

FACTORY INSPECTION IN THE UNITED STATES

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The subject of labor legislation has never received any serious consideration from the successful business men of the United States, because interference with the "private affairs of the individual" has been looked upon as socialistic and un-American. The enthusiastic supporter of the Dingley tariff preaches an extreme doctrine of *laissez faire*, when forced to discuss so unimportant a subject as the conditions under which the wage-worker labors; if he acknowledges the existence of evils in the absence of regulation, it is a grudging concession to the sentimentalist or the meddling American woman. Yet at no time in the industrial countries of Europe have manufacture and trade been free from governmental interference; in England the old mercantile regulations were not swept away before the crying evils incident to the new methods of industry had called forth the factory laws. The first timid effort toward amelioration was the ineffectual statute regarding the employment of pauper children passed by the British Parliament in 1802; this was followed by a succession of laws affecting a larger and larger number of children, and then including women and men, until today there is hardly an industry in Great Britain that is not regulated by statute as regards the hours of labor for women and children, sanitary conditions, and the guarding of machinery. The factory codes of other European countries, like their industries, are of much more recent origin than those of England, but they are elaborate and effective in prohibiting the labor of young children and insuring the laboring man and woman fair conditions of work. The United States has followed these examples rather haltingly, and certainly has no cause for self-gratification over the manner in which she has safeguarded her factory workers against the dangers of their callings. This indifference is surprising in a

country of democratic ideals, and is to be explained by a consideration of several facts in economic and social life. The richness of the country in industrial opportunity, the rapid advancement from the lower to the higher social and industrial classes of capable men, and the filling-up of the lower ranks by immigrant foreign workers, who in turn quickly rise from their first lowly state, have all served to blind the people to the necessity of a permanent class of factory laborers whose welfare is a matter of primary importance. The factory hand has been looked upon as a trifling fellow, who might have raised himself out of his undesirable position, if he had been capable and industrious. Of course, in recent years trade-unionism has been forcing upon public attention the needs of wage-workers and the solidarity and permanence of a manual laboring class. In the second place, the rapidity with which industries develop in communities that are little acquainted with the complications of modern industrial methods, and are ruled by the social and economic ideals of rural life, explains the indifference of the people of many of the newer states. Again, the representatives of organized capital in the legislative assemblies of our commonwealths are not opposed by any rich and powerful landed proprietors who have inherited a grudge against the manufacturing interests and also some traditional sense of responsibility toward the laboring classes, so that the influence of the employers is much more nearly supreme than in England, where such opposition does exist. Of more importance than all other considerations is the fact that under our federal system of government the regulation of labor and industry is left to the individual states. Since there are no commercial boundaries to correspond to these political lines, the case is that of the chain whose strength is no greater than that of its weakest link; for whether or not the enlightened policy of a state can prove its undoing economically, there are always legislators ready to believe this to be true. And for the time being it is quite possible that an industry in an enlightened commonwealth, which restricts the hours of labor for women and children, and imposes requirements of expensive safeguards for dangerous machinery, may suffer from the competition of unregulated plants in neigh-

boring states. The cotton manufacturer of Massachusetts, limited in the number of hours he can employ women and children, and hampered by the extra cost of machine guards, must meet the price of the competitor in *ante-bellum* Georgia, who is unrestricted in his choice of methods; boys may not be employed in the glass houses of Ohio, but across an imaginary boundary line the Pennsylvania manufacturer works cheap lads when he chooses. This hardship often results in economies in the long run, for the necessity of decent methods is at times the mother of an invention which takes the place of the child; but the employer who clamors for a repeal of the limitations put upon him does not stop to consider this cold comfort.

Another obstacle in the establishment of effective regulation of industry is the extreme skepticism of a large part of the intelligent classes as to any further enlargement of state administrative duties; for as nothing succeeds like success, so nothing fails like failure, and the unedifying spectacle of inefficiency and dishonesty in our past and present public officials is a most potent argument against the establishment of urgent reforms. For the competent business man is somewhat justified in regarding any enlargement of government functions as a patent means of creating new offices with which to satisfy the claims of party supporters. His objection to having third-rate politicians interfere in the private affairs of the capable employer of labor blinds him to the real nature of the question. For these reasons the manual laborers must depend largely upon their own unaided efforts to decrease the dangers and hardships incident to their employment, although the aid of the more enlightened philanthropists and the club woman seeking for a cause may usually be counted upon. Among the altruistic agitators there have been, however, few men of note in public life—no Illinois Shaftesburys or New York Peels.

That, in spite of these unfavorable conditions, considerable progress has been made in the regulation of the conditions of labor is certainly true, and in this regard the meeting of the International Association of Factory Inspectors in August, 1905, in the city of Detroit was of considerable interest. It seems to

bode well for the better execution of the laws that the not too greatly respected state officials have been sufficiently interested in their work to form an association for the improvement of the service. This was done nineteen years ago at the instigation of Hon. Henry Dorné, of Ohio, and annual meetings have been regularly held since that time. The discussions of this convention were also of significance because they emphasized the necessity of greater uniformity in state legislation. Again and again inspectors declared that the indispensable condition of the effective regulation of child labor was the existence of the same or equivalent limitations upon competitors in different states. Of similar import were the meeting at Narragansett Pier, the object of which was the furthering of a movement toward greater uniformity in the private law of the commonwealths, and the divorce-law conference in Washington, called by Governor Pennypacker of Pennsylvania. Variety in statutes concerning these and similar subjects results in injustice or ineffectiveness. The inspectors' convention also offered an opportunity of studying an administrative type and of making some generalizations as to the more serious problems of factory inspection.

Besides attending the sessions of the convention and interviewing a number of officials during the course of the several pleasure excursions, the writer has sent out lists of questions regarding the working of the laws to the officials in those states in which there is any important amount of manufacturing. Rather interesting returns were received from twelve commonwealths; Massachusetts declined to answer because "it would cast a reflection upon parties interested;" New York and Maine ignored the request. Upon the whole, the information obtained is suggestive.

As a rule, the laws regulating the employment of labor have been won from indifferent legislatures as concessions to the labor vote, and the offices created in this way have been usually conceded to the unions as a sop to Cerberus. Officials answered questions concerning the influences that had brought about the passage of the laws as follows: that the unions had effected their adoption in Indiana, Kansas, Michigan, Ohio, Minnesota; in Illi-

nois, New York, and Wisconsin the statutes are said to be due to the combined efforts of unionists and philanthropists, and in West Virginia to the philanthropists alone. In some states a fairly well-organized labor lobby is maintained during the sessions of the legislature, but this elaborate arrangement of caring for the interests of labor is rather recent.

The laws, which are the resultant of such various forces as the opposition of the employers' representatives, the indifference and ignorance of a large part of the legislators, and the inexperience and sometimes mixed motives of the unionists, are often clumsy and ineffective. The experience of one state is disregarded often by its next neighbor; the newer commonwealths in adopting child-labor laws today have not taken the Massachusetts laws of the present as a model, but have gone back to the regulations of that state twenty years ago. In the matter of children's age and school certificates, for example, there is the greatest variety of provisions, and many of them are unsatisfactory. Upon the whole, however, there is no doubt that conditions of labor have been greatly improved as a result of the legislation of the last ten years.

Almost as important as the provisions of the statutes is the character of the persons who are appointed to administer them, and a factory inspectors' convention furnished a convenient opportunity to study this class. Of the twenty-five states providing for factory inspection about one-half sent delegates to the meeting. Connecticut was the only New England state represented; New York had four delegates; Ohio, six; Illinois had the presidency and sent two other inspectors. In all there were perhaps fifty delegates and visitors in attendance. As might have been expected, the great variety of types was the most marked fact about the personnel of the convention. Prominent in the discussions were a Methodist minister, a lawyer, a floor-walker, a carpenter, a cigar-maker, and a veteran of the regular army. A good proportion of the inspectors are trade-unionists, and practically all had been appointed because of work for the political party in power in the given state. For instance, a young cigar-maker explained his appointment as a deputy in a great

manufacturing state by saying that he had been precinct chairman and had done a good deal to elect the new governor, a man supported by the broad-minded element of his party. A much bejeweled lady from the same office proffered the information that she was on the staff because of her being the sister-in-law of the former governor. At the present writing an enlightened executive is with difficulty restrained from removing a chief, whom the friends of reform declare to be fairly honest and capable, in order to make a political appointment. Officials admit that practically all appointments are made for political reasons, though in some of the states of the Middle West, as in Massachusetts and New York, there is serious consideration of personal fitness within the limits of personal and party affiliations. This system of appointments, together with the small salaries, which cannot hold men who are efficient in business, results in a rapidly changing personnel of the various inspection forces and of the membership of the association. The chief inspector from Quebec, who had attended the meetings of this body for the last fifteen years, said that the new faces always outnumbered the old, and that there are now only two or three inspectors to be found who were at the first meetings. Chief officials from a dozen states answered questions upon this subject, and, in spite of the reticence of several correspondents, a few interesting details were gathered. The testimony showed generally that, except in states where there are civil-service regulations relating to this department of administration, the present incumbents would be removed if a governor of a different political party was elected. A number of officials said, however, that, while only partisans are appointed, they must be properly qualified and are appointed for efficiency. In Indiana and Ohio the chief inspector must be an expert mechanic; in Ohio the term of the head of the department is three years, while that of the governor is two years, and the force has been more permanent than in most other states; in twenty years there have been only four chief inspectors, and of the present force five have served more than five, eight more than three years. In Pennsylvania an answer to the question upon this point was refused, but Pennsylvania's reputation leaves little

doubt. Three-fourths of the officials had held office upward of five years. In Rhode Island there have been no changes in seven years; in West Virginia none in twelve years. In Minnesota the changes are frequent and appointments are frankly political. Wisconsin has during the past year placed the department under civil service rules; previously there were frequent changes. The provisions for the choice of inspector in Kansas are very peculiar; the labor unions choose delegates to form a society of labor and industry, which meets once a year and elects the usual officers, of whom the secretary is the commissioner of labor and factory inspector; of the effectiveness of such a system the writer has no information. Among the representative inspectors in attendance at the recent convention the former trade-unionists appeared to be the most serious-minded and practical. Some of the better-schooled men were apparently making their way up the political ladder, using the office of inspector as one of the rungs. According to good authority, this may be done effectively by extending one's acquaintance among the wage-workers and by making friends of the mammon of unrighteousness in the persons of employers who desire to be favored in the execution of the law. One of the most intelligent officials had been a leading politician in a small town, and had accepted the office of labor commissioner in order to have an occupation in the capital of the state, which was also the seat of the university, and thus be enabled to educate his daughter without sending her from home. A very different type was an inspector who has been president of a powerful union and had served two terms in the legislature of a great commonwealth. Such a man, while likely to have the faults incident to his rôle of labor agitator, will probably take his duties more seriously than one who has not been in the ranks of the wage-workers, and he is more frequently an able official than a professional man who can be attracted by the low salaries and uncertain tenure of office which these positions offer. Such considerations suggest the advisability of keeping distinct the duties of labor commissioner and chief inspector, the two offices requiring quite different qualifications. The functions of the commissioner of labor, as developed in the most enlightened common-

wealths, are those of a skilled statistician, possessing some managerial ability. The factory inspector should work in harmony with this department and should have the advice and direction of the statisticians in the presentation of reports and like matters, but he should be of the so-called practical type. Together these departments should have considerable influence in shaping legislation regulating the conditions of labor, for they are in the position of experts on these subjects. The reports of the labor commissioners and of factory inspectors are often badly arranged—undigested masses of facts, which repel all those who are not vitally interested in them. The significance of this material should be made clear in a well-written text; and a summary of the whole, together with the views of the department as to new legislation, should be popularized by publication in the daily press.

That part of the inspectors' duties which received most attention at the Detroit convention was the enforcement of the child-labor laws. Indeed, a disproportionate amount of time was spent upon this subject, probably because these regulations form a considerable part of the labor code of many states and because of recent agitation upon the subject. There was considerable variety of opinion as to the main points of these laws. Even upon the question of age, which has been settled by so many states at fourteen years, there was not entire unanimity of judgment. One of the New England representatives considered thirteen years quite high enough, and thought that some much better proof of physical fitness and education could be found than mere age certificates, since children vary so greatly in both. Another point that was discussed at some length was the question whether the law should be enforced strictly or with discretion; the arguments in favor of leniency being based upon the fact that the laws were so clumsily framed that they worked real hardship, if enforced strictly at all times; for instance, in Ohio the school authorities issue age and school certificates, but the law does not require them to do so at all times, so that for a considerable part of the year certificates cannot be obtained, yet the old minor labor law makes it an offense with penalty for an employer to have in his establishment any person under sixteen without keeping on record an age

and school certificate. In the Pennsylvania law, which is less than a year old, similar defects are complained of. If the parents' oath is accepted, there is no likelihood that the object of the certificate will be attained, for perjury is the rule rather than the exception. On the other hand, if a birth certificate is required, a hardship often results, because immigrants, and even Americans, frequently find it difficult or impossible to obtain such documents. For this reason, if for no other, physical fitness and school acquisitions should supplement the proofs of age. The feeling was general that compulsory school attendance was needed to make effective the limitations upon factory work for children, as well as to attain its immediate object. Whether the educational requirement should be a certain degree of advancement in the schools, the ability to read and write the English language, or any language, was a point upon which there was a variety of opinion. Apparently New York has the highest requirement, which is that the child shall not only prove his age, but shall be able to read and write simple English sentences correctly, and shall present a school record showing that he has attended school for a hundred days the previous year and has had instruction in grammar, geography, arithmetic as far as fractions, etc. The judgment of the inspectors as to ascertaining the age of children was that the burden of proof should be thrown upon the employer, presence in a factory during working hours being *prima facie* evidence of employment.

No inspector would put himself on record as declaring that there were no children illegally employed in his state, for all considered their forces to be so inadequate that they could not feel secure of perfect enforcement. The feeling was general that prosecutions must be the means of creating a wholesome dread of the law and of supplementing the work of actual inspection; yet some heat was shown in the discussion as to the degree of discretion which the inspector might employ in the execution of the law. Some of the officials seemed to think that the direct commands of the statute were to be obeyed or not, as seemed expedient.

A question as to the worst evils of child labor received various answers; they were night work, leaving the child uneducated and

undeveloped physically, ignorance, bad moral and physical effects of work in the breweries, cuts from bottling and tin-cutting machines. Some of these answers are of course very general, while others are specific; but they are all suggestive of actual evils. The industries in which the greatest number of children are employed are these: in Indiana, wood-working; in Illinois, paper-box, soap, and candy-making and tailoring; in Michigan, work in knitting-mills and cigar factories; in Kansas, work in packing-houses; in Ohio, work in tobacco, chain, glass, and stamping-mills; in Rhode Island, textile factories; in West Virginia, glass houses; in Wisconsin, breweries, tin-ware factories, binderies, cigar, wooden ware, and candy factories.

With regard to the eight-hour day for children from fourteen to sixteen, all the inspectors were of the opinion that it was a desirable thing, but that it was long enough for adults also—a more or less radical view-point. The more carefully worded answers (from Indiana, Pennsylvania, Quebec, and Rhode Island) declared it to be impracticable as long as adults had a ten-hour day.

The hours of work for women are more widely regulated than is generally realized. Fourteen states limit the working-day for women and young people, usually those under eighteen, to ten hours. In several states provision is made to complete the sixty-hour week by adding to this number on five days sufficiently to allow a Saturday half holiday. The states making such restrictions are Nebraska, New Hampshire, New Jersey, New York, Connecticut, North Dakota, South Dakota, Oklahoma, Virginia, Massachusetts, Louisiana, Maine, and Maryland (in the last-named state the restriction is applicable to cotton- and woolen-mills only, and here with a large loophole). Pennsylvania has a twelve-hour day; Wisconsin and Colorado, an eight-hour limit. In Wisconsin the nominal eight-hour restriction is ineffective on account of the wording of the law, and the ten-hour provision for children under fourteen is not extended to women. The Colorado provision is of no significance, since it merely prohibits an employer from requiring a woman whose tasks require her to stand from working more than eight hours. In twelve states, which include the

great mining areas, women and children under fourteen or twelve are prohibited from working in mines. In several commonwealths women and minors are forbidden to work in barrooms and other like places. Thirty states require seats to be provided for women in stores and other places where the work allows their use. That this provision is effective is quite uncertain. Night work for females is prohibited in Nebraska and Indiana. In Massachusetts, New York, Pennsylvania, Rhode Island, New Jersey, Missouri separate toilet-rooms for women employees are required and in some cases provisions regarding ventilation and other sanitary matters are made more strict for places where women are employed. Upon the whole, the regulation of the conditions of women's labor in the factory and store leave much to be desired; for it is not clearly enough realized that women are a permanent factor in industry and that the proper provision for their comfort is not a humanitarian concession to the "weaker sex," but an indispensable condition for insuring a fair state of health and morals for the community. It is not a matter of indifference to the public that in a great manufacturing state, where women's work is wholly unregulated, factory toilet-rooms are quite ineffectively screened from the working-place and vitiate the air of the whole factory, and that great tobacco firms furnish no private place in which women and girls can make the change of clothing required by their work, but leave them to make their toilets in the publicity of a great room filled with men, women, and boys. Such conditions mean a physical and moral deterioration that is of importance to the community as a whole. Provisions for the health and social welfare of female workers are voluntarily made by some employers, either from humanitarian considerations or with a view to attracting the more intelligent and capable class of factory laborers. But such sporadic efforts are quite inadequate to raise the general conditions of a commonwealth. Experience teaches that it is only where a fairly high standard is demanded by the state that health and morals are guarded at all adequately. The courts have repeatedly recognized sex alone as sufficient justification for exacting better sanitary provisions and shorter hours for women than for men, and the way is open for trade-

unionists and other friends of working-women to further their welfare by causing laws to be passed establishing high standards for their conditions of work.

The provisions regarding the protection of life and limb from accidents arising from the use of dangerous machinery, as well as the regulations of the conditions of unhealthful occupations, are quite inferior in this country to those in Europe; but within the last few years fairly satisfactory codes have been developed in several of the middle western states, as well as in Massachusetts and New York. The primary requirement that all accidents of any importance shall be reported to the factory inspector is the law in ten states (Massachusetts, New Jersey, New York, Pennsylvania, Ohio, Indiana, Minnesota, Missouri, Rhode Island, and Tennessee). The regulations in the most important manufacturing states consist of such requirements as the guarding of hatchways and shafts, the inclosing of belting, shafting, and gearing, and of vessels of molten metal; the inclosing of stairways; the providing of polishing wheels with exhaust fans, and other means of ventilation; the provision of separate closets for women and girls; the furnishing of guards for wood-working machines; and other similar precautionary measures. Still another class of laws have to do with the protection against fire in factories and workshops.

The conclusions reached as a result of attendance upon the convention of factory inspectors and a consideration of the answers of officials to the questions sent out are as follows: (1) The more important manufacturing states have fairly satisfactory child-labor laws; these include Massachusetts, New York, Illinois, Pennsylvania, and Ohio; several middle western states of less importance in manufacturing enjoy fair standards. In the South the regulations are of no significance. (2) These laws are enforced in some states with discretion, in others with rigor. Many inspectors seem to read into the statutes a discriminating power that they consider warranted by the necessities of the situation. (3) Laws as to sanitation and safety appliances are fairly adequate in the principal manufacturing states except Illinois where they are almost entirely wanting. (4) In all states the

inspection force is inadequate to control the situation. (5) The greatest hindrance to realizing ideal conditions—if there can be ideal factory conditions—according to the consensus of opinion of the factory officials, is the existence of different requirements in competing commonwealths. (6) At the present time appointments are made in most states as a reward for political service, but in a few cases tenure of office has become fairly stable. (7) The personnel of the factory inspectors' convention was as high as could be expected in view of the custom of short terms of office and political appointments. The variety of types represented was perhaps the most marked fact about this body. Enthusiasm for their work was not entirely absent, but it was not remarkable for its superabundance.