

(6) The court may, if it thinks fit, make an award upon such application, and that award shall bind as parties all trades-unions, industrial unions, industrial associations, and employers in all or one or more of the industrial districts for which the application has been filed.



Counter proposal to be lodged.

SEC. 5. (1) Not later than three clear days before the hearing of a dispute the respondents shall lodge with the commissioner a statement in detail admitting such of the claims of the applicants as they desire to admit, or making a counter-proposal with respect to the claims of the applicants or some or one of them, and a copy of that statement shall be sent to the applicants by the commissioner.

(2) On the hearing of the dispute no counter-proposal by the respondents shall be considered other than those contained in the said statement except with the leave of the commissioner on such terms and conditions as he deems just.

(3) This section shall extend and apply with the necessary modifications to a dispute brought before the court in the first instance pursuant to section four of this act.

Provision for Dominion award in certain cases.

SEC. 6. Notwithstanding anything in section 92 of the principal act, the court may, on the application of any party to an award, extend the award so as to join and bind as parties thereto all trade-unions, industrial unions, industrial associations, and employers in New Zealand who are connected with or engaged in the same industry as that to which the award applies:

*Provided*, That the court shall not act under this section unless it is satisfied that the conditions of employment or of trade are such as make it equitable to do so.

Procedure where no settlement is arrived at.

SEC. 7 (as amended by act No. 7, 1913). (1) When a recommendation of a council of conciliation is filed with the clerk of awards together with the notification that no settlement has been arrived at, the clerk shall, as soon as practicable, give notice in the prescribed form to the parties to the dispute of the filing of the recommendation and of the place where it may be seen, and requiring them if they disagree with the recommendation to signify their disagreement within one month, and, if they so desire, to state reasons for such disagreement.

(2) If within the time aforesaid no notice of disagreement has been filed, the clerk shall as soon as possible thereafter give notice in the prescribed form to the parties of the fact, and the recommendation shall, as from seven days after the date of that notice, operate and be enforceable in the same manner as an industrial agreement duly executed and filed by the parties; and the clerk shall indorse the recommendation accordingly.

(3) If any party to the dispute duly signifies his disagreement with the recommendation, the dispute shall be referred by the clerk to the court for settlement, and thereupon the dispute shall be before the court, and the court may, after hearing any of the parties that have signified their disagreement, incorporate the terms of the recommendation in an award.

(4) If it appears to the court that any reason given for disagreement with the recommendation is trivial or frivolous, it may disregard such disagreement, and the parties so disagreeing shall be deemed to have concurred in the recommendation.

(5) Where a notification that no settlement has been arrived at has been delivered to the clerk of awards and the council makes no recommendation for the settlement of the dispute, the clerk shall forthwith refer the dispute to the court for settlement, and thereupon the dispute shall be deemed to be before the court.

References to registrar to the court to refer to clerk of awards.

SEC. 8. In the event of there being no registrar, or of his absence, all references in the principal act to the registrar to the court shall hereafter be deemed to be references to the clerk of awards of the industrial district to which the subject-matter relates.

Awards to be in conformity with statutory provisions.

SEC. 10. No award of the court shall contain any provision that is inconsistent with any statute which makes special provision for any of the matters before the court.

Periodical sittings of the court.

SEC. 11. A sitting of the court shall be held in the cities of Auckland, Wellington, Christchurch, and Dunedin at least once in every three months to deal with any disputes which have been referred to the court.

# GREAT BRITAIN.

## TRADE BOARDS ACT, 1909.

*An Act to provide for the establishment of trade boards for certain trades.*  
*[20th October, 1909.]*

### ESTABLISHMENT OF TRADE BOARDS FOR TRADES TO WHICH THE ACT APPLIES.

SECTION 1. (1) This act shall apply to the trades specified in the schedule to this act and to any other trades to which it has been applied by provisional order of the Board of Trade made under this section. Application of act to certain trades.

(2) The Board of Trade may make a provisional order applying this act to any specified trade to which it does not at the time apply if they are satisfied that the rate of wages prevailing in any branch of the trade is exceptionally low, as compared with that in other employments, and that the other circumstances of the trade are such as to render the application of this act to the trade expedient.

(3) If at any time the Board of Trade consider that the conditions of employment in any trade to which this act applies have been so altered as to render the application of this act to the trade unnecessary, they may make a provisional order that this act shall cease to apply to that trade.

(4) The Board of Trade may submit to Parliament for confirmation any provisional order made by them in pursuance of this section, but no such order shall have effect unless and until it is confirmed by Parliament.

(5) If, while a bill confirming any such order is pending in either house of Parliament, a petition is presented against any order comprised therein, the bill, so far as it relates to that order, may be referred to a select committee, or, if the two houses of Parliament think fit so to order, to a joint committee of those houses, and the petitioner shall be allowed to appear and oppose as in the case of private bills.

(6) Any act confirming a provisional order made in pursuance of this section may be repealed, altered, or amended by any subsequent provisional order made by the Board of Trade and confirmed by Parliament.

SEC. 2. (1) The board of trade shall, if practicable, establish one or more trade boards constituted in accordance with regulations made under this act for any trade to which this act applies or for any branch of work in the trade. Establishment of trade boards for trades to which act applies.

Where a trade board is established under this act for any trade or branch of work in a trade which is carried on to any substantial extent in Ireland, a separate trade board shall be established for that trade or branch of work in a trade in Ireland.

(2) Where a trade board has been established for any branch of work in a trade, any reference in this act to the trade for which the board is established shall be construed as a reference to the branch of work in the trade for which the board has been established.

SEC. 3. A trade board for any trade shall consider, as occasion requires, any matter referred to them by a secretary of state, the Board of Trade, or any other Government department, with reference to the industrial conditions of the trade, and shall make a report upon the matter to the department by whom the question has been referred. General duties of trade boards.

### MINIMUM RATES OF WAGES.

SEC. 4. (1) Trade boards shall, subject to the provisions of this section, fix minimum rates of wages for time work for their trades (in this act referred to as minimum time rates), and may also fix general minimum rates of wages for piecework for their trades (in this act referred to as general minimum piece rates), and those rates of wages (whether time or piece rates) may be fixed so as to apply universally to the trade, or so as to apply to any special process in the work of the trade or to any special class of workers in the trade, or to any special area. Duties and powers of trade boards with respect to minimum rates of wages.

If a trade board report to the Board of Trade that it is impracticable in any case to fix a minimum time rate in accordance with this section, the Board of Trade may so far as respects that case relieve the trade board of their duty.

(2) Before fixing any minimum time rate or general minimum piece rate, the trade board shall give notice of the rate which they propose to fix and consider any objections to the rate which may be lodged with them within three months.

(3) The trade board shall give notice of any minimum time rate or general minimum piece rate fixed by them.

(4) A trade board may, if they think it expedient, cancel or vary any minimum time rate or general minimum piece rate fixed under this act, and shall reconsider any such minimum rate if the Board of Trade direct them to do so, whether an application is made for the purpose or not:

*Provided*, That the provisions of this section as to notice shall apply where it is proposed to cancel or vary the minimum rate fixed under the foregoing provisions in the same manner as they apply where it is proposed to fix a minimum rate.

(5) A trade board shall on the application of any employer fix a special minimum piece rate to apply as respects the persons employed by him in cases to which a minimum time rate but no general minimum piece rate is applicable, and may as they think fit cancel or vary any such rate either on the application of the employer or after notice to the employer, such notice to be given not less than one month before cancellation or variation of any such rate.

Order giving  
obligatory effect  
to minimum  
rates of wages.

Sec. 5. (1) Until a minimum time rate or general minimum piece rate fixed by a trade board has been made obligatory by order of the Board of Trade under this section, the operation of the rate shall be limited as in this act provided.

(2) Upon the expiration of six months from the date on which a trade board have given notice of any minimum time rate or general minimum piece rate fixed by them the Board of Trade shall make an order (in this act referred to as an obligatory order) making that minimum rate obligatory in cases in which it is applicable on all persons employing labor and on all persons employed, unless they are of opinion that the circumstances are such as to make it premature or otherwise undesirable to make an obligatory order, and in that case they shall make an order suspending the obligatory operation of the rate (in this act referred to as an order of suspension).

(3) Where an order of suspension has been made as respects any rate, the trade board may, at any time after the expiration of six months from the date of the order, apply to the Board of Trade for an obligatory order as respects that rate; and on any such application the Board of Trade shall make an obligatory order as respects that rate, unless they are of opinion that a further order of suspension is desirable, and in that case they shall make such a further order, and the provisions of this section which are applicable to the first order of suspension shall apply to any such further order.

An order of suspension as respects any rate shall have effect until an obligatory order is made by the Board of Trade under this section.

(4) The Board of Trade may, if they think fit, make an order to apply generally as respects any rates which may be fixed by any trade board constituted or about to be constituted for any trade to which this act applies, and while the order is in force any minimum time rate or general minimum piece rate shall, after the lapse of six months from the date on which the trade board have given notice of the fixing of the rate, be obligatory in the same manner as if the Board of Trade had made an order making the rate obligatory under this section, unless in any particular case the Board of Trade on the application of any person interested direct to the contrary.

The Board of Trade may revoke any such general order at any time after giving three months' notice to the trade board of their intention to revoke it.

Penalty for not  
paying wages in  
accordance with  
minimum rate  
which has been  
made obligatory.

Sec. 6. (1) Where any minimum rate of wages fixed by a trade board has been made obligatory by order of the Board of Trade under this act, an employer shall, in cases to which the minimum rate is applicable, pay wages to the person employed at not less than the minimum rate clear of all deductions, and if he fails to do so shall be liable on summary

conviction in respect of each offense to a fine not exceeding £20 (\$97.33) and to a fine not exceeding £5 (\$24.33) for each day on which the offense is continued after conviction therefor.

(2) On the conviction of an employer under this section for failing to pay wages at not less than the minimum rate to a person employed, the court may by the conviction adjudge the employer convicted to pay, in addition to any fine, such sum as appears to the court to be due to the person employed on account of wages, the wages being calculated on the basis of the minimum rate, but the power to order the payment of wages under this provision shall not be in derogation of any right of the person employed to recover wages by any other proceedings.

(3) If a trade board are satisfied that any worker employed, or desiring to be employed, on time work in any branch of a trade to which a minimum time rate fixed by the trade board is applicable is affected by any infirmity or physical injury which renders him incapable of earning that minimum time rate, and are of opinion that the case can not suitably be met by employing the worker on piecework, the trade board may, if they think fit, grant to the worker, subject to such conditions, if any, as they prescribe, a permit exempting the employment of the worker from the provisions of this act rendering the minimum time rate obligatory, and, while the permit is in force, an employer shall not be liable to any penalty for paying wages to the worker at a rate less than the minimum time rate so long as any conditions prescribed by the trade board on the grant of the permit are complied with.

(4) On any prosecution of an employer under this section, it shall lie on the employer to prove by the production of proper wages sheets or other records of wages or otherwise that he has not paid, or agreed to pay, wages at less than the minimum rate.

(5) Any agreement for the payment of wages in contravention of this provision shall be void.

SEC. 7. (1) Where any minimum rate of wages has been fixed by a trade board, but is not for the time being obligatory under an order of the Board of Trade made in pursuance of this act, the minimum rate shall, unless the Board of Trade direct to the contrary in any case in which they have directed the trade board to reconsider the rate, have a limited operation as follows:

Limited operation of minimum rate which has not been made obligatory.

(a) In all cases to which the minimum rate is applicable an employer shall, in the absence of a written agreement to the contrary, pay to the person employed wages at not less than the minimum rate, and, in the absence of any such agreement, the person employed may recover wages at such a rate from the employer;

(b) Any employer may give written notice to the trade board by whom the minimum rate has been fixed that he is willing that that rate should be obligatory on him, and in that case he shall be under the same obligation to pay wages to the person employed at not less than the minimum rate, and be liable to the same fine for not doing so, as he would be if an order of the Board of Trade were in force making the rate obligatory; and

(c) No contract involving employment to which the minimum rate is applicable shall be given by a Government department or local authority to any employer unless he has given notice to the trade board in accordance with the foregoing provision:

*Provided*, That in case of any public emergency the Board of Trade may by order, to the extent and during the period named in the order, suspend the operation of this provision as respects contracts for any such work being done or to be done on behalf of the Crown as is specified in the order.

(2) A trade board shall keep a register of any notices given under this section:

The register shall be open to public inspection without payment of any fee, and shall be evidence of the matters stated therein:

Any copy purporting to be certified by the secretary of the trade board or any officer of the trade board authorized for the purpose to be a true copy of any entry in the register shall be admissible in evidence without further proof.

Provision for cases of persons employed by piecework where a minimum time rate but no general minimum piece rate has been fixed.

SEC. 8. An employer shall, in cases where persons are employed on piecework and a minimum time rate but no general minimum piece rate has been fixed, be deemed to pay wages at less than the minimum rate—

(a) In cases where a special minimum piece rate has been fixed under the provisions of this act for persons employed by the employer, if the rate of wages paid is less than that special minimum piece rate; and

(b) In cases where a special minimum piece rate has not been so fixed, unless he shows that the piece rate of wages paid would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the minimum time rate.

Prevention of evasion.

SEC. 9. Any shopkeeper, dealer, or trader, who by way of trade makes any arrangement express or implied with any worker in pursuance of which the worker performs any work for which a minimum rate of wages has been fixed under this act, shall be deemed for the purposes of this act to be the employer of the worker, and the net remuneration obtainable by the worker in respect of the work after allowing for his necessary expenditure in connection with the work shall be deemed to be wages.

Consideration by trade board of complaints as to infraction of minimum rates.

SEC. 10. (1) Any worker or any person authorized by a worker may complain to the trade board that the wages paid to the worker by any employer in any case to which any minimum rate fixed by the trade board is applicable are at a rate less than the minimum rate, and the trade board shall consider the matter and may, if they think fit, take any proceedings under this act on behalf of the worker.

(2) Before taking any proceedings under this act on behalf of the worker, a trade board may, and on the first occasion on which proceedings are contemplated by the trade board against an employer they shall take reasonable steps to bring the case to the notice of the employer, with a view to the settlement of the case without recourse to proceedings.

#### CONSTITUTION, PROCEEDINGS, ETC., OF TRADE BOARDS.

Constitution and proceedings of trade boards.

SEC. 11. (1) The Board of Trade may make regulations with respect to the constitution of trade boards which shall consist of members representing employers and members representing workers (in this act referred to as representative members) in equal proportions and of the appointed members. Any such regulations may be made so as to apply generally to the constitution of all trade boards, or specially to the constitution of any particular trade board or any particular class of trade boards.

(2) Women shall be eligible as members of trade boards as well as men.

(3) The representative members shall be elected or nominated, or partly elected and partly nominated as may be provided by the regulations, and in framing the regulations the representation of home workers on trade boards shall be provided for in all trades in which a considerable proportion of home workers are engaged.

(4) The chairman of a trade board shall be such one of the members as the Board of Trade may appoint, and the secretary of the trade board shall be appointed by the Board of Trade.

(5) The proceedings of a trade board shall not be invalidated by any vacancy in their number, or by any defect in the appointment, election, or nomination of any member.

(6) In order to constitute a meeting of a trade board, at least one-third of the whole number of the representative members and at least one appointed member must be present.

(7) The Board of Trade may make regulations with respect to the proceedings and meetings of trade boards, including the method of voting; but subject to the provisions of this act and to any regulations so made trade boards may regulate their proceedings in such manner as they think fit.

Establishment of district trade committees.

SEC. 12. (1) A trade board may establish district trade committees consisting partly of members of the trade board and partly of persons not being members of the trade board but representing employers or

workers engaged in the trade and constituted in accordance with regulations made for the purpose by the Board of Trade and acting for such area as the trade board may determine.

(2) Provisions shall be made by the regulations for at least one appointed member acting as a member of each district trade committee, and for the equal representation of local employers and local workers on the committee, and for the representation of home workers thereon in the case of any trade in which a considerable proportion of home workers are engaged in the district, and also for the appointment of a standing subcommittee to consider applications for special minimum piece rates and complaints made to the trade board under this act, and for the reference of any applications or complaints to that subcommittee.

(3) A trade board may refer to a district trade committee for their report and recommendations any matter which they think it expedient so to refer, and may also, if they think fit, delegate to a district trade committee any of their powers and duties under this act, other than their power and duty to fix a minimum time rate or general minimum piece rate.

(4) Where a district trade committee has been established for any area, it shall be the duty of the committee to recommend to the trade board minimum time rates and, so far as they think fit, general minimum piece rates, applicable to the trade in that area, and no such minimum rate of wages fixed under this act and no variation or cancellation of such a rate shall have effect within that area unless either the rate or the variation or cancellation thereof, as the case may be, has been recommended by the district trade committee, or an opportunity has been given to the committee to report thereon to the trade board, and the trade board have considered the report (if any) made by the committee.

SEC. 13. (1) The Board of Trade may appoint such number of persons (including women) as they think fit to be appointed members of trade boards. Appointed members of trade boards.

(2) Such of the appointed members of trade boards shall act on each trade board or district trade committee as may be directed by the Board of Trade, and, in the case of a trade board for a trade in which women are largely employed, at least one of the appointed members acting shall be a woman:

*Provided*, That the number of appointed members acting on the same trade board, or the same district trade committee, at the same time, shall be less than half the total number of members representing employers and members representing workers.

#### APPOINTMENT OF OFFICERS AND OTHER PROVISIONS FOR ENFORCING ACT.

SEC. 14. (1) The Board of Trade may appoint such officers as they think necessary for the purpose of investigating any complaints and otherwise securing the proper observance of this act, and any officers so appointed shall act under the directions of the Board of Trade, or, if the Board of Trade so determine, under the directions of any trade board. Appointment of officers.

(2) The Board of Trade may also, in lieu of or in addition to appointing any officers under the provisions of this section, if they think fit, arrange with any other Government department for assistance being given in carrying this act into effect, either generally or in any special cases, by officers of that department whose duties bring them into relation with any trade to which this act applies.

SEC. 15. (1) Any officer appointed by the Board of Trade under this act, and any officer of any Government department for the time being assisting in carrying this act into effect, shall have power for the performance of his duties— Powers of officers.

(a) To require the production of wages sheets or other record of wages by an employer, and records of payments made to outworkers by persons giving out work, and to inspect and examine the same and copy any material part thereof;

(b) To require any person giving out work and any outworker to give any information which it is in his power to give with respect to the names and addresses of the persons to whom the work is given out or

from whom the work is received, as the case may be, and with respect to the payments to be made for the work;

(c) At all reasonable times to enter any factory or workshop and any place used for giving out work to outworkers; and

(d) To inspect and copy any material part of any list of outworkers kept by an employer or person giving out work to outworkers.

(2) If any person fails to furnish the means required by an officer as necessary for any entry or inspection or the exercise of his powers under this section, or if any person hinders or molests any officer in the exercise of the powers given by this section, or refuses to produce any document or give any information which any officer requires him to produce or give under the powers given by this section, that person shall be liable on summary conviction in respect of each offense to a fine not exceeding £5 (\$24.33); and, if any person produces any wages sheet, or record of wages, or record of payments, or any list of outworkers to any officer acting in the exercise of the powers given by this section, knowing the same to be false, or furnishes any information to any such officer knowing the same to be false, he shall be liable, on summary conviction, to a fine not exceeding £20 (\$97.33), or to imprisonment for a term not exceeding three months, with or without hard labor.

Officers to produce certificates when required.

Sec. 16. Every officer appointed by the Board of Trade under this act, and every officer of any Government department for the time being assisting in carrying this act into effect, shall be furnished by the board or department with a certificate of his appointment, and when acting under any or exercising any power conferred upon him by this act shall, if so required, produce the said certificate to any person or persons affected.

Power to take and conduct proceedings.

Sec. 17. (1) Any officer appointed by the Board of Trade under this act, and any officer of any Government department for the time being assisting in carrying this act into effect, shall have power in pursuance of any special or general directions of the Board of Trade to take proceedings under this act, and a trade board may also take any such proceedings in the name of any officer appointed by the Board of Trade for the time being acting under the directions of the trade board in pursuance of this act, or in the name of their secretary or any of their officers authorized by them.

(2) Any officer appointed by the Board of Trade under this act, or any officer of any Government department for the time being assisting in carrying this act into effect, and the secretary of a trade board, or any officer of a trade board authorized for the purpose, may, although not a counsel or solicitor or law agent, prosecute or conduct before a court of summary jurisdiction any proceedings arising under this act.

#### SUPPLEMENTAL.

Regulations as to mode of giving notice.

Sec. 18. (1) The Board of Trade shall make regulations as to the notice to be given of any matter under this act, with a view to bringing the matter of which notice is to be given so far as practicable to the knowledge of persons affected.

(2) Every occupier of a factory or workshop, or of any place used for giving out work to outworkers, shall, in manner directed by regulations under this section, fix any notices in his factory or workshop or the place used for giving out work to outworkers which he may be required to fix by the regulations, and shall give notice in any other manner, if required by the regulations, to the persons employed by him of any matter of which he is required to give notice under the regulations:

If the occupier of a factory or workshop, or of any place used for giving out work to outworkers, fails to comply with this provision, he shall be liable on summary conviction in respect of each offense to a fine not exceeding 40s. (\$9.73).

Regulations to be laid before Parliament.

Sec. 19. Regulations made under this act shall be laid as soon as possible before both houses of Parliament, and, if either house within the next 40 days after the regulations have been laid before that house resolve that all or any of the regulations ought to be annulled, the regulations shall, after the date of the resolution, be of no effect, without prejudice to the validity of anything done in the meantime thereunder or to the making of any new regulations. If one or more of a set of regula-

tions are annulled, the Board of Trade may, if they think fit, withdraw the whole set.

SEC. 20. (1) His Majesty may, by order in council, direct that any powers to be exercised or duties to be performed by the Board of Trade under this act shall be exercised or performed generally, or in any special cases or class of cases, by a secretary of state, and, while any such order is in force, this act shall apply as if, so far as is necessary to give effect to the order, a secretary of state were substituted for the Board of trade.

Interchange of powers between Government departments.

(2) Any order in council under this section may be varied or revoked by any subsequent order in council.

SEC. 21. There shall be paid out of moneys provided by Parliament—

(1) Any expenses, up to an amount sanctioned by the treasury, which may be incurred with the authority or sanction of the Board of Trade, by trade boards or their committees in carrying into effect this act; and

Expenses of carrying act into effect.

(2) To appointed members and secretaries of trade boards and to officers appointed by the Board of Trade under this act such remuneration and expenses as may be sanctioned by the treasury; and

(3) To representative members of trade boards and members (other than appointed members) of district trade committees any expenses (including compensation for loss of time), up to an amount sanctioned by the treasury, which may be incurred by them in the performance of their duties as such members; and

(4) Any expenses, up to an amount sanctioned by the treasury, which may be incurred by the Board of Trade in making inquiries, or procuring information, or taking any preliminary steps with respect to the application of this act to any trade to which the act does not apply, including the expenses of obtaining a provisional order, or promoting any bill to confirm any provisional order made under, or in pursuance of, the provisions of this act.

SEC. 22. (1) This act may be cited as the trade boards act, 1909.

Short title and commencement.

(2) This act shall come into operation on the 1st day of January, 1910.

#### SCHEDULE.

##### TRADES TO WHICH THE ACT APPLIES WITHOUT PROVISIONAL ORDER.

1. Ready-made and wholesale bespoke tailoring and any other branch of tailoring in which the Board of Trade consider that the system of manufacture is generally similar to that prevailing in the wholesale trade.

2. The making of boxes or parts thereof made wholly or partially of paper, cardboard, chip, or similar material.

3. Machine-made lace and net finishing and mending or darning operations of lace curtain finishing.

4. Hammered and dollied or tommied chain making.

#### REGULATIONS.

1. A trade board shall be established for those branches of the ready-made and wholesale bespoke tailoring trade in Great Britain which are engaged in making garments to be worn by male persons.

2. The board shall consist of not less than 29 and not more than 37 persons, namely, 3 or 5 appointed members, and members representing employers and workers, respectively, in equal proportions. The chairman and deputy chairman shall be such of the members as may be nominated by the Board of Trade.

3. Ten members, representing employers in the above branches of trade who are occupiers of factories within the meaning of the factory and workshop acts and are not habitually engaged in subcontracting, shall be chosen by the Board of Trade as follows:

Two members after considering names supplied by such employers in Scotland.

Two members after considering names supplied by such employers in the counties of Northumberland, Durham, and Yorkshire.



One member after considering names supplied by such employers in the counties of Cumberland, Westmorland, Lancashire, Cheshire, Flint, Denbigh, Carnarvon, Anglesea, Merioneth, and Montgomery.

One member after considering names supplied by such employers in the counties of Derby, Stafford, Shropshire, Hereford, Worcester, Warwick, Oxford, Northampton,<sup>1</sup> Rutland, Leicester, and Nottingham.

One member after considering names supplied by such employers in the counties of Lincoln, Huntingdon,<sup>2</sup> Cambridge, Norfolk, Suffolk, Essex (outside the metropolitan police boundary).

Two members after considering names supplied by such employers in London and the counties of Essex (within the metropolitan police boundary), Middlesex, Hertford, Bedford, Buckingham, Surrey, Kent, and Sussex.

One member after considering names supplied by such employers in the counties of Berkshire, Hampshire, Dorset, Wiltshire, Gloucester, Somerset, Devon, Cornwall, Monmouth, Glamorgan, Brecknock, Radnor, Cardigan, Carmarthen, and Pembroke.

A casual vacancy among members representing such employers shall be filled in the same manner.

Three members representing employers in the above trade (other than those employers who are occupiers of factories within the meaning of the factory and workshop acts and are not habitually engaged in sub-contracting) shall be chosen by the Board of Trade after considering names supplied by such employers. A casual vacancy among members representing such employers shall be filled in the same manner.

4. Thirteen members representing the workers shall be chosen by the Board of Trade after considering names supplied by workers in the above trade, due regard being paid to the proper representation of home workers. A casual vacancy among members representing workers shall be filled in the same manner.

5. The Board of Trade may, after giving an opportunity to the trade board to be heard, extend the functions of the trade board by bringing within their scope any other branch of tailoring covered by paragraph (1) of the schedule to the trade boards act. The Board of Trade shall give three months' notice of their intention to bring any such branch of work within the scope of the trade board by advertisement in the London Gazette and Edinburgh Gazette, and so far as practicable in trade papers.

6. The Board of Trade may, if they think it necessary in order to secure proper representation of any classes of employers or workers, after giving an opportunity to the trade board to be heard, nominate additional representative members on the trade board, and such representative members may be nominated either for the whole term of office of the board or for any part thereof. The number of such additional representative members shall not at any time exceed six, three on each side.

7. The term of office of the first trade board shall be three years.

8. Any representative of employers who ceases to be an employer and becomes a worker at the trade shall vacate his seat. Any representative of workers who becomes an employer in the trade shall also vacate his seat. The question of fact shall in each case be determined by the chairman.

9. Every member of the board shall have one vote: *Provided*, That the chairman, or in his absence the deputy chairman, may, if he think it desirable, and shall at the request of more than half of the members representing employers or workers, take a vote of the representative members by sides, and in such a case the vote of the majority of members of either side present and voting shall be the vote of that side. In such a division the appointed members shall not vote, but in the event of the division resulting in a disagreement the question shall be decided by a majority vote of the appointed members.

10. Any representative of employers or workers who fails, without reasonable cause, to attend one-half of the total number of meetings in one year shall vacate his seat, but shall be eligible to be nominated again.

<sup>1</sup> Excluding the city of Peterborough.

<sup>2</sup> Including the city of Peterborough.

11. Any question upon the construction or interpretation of these regulations shall, in the event of dispute, be referred to the Board of Trade for decision.

July 25, 1910.

## TRADE BOARDS PROVISIONAL ORDERS CONFIRMATION ACT, 1913.

CHAPTER CLXII.—*An Act to confirm certain provisional orders made by the Board of Trade under the trade boards act 1909 (Aug. 15, 1913).*

Whereas the Board of Trade have made the provisional orders set forth in the schedule hereto under the provisions of the trade boards act 1909: and

Whereas it is requisite that the said orders should be confirmed by Parliament:

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:

1. The orders set out in the schedule hereto shall be and the same are hereby confirmed and all the provisions thereof shall have full validity and force.

2. This act may be cited as the trade boards provisional orders confirmation act 1913.

### SCHEDULE.

#### ORDERS CONFIRMED.

##### I.

*Provisional order made in pursuance of section 1 of the trade boards act, 1909, with respect to the sugar confectionery and food-preserving trade.*

Whereas the trade boards act 1909 applies to the trades specified in the schedule to that act and to any other trades to which it has been applied by provisional order of the Board of Trade made under section 1 of that act and the Board of Trade have power under that section to make a provisional order applying that act to any specified trade to which it does not at the time apply if they are satisfied that the rate of wages prevailing in any branch of the trade is exceptionally low as compared with that in other employments and that the other circumstances of the trade are such as to render the application of that act to the trade expedient; and

Whereas the trade boards act does not apply to the trade specified in the appendix to this order and the board as respects that trade are satisfied as aforesaid:

Now therefore we the Board of Trade in pursuance of the powers given to us by section 1 of the trade boards act 1909 and by any other statute in that behalf do hereby order that from and after the date of the act of Parliament confirming this order the following provisions shall have effect (that is to say):

ARTICLE 1. The trade boards act 1909 shall apply to the trade specified in the appendix to this order.

ART. 2. This order may be cited as the trade boards (sugar confectionery and food preserving) order 1913.

#### APPENDIX.

##### *Trade.*

Sugar confectionery and food preserving (that is to say) the making of sugar confectionery cocoa chocolate jam marmalade preserved fruits fruit and table jellies meat extracts meat essences sauces and pickles the preparation of meat poultry game fish vegetables and

fruit for sale in a preserved state in tins pots bottles and similar receptacles the processes of wrapping filling packing and labeling in respect of articles so made or prepared.

## II.

*Provisional order made in pursuance of section 1 of the trade boards act, 1909, with respect to the shirt-making trade.*

Whereas the trade boards act 1909 applies to the trades specified in the schedule to that act and to any other trades to which it has been applied by provisional order of the Board of Trade made under section 1 of that act and the Board of Trade have power under that section to make a provisional order applying that act to any specified trade to which it does not at the time apply if they are satisfied that the rate of wages prevailing in any branch of the trade is exceptionally low as compared with that in other employments and that the other circumstances of the trade are such as to render the application of that act to the trade expedient: and

Whereas the trade boards act does not apply to the trade specified in the appendix to this order and the board as respects that trade are satisfied as aforesaid:

Now therefore we the Board of Trade in pursuance of the powers given to us by section 1 of the trade boards act 1909 and by any other statute in that behalf do hereby order that from and after the date of the act of Parliament confirming this order the following provisions shall have effect (that is to say):

ARTICLE 1. The trade boards act 1909 shall apply to the trade specified in the appendix to this order.

ART. 2. This order may be cited as the trade boards (shirt-making) order 1913.

## APPENDIX.

### *Trade.*

Shirt making (that is to say) the making from textile fabrics of shirts pajamas aprons and other washable clothing worn by male persons excluding articles the making of which is included in paragraph 1 of the schedule to the trade boards act 1909 and excluding articles which are knitted or are made from knitted fabrics.

## III.

*Provisional order made in pursuance of section 1 of the trade boards act 1909 with respect to the hollow ware making trade.*

Whereas the trade boards act 1909 applies to the trades specified in the schedule to that act and to any other trades to which it has been applied by provisional order of the Board of Trade made under section 1 of that act and the Board of Trade have power under that section to make a provisional order applying that act to any specified trade to which it does not at the time apply if they are satisfied that the rate of wages prevailing in any branch of the trade is exceptionally low as compared with that in other employments and that the other circumstances of the trade are such as to render the application of that act to the trade expedient:

And whereas the trade boards act does not apply to the trade specified in the appendix to this order and the board as respects that trade are satisfied as aforesaid:

Now therefore we the Board of Trade in pursuance of the powers given to us by section 1 of the trade boards act 1909 and by any other statute in that behalf do hereby order that from and after the date of the act of Parliament confirming this order the following provisions shall have effect (this is to say):

ARTICLE 1. The trade boards act 1909 shall apply to the trade specified in the appendix to this order.

ART. 2. This order may be cited as the trade boards (hollow ware) order 1913.

#### APPENDIX.

##### *Trade.*

Hollow ware making that is to say the making of hollow ware including boxes and canisters from sheet iron sheet steel or tin-plate including the processes of galvanizing tinning enameling painting, japanning lacquering and varnishing.

#### IV.

*Provisional order made in pursuance of section 1 of the trade boards act 1909 with respect to the linen and cotton embroidery trade.*

Whereas the trade boards act 1909 applies to the trades specified in the schedule to that act and to any other trades to which it has been applied by provisional order of the Board of Trade made under section 1 of that act and the Board of Trade have power under that section to make a provisional order applying that act to any specified trade to which it does not at the time apply if they are satisfied that the rate of wages prevailing in any branch of the trade is exceptionally low as compared with that in other employments and that the other circumstances of the trade are such as to render the application of that act to the trade expedient: and

Whereas the trade boards act does not apply to the trade specified in the appendix to this order and the board as respects that trade are satisfied as aforesaid:

Now therefore we the Board of Trade in pursuance of the powers given to us by section 1 of the trade boards act 1909 and by any other statute in that behalf do hereby order that from and after the date of the act of parliament confirming this order the following provisions shall have effect (that is to say):

ARTICLE 1. The trade boards act 1909 shall apply to the trade specified in the appendix to this order.

ART. 2. This order may be cited as the trade boards (linen and cotton embroidery) order 1913.

#### APPENDIX.

##### *Trade.*

Linen and cotton embroidery (that is to say) those branches of the trade of making up articles of linen or cotton or mixed linen and cotton, which are engaged in the processes of hand embroidery drawn-thread work thread drawing thread clipping top-sewing scalloping nickeling and paring.

#### COAL MINES (MINIMUM WAGE) ACT, 1912.

CHAPTER 2.—*An Act to provide a minimum wage in the case of workmen employed underground in coal mines (including mines of stratified ironstone), and for purposes incidental thereto.*

SECTION 1. (1) It shall be an implied term of every contract for the employment of a workman underground in a coal mine that the employer shall pay to that workman wages at not less than the minimum rate settled under this act and applicable to that workman, unless it is certified in manner provided by the district rules that the workman is a person excluded under the district rules from the operation of this provision, or that the workman has forfeited the right to wages at the minimum rate by reason of his failure to comply with the conditions with respect to the regularity or efficiency of the work to be performed by workmen laid down by those rules; and any agreement for the payment of wages in so far as it is in contravention of this provision shall be void.

Minimum wage for workmen employed underground in coal mines.

For the purposes of this act, the expression "district rules" means rules made under the powers given by this act by the joint district board.

(2) The district rules shall lay down conditions, as respects the district to which they apply, with respect to the exclusion from the right to wages at the minimum rate of aged workmen and infirm workmen (including workmen partially disabled by illness or accident), and shall lay down conditions with respect to the regularity and efficiency of the work to be performed by the workmen, and with respect to the time for which a workman is to be paid in the event of any interruption of work due to an emergency, and shall provide that a workman shall forfeit the right to wages at the minimum rate if he does not comply with conditions as to regularity and efficiency of work, except in cases where the failure to comply with the conditions is due to some cause over which he has no control.

The district rules shall also make provision with respect to the persons by whom and the mode in which any question, whether any workman in the district is a workman to whom the minimum rate of wages is applicable, or whether a workman has complied with the conditions laid down by the rules, or whether a workman who has not complied with the conditions laid down by the rules has forfeited his right to wages at the minimum rate, is to be decided, and for a certificate being given of any such decision for the purposes of this section.

(3) The provisions of this section as to payment of wages at a minimum rate shall operate as from the date of the passing of this act, although a minimum rate of wages may not have been settled, and any sum which would have been payable under this section to a workman on account of wages if a minimum rate had been settled may be recovered by the workman from his employer at any time after the rate is settled.

Settlement of  
minimum rates  
of wages and dis-  
trict rules.

Sec. 2. (1) Minimum rates of wages and district rules for the purposes of this act shall be settled separately for each of the districts named in the schedule to this act by a body of persons recognized by the Board of Trade as the joint district board for that district.

Nothing in this act shall prejudice the operation of any agreement entered into or custom existing before the passing of this act for the payment of wages at a rate higher than the minimum rate settled under this act, and in settling any minimum rate of wages the joint district board shall have regard to the average daily rate of wages paid to the workmen of the class for which the minimum rate is to be settled.

(2) The Board of Trade may recognize as a joint district board for any district any body of persons, whether existing at the time of the passing of this act or constituted for the purposes of this act, which in the opinion of the Board of Trade fairly and adequately represents the workmen in coal mines in the district and the employers of those workmen, and the chairman of which is an independent person appointed by agreement between the persons representing the workmen and employers respectively on the body, or in default of agreement by the Board of Trade.

The Board of Trade may, as a condition of recognizing as a joint district board for the purposes of this act any body the rules of which do not provide for securing equality of voting power between the members representing workmen and the members representing employers and for giving the chairman a casting vote in case of difference between the two classes of members, require that body to adopt any such rule as the Board of Trade may approve for the purpose, and any rule so adopted shall be deemed to be a rule governing the procedure of the body for the purposes of this act.

(3) The joint district board of a district shall settle general minimum rates of wages and general district rules for their district (in this act referred to as general district minimum rates and general district rules), and the general district minimum rates and general district rules shall be the rates and rules applicable throughout the whole of the district to all coal mines in the district and to all workmen or classes of workmen employed underground in those mines, other than mines to which and workmen to whom a special minimum rate or special district rules settled under the provisions of this act is or are applicable,

or mines to which and workmen to whom the joint district board declare that the general district rates and general district rules shall not be applicable pending the decision of the question whether a special district rate or special district rules ought to be settled in their case.

(4) The joint district board of any district may, if it is shown to them that any general district minimum rate or general district rules are not applicable in the case of any group or class of coal mines within the district, owing to the special circumstances of the group or class of mines, settle a special minimum rate (either higher or lower than the general district rate) or special district rules (either more or less stringent than the general district rules) for that group or class of mines, and any such special rate or special rules shall be the rate or rules applicable to that group or class of mines instead of the general district minimum rate or general district rules.

(5) For the purpose of settling minimum rates of wage, the joint district board may subdivide their district into two parts or, if the members of the joint district board representing the workmen and the members representing the employers agree, into more than two parts, and in that case each part of the district as so subdivided shall, for the purpose of the minimum rate, be treated as the district.

(6) For the purpose of settling district rules, any joint district boards may agree that their districts shall be treated as one district, and in that case those districts shall be treated for that purpose as one combined district, with a combined district committee appointed as may be agreed between the joint district boards concerned, and the chairman of such one of the districts forming the combination as may be agreed upon between the joint district boards concerned, or, in default of agreement, determined by the Board of Trade, shall be the chairman of the combined district committee.

SEC. 3. (1) Any minimum rate of wages or district rules settled under this act shall remain in force until varied in accordance with the provisions of this act.

Revision of minimum rates of wages and district rules.

(2) The joint district board of a district shall have power to vary any minimum rate of wages or district rules for the time being in force in their district—(a) at any time by agreement between the members of the joint district board representing the workmen and the members representing the employers; and (b) after one year has elapsed since the rate or rules were last settled or varied, on an application made (with three months' notice given after the expiration of the year) by any workmen or employers, which appears to the joint district board to represent any considerable body of opinion amongst either the workmen or the employers concerned; and the provisions of this act as to the settlement of minimum rates of wages or district rules shall, so far as applicable, apply to the variation of any such rates or rules.

SEC. 4. (1) If within two weeks after the passing of this act a joint district board has not been recognised by the Board of Trade for any district, or if at any time after the passing of this act any occasion arises for the exercise or performance in any district of any power or duty under this act by the joint district board, and there is no joint district board for the district, the Board of Trade may, either forthwith or after such interval as may seem to them necessary or expedient, appoint such person as they think fit to act in the place of the joint district board, and, while that appointment continues, this act shall be construed, so far as respects that district, as if the person so appointed were substituted for the joint district board.

Provision for bringing act into operation, etc.

The Board of Trade in any such case where it appears to them that the necessity for the exercise of their powers under this provision arises from the failure of the employers to appoint members to represent employers on a board when the workmen are willing to appoint members to represent workmen, or from the failure of the workmen to appoint members to represent workmen on a board when the employers are willing to appoint members to represent employers, may, if they think fit, instead of appointing a person to act in place of the joint district board, appoint such persons as they think fit to represent the employers or the workmen, as the case may be, who have failed to appoint members to represent them; and in that case the members so

appointed by the Board of Trade shall be deemed to be members of the board representing employers or workmen as the case requires.

(2) If the joint district board within three weeks after the time at which it has been recognized under this act for any district fail to settle the first minimum rates of wages and district rules in that district, or if the joint district board within three weeks after the expiration of a notice for an application under this act to vary any minimum rate of wages or district rules fail to deal with the application, the chairman of the joint district board shall settle the rates or rules or deal with the application, as the case may be, in place of the joint district board, and any minimum rate of wages or district rules settled by him shall have the same effect for the purposes of this act as if they had been settled by the joint district board:

*Provided*, That, if the members of the joint district board representing the workmen and the members representing the employers agree, or if the chairman of the joint district board directs, that a specified period longer than three weeks shall for the purposes of this subsection be substituted for three weeks, this subsection shall have effect as if that specified period were therein substituted for three weeks.

Interpretation,  
and provision as  
to chairman.

Sec. 5. (1) In this act—

The expression "coal mine" includes a mine of stratified ironstone;

The expression "workman" means any person employed in a coal mine below ground other than—

(a) a person so employed occasionally or casually only; or

(b) a person so employed solely in surveying or measuring; or

(c) a person so employed as mechanic; or

(d) the manager or any undermanager of the mine; or

(e) any other official of the mine whose position in the mine is recognized by the joint district board as being a position different from that of a workman.

(2) If it is thought fit by any persons when appointing a chairman for the purposes of this act, or by the Board of Trade when so appointing a chairman, the office of chairman may be committed to three persons, and in that case those three persons acting by a majority shall be deemed to be the chairman for the purposes of this act.

Short title and  
duration.

Sec. 6. (1) This act may be cited as the coal mines (minimum wage) act, 1912.

(2) This act shall continue in force for three years from the date of the passing thereof and no longer, unless Parliament shall otherwise determine.

#### SCHEDULE.

*Districts*.—Northumberland, Durham, Cumberland, Lancashire and Cheshire, South Yorkshire, West Yorkshire, Cleveland, Derbyshire (exclusive of South Derbyshire), South Derbyshire, Nottinghamshire, Leicestershire, Shropshire, North Staffordshire, South Stafford (exclusive of Cannock Chase) and East Worcestershire, Cannock Chase, Warwickshire, Forest of Dean, Bristol, Somerset, North Wales, South Wales, including Monmouth, and the mainland of Scotland.

Where a mine, though situate in one of these districts, has for industrial purposes been customarily dealt with in the same manner as a mine situate in an adjoining district, that mine shall for the purposes of this act be treated as situate in the latter district, if the joint district boards of the two districts so agree.

TYPICAL AWARD UNDER COAL MINES ACT.

SOUTH WALES, INCLUDING MONMOUTH DISTRICT.

Whereas at joint meetings held at Cardiff, on April 3, 1912, of the representatives of the colliery owners of South Wales and Monmouthshire and the representatives of the workmen employed at the collieries, a joint district board was constituted for the purpose of the coal mines (minimum wage) act, 1912; and I, Viscount St. Aldwyn, was appointed chairman of such board; and whereas, on April 18, 1912, such board was duly recognized by the Board of Trade as the joint district board for the district of South Wales (including Monmouth); and

Whereas the joint district board failed to settle the first minimum rates of wages and district rules within three weeks after the time at which it was recognized and the members of the board representing the workmen and the members representing the employers agreed to substitute the specified period of 10 weeks for 3 weeks, for the purpose of subsection (2) section 4 of the coal mines (minimum wage) act, 1912; and

Whereas rules of procedure for the conduct of the business of the board, and a classification of the workmen to whom the act applies, were agreed to by the board; and

Whereas it was agreed to by the board that the standard rates of December, 1879, or the equivalent as provided by clause 10 of the conciliation board agreement of December, 1910, should be taken as a basis for the general minimum rates of wages, plus the percentage additions from time to time payable under the said agreement, and that special district minimum rates less than the general district rates should be applicable to coal mines in Pembrokeshire; and

Whereas it was decided by my casting vote that a standard rate of 3s. (73 cents) should be taken as the basis for the minimum day wage rate of laborers over 18 years of age, and it was subsequently decided by my casting vote that the age for an adult workman of every class, except haulers, trammers, and riders, should be 21 instead of 18, and that on this understanding the minimum day wage rate of laborers should be reconsidered; and

Whereas the board has failed to settle the first general minimum rates of wages and district rules, and the first special minimum rates of wages for Pembrokeshire, within the aforesaid period of 10 weeks;

Now I, as chairman of the board, in pursuance of the terms of the coal mines (minimum wage) act, 1912, having heard the parties, do hereby settle the said rates, rules, and special rates, as follows, viz:

SCHEDULE I.

PART I.

General District Minimum Rates of Wages.

The general rates of wages shall be the standard rate hereinafter fixed for each class of underground workmen, to which is to be added the percentage from time to time payable under the conciliation board agreement of December, 1910.

STANDARD RATE OF DAY WAGE.

CLASS 1.—*Workmen over 21 years of age.*

	s.	d.	
1. Collier in charge of a working place, who is a regular pieceworker, and is prevented from earning piecework wages by a fault in the seam or other cause arising in the colliery and beyond his own control, or by a request from the management to work away from his place on more than seven days during a period of three months.....	4	7	(\$1.12)
(In any other case the minimum day wage rate of such a collier working at day wages away from his working place shall be the minimum day wage rate applicable to the class in which he is working.)			
2. Collier in charge of a working place who is not a worker at piecework (subject to the above rule).....	4	3	(\$1.03)
3. Colliers' helpers.....	3	4	(81.1 cents)
4. Timbermen and repairers or rippers doing timbering work:			
Regular pieceworkers.....	4	7	(\$1.12)
Day wage men.....	4	3	(\$1.03)
5. Rippers (not doing timbering work).....	4	0	(97.3 cents)
6. Assistant timbermen and assistant rippers.....	3	4	(81.1 cents)
7. Roadmen.....	3	7	(87.2 cents)



	s.	d.	
8. Htchers:			
Leading .....	3	10	(93.3 cents)
Ordinary .....	3	6	(85.2 cents)
9. Hostlers and laborers .....	3	2	(77.1 cents)
10. Underground hauling engineers, electric, steam and compressed air:			
Main haulage .....	3	4	(81.1 cents)
Subsidiary haulage .....	3	2	(77.1 cents)
11. Underground pump men, electric, steam and compressed air:			
Main pumps .....	3	4	(81.1 cents)
Small pumps .....	3	2	(77.1 cents)
12. Fitters, if employed entirely underground .....	3	4	(81.1 cents)
13. Electricians, if employed entirely underground .....	3	5	(83.1 cents)
14. Rope splicers, if employed entirely underground .....	3	10	(93.3 cents)
15. Masons and pitmen, if employed entirely underground .....	4	2	(\$1.01)
16. Cog cutters .....	3	5	(83.1 cents)
17. Timber drawers and airway men .....	3	10	(93.3 cents)
18. Shacklers and sprag men, and watermen .....	3	2	(77.1 cents)
19. Lamp lockers, lamp lighters, oilers .....	3	0	(73 cents)
20. Coal-cutter men .....	4	3	(\$1.03)

## CLASS 2.

Boys under 15 years of age .....	1	6	(36.5 cents)
Boys over 15 and under 16 .....	1	9	(42.6 cents)
Boys over 16 and under 17 .....	2	0	(48.7 cents)
Boys over 17 and under 18 .....	2	3	(54.8 cents)
Boys over 18 and under 19 .....	2	6	(60.8 cents)
Boys over 19 and under 20 .....	2	9	(66.9 cents)
Boys over 20 and under 21 .....	3	0	(73 cents)

## CLASS 3.

Haulers above 18 years of age:			
1. Day haulers .....	3	11	(95.3 cents)
2. Night haulers .....	3	8	(89.2 cents)
Tonnage haulers, above 18 years of age, for hauling coal .....	4	2	(\$1.01)
Riders above 18 years of age .....	3	9	(91.3 cents)
Trammers above 18 years of age .....	3	3	(79.1 cents)

In collieries where night haulers are now paid day hauling rates that practice shall continue.

## PART II.

## Special District Minimum Rates of Day Wage for Coal Miners in Pembrokeshire.

CLASS 1.—*Mines east of the River Claddau.*

The rates fixed are standard rates of December, 1879, to which is to be added the percentage from time to time payable under the conciliation board agreement of December, 1910.

	s.	d.	
1. Coal hewers .....	3	0	(73 cents)
2. Underground enginemen .....	2	7	(62.9 cents)
3. Htchers and banksmen .....	2	7	(62.9 cents)
4. Roadmen, repairers, haulers, riders, and beam men .....	2	6	(60.8 cents)
5. Trammers over 16 years of age .....	2	2	(52.7 cents)
6. Boys under 15 years (increasing by a standard rate of 2d. (48.7 cents) with each year of age until placed in one of the above classes) .....	1	0	(24.3 cents)

CLASS 2.—*Mines west of the River Claddau.*

The minimum rates of day wages shall be the following net rates: Cutters and repairers, 3s. (73 cents); assistant cutters, assistant repairers and hitchers, 2s. 9d. (66.9 cents); trammers, beam men, and unskilled laborers, 2s. 6d. (60.8 cents); boys under 16, 1s. (24.3 cents); from 16 to 18, 1s. 6d. (36.5 cents); from 18 to 20, 2s. (48.7 cents); after 20, their class rate.

## PART III.

The several scales applicable to boys in this schedule shall apply to boys who have started underground work at 14, and have continued to work underground. A boy

starting underground work at a later age than 14 to be paid the minimum provided for the age a year below his actual age until he has had a year's experience of underground work. Afterwards the minimum applicable to his age shall apply.

The minimum wages fixed by this schedule shall be free from any deductions for explosives.

All customs, usages, practices, or conditions for the payment of extra or additional wages, or for the supply of fuel, now existing at the respective coal mines to which the minimum wages fixed in this schedule are to apply, shall remain in full force and virtue notwithstanding anything contained in this schedule, except that the minimum day wage fixed for workmen doing haulers' work is to include payment for dooring.

## SCHEDULE II.

### DISTRICT RULES.

1. The following rules shall apply to the working of all coal mines, subject to the coal mines (minimum wage) act, 1912, hereinafter called "the act," within South Wales and Monmouthshire.

2. In these rules the word "workman" means any person to whom the coal mines (minimum wage) act, 1912, applies; the word "pay" means the period in respect of which workman's wages are for the time being payable, and the word "day" means a colliery working day.

3. A workman who has reached 63 years of age shall be regarded as an aged workman within the meaning of the act, and shall be excluded from the right to wages at the minimum rate. A workman who from physical causes is unable to do the work ordinarily done by a man in his position in the mine or who is partially disabled by illness or accident shall be regarded as an infirm workman within the meaning of the act, and shall be excluded from the right to wages at the minimum rate. Where there is no disagreement as to whether a workman has reached the age of 63 years, or is infirm, or partially disabled by illness or accident, a certificate signed by the workman affected and the manager of the mine shall be conclusive evidence in reference thereto: *Provided*, That in a case of a workman partially disabled by illness or accident, such certificate shall only apply during the period of such partial disablement.

4. A workman shall forfeit his right to wages at the minimum rate on any day on which he delays in going to his working place or work at the proper time, or leaves his working place or work before the proper time, or fails to perform throughout the whole of the shift his work with diligence and efficiency and in accordance with the reasonable instruction of the official having charge of the district in which such workman shall be engaged.

5. A workman shall regularly present himself for work when the colliery is open for work, and shall forfeit his right to wages at the minimum rate during any pay in which he has not worked at least five-sixths of his possible working days, unless prevented from working by accident or illness. In case of accident or illness the workman shall, if required, submit himself to the examination of a duly qualified medical man to be appointed by the employer; and in case he shall refuse to do so, he shall forfeit his right to wages at a minimum rate during that pay.

Every collier and collier's helper shall at all times work, get, and send out the largest possible quantity of clean coal contracted to be gotten from his working place, and shall perform at least such an amount of work as, at the rate set forth in the price list or other agreed rates applicable, would entitle him to earnings equivalent to the minimum rate. If at any time any workman shall, in consequence of circumstances over which he alleges he has no control, be unable to perform such an amount of work as would entitle him under the price list or other agreed rates to a sum equal to the daily minimum rate, then and in such case, he shall forthwith give notice thereof to the official in charge of the district in which he shall be engaged, and if such official shall not agree that the workman can not earn at the work upon which he shall be engaged a sum under the price list or other agreed rates equal to the daily minimum rate, then the matter shall be decided in the manner provided by rule 8. The management shall be at liberty to remove the workman to some other part of the colliery.

If any workman shall act in contravention of this rule, he shall forfeit the right to wages at the minimum rate for the pay in which such contravention shall take place.

6. If a case of emergency in or about or connected with the colliery shall render a workman's services for the time being unnecessary, and such workman shall be informed of such emergency when or before he reaches the pit bottom or a station within 300 yards therefrom, then such workman shall forthwith return to the surface (facilities being given) and shall not be entitled to any payment in respect of that shift. If the workman travels to his working place and is there informed or discovers that something has happened to prevent him working in his place and is offered but refuses

other work which he may properly be called upon to perform, he shall not be entitled to claim any wages in respect of that shift. In the event of any interruption of work during the shift of any workman due to an emergency over which the management has no control, whereby he shall be prevented from working continuously until the end of his shift, then he shall be entitled only to such a proportion of the minimum rate for the shift as the time during which he shall have worked shall bear to the total number of hours of such shift. Facilities shall be given to enable him to ascend the mine as soon as practicable.

7. (1) In ascertaining whether the minimum wage has been earned by any workman on piecework, the total earnings during two consecutive weeks shall be divided by the number of shifts and parts of shifts he has worked during such two weeks. Upon the average earnings of any workman for two weeks being ascertained in accordance with this rule, the wages of such workman shall be adjusted and the amount found to be due to or from him ascertained and paid or debited to him as the case may be, and in the latter event the amount debited shall be deemed to be a payment on account of wages to become subsequently due to him.

(2) In cases where workmen are working as partners on shares and pooling their earnings, no member of such partnership shall be entitled to be made up to the minimum rate if the average earnings per day of the set over the whole week shall amount to the minimum rate.

(3) In ascertaining the earnings of workmen employed upon piecework for the purposes of the minimum wage there shall not be deducted from the gross earnings for the helper more than the actual wages paid to the helper by the workman. All rates of wages so paid to the helper by the workman shall be registered with the management. No workman on piecework shall, without the consent of the management, fix the wage paid to his helper at more than a standard rate of 6d. (12.2 cents) per day, plus percentage, above the minimum standard rate fixed for the class of helper in schedule 1.

8. Should any question arise as to whether any particular workman employed underground is a workman to whom the minimum rate is to apply, or whether a workman has failed to comply with any of the conditions contained in these rules, or whether by noncompliance with any of these rules such workman has forfeited his right to the minimum rate, such question shall be decided in the following manner:

(a) By agreement between the workman concerned and the official in charge of the mine. Failing agreement, by two officials of the colliery representing the employer on the one side and two members of the committee of the local lodge of the Workmen's Federation (or not more than two representatives appointed by them) on the other side. Again failing agreement, by the manager of the mine and the district miners' agent.

(b) Still failing agreement, by an umpire to be selected by them (or if they disagree in the selection, by lot), without delay, from one of the panels constituted as hereinafter provided. Three panels of persons having a knowledge of mining to be prepared by the two chairmen of the employers' and workmen's representatives on the joint district board. One of such panels shall be constituted for questions arising in the Newport district, one for questions arising in the Swansea district (including Pembroke-shire), one for questions arising in the Cardiff district. In case of difference as to the constitution of any panel, such panel shall be settled by the independent chairman of the joint district board. The Newport district shall consist of collieries situated to the east of the Rumney River. The Swansea district shall consist of collieries situated westward of the Clydi River, and of a line drawn from the top of that river into the Neath River at Ystradavellte. The Cardiff district shall consist of collieries situated between the Newport and the Swansea district.

If required by either employer or workman, a panel may be revised at the end of every 12 months from the constitution thereof. For the determination of any question arising under this rule, the employers and workmen respectively shall be entitled to call such evidence as they may think proper before the person or persons who may have to determine such question, and such person or persons may make such inspection of workings as he or they may deem necessary for the proper determination of the matter in question.

Any questions that may arise for determination under paragraph (a) of this rule shall be determined within a period of three clear days from the date upon which the question to be determined first arose, and any question to be determined by the umpire shall be determined within seven clear days from the said date, or such further time as the umpire shall appoint in writing. The colliery representative and the district miners' agent shall be entitled to attend and represent the employers and workmen, respectively, before the umpire.

9. A certificate in writing of any decision by any person or persons under the last preceding rule shall be given by such person or persons to both or either of the parties when requested, and such certificate shall be of conclusive evidence of the decision. Any certificate so given as to the infirmity of a workman may be canceled or varied

on the application of either party after the expiration of six weeks from the date of the certificate. Any application to cancel or vary such certificate shall be determined as a question under the last preceding rule. The expenses and charges of the umpire shall be paid by the joint district board, and apportioned in the same manner as the expenses of the joint district board.

10. Except as expressly varied by these rules, all customs, usages, and conditions of employment existing at the respective coal mines to which these rules are applicable shall remain in full force unless ordered by mutual agreement.

11. Overmen, traffic foremen, firemen, assistant firemen, brattice men, shot firers, master haulers, farriers, and persons whose duty is that of inspection or supervision are not workmen to whom the coal mines (minimum wage) act applies.

12. In the event of any question arising as to the construction or meaning of these rules, it shall be decided by the independent chairman of the joint district board.

(Signed) ST. ALDWYN.

JULY 5, 1912.

## TEXT OF LAWS OF AUSTRALIA AND NEW ZEALAND DIRECTLY FIXING A MINIMUM WAGE.

### VICTORIA.

[Factories and shops act, 1912, No. 2386 (Dec. 7, 1912).]

#### *Minimum wage.*

SECTION 49. (1) No person whosoever unless in receipt of a weekly wage of at least 2s. 6d. (60.8 cents) shall be employed in any factory.

(2) No person whosoever unless related in the first or second degree by blood or marriage to the employer shall be employed outside a factory in wholly or partly preparing or manufacturing any article for trade or sale unless in receipt of a weekly wage of at least 2s. 6d. (60.8 cents).

#### *Prohibition of certain premiums and guaranties.*

191. Any person who either directly or indirectly or by any pretense or device requires or permits any person to pay or give or who receives from any person any consideration premium or bonus for engaging or employing any female as an apprentice or improver in preparing or manufacturing articles of clothing or wearing apparel shall be guilty of an offense and shall be liable on conviction to a penalty not more than £10 (\$48.67); and the person who pays or gives such consideration premium or bonus may recover the same in any court of competent jurisdiction from the person who received the same.

192. Any shopkeeper (other than a registered pharmaceutical chemist) who either directly or indirectly or by any pretense or device requires or permits any person to pay or give him or who receives from any person any consideration premium or bonus for engaging or employing any person in connection with the selling of goods or in connection with the business of a hairdresser or barber as an apprentice or improver in a shop shall be guilty of an offense and shall be liable on conviction to a penalty not more than £10 (\$48.67); and the person who pays or gives such consideration premium or bonus may recover the same in any court of competent jurisdiction from the person who received the same.

193. (1) Except with the consent of the minister in writing no person shall require or permit any person to pay any sum of money or enter into or make any guaranty or promise requiring or undertaking that such person shall pay any sum of money in the event of the behavior or attendance or obedience of any apprentice improver or employee not being at any time satisfactory to the employer.

(2) Any such guaranty or promise as aforesaid or to the like effect entered into or made after the commencement of this act without the consent of the minister as aforesaid shall be null and void, and any person who without such consent makes or requires such guaranty or promise shall be liable on conviction to a penalty not exceeding £10 (\$48.67).

(3) Any sum which after the commencement of this act is paid in pursuance of such a guaranty or promise as aforesaid or to the like effect made in contravention of this section shall be returned to the person paying same; and the person who has so paid any such sum may if the same is not returned to him on demand recover the same with costs in any court of competent jurisdiction from the person who received the same.

## NEW SOUTH WALES.

[Minimum wage act, 1908 (Dec. 24, 1908).]

*Minimum wage.*

SECTION 4. No workman or shop assistant shall be employed unless in the receipt of a weekly wage of at least 4s. (97.3 cents), irrespective of any amount earned as overtime.

Whosoever employs any such person in contravention of this section shall be liable to a penalty not exceeding £2 (\$9.73).

SEC. 5. Whosoever, either directly or indirectly, or by any pretense or device, requires or permits any person to pay or give, or receives from any person any consideration, premium, or bonus for the engaging or employing by him of any female in preparing, working at, dealing with, or manufacturing articles of clothing or wearing apparel for trade or sale shall be liable on conviction to a penalty not exceeding £10 (\$48.67); and the person who has paid or given such consideration, premium, or bonus may recover the same in any court of competent jurisdiction from the person who received the same.

## QUEENSLAND.

[Factories and shops act 1900 (Dec. 28, 1900) sec. 45, as amended by factories and shops act amendment act 1908 (Apr. 15, 1908) sec. 12.]

SECTION 12. Subsection 1 of section 45 of the principal act is repealed, and the following subsection is inserted in lieu thereof:

1. Every person who is employed in any capacity in a factory or shop shall be entitled to receive from the occupier payment for his work at such rate as is agreed on, being not less than:

(a) In the case of a person under 21 years of age, a rate of 5s. (\$1.22) per week during the first year of his employment, with an annual increase of not less than 2s. 6d. (61 cents) per week during each year of the next succeeding five years of his employment in the same trade.

(b) In the case of a person not under 21 years of age who has been employed in any capacity in a factory or factories or shop or shops for a period of not less than four years (whether such employment is continuous or not), a rate of not less than 15s. (\$3.65) per week for the first year, and 17s. 6d. (\$4.26) per week for the next and succeeding years.

Every such weekly wage shall be paid in sterling money, and shall not, under any circumstances or pretense or device whatsoever, be subject to any diminution so as to reduce the amount thereof to a less sum than is hereinbefore prescribed for each worker respectively.

## SOUTH AUSTRALIA.

[Factories act, 1907 (Dec. 21, 1907).]

SECTION 114. (1) No occupier of a factory shall pay any employee therein a weekly wage of less than 4s. (97.3 cents).

Penalty, £10 (\$48.67).

SEC. 115. (1) No person shall either directly or indirectly, or by any pretense or device—

(a) Require or permit any person to pay or give, or

(b) Receive from any person

any consideration, premium, or bonus for engaging or employing a female as an apprentice or improver in preparing or manufacturing articles of clothing or wearing apparel.

Penalty, £10 (\$48.67).

(2) The person who pays or gives such consideration, premium, or bonus may recover the same in a court of competent jurisdiction from the person who receives the same.

SEC. 116. (1) Except with the consent in writing of the minister, no person shall require or permit any person—

(a) To pay a sum of money; or

(b) To enter into or make a guaranty or promise requiring or undertaking that such person shall pay a sum of money in the event of the behavior or attendance or obedience of an apprentice, improver, or employee not being satisfactory to the employer.

Penalty, £10 (\$48.67).

- (2) Any such guaranty or promise, or a guaranty or promise to the like effect, entered into or made after the commencement of this act without such consent shall be void.
- (3) Any sum which after the commencement of this act is paid in contravention of this section shall, unless repaid upon demand, be recoverable with costs in a court of competent jurisdiction.

## TASMANIA.

[Factories act 1911, sec. 63 (Jan. 10, 1912).]

*As to the payment of wages.*

63. In order to prevent persons being employed in factories without reasonable remuneration in money the following provisions shall apply:

I. Every person who is employed in any capacity in a factory shall be entitled to receive from the occupier such payment for his work as is agreed on, being not less than 4 s. (97 cents) a week for the first year of employment in the trade, 7 s. (\$1.70) a week for the second year, and 10 s. (\$2.43) a week for the third year, 13 s. (\$3.16) a week for the fourth year, 16 s. (\$3.89) a week for the fifth year, 19 s. (\$4.62) a week for the sixth year, and thereafter not less than a wage of 20 s. (\$4.87) a week, unless such person is the holder of a license to work at a less wage under section 28 of the wages boards act, 1910.

II. Such rate of payment shall in every case be irrespective of overtime.

III. Such payment shall be made in full at not more than fortnightly intervals.

IV. If the occupier makes default for seven days in the full and punctual payment of any money payable by him as aforesaid, he is liable to a fine not exceeding 5 s. (\$1.22) for every day thereafter during which such default continues.

V. Without affecting the other civil remedies for the recovery of money payable under this section to a person employed in a factory, civil proceedings for the recovery thereof may be taken by an inspector in the name and on behalf of the person entitled to payment, in any case where the inspector is satisfied that default in payment has been made.

VI. No premium in respect of the employment of any person shall be paid to or be received by the occupier, whether such premium is paid by the person employed or by some other person; and if the occupier commits any breach of the provisions of this paragraph he is liable to a fine not exceeding £10 (\$48.67).

VII. In any case where a premium has been paid or received in breach of the last preceding paragraph, or where the occupier has made any deduction from wages, or received from the person employed or from any other person on his or her behalf any sum in respect of such premium or employment, then, irrespective of any fine to which he thereby becomes liable, the amount so paid, deducted, or received may be recovered from the occupier in civil proceedings instituted by an inspector in the name or on behalf of the person concerned.

## NEW ZEALAND.

*Provisions to secure reasonable remuneration to persons employed in factories.*

[The factories act, 1908 (Aug. 4, 1908).]

SECTION 32 (as amended by act of Dec. 3, 1910). In order to prevent persons being employed in factories without reasonable remuneration in money, the following provisions shall apply:

(a) Every person who is employed in any capacity in a factory shall be entitled to receive from the occupier such payment for his work as is agreed on, being not less than 5s. (\$1.22) a week for the first year of employment in the trade, 8s. (\$1.95) a week for the second year, 11s. (\$2.68) a week for the third year, and so on by additions of 3s. (73 cents) a week for each year of employment in the same trade until a wage of 20s. (\$4.87) a week is reached, and thereafter not less than a wage of 20s. (\$4.87) a week.

(aa) No deduction shall be made from the wages of any boy or any woman under 18 years of age, except for the time lost through the worker's illness or default, or on account of the temporary closing of the factory for cleaning or repairing the machinery.

(b) Such rate of payment shall in every case be irrespective of overtime. \* \* \*

(f) No premium in respect of the employment of any person shall be paid to or received by the occupier, whether such premium is paid by the person employed or by some other person; and if the occupier commits any breach of the provisions of this paragraph he is liable to a fine not exceeding £10 (\$48.67).

(g) In any case where a premium has been paid or received in breach of the last preceding paragraph, or where the occupier has made any deduction from wages, or received from the person employed or from any person on his or her behalf any sum in respect of such premium or employment, then, irrespective of any fine to which he thereby becomes liable, the amount so paid, deducted, or received may be recovered from the occupier in civil proceedings instituted by an inspector in the name and on behalf of the person concerned.

SECTION 9 (as amended by act of Dec. 3, 1910). In order to prevent shop assistants being employed in shops without reasonable remuneration in money, the following provisions shall apply:

(a) Every person who is employed in any capacity in a shop shall be entitled to receive from the occupier payment for the work at such rate as is agreed upon, being in no case less than 5s. (\$1.22) per week for the first year, 8s. (\$1.95) per week for the second year, and 11s. (\$2.68) per week for the third year until a wage of 20s. (\$4.87) a week is reached, and thereafter not less than 20s. (\$4.87) a week.

(b) Such rate of payment shall in every case be irrespective of overtime. \* \* \*

(f) No premium in respect of the employment of any shop assistant shall be paid to or be received by the occupier, whether such premium is paid by the shop assistant employed by some other person; and if the occupier commits any breach of the provisions of this paragraph he shall be liable to a fine not exceeding £10 (\$48.67).

(g) In any case where a premium has been paid or received in breach of the last preceding paragraph, or where the occupier has made any deduction from wages, or received from the shop assistant, or from any person on behalf of the shop assistant, any sum in respect of such premium or employment, then, irrespective of any fine to which he thereby becomes liable, the amount so paid, deducted, or received may be recovered from the occupier in civil proceedings instituted by the inspector in the name and on behalf of the shop assistant concerned.

## BILL RECOMMENDED BY NEW YORK STATE FACTORY INVESTIGATING COMMISSION.

*An Act to protect the health, morals and welfare of women and minors employed in industry by establishing a wage commission and providing for the determination of living wages for women and minors.*

SECTION 1. A State wage commission, hereinafter referred to as the commission, is hereby created, consisting of three commissioners, to be appointed by the governor, by and with the advice and consent of the senate, one of whom shall be designated by the governor as chairman. The commissioner of labor shall also be an ex officio member of the commission but shall not have a vote on orders, decisions, or determinations. The term of office of appointive members of the commission shall be for three years, except that the first members thereof shall be appointed for such terms that the term of one member shall expire on January first, nineteen hundred and seventeen, and on January first of every succeeding year. Successors shall be appointed in like manner for a full term of three years. Vacancies shall be filled in like manner by appointment for the unexpired time. The commission shall have an official seal which shall be judicially noticed. The commission shall publish an official bulletin from time to time and shall make an annual report to the legislature of its investigations and proceedings on or about the first day of February.

SEC. 2. The commission may appoint and remove a secretary and such other employees as may be needed to carry out the provisions of this chapter. The authority, duties, and compensation of all subordinates and employees shall be fixed by the commission.

SEC. 3. Each commissioner shall be paid ten dollars for each day's service. The commissioners and their subordinates shall be entitled to their actual and necessary expenses while traveling on the business of the commission. The salaries and compensation of the subordinates and all other expenses of the commission shall be paid out of the State treasury upon vouchers signed by the chairman.

SEC. 4. The commission shall hold stated meetings at least once a month during the year and shall hold other meetings at such times and places as the needs of the public service may require, which meetings shall be called by the chairman or by any two members of the commission. All meetings of the commission shall be open to the public. The commission shall keep minutes of its proceedings, showing the vote of each commissioner upon every question and records of its examinations and other official action.

SEC. 5. Any investigation, inquiry, or hearing which the commission is authorized to hold or undertake may be held or taken by or before any commissioner or the secretary, and the decision, determination, or order of a commissioner or the secretary, when approved and confirmed by the commission and ordered filed in its office, shall be deemed to be the decision, determination, or order of the commission. Each commissioner and the secretary shall, for the purposes of this chapter, have power to administer oaths, certify to official acts, take affidavits and depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, and documents before the commission or before any wage board created pursuant to this chapter.

SEC. 6. The commission shall adopt reasonable rules regulating and providing for the method of making investigations; the conduct of hearings, investigations, and inquiries; the organization and procedure of wage boards created pursuant to this chapter; and otherwise for carrying into effect the provisions of this chapter.

SEC. 7. The commission or a commissioner or secretary or a wage board in making an investigation or inquiry or conducting a hearing shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure.

SEC. 8. A subpoena shall be signed and issued by a commissioner or by the secretary of the commission and may be served by any person of full age in the same manner as a subpoena issued out of a court of record. If a person fails, without reasonable cause, to attend in obedience to a subpoena, or to be sworn or examined or answer a question or produce a book or paper, or to subscribe and swear to his deposition after it has been correctly reduced in writing, he shall be guilty of a misdemeanor.

SEC. 9. If a person in attendance before the commission or a commissioner or the secretary, or before any wage board, refuses, without reasonable cause, to be examined, or to answer a legal and pertinent question or to produce a book or paper, when ordered so to do by the commission or a commissioner or the secretary, the commission may apply to a justice of the supreme court upon proof by affidavit of the facts for an order returnable in not less than two nor more than five days directing such person to show cause before the justice who made the order, or any other justice of the supreme court, why he should not be committed to jail. Upon the return of such order the justice shall examine under oath such person and give him an opportunity to be heard; and if the justice determines that he has refused without reasonable cause or legal excuse to be examined or to answer a legal and pertinent question, or to produce a book or paper which he was ordered to bring, he may forthwith, by warrant, commit the offender to jail, there to remain until he submits to do the act which he was so required to do or is discharged according to law.

SEC. 10. Each witness who appears in obedience to a subpoena before the commission or a commissioner or the secretary, or before a wage board or person employed by the commission to obtain the required information, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in the supreme court, which shall be audited and paid from the State treasury in the same manner as other expenses of the commission. A witness subpoenaed at the instance of a party other than the commission, a commissioner, the secretary, or wage board or person acting under the authority of the commission, shall be entitled to fees or compensation from the State treasury, if the commission certify that his testimony was material to the matter investigated, but not otherwise.

SEC. 11. The commission may cause depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in the supreme court.

SEC. 12. Upon request of the commission, the commissioner of labor shall cause the bureau of statistics and information or other bureaus of the department of labor to gather such statistics and information as the commission may require.

SEC. 13. Every employer of women and minors shall keep a register of the names and addresses of and the wages paid to all women and minors employed by him, the occupation of each and the number of hours that they are employed by the day or by the week, and their actual working hours for such periods, and every such employer shall on request, permit the commission or any of its members or its secretary or agents to inspect such register. Every such employer shall also furnish in writing to the commission any information concerning the foregoing matters that the commission may require.

SEC. 14. The terms "living wage" or "living wages" shall mean wages sufficient to supply the necessary cost of living and to maintain the worker in health, and where the words "minimum wage" or "minimum wages" are used in this act they shall be deemed to have the same meaning as "living wage" or "living wages."

SEC. 15. The commission shall have power to investigate wages and working conditions in any occupation in the State in order to determine whether living wages are



paid to women and minors employed therein. Such investigation shall also be made at the request of not less than one hundred persons engaged in any occupation in which any women or minors are employed. The names of the persons making such request shall not be made public.

SEC. 16. If after such investigation the commission has reason to believe that a substantial number of women and minors employed in the occupation investigated receive less than living wages, the commission shall establish a wage board consisting of an equal number of representatives of employers in the occupation in question and of persons to represent such employees in said occupation and of one or more disinterested persons appointed by the commission to represent the public. So far as practicable the selection of members representing employers and employees shall be through election by employers and employees affected, respectively. The commission shall designate the chairman from among the representatives of the public and shall exercise exclusive jurisdiction over all questions arising with reference to the validity of the procedure and of the determination of the board. The members of wage boards shall be compensated at the same rate as jurors in civil cases in the supreme court in the county of New York and shall be allowed the necessary traveling and clerical expenses incurred in the performance of their duties, which shall be paid as are the expenses of the commission.

SEC. 17. Each wage board shall have access to all of the statistics and information gathered by the commission with reference to wages and conditions in any occupation under investigation and any other data pertinent thereto. Each wage board shall, after a careful investigation and after such public hearings as it finds necessary, endeavor to determine the amount of the living wage, whether by time rate or piece rate, suitable for a female employee of ordinary ability in such occupation or any or all of the branches thereof, and also suitable minimum wages for learners and apprentices and for minors below the age of eighteen years. In determining such living wage the board may take into consideration the financial condition of the industry and distribute any advance in wages that may be found necessary, to take effect at specified intervals. If the majority of the members of the wage board agree upon such wage determinations, they shall report such determinations to the commission, together with a statement of the reasons therefor and facts relating thereto.

SEC. 18. If the commission deems proper, it may, after it receives the report of a wage board, recommit the subject or any part thereof to the same or to a new wage board. If the report of a wage board is accepted by the commission, a summary of its findings and determinations shall be published in the bulletin of the commission and in such other manner as the commission may deem advisable. Copies of the full report of the wage board, together with the testimony taken before it, shall be kept on file at the office of the commission and open to public inspection. The commission shall hold a public hearing on the report of the wage board, notice of which shall be published in such newspapers as the board may prescribe, at least once, not less than thirty days prior thereto, and given by mail to all parties in interest who have filed requests therefor with the commission. The commission, upon consideration of the report and findings of the wage board and the testimony taken at the public hearing, shall then determine the amount of the living wage by time rate or piece rate suitable for a female employee of ordinary ability in the occupation investigated, or any or all of the branches thereof, and also suitable minimum wages for learners and apprentices and for minors below the age of eighteen years. The commission shall fix a time when its determination of such living wage shall take effect, which shall be not less than thirty days from the date of entry of such determination. In determining such living wage the commission may take into consideration the financial condition of the industry and distribute any advance in wage that may be found necessary to take effect at specific intervals. A summary of the findings of the commission and its determinations and recommendations shall be published in the bulletin of the commission and in such newspapers as the commission may prescribe and in such other manner as the commission may deem advisable. A summary of such findings, determinations, and recommendations shall be mailed to all persons who have filed requests therefor with the commission. If the wage board fails to submit a report within a reasonable time fixed by the commission, the subject may be referred to a new wage board, or the commission itself, after notice that the board has failed to make any determinations or recommendations, may proceed to hold a public hearing and determine the amount of the living wage in the manner hereinbefore provided.

SEC. 19. In any occupation or branch thereof in which a minimum time rate of wages only has been fixed, the commission may issue to a woman physically defective a special license authorizing her employment for a wage less than the legal minimum

wage: *Provided*, That the number of such licensees shall not exceed one-tenth of the entire number of women and minor workers in any establishment.

SEC. 20. Whenever a minimum-wage rate has been established in any occupation, the commission may, upon petition of either employers or employees, reconvene the wage board or establish a new wage board and any recommendation made by such board or action thereby shall be dealt with in the same manner as the recommendation or act of a wage board under sections seventeen and eighteen hereof.

SEC. 21. The commission may inquire into wages paid to minors in any occupation in which the majority of employees are minors and may, after giving public hearings, determine the minimum wage suitable for such minors. When the commission has made such a determination it shall proceed in the same manner as if the determination had been recommended to the commission by a wage board.

SEC. 22. The commission shall from time to time make inquiry to determine whether employers in each occupation investigated are obeying its orders and determinations and shall publish in such newspapers as it may designate the names of those employers who fail to comply therewith. The type in which the employers' names shall be printed shall not be smaller than that in which the news matter of the paper is printed. Such publication may also be made in any other manner that the commission may determine to be necessary or proper.

SEC. 23. Any newspaper neglecting to publish the findings, orders, determinations, recommendations or notices of the commission at its regular rates for the space taken shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars for each offense.

SEC. 24. No member of the commission and no newspaper publisher, proprietor, editor, or employee thereof, and no other person shall be liable to an action for damages for publishing the name of any employer in accordance with the provisions of this act, unless such publication contains some willful misrepresentation.

SEC. 25. Any employer who discharges or in any other manner discriminates against any employee because such employee has testified or is about to testify, or has served or is about to serve upon a wage board, or is or has been active in the formation thereof, or has given or is about to give information concerning the conditions of such employee's employment, or because the employer believes that the employee may testify or may serve upon a wage board, or may give information concerning the conditions of the employee's employment in any investigation or proceeding relative to the enforcement of this act, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than two hundred dollars and not more than one thousand dollars for each offense.

SEC. 26. This act shall take effect October first, nineteen hundred and fifteen.



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## MINIMUM-WAGE LEGISLATION.

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