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PROOF—PRIVATE.

Fabian Tract No. 48.

EIGHT HOURS BY LAW

THE Eight Hours Movement is at present waiting for the question of method to be settled. The general proposition that the State should step in to limit the number of hours in the working day to eight is popular enough. But general propositions are like resolutions of the House of Commons : they can only be given effect to by the passing of a Bill laying down the exact method by which the resolution is to be carried out. The whole country might be unanimous in favor of the Eight Hours Day ; and yet nothing could be done until some practicable plan of enforcing it were embodied in a Parliamentary Bill, and passed into law.

Some years ago the Fabian Society, seeing that this practical point must be faced, appointed a Committee to draw up a Bill. The result was what is now known as The Trade Option Bill, so-called because it left to every trade the option of putting itself under the Eight Hours law or not, according to its own view of its interests. The Trade Union Congress of 1892 (Glasgow) turned the Trade Option Bill inside out by voting that it should apply to all trades except those which made a special demand to be exempted from it. This new proposal was called The Trade Exemption Scheme. The Fabian Society then appointed another Committee to draw up a Trade Exemption Bill, so as to meet the views of the Trade Congress. The Committee did the best it could, but had to report that the working of Trade Exemption would be too expensive, troublesome, and complicated to be practicable, and that both Option and Exemption were unsound in principle. As an alternative it proposed a new scheme, called Trade Selection, which now stands as the best practical solution the Fabian Society is able to arrive at.

In the meantime, some of the minor provisions of the original Trade Option Bill had been embodied in the Factory Act of 18... ; and the Bill, being thus out-of-date, was withdrawn from circulation by the Society. The principle of Trade Option, however, had been taken up in various quarters, and is still before the public. The Trade Exemption Scheme is also in the field, as the decision of the Trade Congress in its favor has not been reversed.

Besides these three schemes, there is an uncompromising proposal to cut the Gordian knot by what is called a "Universal Bill," enacting simply that after it becomes law no employer shall employ any person for hire more than forty-eight hours in one week under stringent penalties.

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The country has thus before it four distinct methods of establishing an Eight Hour working day by law. They are :—

1. Trade Option.
2. Trade Exemption.
3. Trade Selection.
4. The Universal Bill.

A scheme of Trade and Local Option, proposed by Mr. Tom Mann, and a modification of it proposed by Mr. W. Mather, M.P., may also be mentioned as samples of the suggestions arising out of the four leading plans. They will be described in their place later on. The object of the present pamphlet is to put the reader in possession of all the proposals made up to the date of publication, with those considerations for and against which must be taken into account by every citizen and Trade Unionist before he can vote intelligently on the question.

The Need for a General Bill.

It must be especially kept in mind by middle class readers that the workers for weekly wages, whose votes will settle the Eight Hours question one way or the other, are not divided as between eight hours and nine, twelve, or sixteen. None of them want to work more than eight hours if they can help it, except by way of overtime. The real question is whether each trade shall win the eight hour day separately for itself as the nine hour day has been won by some of them, or whether a general law shall impose it at one stroke on all trades. To the well-organised and consequently powerful trades, a general law means hampering themselves with the cause of the mass of unskilled labor and multiplying the resistance of their own employers by that of the whole capitalist and employing interest in the country. The Northumberland and Durham miners, who, through the interaction of the Ten Hours for boys and the two-shift system have succeeded in reducing the hours of the hewers to seven per day or less ; and the Lancashire operatives, who have but one step to make from their legal Nine-and-a-half Hours to eight, will certainly use their practically perfect organisation to push forward the separate measures which they advocate for the limitation of their hours without waiting until the other trades have advanced to their position. On the other hand, the poorer and weaker trades, and the unskilled laborers, constituting the great mass of the population, are powerless except in combination with the whole body of labor, and are therefore in favor of a general law. Finally, there are trades which, though not powerful in themselves, can win Eight Hours separately through general outside support because their long hours of work are dangerous to the public. This is the case with the railway servants, in whose favor every collision acts as an unanswerable and terrible argument.

On the whole, the tendency among the best organised and most powerful, but least numerous sections of the working classes, is to solve the question piecemeal, trade by trade. But this section is also the least numerous and the least sweated ; and it has gained its

Eight-hour movement.

position only under the special protection of the State through Factory legislation. The piecemeal method which it favors would not help the mass of workers, who are comparatively unprotected by existing legislation, and are too numerous and too cheap in the labor market to form really powerful organisations. Besides, if separate Eight Hour Acts had to be agitated for and brought forward and passed through the House of Commons on behalf of each of our 11,000 odd different trades, the whole time of Parliament would be required for many years for this one subject. This consideration alone puts piecemeal legislation out of the question. A general Bill is absolutely necessary.

This conclusion brings us face to face with a formidable difficulty. A general Bill must apply alike to agricultural laborers and factory operatives, miners and members of "season trades," sailors and lawyers' clerks. Now it is not physically possible to bring industries so different as these under the same set of regulations. There must be separate regulations for separate industries; so that here we appear to be landed back again in piecemeal legislation after all, just as we have shewn piecemeal legislation to be insufficient. There is only one way out of the dilemma; and that is to pass a general law providing for piecemeal regulation. We must establish by law an administrative body whose business it shall be, without further intervention from Parliament, to establish such regulations in each trade as shall secure to the workers the benefit of an eight hours working day. A practicable Eight Hour Bill must include the constitution of such a body—let us call it an Eight Hour Commission. Further, it must be capable of being put into operation promptly, and of being adapted by the Commission to the requirements of all the various trades. And it must, of course, conform to the general principles of democratic legislation by making the welfare of the whole community paramount. Private interests and trade interests, whether advanced by Labor or Capital, must not be accommodated at the expense of national and international interests. The schemes about to be described must be judged with constant reference to these general principles.

Trade Selection.

Under this scheme the Home Secretary (pending the creation of a Minister for Labor) would be compelled to hold an enquiry into the duration of the hours of labor in a trade or industry (*a*) when directed to do so by either House of Parliament; (*b*) when requested to do so by a County Council, a Town Council, a duly registered Trade Union of the trade, or a Trades Council where there is no union; (*c*) on a special report from an Inspector of Factories. For the purposes of such an enquiry the Home Secretary would be bound to appoint a Commission of *three* persons, one of whom must be a Factory Inspector, and one a woman in the case of trades employing women. The enquiry would embrace all trades directly dependent on the one mainly in question. The Commission would have all the powers necessary to enable it to prosecute its enquiries, including power to

examine witnesses on oath, to compel the production of time-books and other documents relating to the hours of labor, and to inspect factories and workshops. In order to ascertain whether the workers in a trade were in favor of a reduction of the hours of labor in that trade, the Commission would have power to direct a vote to be taken by ballot of the employés in the factories and workshops concerned, where they deemed it feasible; or they might proceed by holding public meetings, or by calling witnesses.

At the conclusion of the enquiry, the Commission would have to report (*a*) what appeared to be the prevalent opinion among the members of the trade or industry as to the reduction of their hours of labor by law; (*b*) the probable effect of such reduction on the trade or industry and the community; (*c*) what reduction of the hours of labor in the trade or industry was desirable, what should be the length of the working day and week, and what allowance should be made for emergencies, seasons, etc.; (*d*) whether the case was a suitable one to be dealt with by the local authorities of the districts affected by the trade or industry. The report, together with those parts of the evidence which were not confidential, would be printed and laid before Parliament.

Within *three* months after the presentation of the report, the Home Secretary would be bound either to report to Parliament his reasons for taking no action, or, if he determined to take action, to draw up an Order containing either (*a*) regulations prescribing the length of the working day and week, with such exceptions as he might deem advisable for emergencies, seasons, &c.; or (*b*) conferring upon County Councils and Town Councils in defined districts the power of regulating the hours of labor in the trade within limits specified in the Order. The Order, of either kind, would be laid before Parliament, and after the lapse of *forty* days would become law, unless the House before the expiration of that time presented an address to the Crown against the Order or any part thereof. No request to vary or revoke an Order, or for a fresh enquiry after an Order had been refused by the Home Secretary, would be admissible until the expiry of *one year* from the date of the Home Secretary's report to Parliament. The same process of enquiry by a Commission would have to precede any fresh decision by the Minister.

The local authorities specified in an Order of class (*b*), or any of them, would be permitted to combine together for the purposes of the Order. Before a bye-law, adopted by a local authority for the regulation of the hours of labor in a trade, became law, it would have to be submitted to the Home Secretary, in order that he might see that it complied with the terms of his Order. Before a local authority could vary such a bye-law, they would have to receive power to do so by a fresh Order.

Precedents.

The object of the proposed Act is to get a continuous process of legislation without perpetual application to Parliament. The method suggested is a development of the practice of regulation by provi-

sional orders which forms so large a part of modern law-making. These orders come into operation either after being legalised by an Act of Parliament, or, without express Parliamentary confirmation, after being before both Houses for a given time and not being objected to either by resolution or address to the Crown. The Endowed Schools Acts, the Factory Acts, and the Local Government Act, 1888, contain specimens of the procedure adopted in this scheme. Under the Factory Act, the Home Secretary has discretionary power to prescribe by Order the hours between which persons engaged in various occupations are to work; to determine whether certain classes of workers are to be allowed to work at night, and to exclude certain industries altogether from the Act, provided that the Order shall be laid before both Houses of Parliament for forty days, within which time it may be annulled by resolution of either House. Under the Trade Selection Scheme, the power of objecting to a Secretary of State's Order is taken away from the House of Lords, which does not in any way represent industry; and the action of the House of Commons is limited to an address to the Crown, in order to prevent vexatious intervention.

Precedents may be found in the Education Acts and Public Health Acts for requiring local enquiries into matters of detail as a preliminary to legislation. The Public Health Acts also contain abundant precedents for allowing local authorities to make bye-laws on specific subjects within fixed limits.

Communal Control.

The working principle of the scheme is that the interests of the community demand that legislation affecting the hours of labor shall be completely under communal control. There is imposed upon the community the duty of seeing that no section of it is compelled to work under inhuman conditions; but this imposes upon each part of the community the obligation of not demanding privileges which, though advantageous to individuals or trades, might be injurious to the community as a whole. No group of employés, no separate section of the community, can claim to set the national forces in action for their own advantage, without the consent of the rest of the nation, as they could do under all the schemes which leave the question of enforcing the adoption of a shorter working day solely to the decision of the trade or of the trade unions concerned. Legislation to benefit any class without consulting the nation remains objectionable whether the beneficiaries be capitalists or landlords or workmen. The community must retain the power of safeguarding itself against the possibility of dislocation of trade or violent fluctuation in prices through an inopportune or excessive reduction of the hours of labor. While the community has not the power to compel the members of a trade to work longer hours than they desire, it has the right to insist that if they wish for a reduction which does not appear expedient to the community, they must achieve it by their own efforts. Conversely, the community must have the power to enforce the reduction of the hours of labor in a trade, even against

the wishes of the persons engaged in it, whenever it appears necessary for the general health or safety.

Under the Trade Selection Scheme provision is made to assert the control of the community and protect its interests, by fixing the responsibility for issuing or not issuing an Order upon a Minister who must submit his action or refusal to act, as the case may be, to the House of Commons. This is the utmost that can be done to bring the working of the scheme under the control of Parliament. Its efficacy will of course depend on the extent to which Parliament is under the control of the community. If it does not work freely and rapidly enough to carry out the wishes of the people, the remedy must be sought in Parliamentary Reform, and not in an impossible attempt to draft an Eight Hours Bill that would over-ride both Parliament and Minister. All that can be demanded of an Eight Hours Act is that the procedure it establishes shall not be needlessly slow, and shall not play into the hands of a Minister who might be unsympathetic or reactionary on the subject of Eight Hours, whilst being advanced enough on other points to make him, on the whole, a popular member of the Government. The provisions of the Trade Selection Scheme render it impossible for the Minister to refuse an enquiry into the condition of any trade; and the enquiry itself is indispensable if the Eight Hour Orders are to be made workable, since they would become a dead letter by mere force of circumstances unless they were based on accurate information as to the technical conditions of the trade and the views of the workers. And it cannot be too emphatically urged that the greatest danger the Eight Hours Movement has to fear is an unworkable Act.

One of the advantages of the Trade Selection Scheme is the concentration of responsibility on a single Minister. This is the best public safeguard against any general reactionary tendency on his part or on that of the Government of which he is a member. An unpopular Labor Minister would damage his Government and his own future chances of office more than even an unpopular Home Secretary; and the administration of the Trade Selection Scheme would lie with the Home Secretary until a Labor Ministry was established. But here again it must be remembered that it passes the wit of man to devise Acts of Parliament which will relieve the workers from their own responsibility in putting Ministers into power by their votes. If the electoral majority chooses to place reactionary administrators in power, it has no right to complain if those administrators go to work in a reactionary spirit. With a legislature opposed to the extension of State control, the operation of such a scheme as we are considering would be greatly hampered; whilst a cast-iron general law would not stand the test of practice in the hands of a Government bent on discrediting it. On the other hand, with a legislature sympathetic to the claims of labor everything that is practicable can be done to secure the Eight Hours Day. It is as true now as it was when the "International" issued its first manifesto that "the emancipation of the laboring classes must be accomplished by the laboring classes." The one and only method of

securing good legislation and administration under our democratic system is for the workers to place in power a government in harmony with their aspirations, pledged to secure the amelioration of their condition concurrently with the good of the community.

Disorganised Trades.

It has been objected as against the Trade Selection scheme, as it was against the Trade Option Bill, that weak or disorganised trades, from their inability to pronounce in favor of a reduction of their hours, might escape the benefits of the scheme; and that only strong, well-organised trades would be able to take advantage of it. Now, no kind of industrial legislation can be effective unless there are strong trade-unions willing to assist the authorities in enforcing it. As long as the textile trades continued weak, so long did the masters contrive to evade the Factory Acts or to whittle them away; and so long did disloyal workmen co-operate with their masters in enslaving their fellows. The workers must face the fact that industrial legislation is of little use without a trade organisation to call attention to every attempt of the employers to violate it—and such attempts are constantly being made. Employers, unless confronted with a strong Trade Union, will not only punish all complaints made to the authorities by individuals with dismissal, but will even discharge employes who join a Union, until the Union becomes strong enough to force the employers to recognise it. Under these circumstances, little can be done for unorganised workers by any legislative scheme whatever. But it may be pointed out that the Trade Selection Scheme provides a strong incentive to the poorer workers to organise. They do not form Unions now because they are too poor to maintain the sick benefits and out-of-work benefits which form the sole inducement to members to join. But a reduction of hours, possibly involving also a rise in wages, would be well worth organising for without any benefits. The organisation would cost little; would not need to saddle its funds with insurance business; and could have a reasonable certainty of achieving its object under the Act, after which it would remain as a beginning of organisation for ordinary Trade Union purposes. Trade Selection would thus tend to call into existence the organisation without which neither it nor any other scheme can be completely effective.

Trade Selection, however, does not abandon the unorganised workers to their fate.

The Sweated Industries.

Take, for instance, the sweated industries. In them, owing to the way in which the workers are scattered and separated by small workshops and home-work, trade unions either do not exist at all or are very weak. Unlike the miners and factory operatives, the employes do not know where to find one another. Their work isolates them into petty groups instead of massing them together in powerful regiments and shewing them their own numbers and strength. Unfortunately, the home-work which divides them in this fashion is in some

trades increasing, because it enables the wholesale dealer to throw all the expenses of manufacture on the workers. He can save the expense of providing properly ventilated and sanitary workrooms under the eye of the Factory Inspector by giving out his work ; and naturally he does give it out, since, even apart from the desire for larger profits, the competition of rival employers compels him to get it done as cheaply as possible. Therefore, in the trades which can be carried on in tenements, the factory or large workshop has little chance of existence, especially in large towns. The enforcement of a shorter working day would only place under an additional economic disadvantage the owners of those factories and large workshops which are now conducted under fairly good conditions and are struggling with the cut-throat competition of insanitary and overcrowded dens ; for in the large workshops the Act could be enforced, whilst in the small workshops and home-work places it could be easily evaded. Thus, unless special precautions are taken, any Act for the reduction of the hours of labor will infallibly cause good workshops to be shut up and manufacture to be transferred to places where all the conditions of labor are of the worst description. Therefore the Trade Selection Scheme provides that the report of the Commission shall include the effect the suggested reduction of hours would have on the conditions of the trade, and shall point out what measures should be taken to prevent the reform defeating its own ends. For instance, it would report, in the case of the sweated home industries, nothing can be done to limit the hours of labor by law until by special industrial legislation workshops in dwelling-houses are deprived of the inequitable advantages which they at present possess over large and well-conducted factories and workshops. This can be done by making employers responsible for the conditions under which their work is done wherever it is done, and compelling them to disclose the whereabouts of the sweaters who now play hide-and-seek with the Factory Inspector. When in this way home-work has been killed and the sweated trades organised in factories, then, and not till then, will it be possible to legislate for the limitation of the hours of labor in those industries.

Consultation of the Trade.

Although the guiding principle of the Trade Selection Scheme is the necessity of maintaining the control of the community over industry—that is, of the nation over the separate trades, it is evident that the regulations must not be drawn up by doctrinaire politicians on first principles, but by experts after special consultation with those concerned in the industry, both employers and employed.

The Elasticity of the Scheme.

There are some eleven or twelve thousand different trades in the United Kingdom, working under different conditions, subject to different emergencies, affected differently by the seasons and the weather, and consequently involving different needs and different demands. Even in the same industry there are enormous differences :

for instance, eight hours for a signalman in the cabin at Charing Cross terminus is a very different matter from eight hours for a porter at an out-of-the-way country station on a branch line where the work of the station-master and porter combined would not fill the time of a single man. A hard and fast forty-eight-hours-a-week law would either not work in these cases or else would soon be riddled by Amending Acts and exceptions. Even the engine-drivers desire a ten hours limits ; and most classes of railwaymen would be satisfied if power were given to the Board of Trade to suppress habitual overworking without having a rigidly fixed working day. By requiring that an expert commission to enquire into the conditions of labor in an industry, and report not only on the desirability of reducing the hours of labor, but also on the form the restriction should take, we ensure the necessary elasticity of regulation. In some instances the regulations would be simple ; in others they would be anything but simple to the uninitiated. The terms of the agreement recently made in the London building industry for the reduction of the hours of labor to an average of forty-eight per week throughout the year ; the regulations affecting the length of the working day laid down in the Factory Acts ; and the known intricacy of the working of any railway system, show the complexity of the subject, and the futility of attempting to regulate our industrial system in any other way than by special rules suited to the requirements of each trade. In such a matter rigidity means failure.

Dependent Trades.

The Home Secretary or Minister of Labor, by including in the terms of reference to the Commission and in his Order all mutually dependent trades, would be able to prevent the reduction of the working day in any trade from affecting cognate trades adversely. This is a highly important matter. Almost every industry is composed of several trades dependent on each other for the progress of the work ; and, generally speaking, any reduction of hours must apply to them all alike if utter confusion is to be avoided, and must not be dependent on the majority vote in one trade alone independently of the rest. In some cases a small but strong branch of industry—for example, the enginemen in the cotton and woollen weaving industries—holds all the rest at its mercy. This consideration is taken fully into account in the Trade Selection Scheme. It is ignored in both Trade Option and Trade Exemption.

The Scope of Local Action.

Under the Trade Selection scheme, permission is given for the delegation of legislative powers to defined local bodies in selected cases. They are powers which, since they affect national interests, require to be carefully limited and bestowed with great discrimination. Yet in certain restricted spheres this local administration would be very useful. Trades whose markets are quite local, and which do not compete with the same trades in other districts, are eminently fitted to be dealt with locally. Such are the shopkeeping

industry, local monopolies (like tramways), and, to some extent, the building trade—all of which are more or less dependent on the districts in which they exist.

Minor Points.

No fresh machinery would be required for the enforcement of the Act, since it would be administered by the Home Secretary and the Factory Inspectors. It therefore has the great merit that it can be set in operation without any further delay than that necessary for the selection of the Commissions. When in the course of time the duty of administering the Act was transferred to a Minister for Labor, he would find himself in command of a system of Commissions and a trained staff of Commissioners which would be invaluable in his department.

Finally, it is hardly necessary to add that nothing in this scheme would interfere with the power of Parliament to legislate generally or specially for the further regulation of the hours of labor.

PART II.—OTHER SCHEMES.

It now remains to describe the other schemes which are before the public. Trade Option may be regarded as the first imperfect attempt at Trade Selection; and Trade Exemption, as has already been said, is only Trade Option turned inside out. Trade Selection is offered as a development of both, retaining what is valuable in them and providing against their defects. The Universal Bill is quite independent of them, and is the oldest and most obvious proposal for an Eight Hour Act.

(a) The Universal Compulsory Bill.

This measure would provide that no person in any form of national or municipal employment; no person engaged on any railway, omnibus, or other mode of transportation; no person employed in any mine, factory, workshop, or any industrial business conducted for profit, or in any shop or store; no domestic servant engaged in any club, hotel, or lodging-house; and no person engaged in agricultural labor should be employed for a longer period than eight hours in any one day, or than forty-eight hours in any one week, except in case of special unforeseen emergency.

A story is current of a Czar of Russia who, when asked for his commands as to the route to be taken by a railway about to be constructed from St. Petersburg to Moscow, took a rule and made a straight line on the map from one town to the other. There can be no doubt that the Universal Bill has all the attractive simplicity, intelligibility, and freedom from compromise of the Czar's plan. But as it stands it would simply not work. It could not be enforced unless a great majority of the workers were in favor of it; and this they confessedly are not. It makes no provision for the different conditions of different trades. It would drive work from the inspected

workshops and factories, where alone it could be enforced, into the sweaters' dens. It would be resolutely opposed by powerful trades like the ironworkers, as well as by the whole capitalist interest, and would thus not only be delayed for many years, but could not, when it passed, be put into operation without the creation of all the machinery required by the Trade Selection Scheme. In short, it does not overcome the difficulties of the question: it only leaves them out of account. They would crop up the moment the Act came into actual operation; and the whole question would have to be fought again over an Amending Act which would have to struggle against the discredit brought on the movement by the failure of the first attempt.

(i.) Trade Option.

The Trade Option plan is best known through the Bill issued by the Fabian Society in May, 1890, and now withdrawn from circulation. It provided that: "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 in that trade or occupation being fixed by law, or if already so fixed, being altered by law, he shall 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. . . . No order made in pursuance of this section shall declare a maximum number of hours of labor per week in excess of fifty-four." The Bill further provided that the Secretary of State should institute an enquiry into the expediency of making such an order whenever he deemed fit or when requested "by the committee or other executive body of any duly registered trade union, or, in the case of there being no duly registered trade 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, trade union congress, or other association or federation of trade unions." The mode of ascertaining the wishes of the trade, whether by public enquiry, or by taking a poll, or by any other means, is left entirely in the hands of the Secretary of State.

The expressed object of this Bill was "that legislation shall automatically follow the expressed wish of the majority of any trade," and though the mode of ascertaining the wish of the majority, the responsibility of determining when it is declared, and the extent to which it is to be followed rest solely with the Secretary of State, the wish of the majority in each separate trade is put forward as the only factor to be considered, to the exclusion of all regard for the interests and welfare of the other trades and the rest of the nation. This is the flaw in the Bill which led the Fabian Society to develop it into the Trade Selection Scheme.

At the Glasgow Trades Union Congress a trade option resolution was proposed on behalf of the cotton operatives, as follows: "That this Congress is of opinion that the time has arrived when the workers in any trade or occupation in which a majority of the organised workers desire to have an eight hours day, or forty-eight

hours per week, should have the same secured to them by legal enactment." In the course of the debate it was explained that the opinion of the trade was to be ascertained by ballot. The principal differences between this scheme and the former are that all workers who are not members of trade unions are to be disregarded, and that the hours are to be reduced to forty-eight per week or not at all, no freedom being left to the trade or to the Secretary of State in this respect.

(ii.) Trade Exemption Schemes.

At the Glasgow Trade Union Congress the following "trade exemption" resolution was carried: "That the Parliamentary Committee promote a Bill regulating the hours of labor to eight per day, or forty-eight per week, in all trades and occupations, which Bill shall contain a clause enabling the organised members of any trade or occupation protesting by ballot against the same to exempt such trade or occupation from its provisions."

The only attempt yet made to provide a working plan for this clause was made by a Fabian committee in fulfilment of instructions from the Society to draft a Trade Exemption Bill. This draft Bill, which was condemned as impracticable by the Society on the recommendation of the committee itself, goes beyond the Congress resolutions in providing that exemption should depend, not on the vote of "organised" workers only, but of all the members of the trade. A Select Committee appointed by Parliament would arrange all the ten or eleven thousand trades in industries, those which were mutually dependent being grouped together. A trade register would be compiled quinquennially, in the same way as the Parliamentary register, every worker being entered there according to his residence and occupation. The County Councils, to whom would be entrusted the carrying out of the Act, would compile from this register local lists of all the persons employed in each industry. On the presentation, within a given time, of a petition from at least ten per cent. of the persons engaged in any industry requesting that a poll should be taken to decide whether that industry should be excluded from the Act, each County Council would take a poll of the persons engaged in that industry in much the same way in which a Parliamentary election is managed. At least one-third of the persons registered as belonging to an industry and a clear majority of the persons voting would have to vote for the exclusion of that industry from the Act before it would be exempted. In all other cases the industry would come under the Act, and no person engaged in it would be allowed to be employed more than twelve hours in any one day or more than forty-eight hours in any one week.

Objections.

The special attraction of Trade Exemption is that weak trades, too disorganised or indifferent to claim the benefits of an optional law, would apparently, by their very weakness and inability to protest, come under the Act. But the secret of the favor shown to

Option and Exemption schemes in Congress is probably that no worker need oppose them, since he can always vote on the popular side for Eight Hours with a private reservation in favor of the exemption of his own trade. The Trade Exemption Bill is really only the Universal Bill with an impracticable back-door provided for the escape of the organised trades who are opposed to it; and as such it is open to all the objections against the Universal Bill except that based on such opposition. However, in any case, the Trade Exemption scheme is put out of the question when it comes to drafting a workable Act, by the complexity of the balloting machinery. An industrial census would have to be taken, with particulars of the residence and occupation of each person. Trade and local registers would then have to be made up, the names being sorted out into trades, and the trades grouped into industries. The work of tracing removals would be constant. Without such a census and register at hand it is hard to see how a trade could readily exempt itself by ballot. It may be that this difficulty was foreseen and relied on to make the Trade Exemption Scheme work out in practice as a Universal Compulsory scheme. However this may be, the census and register are not at present likely to be accepted as practical; and the only alternative method for ascertaining the wishes of any trade is the Enquiry and Commission as proposed by the Trade Selection Scheme. There is, in fact, no real alternative to the Commission procedure.

The limitation to trade unions of the right of taking action proposed by the Glasgow Trades Union Congress would lessen the difficulty of taking a ballot only in proportion to the smallness and unrepresentativeness of the Union. One of the most heavily sweated trades in the Kingdom is the upholstering, the great bulk of the work being done by men who are not qualified to join the Upholsterers' Union, which represents only a small section of comparatively highly skilled and well paid men. Yet under the Glasgow proposal that Union could deprive the whole trade of the benefit of the Eight Hours day by exempting it. Again, it has to be considered that in many trades there are several unions—for example, the County Unions of agricultural laborers and the different unions of railwaymen, which might take different views of the hours question. And there are bogus unions and genuine unions, between which a Ministry might find it awkward to choose. Generally speaking, the restriction of the right of voting on this subject to the "organised members" of trades would be an attempt to confer an enormous power on a body of men who, though they are the pick of their class, are, for that very reason, a small minority in all but a few trades, forming at the utmost estimate only some two millions out of the ten million adult workers in the country. And this power would be a very useful one; for though it would be practically impossible to enforce any reduction of the hours of labor at the desire of a union against the opposition of a non-union majority, it would be quite possible to "exempt" them from a reduction in that way. The policy is defended occasionally on the ground that it would drive the non-

unionists into the union. Those who argue in this way forget that Trade Unions cannot afford to have members "driven" into their ranks without regard to the steadiness of their employment or the wages they earn. Trade Unions act largely as Insurance Societies; and they are compelled, by regard for their own solvency, to demand qualifications from their members which large numbers of the trade do not possess and cannot attain. All that can be said is that new non-insuring unions might be formed for the purpose of taking advantage of the Act; and this would be a great gain; but it would at once confront the administrators of the Act with two unions, each claiming to exercise the powers conferred by it.

The flaw in the principle of the Trade Option Bill reappears in the Trade Exemption Scheme. They both claim for the persons engaged in the different trades the sole right of determining the conditions of labor in those trades, and deny to the community as a whole its right to a voice as the common employer. This question has already been dealt with and need not now be enlarged on. The community is morally bound not to sweat any section of its members; but it must retain the power to protect, if necessary, all its constituents against the possibly excessive claims of sections, each of which only understands its own interest. Failure to recognise so vital a principle must condemn any scheme.

(c) Trade and Local Option.

The "local trade option" method is that associated with the name of Tom Mann. The following are its main features, as described by him in his evidence before the Labor Commission:—"*(a)* That an Act be passed fixing the maximum working hours at eight hours per day, or eight and a half for five days and five and a half for the sixth (or made up in such other method as may be agreed upon), but not to exceed forty-eight hours a week; overtime to be a punishable offence, both for employer and worker, except in case of special emergency, such as 'breakdowns,' &c., or in the case of agricultural laborers, when special provision would be made for harvest-time. *(b)* That the administration of this Act shall be left with the county council, town council, local board or such other local authority as shall be clearly specified by the Act. *(c)* That it shall be left with the adult workers of either sex engaged in any trade or calling, to obtain the clearly-expressed opinion of those engaged in the trade as to whether or not they wish for the Act to be applied to them, and that in the event of three-fifths being in favor of the same, their request be sent to the local authority responsible for the administration of the Act, which being satisfied that the request is genuine shall immediately notify the employers in the district that the provisions of the Act will be put in force at a date of three months from the time application was made to them by the workers." (*Question 2738.*) Under the term "trade" would be included all those occupations which are "mutually dependent on each other for the progress of the work," including the "unskilled persons who are essential to the trade." Cases of emergency would be decided by a local council

composed of employers and workers, and, while generally referring to breakdowns, might be interpreted more widely "so as to include pressure of orders," and provide for slack and busy times. (*Questions 2673-6.*)

The Unit of Area.

The unit of area in which the Act would be applied would usually be the jurisdiction of a town council or of a county council. But sometimes it might be larger. "It should be left to those engaged in the industry to decide the unit of area for which application should be made for the provisions of the Act to be applied; and the principle to guide them certainly would be to take into consideration which of the various towns where the trade was being conducted competed with them and would adversely affect them. Providing that in one town they applied the eight hours and in the other town they did not, and they came to the conclusion that they would be adversely affected, then they would wait until they converted their fellow-workers in the other towns." (*Question 3408.*) "Overtures should be made and a common agreement should be arrived at between the two or more towns." (*Question 2745.*)

It thus appears that Mr. Mann expects that when the workers in any town thought that if they alone adopted the eight hours day they would suffer from the competition of other towns in the same industry, the competing towns would, after negotiation, voluntarily form themselves into a district which would form a unit of area under the Act, and over which the Act would be applied if the necessary three-fifths majority were obtained. For example, in the engineering industry all the shipbuilding centres—the Tyne, Tees, Wear, Hartlepoons, and Clyde—would form one district; the Eastern counties would form another for agricultural implements and machinery; and so on. The object—to do away with the undue competition of a long-hours town against a short-hours town—is an entirely praiseworthy one, but it would be defeated by the refusal of the backward town to enter the district. This would be at once fatal; since the district is to be formed, not by outside compulsion, but by "common agreement." The whole department of industry would thus be placed at the mercy of the most backward town in it; and the operatives would be much worse off than under either the Trade Option or the Trade Exemption schemes; for in these latter cases the trade majority would be able to outvote any local majority. That this difficulty is not an imaginary one may be seen by the vehement opposition of the Miners' Federation to the exclusion of Northumberland and Durham from the operation of any Miners' Eight Hours Act by a local option clause. In nearly every trade there is at least one unorganised or recalcitrant district.

If the workers in any town were prepared to adopt the eight hours day whilst other competing towns in the same district did not, then in many industries the manufacturers might find it more profitable to move their industries from the eight hours town than to invest in the new machinery and adopt the greater economies in production

which would be necessary if wages were to be maintained without lowering profits or raising prices. We know that if the eight hours day in the printing industry were adopted in London alone, where the majority of the workers are probably in favor of it, it would simply accelerate the existing tendency of the masters to transfer their works to the country, where all the conditions of labor in that industry are much worse than in London.

(d) **Mr. Mather's Plan.**

The following plan is advocated by Mr. W. Mather, M.P. :—Any trade union in a district, being in favor of reducing the hours of labor, should, after conference with the employers, pass a resolution embodying the proposed rules for the working day in that trade in that district, and should then ascertain the opinion of the adult members of the trade in the district concerning the proposals. If the rules were adopted by a majority of the adult workers who voted, they would become law, and the local authorities would be bound to prosecute any employer or worker who transgressed them. Any alteration of the rules would have to be made in the same way. Reduction of the hours below 48 per week would be forbidden.

This scheme is essentially a modification of Tom Mann's ; but it makes no provision for competitive areas or dependent trades.