



P. C. Glubb

FABIAN TRACTS, No. 9. 155

AN EIGHT HOURS BILL:

in the form of an

Amendment of the Factory Acts,

with further provisions for the improvement of the conditions of labor.

PUBLISHED BY

THE FABIAN SOCIETY.

“Unfettered individual competition is not a principle to which the regulation of industry may be entrusted.” (The Right Honorable JOHN MORLEY, M.P., in “Life of Cobden,” vol. 1, ch. xiii. p. 298.)

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(ESTABLISHED 1883.)

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“FABIAN TRACTS.”

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Eight-hour movement.

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INTRODUCTION.

THE Bill submitted in this pamphlet has been drafted by the Political Committee of the Fabian Society with the object of embodying in precise and Parliamentary terms certain familiar demands for the democratic regulation of industry. The Committee have expressed in its clauses only proposals for legislative reform which are plainly within the immediate scope of practical politics. Their aim has been, first, to supply both advocates and opponents of the limitation of the Working Day with a model of an Eight Hours Bill which may serve as a test for Parliamentary candidates, and as an illustration of the method in which our existing political machinery can be applied to enforce such limitation; and, secondly, to formulate amendments most pressing required for the extension of the benefits of Acts already protecting and ordering Labor for the common good, and for ensuring their efficiency where their provisions have been found to fail.

The Bill, accordingly, is divided into two Parts. The first, which is concerned exclusively with the regulation of hours, is largely (like the second) a development and amendment of laws already in force. But while it enacts a limitation of hours in certain employments already regulated by the State, and enables such limitation to be imposed in all privileged undertakings and monopolies, it undertakes no more, with regard to other employments, than to guarantee to the workers the power to enforce by a similar restriction, without the need of any further law-making, as soon as they shall themselves desire to do so.

The notes which are appended to the various clauses are confined for the most part to references to existing laws and precedents, and to explanations of the principles followed in novel provisions. No attempt has been made to develop the general arguments for the restriction of hours of labor or for interference with the arrangements of employers. Such an undertaking is outside of the object of this pamphlet. Its intention will be fulfilled if it supplies a formulation of this policy sufficiently precise and practical to render it impossible for "business men," officials, or politicians to evade the issues raised on the ground of their vagueness or Utopianism. The general arguments on the subject may be gathered from the publications named on page 16.

No uniform Act of Parliament can deal with all occupations, and this Bill, if it became the law of England, would not of itself secure an eight hours' day for every worker. But if this Bill proposes as much as can forthwith be done by law, and if what it proposes can all forthwith be done, legislation founded upon it might claim an honorable place in the file of industrial enactments, and, as with all such legislation, its actual working can alone teach what is the best direction for further application of its principles.

A BILL

entitled an Act to

AMEND THE FACTORY AND WORKSHOP ACT, 1878,
AND TO PREVENT EXCESSIVE HOURS OF LABOR.

PRELIMINARY.

1. This Act may be cited as the Hours of Labor Act, 1889; and shall, except as regards the sixth section, be read and construed as one with the Factory and Workshop Act, 1878, and the Acts amending the same.

The whole Bill applies, like the existing Factory Acts, to Scotland and Ireland, as well as to England and Wales.

The sixth clause, relating to mines, will more conveniently be incorporated in the Mines' Regulation Acts, so as to be enforced by the Mine Inspectors. The definitions of terms are given in the Factory Act of 1878.

2. This Act shall come into operation on the first of January, 1890.

PART I.

The Normal Day and Week.

3. In contracts for the hire of labor or the employment of personal service in any capacity, a day shall, unless otherwise specified be deemed to mean a period of *eight* working hours, and a week shall be deemed to mean a period of *forty-eight* working hours.

This is already law in various American States, such as New York, Illinois, California and Wisconsin. In others, such as Pennsylvania, Ohio, New Hampshire, Rhode Island, Maine, Michigan and Nebraska, ten hours is the normal day. (See *First Annual Report of Federal Commissioner of Labor, 1886.*) To these may be added Florida (ten hours), Indiana and Connecticut (eight hours), see Foreign Office Report, C—5866.

The clause would not prevent agreements to work for a longer period: hence it will, in itself, only be useful as declaring the public opinion as to the proper maximum hours of labor, and as a means of thereby bringing about a voluntary shortening of hours where they exceed this maximum.

"Overtime" would therefore not be universally prohibited, but the remaining clauses of the bill make no distinction between "time" and "overtime," and where they apply, "overtime" will be forbidden, except in the emergencies provided for in clauses 4, 5 and 6.

For Government Servants.

4. No person employed under the Crown in the United Kingdom in any department of the public service, other than military or naval, or by any county council, municipal corporation, vestry, local sanitary authority, school board, board of guardians of the poor, dock or harbor trustees, district board of works, district council, improvement commissioners, commissioners of sewers, of public libraries, or

of baths and wash-houses, or by any other public administrative authority, shall, except in case of special unforeseen emergency, be employed for a longer period than *eight hours* in any one day, nor for more than *forty-eight* hours in any one week: provided that in cases of public emergency a Secretary of State shall have power, by order published in the *London Gazette*, to suspend, for such employments and for such period as may be specified in such order, the operation of this section.

Any public officer ordering or requiring any person in public employment to remain at work for a period in excess of either of those herein specified, except in case of special unforeseen emergency, shall be liable to a fine not exceeding *ten pounds*.

Any public authority, or the principal officer of any department of the public service, employing or permitting to be employed by reason of special unforeseen emergency, any person in excess of either of the periods herein specified, shall report the fact within *seven days* to a Secretary of State, and a complete list of such cases shall be laid before both Houses of Parliament once in each year.

This is already law in the States of New York and California: but in the former case "overtime" is permitted. (*First Annual Report of Federal Commissioner of Labor*, 1886: see also C—5866.) United States Statutes, c. 43, sec. 3738, enacts it for laborers employed on Government works, in navy yards, &c. (see p. 56 of C—5866). Maryland law limits the working day in the State tobacco warehouses to ten hours. (p. 55 of C—5866.)

Provision is made in the clause for "overtime" in case of "special unforeseen emergency," but every such case must be reported and published. In case moreover of "public emergency," as in the existing Factory Act, a Secretary of State will be able to suspend the operation of the whole section, but the order must be published. At present he has power to exempt from the existing Acts Government factories (see sec. 93 of 41 Vic. c. 16); and this power is frequently exercised without the knowledge of the public.

Besides preventing excessive hours in any one department, the clause will also put a stop to the growing practice which prevails in the Post Office, Inland Revenue and Customs Departments, of taking on, as casual workers or "glut men," persons who have already done a day's work in one of the other departments. This re-engagement of exhausted workers is obviously a fraud on the public.

For Railway Servants.

5. No person employed wholly or mainly to work railway signals or points shall be employed continuously for more than *eight* hours, nor for more than *forty-eight* hours in any one week.

No person employed as engine driver, fireman, guard, or wholly or mainly in shunting, on any railway, shall be employed continuously for more than *twelve* hours, nor for more than *forty-eight* hours in any one week.

The General Manager of any railway company employing or permitting to be employed any person in contravention of this section shall be liable on conviction thereof to a fine not exceeding *one hundred pounds* for each such contravention.

Provided that in any case in which the employment of persons to work railway signals or points, or as engine drivers, firemen, or guards, or in shunting, for longer periods than is permitted by this section is necessary by reason of some special and unforeseen emergency

necessary for the public safety, it shall be lawful for a Secretary of State, on a report made within *seven* days by the General Manager or Secretary of the Railway Company acting in contravention of this section, to direct that no legal proceedings shall be taken in the case of the particular contravention so reported.

A list of the cases in which any such direction has been issued by a Secretary of State under this section shall be laid before both Houses of Parliament once in each year.

The Amalgamated Society of Railway Servants strongly supports the immediate restriction by law of their present excessive hours. Particulars of their over-work are given in the official return, H.L. 33 of 1889 (6d.). It is generally admitted that considerations of public safety, especially in the case of signalmen and pointsmen, clearly warrant prompt public intervention; and the Railways' Regulation Act of 1889 (52 and 53 Vic. c. 57, sec. 4), recognises this principle by requiring an annual return of cases in which any man has been continuously employed for more than a number of hours to be specified by the Board of Trade.

This clause will only apply to certain classes of railway servants, in whose cases the consideration of public safety is most prominent. Other railway servants can obtain a legal limitation of their hours of labor under clause 7 (trade option).

A precedent for the legal limitation of the hours of railway servants is given by the State of Minnesota, where the law forbids the employment of locomotive engineers or firemen for more than eighteen hours in one day! (*First Annual Report of Federal Commissioner of Labor, 1886, p. 469.*)

For Miners.

6. No person shall be employed under ground for hire in any mine for a longer period than *eight* hours in any one day, nor than *forty-eight* hours in any one week.

The period of employment under ground in a mine shall, for the purpose of this section, be deemed to be the whole period from the time of leaving the surface of the ground to descend the mine, to the time of return to the surface of the ground after cessation of work.

The manager of any mine employing or permitting to be employed any person in contravention of this section, shall, on conviction thereof, be liable to a fine not exceeding *one hundred pounds* for each such contravention.

In any cases in which, through accident or other unforeseen emergency, any person may be employed underground for a longer period than is prescribed by this section, a special report may, within *seven days* thereof, be made to a Secretary of State by the manager of the mine, and a Secretary of State may, if he thinks fit, thereupon direct that no prosecution shall be instituted in respect of the particular offence so reported.

A list of the cases in which such direction has been issued by a Secretary of State under this section shall be laid before both Houses of Parliament once in each year.

This section shall be read as one with, and be deemed to be incorporated in, the Coal Mines Regulation Act, 1887, and the Metal-liferous Mines Act, 1872.

Labor in mines is already subject to a special code of law, dating from 1842; but boys of twelve work underground (half time), and youths and men are not protected from having to remain at work under ground for long hours. The coal

hewers, in Northumberland, Durham and the East of Scotland, have already brought down their working hours; but elsewhere they still often work much longer than eight hours under ground; and the accessory workers in the mine are usually even less fortunate. The coal miners are practically unanimous in favor of the "eight hours movement": their National Conference at Birmingham in October, 1889, passed the resolution in its favor by 93 to 13 (see *Times* report, October 12, 1889), and was cordially in favor of Mr. Cunninghame Graham's bill. A clause limiting the hours of work under ground to eight per day was proposed in Committee of the House of Commons on the "Coal Mines Regulation Act, 1887," and was only rejected by 105 votes (see Hansard, vol. 319, pp. 899-912), although the "labor members" declined to vote in the absence of a "mandate." Since then the Trades Union Congress has voted by a large majority "an Eight Hours Bill for Miners" (*Times* report of Dundee meeting, 7th September, 1889).

The clause will not apply to Cornish or other miners not employed for hire, who work as "adventurers" on their own account.

The legal limitation of the hours of adult labor in mines is not without precedent. In Austria no shift may exceed twelve hours; in France the 1848 legal maximum of twelve hours is fully effective as regards mines (see C—5866, pp. 2 and 17); in the United States the Maryland Act of 1886 fixes the maximum hours of miners at ten per day, "unless by special contract" (p. 466 of *First Annual Report of Federal Commissioner of Labor, 1886*; compare p. 55 of C—5866).

By trade option.

7. Where it is proved to the satisfaction of a Secretary of State that a majority of the persons employed throughout the United Kingdom in any one trade or occupation are in favor of the maximum hours of labor per week in that trade or occupation being fixed by law, or, if already so fixed, being altered by law, he may by order made under this part of the Act declare a maximum number of hours per day or per week for such trade or occupation, and after the expiration of *three months* from the date of publication of such order any person employed in contravention thereof shall be deemed to be employed in contravention of this Act, and the person so employing him or permitting him to be so employed shall be liable on conviction thereof to a fine not exceeding *ten pounds* for each such contravention.

A Secretary of State shall have power, in order to satisfy himself of the desire of the persons employed in any trade or occupation as aforesaid, to cause a public enquiry to be held in the principal district or districts in which such trade or occupation is carried on, or to cause a poll to be taken of the persons employed in such trade or occupation, or to take such other means as he may deem fit.

For the purpose of this section, persons employed in any trade or occupation shall be taken to mean all persons employed for hire, or actually performing labor in any capacity, in such trade or occupation, whether already subject to the provisions of the Factory and Workshop Act, 1878, or of this Act, or not.

No order made in pursuance of this section shall declare a maximum number of hours of labor per week in excess of *sixty* nor fewer than *forty-five*.

It shall be the duty of a Secretary of State to institute an enquiry, in such manner as he may deem fit, with a view to the consideration of the expediency of making an order under this part of the Act, in each of the following cases; viz.

- (a) Whenever he shall have reason to believe that excessive hours of labor prevail in any trade or occupation.
- (b) Whenever he shall be requested to do so by the Committee or other Executive body of any duly registered trades union, or, in the case of there being no duly registered trades union in the trade or occupation in respect of which the application is made, by the committee or other executive body of any trades council, trades union congress, or other association or federation of trades unions.

Provided that a Secretary of State shall not, except for special reasons approved by him, institute any such enquiry within a period of *twelve months* from the date of the holding of any previous enquiry in respect of the same trade or occupation.

This clause enables the legal limitation of the hours of labor to be introduced in any trade as soon as a majority of the workers desire it. It provides for the case in which a majority of the workers are compelled to work against their wish, by the obstinacy or disloyalty of the minority, which prevents an effective strike. In such a case, as John Stuart Mill pointed out (*Principles of Political Economy*, book v., ch. xi., § 12, p. 581-2), the interference of law is required. On similar grounds Mill supported the continuance of the legal enforcement of a weekly day of rest (*Mill's Liberty*, p. 53, cheap edition). The principle has received the endorsement of Professor Henry Sidgwick (*Principles of Political Economy*, book iii., ch. ii., p. 422, 1883).

The clause could not practically be put in force in any trade until a prolonged discussion had convinced a considerable majority of the workers of its advantage; and by that time the minority would have become prepared to acquiesce in the law, and the employers would have been able to make arrangements to avoid any inconvenience from the change.

The clause provides that the laborers, and all other workers in the trade, should be able to take part in the decision and share in the benefit. By this means the advantages which the skilled and organised workers can now sometimes obtain by combination, would be extended to their less fortunate colleagues.

The employer, if actually performing labor in the trade, is not excluded from participation in the decision.

The benefits of the clause are available for the workers in the occupations specially provided for in clauses 4, 5, 6 and 8, if they like to exercise their option.

By providing that the initiative may be taken by the workers themselves approaching the Home Secretary through some representative organization of their own, the clause will promote the organization of labor, and make the aid of the State practically conditional upon the workers first using their opportunities of self-help, as far as is either possible or—having regard to the interests of the rest of the community—socially expedient. At the same time it permits the Home Secretary to step in to the relief of those exceptionally unfortunate workers who, by their condition or the circumstances of their employment, are hindered from associating for the purpose of discussing their position.

The final decision, which must necessarily be given to some public officer, is left with a Secretary of State (meaning the Home Secretary), because his subordination to the House of Commons affords, at present, the only practicable means of exercising public supervision and control over the award; and because he is the officer entrusted with the general administration of the Factory Acts.

There are various precedents, besides those cited in the notes to clauses 4, 5 and 8, for the legal limitation of the hours of adult male workers. Austrian law limits the hours in factories to eleven per day for men as well as women, with certain exceptional extensions: Hungary enforces meal times and relief for night shifts. The French law of 1848, prescribing a universal maximum of twelve hours, is still in force, though modified by Imperial Decrees: by Circular of 25 Nov. 1885 it was held to apply to all factories employing power, and having twenty hands in any one shed. Switzerland forbids work for more than eleven hours a day, less an

hour for meals, with permission to apply for special exceptions not exceeding a fortnight. (Foreign Office Reports, C-5866). The legal prohibition of labor on Sundays is very general. The labor of adult women is usually specially regulated.

It is now widely admitted that there is no insuperable objection in principle to regulating adult male labor. Jevons (late Professor of Political Economy at University College, London) sums up the matter in his book "*The State in Relation to Labor*" (p. 65), referring to the incipient movement for an "Eight Hours Bill." "I see nothing, therefore, to forbid the State interfering in the matter if it could be clearly shown that the existing customs are injurious to health, and that there is no other probable remedy. Neither principle, experience or precedent in other cases of legislation, prevents us from contemplating the idea of State interference in such circumstances."

By local option for monopolies.

8. The Council for the administrative county of London, and elsewhere the sanitary authority, shall have power to make, and from time to time to amend, bye-laws restricting the hours of labor of persons employed for hire in or in connection with any docks, harbors, tramways, telephones, markets, establishments for the supply of electric light, or of electric or hydraulic power, gasworks and waterworks, within the area under its jurisdiction, whether owned by a public authority or not.

Any bye-laws made in pursuance of this section shall be submitted for confirmation to a Secretary of State, and shall, when confirmed by him, be deemed to be incorporated in this Act: provided that no such bye-law shall fix a maximum number of hours of labor in excess of *sixty* nor fewer than *forty-five* per week.

Local monopolies, where still administered for private profit, are clearly subjects for local regulation, and no fear of foreign competition need hinder the legal limitation of the hours of labor in connection with them. Where they are already administered by a public authority, clause 4 will apply.

As regards tramways and elevated railways, a precedent is afforded by the law of the State of New York, which limits the working hours to ten per day. New Jersey has a legal maximum of twelve hours, "with reasonable time for meals." The limit in Maryland is twelve hours per day.

Glasgow Corporation, in leasing out its tramway lines, prescribes ten hours as the maximum average work per day (and see note to clause 11).

In all new enterprises, under Parliamentary powers.

9. No person or company, other than those to whom section 5 or 6 of this Act is applicable, hereafter obtaining statutory powers or privileges of any description by private or local Act of Parliament shall employ any person for hire for more than *forty-eight* hours in any one week, and this section shall be deemed to be incorporated in every subsequent private or local Act of Parliament granting statutory powers or privileges of any description to any such person or company that employs labor of any description for hire, and to apply to all the operations of the said person or company under statutory powers or privileges, whether by that or any other Act.

Any person, or the principal manager or other chief officer of any company, employing or allowing to be employed any person in contravention of this section shall be liable to a fine not exceeding *one hundred pounds* for each such contravention.

Parliament may fairly determine the conditions upon which it will accord special powers or privileges by Act of Parliament. Mines and Railways are dealt

with in clauses 5 and 6, and are therefore excluded from the operation of this clause.

In view of the diverse occupations and localities to which the clause will apply, it seems better to enforce only the weekly maximum, so as to allow some daily latitude where convenient.

For young persons.

10. No child or young person under *fifteen* years of age shall be employed for hire in any trade or occupation whatsoever for more than *five* hours in any one day nor for more than *thirty* hours in any one week.

The provisions of sections 12, 14, 16 and 23 to 25, inclusive, of the Factory and Workshop Act, 1878, relating to children employed in factories or workshops, shall apply also to children and to young persons under *fifteen* years of age, employed for hire in any trade or occupation whatsoever; and such young persons shall, for the purposes of the Elementary Education Acts and the Technical Education Act, 1889, be deemed to be children of school age.

Section 26 of the Factory and Workshop Act, 1878, is hereby repealed.

This clause makes the "half-time" law, now applying nominally to children under fourteen, apply also to those under fifteen. It also abolishes the exception recognised by sec. 26 of the Factory Act of 1878, by which children between thirteen and fourteen can go to work "full time," and otherwise escape the protection of the Act, provided they have passed a prescribed educational standard (at present, Standard IV. See the First Schedule to the Act 43 and 44 Vic. c. 23.)

The repeal of this exception, and the raising of the "half-time" age, are strongly urged by medical and educational authorities. France, the Colony of Victoria, and the States of Maine and New Jersey require, at any rate, partial education up to fifteen; Massachusetts, New Hampshire and Pennsylvania up to sixteen years of age (see note to clause 13).

PART II.

11. The Council for the Administrative County of London, and elsewhere the sanitary authority, shall have power, if deemed necessary for the proper enforcement of the laws relating to the employment of labor or to public health, to make and from time to amend, bye-laws providing for any of the following objects, viz. :

- (1) The compulsory registration of all premises in which persons are employed for hire, otherwise than exclusively in domestic service.
- (2) The inspection of all such premises by any medical officer of health, sanitary officer, or any inspector either appointed under any Act relating to the employment of labor, or specially for the purpose.
- (3) The prevention of over-crowding in premises in which persons are employed for hire.
- (4) The provision of proper sanitary arrangements in such premises.
- (5) The prevention of excessive hours of labor in occupations in which the provisions of Part I. of this Act may not be applicable or effective.
- (6) The prevention of public injury or inconvenience in connection with the employment of labor in or about docks, harbors, rivers, tramways, telephones, establishments for electric lighting or for the supply of electric or hydraulic power, gasworks and waterworks.

Any bye-laws made in pursuance of this section shall be submitted for confirmation to a Secretary of State, and shall, when confirmed by him, be deemed to be incorporated in this Act.

The council for the administrative county of London, and elsewhere the sanitary authority, shall have power to appoint local inspectors, clerks and servants for the enforcement of any such bye-laws, and any inspector so appointed shall possess the same rights and powers as an inspector under any of the Acts relating to the employment of labor.

The power to make bye-laws, subject to confirmation by the Home Office, Local Government Board, or Board of Trade, is already widely exercised by nearly all local authorities. It affords a means of meeting the diverse necessities imposed by local circumstances, without the objections often felt to undue interference from a central government office. Each locality can, within certain limits, legislate for itself as it pleases.

Hardly any of the preceding clauses will practically affect East London, where the extension of the Factory Acts is most needed. The special circumstances of this and other densely crowded aggregations of small workshops, require special treatment, which it would be inconvenient and unnecessary to apply to the whole kingdom. Hence it is proposed to allow the County Council to make bye-laws and provide its own additional inspectors.

The kind of bye-laws which should be made would be such regulations as are proposed by Mr. Charles Booth (*Life and Labor in East London*, p. 498-9) for the compulsory gratuitous registration of all premises where labor is employed for hire, and of all employers; rules against overcrowding and insanitary conditions such as already exist in the usual bye-laws for dwelling houses; and provisions ensuring

frequent and systematic visitation of every workshop. Proposals of this nature will, it may be anticipated, certainly be made in Report of the House of Lords' Committee on the Sweating System.

In the case of monopolies such as tramways, the conditions imposed by the Glasgow Corporation in leasing their lines might be taken as a guide. They are as follows :—

“Only such persons as can satisfy the Magistrates' Committee that they have a thorough knowledge of the city and of the duties of a car conductor shall be licensed as such. The working day of conductors and drivers shall not exceed an average of ten hours. The conductors of cars shall be provided with proper uniform, consisting of tunic, trousers and cap, and no conductor shall be permitted to be on duty without uniform. A uniform greatcoat shall be provided for the winter months. No conductor, driver, or other officer shall be permitted on a car unless his clothing is in good order and his whole person clean and tidy. The lessees shall provide proper sanitary conveniences for the drivers and conductors at places where these are requisite, and as may be agreed on with the corporation.”

The “sanitary authority” which would have, outside London, the power to make such bye-laws, is, in municipal boroughs, the town council, and in rural districts (where the power would hardly be needed), usually a committee of the Board of Guardians. But the power would, in the latter cases, be transferred to the new elective “district councils” as soon as they are established.

12. It shall be the duty of the occupier of any factory or workshop in which any labor whatsoever is employed for hire, to specify in a notice affixed in a prominent position in the workshop or factory the time of beginning and quitting work on each day of the week, the times allowed for meals, and, if children or young persons under *fifteen* are employed, whether they are employed on the system of morning and afternoon sets or of alternate days.

A copy of every such notice and of every alteration thereof shall be sent by post in a registered letter or delivered by the employer to an inspector within *seven* days of its publication, and shall be open to inspection at the Home Office by any person at any time when that office is open for official business.

A factory or workshop in which no such notice is affixed as herein specified, shall be deemed not to be kept in conformity with this Act.

Provided that nothing in this section shall affect the provisions of section 19 of the Factory and Workshop Act relating to the employment of women or children.

This provision merely extends the requirement of the existing Factory Acts to all workshops. It does little more than afford a means of bringing public opinion effectively to bear on those employers who make their men work excessive hours.

Incidentally, however, it will cause the registration of all workshops, a reform often called for by the inspectors. At present all factories, and all workshops employing women and children, have to be registered, but not workshops employing men only.

13. Notwithstanding anything contained in the sections 61 and 93 of the Factory and Workshop Act, 1878, such provisions of that Act, and of any Acts amending the same, as relate to the cleanliness, or to the freedom from effluvia, or to the overcrowding, or ventilation of a factory or workshop, or to the sending notice of accidents, shall apply to all workshops other than those specified in clause (a) of section 61 of the said Act.

At present the sanitary provisions of the Factory Acts do not apply to workshops where only adult men are employed; and the Factory Inspector is therefore not able to enforce them. Similar provisions already exist, however, in the Public Health Act, 1875, which applies to all workshops (by sec. 101 of 41 Vic. c. 15); but these are enforceable only by the local sanitary authority, whose duty is often very imperfectly performed. The proposed clause (together with clause 16) practically imposes no new restrictions, but merely facilitates the enforcement of the existing law.

The exception continued in force, under clause (a) of sec. 61. is that applying to "domestic workshops," where an occupation is carried on at home by members of the family only. This hardly requires any other regulation than those applied by the Public Health Acts and the Elementary Education Acts.

14. No child under *twelve* years of age shall be employed for hire, in any capacity or for any period, in any trade or occupation whatsoever, except as provided in section 3 of the Prevention of Cruelty to Children Act, 1889, which shall apply to children under *twelve* years of age; and, except as therein provided, any parent causing or permitting his or her child under *twelve* years of age to be employed for hire; and any person employing such child for hire shall be guilty of a misdemeanor.

The law at present forbids employment of children under ten in any workshop or factory (41 Vic., c. 16, sec. 20), or in any theatre except by special licence of petty sessions (52 and 53 Vic., cap. 44, sec. 3). Persons under eleven, fourteen, sixteen and eighteen respectively may not work in certain dangerous occupations (see note to clause 15 of this bill); and no child under twelve may work in any mine under ground (49 and 50 Vic., c. 40, sec. 4). The Education Acts forbid, moreover, the employment of any child under ten except under special circumstances (see 43 and 44 Vic. c. 23, sec. 5); and aim at the prohibition of child labor under fourteen, unless the child possesses adequate elementary education.

Nevertheless, so effective are the exceptions that children over ten work as soon as they have been five years at school or have passed an educational standard fixed by the local schoolboard or school attendance committee. In order to provide cheap child labor, this is usually fixed at Standard IV., or even III., which children often pass at nine years old. The only restriction in force is the "half-time" for children under thirteen or fourteen.

Further prohibition of child labor is urgently called for on educational and medical grounds. England has, on this point, lost her lead in labor legislation. Germany and Hungary absolutely forbid it under twelve; Switzerland forbids it (in factories) under fifteen (Act of 1877); and France under fifteen unless the child has received sufficient primary education. (Report of Royal Commission on Education, 1888, p. 391).

In Victoria the law (49 Vic., No. 862 sec. 30) is similar to that of France: in New Zealand no child under twelve may be employed in a factory (Act No. 23 of 1881, sec. 4); in Ontario and Quebec no boy under twelve and no girl under fourteen may work in a factory (47 Vic., c. 39, sec. 1; Quebec Code, sec. 3026).

In the United States, the employment of children under twelve is prohibited in Pennsylvania (p. 57 of C-5866) (for textile and paper factories the minimum is thirteen); in Indiana (as regards six specified industries); in Kansas; in Massachusetts "during the days when the public schools are in session"; in New Jersey (where the minimum age is even fourteen for girls as regards any workshop or manufactory); and in Ohio. In nearly all the States further restrictions are imposed unless the child is well educated. Thus, in Colorado and Kansas, no boy under sixteen may work in a mine unless he can read and write; in Maine and New Jersey, no child under fifteen; in Massachusetts, New Hampshire, Pennsylvania, no children under sixteen may be employed unless they have been to school during a certain portion of the preceding year. (*First Annual Report of the Federal Commissioner of Labor*, 1886.)

Up to the age of twelve, at any rate, the future citizen should be protected from toil.

15. No person under *sixteen* years of age shall be employed for hire in any of the occupations or places specified in the First Schedule to the Factory and Workshop Act, 1878; but nothing in this section shall be deemed to permit the employment in such occupations or places of young persons over sixteen years of age where such employment is now prohibited.

The dangerous or unhealthy occupations specified in the First Schedule, in which young persons under sixteen may now be employed, are the following :

Melting or annealing glass.

(No boy under fourteen or girl under eighteen may now be employed).

Making or finishing of bricks or tiles, not being ornamental tiles : making or finishing of salt.

(No girl under sixteen may now be employed.)

Dry grinding in the metal trade : dipping of lucifer matches.

(No child under fourteen may now be employed.)

“ In any grinding in the metal trades other than dry grinding, or in fustian cutting, a child under the age of eleven years shall not be employed.”

If these occupations were found so bad in the effects on young persons as to lead to the imposition of special prohibitions, it is suggested that all young persons under sixteen should be protected from being forced into them.

Precedents already exist for prohibition up to eighteen years of age, for the same schedule forbids the employment of any person under that age in “the process of silvering of mirrors by the mercurial process, or the process of making “white lead.” Moreover, as already stated, no girl under eighteen may be employed in connection with the melting or annealing of glass. When the Colony of Victoria copied this section of the English Act, the ages were raised all round, to fourteen or eighteen (49 Vic., No. 862).

16. Where it appears to an inspector under this or any other Act or local bye-law relating to the employment of labor, that any act, neglect or default, by any person whatsoever, in or in connection with any place in which any person is employed for hire, is punishable or remediable under the laws relating to public health, it shall be the duty of the inspector himself, without reference to any local authority, to take such action as he may deem fit for the purpose of enforcing the law, and every such inspector shall possess all rights or powers of instituting legal proceedings for this purpose which are or may be possessed by any sanitary authority, sanitary officer, or medical officer of health.

Provided that nothing in this section shall relieve any sanitary authority or officer of such authority from any duty in connection with the law relating to public health.

Under the existing Act (41 Vic., c. 16, sec. 4) when a Factory Inspector discovers an infringement of the sanitary law, he can only report it to the local sanitary authority, a procedure which always causes delay and frequently results in no action being taken to enforce the law. This clause (coupled with clause 13) will enable the Factory Inspector himself to proceed against the offending employer.

17. The provisions of section 7 of the Factory and Workshop Act, 1878, shall apply to any vat, pan or other structure which is so dangerous as to be likely to be a cause of bodily injury to any person employed in the factory or workshop, whether a child or young person or not.

This clause destroys a historical survival. In the earlier Factory Acts the provisions against dangerous machinery, &c., were restricted to such as was dangerous to women and children. In the existing law this limitation is generally removed, and all dangerous machinery, for instance, must be fenced, whether the danger is to men or to women (41 Vic., c. 16, sec. 5, 6, 8). But sec. 7, which provides for the protection of workers from danger from "a vat, pan or other structure," only applies to women or children. If the "vat, pan or other structure" is also dangerous to men, surely it ought to be made safe.

18. Notwithstanding anything contained in the 17th section of the Factory and Workshop Act Amendment Act of 1883, an inspector shall be required and empowered to inspect all bakehouses in which persons are employed for hire, and shall, concurrently with the officers of the sanitary authority, possess for the purpose of enforcing the provisions of any of the laws relating to public health, the same rights and powers as they at any time possess.

Bakehouses already come under the provisions of the Factory Acts, especially as regards sanitation (*see* sec. 34, 35, 45, 61, 93, and Fourth Schedule, of 41 Vic., c. 16). But by a most unfortunate provision of the amending Act (46 and 47 Vic. c. 53, sec. 17), which gave the local sanitary authority jurisdiction over them, the Factory Inspector was ousted from his power to enforce these sanitary provisions. As a consequence the bakehouses are most imperfectly inspected; and the sanitary law not well enforced. This clause (compare also clauses 13 and 16) restores the power of the Factory Inspector, concurrently with that of the local sanitary authority.

19. The provisions of the Factory and Workshop Act, 1878, and of this Act shall apply to any laundry in which persons are employed for hire, and in which washing is performed for payment for persons other than those resident in the premises on which it is situated.

Women in laundries are often shamefully overworked, and exposed to insanitary conditions.

20. It shall be the duty of every inspector appointed under any Act relating to the employment of labor to execute and procure the enforcement also of the Truck Act, 1831, the Shop Hours Regulation Act, 1886, and the Prevention of Cruelty to Children Act, 1889; and any rights or powers possessed by such inspectors under any Act shall be deemed to be possessed and to apply for the purposes of the execution and enforcement of all the aforesaid Acts.

No inspectors exist for the enforcement of the Acts named, and evasions of them are therefore frequent. The Factory Inspector may as well have power to enforce the law wherever he discovers an infringement of it.

21. It is hereby declared that women are eligible to be appointed inspectors, clerks and servants for the execution of this or any other Act relating to the employment of labor, upon the same terms and subject to the same disqualifications as men.

This clause does not require women to be appointed Factory Inspectors, but only makes it clear that they are eligible, in case it should be deemed well some should be appointed. The present Home Secretary has expressed a doubt whether he had power, under the existing law, to appoint a woman.

Literature relating to the existing Factory Legislation & the Eight Hours Bill.

The main law now in force is contained in the Act of Parliament 41 Vic., c. 16, "The Factory and Workshop Act, 1878." Copies can be obtained from Eyre and Spottiswoode, and elsewhere, price 2/6. An edition with notes, by Mr. A. Redgrave, C.B., is published by Shaw and Sons, price 5/-. Sufficient abstract of its provisions can be obtained at the same publishers in sheet form, price 6d. (textile and non-textile industries being distinct and 3d. each).

The law relating to labor in coal mines will be found in the Act 50 and 51 Vic., c. 58. "The Coal Mines Regulation Act," 1887; and that relating to other mines in the Act 35 and 36 Vic., c. 77, "The Metalliferous Mines Regulation Act," 1872. "The Agricultural Gangs Act," 1867; "The Canal Boats Act," 1884; and "The Merchant Shipping Acts," also minutely regulate the employment of labor.

The labor of persons under eighteen in shops is regulated by the Act 49 and 50 Vic., c. 55, "The Shop Hours Regulation Act, 1886."

The other Acts in force, such as 46 and 47 Vic., c. 53 (Factories); 38 and 39 Vic., c. 39; 44 and 45 Vic., c. 26; and 45 and 46 Vic., c. 3 (Mines) effect only minor alterations.

The chief Parliamentary Reports are the Select Committee's Report of 1816, and those of the Royal Commissions of 1832, 1840-3, 1862-6, and 1876. All but the last two are summarised in Engel's "Condition of the Working Class in England" (Reeves) and Karl Marx's "Capital" (Sonnenschein).

The laws of foreign States are given (imperfectly) in Foreign Office Report, "Commercial, No. 25," C-5866, price 5d. The First Annual Report of the Federal Commissioner of Labor (Washington, 1886) gives a valuable summary of American labor laws.

The history of English factory legislation is best found in E. E. von Plenier's "English Factory Legislation" (Chapman and Hall, 1873). Alfred's "History of the Factory Movement" and Philip Grant's "History of Factory Legislation" are practically contemporary chronicles of the movement, both, however, virtually stopping short at 1847. Lord Shaftesbury's work is described in his "Life and Work," by E. Hodder (Cassell, 1886), and "Speeches" (Chapman and Hall, 1868).

Besides Lord Shaftesbury's speeches, those of Sir Robert Peel (Routledge, 1853), John Bright (Macmillan), Fawcett (Macmillan, 1873), and Lord Macaulay (Longmans, 1854) are historically interesting, and the great speech of the latter in 1847 on the Ten Hours Bill rebuts the arguments against regulation of adult labor with great oratorical force. Torrens' "Life of Sir James Graham" (Saunders, 1863) hardly mentions his virulent opposition to the movement. Cobden's utterances on the subject are omitted from his collected "Speeches" (Macmillan, 1880).

The arguments in favor of factory legislation are well given in W. S. Jevons's "The State in Relation to Labor," ch. iii. (Macmillan, 1882); John Morley's "Life of Cobden," vol. i., ch. xiii., pp. 298, 303; H. Ll. Smith's "Economic Aspects of State Socialism," ch. iv., sec. ii. (Simpkin, 1887); J. S. Mill's "Principles of Political Economy," bk. v., ch. xi., § 9 and 12, and essay "On Liberty," ch. v.; Duke of Argyle's "Reign of Law," ch. vii. (Strahan, 1867); and especially in Gunton's "Wealth and Progress" (Macmillan, 1888.)

The latter work gives the best summary of the case for an Eight Hours Bill, but Tom Mann's pamphlet, "The Eight Hours Movement" (Modern Press, 13, Paternoster Row, 1889, price 1d.) presents it in a form more popularly accessible. The difficulties of a universal compulsory eight hours day are stated by Mr. Bradlaugh, M.P., in his article republished from the *New Review*, "The Eight Hours Movement" (Freethought Publishing Company, 63 Fleet Street, 1889, price 2d.)

The best discussion of the subject is, however, to be found in recent magazine articles, not reprinted, such as the following:—

- George Gunton, "The Eight Hours Law: shall it be adopted?" (*Forum*, 1886, p. 136.)
- Harold Cox, "The Eight Hours Bill" (*Nineteenth Century*, July, 1889.)
- (Anonymous) "Some Economic Aspects of the Eight Hours Movement" (*Westminster Review*, July, 1889.)
- H. M. Hyndman, "Eight Hours the Maximum Working Day" (*New Review*, Aug., 1889.)
- H. H. Champion, "The Eight Hours Movement" (*Nineteenth Century*, September, 1889.)
- Sidney Webb, "The Limitation of the Hours of Labor" (*Contemporary Review*, December,