

There is peculiar necessity for protecting through legislative means those classes of female workers who are employed in laundries, factories, and other similar industries. Eight hours of continuous work of that character is as much as should be exacted from any woman, and there is general agreement among those who have investigated the subject that the well-being of the community would be consulted through the adoption of an eight-hour day for all women employed in such occupations. (Page 18.)

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

No one who studies the actual working of the Factory Code can doubt that it will be perfected just in the measure in which all these differences are abolished and an equal adequacy of protection extended to all the places and all the persons who work. The ideal is that the regulations of all places in which manufacturing work for gain is carried on should approximate as closely as possible to those which obtain in the most completely guarded places, namely, the textile factories . . . the textile factory is cursed by no such overtime exception as elsewhere undermines the value of the hours' limitation.

The overtime exception is doomed. Unless some unforeseen change in our industrial conditions revolutionizes the present order of things, the total abolition of overtime for women must follow on that for young persons, which was virtually accomplished by Mr. Asquith in 1895. . . . The case for abolition was as clearly proved as the complete consensus of opinion on the subject of those who work under the exception and those who have to enforce it could prove anything. The opinions of H. M. Inspectors of Factories and the opinions of the organized women workers were all but unanimous against allowing any overtime. These opinions, the expression of which dates back to the Royal Commission of 1875, are based on arguments which carry with them conviction on many grounds. Over and over again the view is stated that with better organization of the business the need for overtime disappears. Cases are quoted to prove that many large dressmaking and millinery firms never avail themselves of this exception, and the great object lesson of the textile trade is given. In all textile factories, and in a great many non-textile factories, to which no exception has been granted, organization and management quite easily cope

with the recurring season pressure, and the trade automatically adapts itself to the law's requirements. In other non-textile factories and workshops, to which the overtime exception has been extended, demands no more urgent are met by the deliberate over-taxing of the workers' health and strength. (Page 153.)

In 1878, when this industry (fruit-preserving (jam-making) factories) was first brought under inspection, the employers protested against any regulation of the hours of labor, or even of sanitation, during the jam-making season, on the plea that the fruit had to be dealt with as it was delivered. The House of Commons, instead of insisting that the employers should exert their brains so as to cope with difficulties inherent in their particular trade, weakly accepted their plea, and exempted them from the Common Rules enforced on other industries. What has been the result? The majority of British jam factories at the beginning of the twentieth century present, during the summer months, scenes of overwork, overcrowding, dirt and disorder, hardly to be equalled by the cotton mills at the beginning of the nineteenth century. Women and young girls are kept continuously at work week-days and Sundays alike; often as much as a hundred hours in the seven days; and sometimes for twenty or even thirty hours at a stretch.

. . . As if on purpose to complete the proof that these shortcomings are not inevitable in the business, and are merely the result of a disastrous exemption from regulation, we have the fact that, here and there, in different parts of the kingdom, a few firms stand out as preferring the "upward way"; scientifically organizing their supplies, providing cold storage, working their operatives only normal hours, and seeing to it that the work-places are clean and healthy. If the "downward way" were barred by law, as it is in cotton-spinning, all jam-making firms would long ago have been forced into the same course. (Page 50.)

B. *Opinions of Employees*

History of Factory Legislation. HUTCHINS and HARRISON.

In June, 1847, after the Bill became a law the rejoicings throughout the manufacturing districts were such as had never been known before. (Page 96.)

In order to test the general feeling, 10,270 adult male laborers

in ten factories were examined as to their views on the question, and of these seventy per cent declared for a ten-hours day (for women and young persons) even though it might involve a reduction in wages. (Page 99.)

Report of the Massachusetts Bureau of Labor Statistics, 1871.

I have worked what is called ten hours a day, and the ten-hour system always has a good influence on the work-people. We don't lose one-eleventh of the pay, everybody knows that. I did n't lose a single cent, because I did n't get so much exhausted. . . . (Page 498.)

To prove the soundness of the ten-hour claim, the operatives instance the reduction in the past, from sixteen to fourteen, to thirteen and to twelve, and from twelve to eleven hours. They also point to the twenty-one years' experience in Great Britain, where the reduction was made in 1850 from twelve to ten, a reduction of one-sixth of the working day. (Pages 557-558.)

Report of the British Chief Inspector of Factories and Workshops, 1877.

“ Since the meeting of the Trades Union Congress at Leicester, however, I have made it my business to ascertain, so far as I could, the opinion of women employed in different occupations in London as to the influence of the Factory Acts, and I can say confidently that without a single exception I have found the limitations imposed upon their hours of work most cordially approved of, and the greatest anxiety and positive alarm entertained at the prospect of any relaxation which would expose them to the irregular and uncertain hours of work which prevailed prior to the passing of the Factory Act of 1867. Among what class of working-women of London it can be pretended that the regulations and restrictions imposed by the Factory Acts are unpopular, I confess I am altogether at a loss to understand. All I can say is that notwithstanding most diligent inquiry I have entirely failed to meet with them. . . .”

A—— F—— states: “. . . I decidedly prefer to work the hours fixed by the Factory Acts. After working as a book-folder for about five years I left, as I found the long and irregular hours made me ill. I have never had any illness since the Factory Act came into operation. The general opinion among the women in the

shop is that they prefer working under the Factory Act, and they grumble much when they are kept later than eight o'clock."

E—— B——, a book sewer, says: "I have been six years employed in the sewing department. I am very well satisfied with the Factory Acts as they are, and I think all the sewers are of opinion that it is a good law, as it prevents excessive overwork. I had no experience of the trade before the passing of the Factory Act, but from what I have been told, the state of things must have been dreadful. I have never heard any of the women complain of the Factory Act in any way, nor of its preventing them from getting employment; and as far as I can judge, the number of women employed in the book-binding trade is increasing." (Pages 12, 13.)

Report of the Massachusetts Bureau of Labor Statistics, 1881.

What is the greatest desire of the factory operatives? We reply, Beyond all question, one of the greatest desires of the factory operatives of America, relative to employment, is for ten hours.

. . . We have examined hundreds, a large part of them overseers, and altogether the greater part of them are in favor of ten hours anyway, let the pay come as it will. (Page 464.)

Report of Connecticut Bureau of Labor Statistics, 1888.

The law forbidding the employment of women and children for more than ten hours per day, or sixty hours per week, has met with general public favor. In a majority of cases the law is conscientiously obeyed. (Page 25.)

Report of the Connecticut Bureau of Labor Statistics, 1890.

. . . The violation of this law is objected to by the most of the working people, on the ground that ten hours out of twenty-four make as long a day as women and children should ever be required to work. (Page 29.)

Report of the German Imperial Factory Inspectors, 1895.

In regard to efforts made to abolish female labor in factories, the inspector for the Dresden district remarks: "Among the workers themselves, even married women, there is no emphatic desire to prohibit industrial work for women, *provided that* this labor was subject to certain limitations, — did not occur at night or on Sundays, and did not last more than ten hours by day." (Page 93.)

Report of the German Imperial Factory Inspectors, 1895.

“For the working-women, even for those who suffer loss of wages, the ten-hours day on Saturday, closing at 5.30 is very welcome, as they have stated in numerous cases, and there is no doubt that the law meets the wishes of the workers.” (Page 150.)

Report of the New York Bureau of Labor Statistics, 1900.

We have thus seen how industrial efficiency has been improved to such an extent by legislative restrictions upon the hours of labor that the maximum length of the working day for women and minors has been successively reduced until it is nine and one-half in England and virtually the same in Massachusetts (fifty-eight hours a week), and that the extension of such legislation has been, and still is, desired by the operatives themselves, who would naturally be the principal sufferers if such a policy really meant diminished production. (Page 58.)

Labor Laws for Women in Germany. Dr. Alice Salomon. Published by Women's Industrial Council. London, 1907.

A chief means to this end, desired not merely by the women of Germany, but by most of her great political parties, is the reduction of the maximum working day to ten hours (to start with), a demand long since ripe for settlement, which has been proved practicable by enquiries of a Government Commission. For this concession working-women have already fought many a hard battle, and it ought no longer to be withheld from them, especially in view of the fact that most firms employing women have already adopted the ten-hours day, so that the legal enforcement of this measure would merely compel backward employers to bring their establishments up to date. (Page 9.)

*C. Opinions of Employers**Report of the German Imperial Factory Inspectors, 1884.*

Report for the Rhine Province, District of Dusseldorf — Dr. Wolf:

The question as to the length of the working day and as to whether it should be regulated by the State has been much discussed.

At a meeting at Gladbach of Textile Manufacturers it was resolved "that the length of the working day can be effectively regulated only by the laws of the country, and that such regulation should be urged." (Page 150.)

Report of the German Imperial Factory Inspectors, 1888.

The report for the district of Chemnitz says that the manufacturers of that district have repeatedly expressed a desire for the introduction of the ten-hour day. (Page 114.)

United States Industrial Commission, 1900.

We may find that it is desirable in time to do by law what a few persons are doing voluntarily. It is in that way that the original ten-hour law was tried tentatively in England; a few manufacturers tested the matter in their own factories and found that their people could do as much in ten hours as they theretofore had been doing in twelve and thirteen; that made the law seem reasonable. (Page 64.)

Women in the Printing Trade. Edited by J. R. MACDONALD. London, 1904.

Some employers, like Mr. Bell, admit candidly enough that legislation enables them to be more humane (and humanity in this respect pays) than they could otherwise afford to be. The Act is "a great relief," such an employer has said. "Legislation is an excellent thing; existing hours are quite long enough. If a person has not done her work by the time they are up, she never will do it." "The Factory Acts are a very good thing," another has said. . . . "Legislation is a very good thing. I don't believe in long hours. Employers are often shortsighted and think that workers are like machines — the longer you work them the more they do; but this is not really the case; if they work from nine to seven they have done as much as they are good for." "The good done by the Factory Acts has quite outweighed any evils or hardships." (Page 82.)

VII. LAUNDRIES

The specific prohibition in the Oregon Act of more than ten hours' work in laundries is not an arbitrary discrimination against that trade. Laundries would probably not be included under the general terms of "manufacturing" or "mechanical establishments"; and yet the special dangers of long hours in laundries, as the business is now conducted, present strong reasons for providing a legal limitation of the hours of work in that business.

A. *Present Character of the Business*

Massachusetts Bureau of Statistics of Labor. 1872.

Laundries: Much of this work is very fatiguing, and but few are able to endure the labor from month to month. (Page 96.)

Dangerous Trades. THOMAS OLIVER, *Medical Expert on Dangerous Trades Committees of the Home Office.* 1902. Chapter XLVII. *Laundry Workers.*

It is perhaps difficult to realize that the radical change which has everywhere transformed industrial conditions has already affected this occupation (laundry work) also, and that for good or for evil the washerwoman is passing under the influences which have so profoundly modified the circumstances of her sister of the spinning-wheel and the sewing needle. When the first washing machine and ironing roller were applied to this occupation, alteration in the conditions became as much a foregone conclusion as it did in the case of the textile or the clothing manufactures, when the spinning frame, the power loom, or the sewing machine appeared.

Meanwhile, few industries afford at the present time a more interesting study. From a simple home occupation it is steadily being transformed by the application of power-driven machinery and by the division of labor into a highly organized factory industry, in which complicated labor-saving contrivances of all kinds play a prominent part. The tremendous impetus in the adoption of machinery, and the consequent modification of the

system of employment so striking in the large laundries, is not greater than the less obvious but even more important development in the same direction among small laundries. Indeed the difference is rapidly becoming one of degree only. In the large laundries may be found perhaps more machinery and a greater number of the newest devices, but the fundamental change has affected all alike.

“With this advent of machinery and subdivision of labour, the whole character of the industry has changed. It is becoming more and more evident that, from the smallest to the largest laundry, the industry is passing — has indeed in some respects already passed — out of the peculiar position which it has hitherto occupied, and is taking its place alongside ordinary trades.”¹

The manufacture of laundry machinery, to which much energy and capital is devoted, is every year increasing. New and ingenious inventions and improvements constantly appear, many of which come from America, whence a considerable amount of this machinery is imported.

The “calender machine” has been adapted to laundry work, and is now commonly found in quite small laundries; it consists of huge steam or gas heated cylinders, varying from four to eight or nine feet long, either revolving singly in a metal bed, as in the case of the “decoudun,” or on each other, as in the case of the multiple-roller calenders. The linen is generally drawn in under the hot, revolving rollers, which thus “iron” it smooth and glossy, a cloud of steam arising as each damp article passes under the roller. Constant care is required to so put the work under the machine that the hands are not also drawn under; want of attention may be followed by an accident, and even where care is exercised the fingers may be entangled in a string or hole in the material and the hand thus drawn in. The heat given off by these machines is sometimes very great; a temperature of over 90° F. may be registered even in winter on the feeding-step in front of this machine. . . . at which little girls stand all day long. (Pages 663–666.)

This work is not the light and often pleasant occupation of sewing or folding. It is not done sitting down. From morning to night these young girls are constantly standing; they are generally tending machines, the majority of which are specially heated, and they work in an atmosphere in which steam, which

¹ Annual Report of the Chief Inspector of Factories for 1900.

is nearly always present, makes the high temperature far more oppressive than would be the case if the air were not thus artificially saturated to an excessive degree with moisture. Steam rises from the calenders and various machines. It is given off also by the damp clothes, which in many laundries, even large ones, hang drying or airing overhead or on "horses" in the room. The conditions in this respect are often at least as trying as in any spinning-mill, and the hours during which the girls are exposed to them very much longer. (Page 670.)

Colorado. Third Biennial Report of the Bureau of Labor Statistics, 1891-1892. Part II. Female Wage Earners.

In some laundries the hours of employment during the rush frequently extend to eleven and twelve hours per day, although no extra compensation is paid to female employees, with but few exceptions. . . . While machinery to a large extent relieves her (the female laundry worker) of much work, the full strength of her physical endurance is taxed by a tedious attention to the duties assigned her. (Page 28.)

B. *Bad Effect upon Health*

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

The whole work of a laundry is done standing, and the practice of so apportioning the legal "sixty hours a week" that on three or four days in the week the women have to work from 8 A. M. to 10 or 11 at night — a practice which could be, and where there is proper organization often is, rendered needless — has its natural result in the form of disease to which laundry workers are extremely liable. It is well known that they suffer much from varicose veins, and terrible ulcers on the legs; but the extraordinary extent to which they are so afflicted is, I think, not generally known. In many other trades standing is a necessary condition, and it is difficult to account for the far greater prevalence of this disease among laundry workers than among others of the same class engaged in ordinary factory occupations, except on the ground of the long and irregular hours. (Page 383.)

With a view to arriving, if possible, at some definite knowledge of the position of laundry workers as compared with other women of their class and situation, in regard to the question of health, I have this year devoted some time to inquiring into the

subject in the districts under my charge and in neighboring localities. . . . By the kindness of the superintendents of the two first infirmaries (Islesworth, and Wandsworth and Clapham) I have been able to examine the carefully kept records of the number, ages, occupations, and diseases of the patients. The following tables, compiled from these records, speak for themselves, and afford some indication of the kinds of disease to which laundry workers appear to be particularly liable. (Page 384.)

TABLE A. ISLESWORTH INFIRMARY
(Includes Acton, Chiswick, Brentford — a typical laundry district)

	No.	Suffering from ulcers on the legs.	Per cent.	Phthisis.	Proportion.
1898					
Laundresses . . .	58	9	1 in 6	6	1 in 10
Women, other than laundresses . .	179	7	1 in 25	7	1 in 25
1899					
Laundresses . . .	79	13	1 in 6	9	1 in 9
Women, other than laundresses . .	218	7	1 in 31	11	1 in 20

TABLE B. WANDSWORTH AND CLAPHAM INFIRMARY
(Includes Battersea — another laundry district)

	No.	Ulcers on the legs.	Proportion.	Rheumatism.	Proportion.	Bronchitis.	Proportion.	Phthisis.	Proportion.
1899									
Laundresses	247	36	1 in 6	16	1 in 16	45	1 in 5	21	1 in 11
Women, other than laundresses	1171	50	1 in 23	49	1 in 22	129	1 in 9	63	1 in 19
1900									
Laundresses	199	27	1 in 7	12	1 in 16	21	1 in 9	18	1 in 11
Women, other than laundresses	1127	41	1 in 27	69	1 in 16	133	1 in 9	59	1 in 19

At the Fulham and Hammersmith Infirmary about the same proportions exist, but it was not so easy to collect accurate statistics. . . . The figures supplied by the records of the cases attended by the Kensington District Nursing Association show a large proportion of ulcerated legs and of forms of internal disease aggravated by standing for long hours. I was struck by the absence of any particular liability to skin disease . . . noticed . . . some years ago, but . . . since almost disappeared. The immensely increased use of machinery in the process of washing . . . may account for this difference.

The constant exposure to steam, standing on wet floors, the great heat in which the work is carried on, and the long hours at exhausting work, amply explains the tendency to pulmonary disease. The badly arranged floors in large wash-houses are a constant source of discomfort and probably of ill-health to the workers. . . . It is not uncommon to find that the yellow and foul water from a row of tanks or washing machines at one side of a wash-house flows all across the floor and over the feet of the workers before eventually reaching the drain. . . . (Page 385.)

Dangerous Trades. THOMAS OLIVER, M.D., *Medical Expert of the Dangerous Trades Committee of the Home Office.* 1902.

It is impossible that the heat and steam, the exhausting manual labour (all of which is done standing), and above all the excessively long hours of work in this ill-regulated industry, can fail to have a marked effect on the health of the workers as a class. In 1893 and 1894, when inquiry as to these conditions preceded the passing of the Act of 1895, the periods of work of women and young girls were found to be excessively long — and they are still not only very long, but extraordinarily irregular. The most immediately obvious effect on health is to be found in the prevalence among these workers of ulcers on the legs and varicose veins. It would perhaps be hardly credited by any who are not intimately acquainted with them to what extent these poor women suffer in this respect. To stand at work all day is the lot of many industrial workers, but in no other woman's industry is this form of suffering so serious. In certain well-defined laundry districts in West London an inquiry at the Poor Law Infirmary, to which, and not to the hospitals, the poor woman suffering from this troublesome and painful ailment most naturally resort,

demonstrated the peculiar liability of laundry workers in this respect.

Ironers suffer from headaches and sore eyes, which result from constantly bending over the gas-heated irons in general use. The fumes from the tiny gas-jets — unless these and the air supply to each iron are very carefully regulated — are disagreeably noticeable on entering the room, and sometimes even the laundry, and are of course worst of all just above the iron so heated.

It would be interesting to test the accuracy of this general impression, which is shared by many medical and philanthropic persons who are interested in laundry workers, if figures were available on which to base a calculation of the “expectation of life” among these women. “Worn out while still young” is the expression constantly used by those whose professional work brings them into contact with these women when speaking of the effect of the occupation on health. (Pages 668–671.)

C. Bad Effect on Safety

Report of British Chief Inspector of Factories and Workshops, 1903.

The comparative immunity from accidents in the laundries in the West Riding of Yorkshire may be possibly due in some measure to the moderate hours of employment.

The incidents of accidents according to time of day is somewhat surprising, the most dangerous hours apparently being 11 A. M. to 12 noon and 4 to 6 P. M. . . . Probably 11 A. M. to 12 noon is more generally than any other time the last tiring hour of a day five hours' spell; 4–6 P. M. covers the time when most generally the transition is from daylight to artificial light.” (Page 210.)

Reference was also made (in the Thirteenth International Congress of Hygiene), although figures were not adduced, to the alleged increase in the number of accidents which occur late in the working day when the effect of intellectual and physical fatigue have made themselves apparent. (Page 298.)

D. Bad Effect upon Morals

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

One of the most unsatisfactory results of the present system or lack of system of working hours in laundries is the unfortunate

moral effect on the women and girls of this irregularity. The difficulty of securing steady regular work from employees and of insuring punctual attendance is complained of on all sides, and the more intelligent employers are beginning to see that this is the natural result of the irregularity in working hours, which is still too readily fostered by many who do not realize its mischievous effect. Women who are employed at arduous work till far into the night are not likely to be early risers nor given to punctual attendance in the mornings, and workers who on one or two days in the week are dismissed to idleness or to other occupations, while on the remaining days they are expected to work for abnormally long hours, are not rendered methodical, industrious, or dependable workers by such an unsatisfactory training. The self-control and good habits engendered by a regular and definite period of moderate daily employment, which affords an excellent training for the young worker in all organized industries, is sadly lacking, and, instead, one finds periods of violent over-work alternating with hours of exhaustion. The result is the establishment of a kind of "vicious circle"; bad habits among workers make compliance by their employers with any regulation as to hours very difficult, while a lack of loyal adherence to reasonable hours of employment by many laundry occupiers increases the difficulty for those who make the attempt in real earnestness. (Page 386.)

Dangerous Trades. THOMAS OLIVER, M.D., *Medical Expert to Dangerous Trades Committee of the Home Office.* 1902.

The ten minutes or quarter-hour "lunch" of "beer" is common, and the "beer-man" who goes his rounds at 10 A. M. and 6 or 7 P. M. to all the laundries, delivering his cans of beer from the nearest public house, is an institution which is, I believe, unknown in any other trade. Imagine the amazement of the master of a mill or weaving factory if his employees were to stop in a body for a quarter of an hour twice a day between meals to drink beer! Yet in many laundries the beer is kept on the premises for the purpose, and it is certain that as long as time thus wasted (to put in on the lowest grounds) can be made up by each separate woman "working it out" at the end of the day, irregular dawdling and intemperate habits will be encouraged. On the other hand, a woman who is expected on Thursdays or Fridays to be in the laundry from 8 or 8.30 in the morning till 9 or 10 or 11 at night

may claim with some show of reason that only by some kind of spur can she keep her over-tired body from flagging.

E. Irregularity of Work

Debate in the British House of Lords on Clause 30, Factory and Workshops Bill. Hansards' Parliamentary Debates, 1890-1891. Vol. CCCLV.

THE EARL OF DUNRAVEN. . . . But the hours that the women work (in laundries) are excessively long . . . I know it has been said, and it may be repeated in your Lordships' House, that this business is in the nature of a season trade; that there comes a sudden rush of work, and that it cannot be performed and the business carried on unless those employed in it work excessively long hours. Believe me, that is all nonsense. It may be the cause at the present time; but if the hours are limited, as they ought to be, the trade would very soon adapt itself to the new conditions. . . . Of course, my noble friend on the cross benches (Lord Wemyss) may be perfectly right in saying that it is a mistake altogether to interfere with the liberty of adult women; but if so, let us at least be consistent and do away with all our factory legislation affecting adult women. (But if our factory legislation interfering with adult women is beneficial, as I believe it to be, then why . . . should it not be extended to these women who are engaged in this laborious work. (Page 1034.)

THE MARQUESS OF RIPON. . . . Then as to hours . . . surely in regard to work that is so hard and so laborious these poor women (laundresses) have just as good a claim to have their hours regulated as have the milliners and women employed in boot-makers' establishments, who are brought under the regulations of the Factories and Workshops Act. . . . Some of the noble Lords who have addressed the House have spoken as if our factory legislation was a thing to be deprecated and not extended. I believe it to be, as my noble friend behind me (Lord Sandhurst) said, one of the most successful portions of the legislation of this country. (Page 1038.)

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

The work of endeavoring to administer the regulation as to period of employment in (laundries) is extremely disheartening when work is carried on in spurts, the shamefully long hours, straining endurance to the utmost, alternating with days of idleness; the worker cannot be expected to develop any qualities but those of the casual laborer. (Page 174.)

CONCLUSION

We submit that in view of the facts above set forth and of legislative action extending over a period of more than sixty years in the leading countries of Europe, and in twenty of our States, it cannot be said that the Legislature of Oregon had no reasonable ground for believing that the public health, safety, or welfare did not require a legal limitation on women's work in manufacturing and mechanical establishments and laundries to ten hours in one day.

See *Holden v. Hardy*, 169 U. S. 366, 395, 397.

LOUIS D. BRANDEIS,
Counsel for State of Oregon.

BOSTON, *January*, 1908.