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Protective Legislation

and

Women Workers



By the Standing Joint Committee
of Industrial Women's Organisations

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Protective Legislation and Women Workers

THE Standing Joint Committee of Industrial Women's Organisations defines in the following statement its attitude on Protective Legislation for Women. This Committee speaks for organised working women in the United Kingdom. It represents over one million women organised in the political Labour, Trade Union, and Co-operative Movements. The views which it voices are those of women in these organisations. It is true that they are the same as the views of men who in some cases form the majority of the organisations represented, but as women the Committee has the special duty of securing what is in the best interests of women, and they have come to the conclusions set forth. These views are not new; they have been the views of the Labour Movement and the women within it ever since there has been organisation to express their opinions, but it has become necessary to restate the position because of the attempts of certain groups of feminist organisations to oppose Protective Legislation for women on the ground that it is restrictive and injurious.

The Committee does not speak only for women who are themselves in industrial employment. It speaks also for the mothers of such workers.

The Standing Joint Committee is in favour of all legislation which improves conditions of employment for the worker, and is especially concerned in securing these for the worst paid and least organised sections; unfortunately women belong to this section. Moreover, the Committee is especially concerned in securing adequate care and protection for women exercising the function of maternity.

Special Difficulties of Women Workers

It is unnecessary to consider in detail the reason for the low wages and difficulty of organising industrial women

workers. In general, the employer regards women's work with favour because it can be obtained more cheaply than that of men, and in the whole history of their employment since the industrial revolution women have had to bear the worst burden of bad wages. It is true that in some occupations they actually do better work than men. But they have not had corresponding economic advantages. This in itself has made them more difficult to organise, and, in addition, the fact that women normally leave employment on marriage has had results in two ways: on the one hand, the age of the woman worker is lower, and she herself is less experienced than in the case of men, and on the other hand, she is apt to regard her employment as lasting only for a few years.

Speaking generally, women are less capable of violent muscular effort than men, and cannot undertake work entailing so heavy a physical strain. A few individual women may be able to do so, but broadly speaking this is not the case, and it must be remembered that an employer considers the question on broad lines and does not select his workers after an athletic test.

Further, in addition to physical strain, under present social conditions, merging as we are from the dark ages in our attitude towards women, certain working conditions, such as night work and very late or very early hours (the two-shift system), are more disadvantageous for women than for men; whether that will always be so we cannot say, but we are regarding legislation from the point of view of facts as they are.

Three Forms of Protective Legislation

Yet in the present state of public opinion it is often easier to secure protection for women than for men, while conditions which men's stronger organisation can gain for them can only be won for women by legislative enactment.

Protective legislation for women can be divided into three classes:—

1. Provisions that would be good for men as well as women, but which can be obtained for women and not for men at the present time.

Legislation regarding hours of work comes under this heading. We can in factory legislation secure regulation of women's hours, and even the present Government (a

year ago at least) was willing to enact a 48-hour week for men. Not all the efforts of Labour, and of agreements at International Labour Conferences, have been sufficient to secure 48-hour legislation for all workers. We prefer to take what regulation we can get rather than to delay it.

2. Regulations that are more needed for women than for men, because women are less fitted than men for certain dangerous and specially heavy muscular work.

Under this heading comes the exemption of women from all forms of active service; their prohibition in dangerous industrial processes, such as work in underground mines, outside window-cleaning, the cleaning of dangerous machinery; also regulations as to the lifting of heavy weights, exposure to excessive heat, and the handling of poisonous substances which may be specially injurious to women. The prohibition of nightwork, in so far as nightwork is necessary, may be placed in the same category. The experience in munition factories during the war brought once more into evidence the half-forgotten facts of unregulated nightwork—"deterioration in health caused by the difficulty of securing sufficient rest by day; disturbance of home life with its injurious effects upon the children; and diminished value of work done." (*Report on Women's Employment by the Health of Munition Workers' Committee.*) If women could be relieved of domestic duties, it may be that their resistance to industrial fatigue would approximate more nearly to that of men, but legislation has to deal with things as they are.

3. Some forms of protection are necessary for women because of their functions as mothers.

Under this heading come the provisions proposed by the Maternity Convention adopted by the International Labour Conference in 1919. This Convention, which has not yet been ratified by our country, declares that women workers should be prohibited from working for six weeks after childbirth, have the option of not doing so for six weeks before and should have adequate maintenance during the whole period.

Our position, therefore, is that we take whatever we can get under all three heads, and if we cannot get it for men, or it is not necessary for them, we endeavour to secure it for women alone.

Effects of Past Legislation

Does such provision worsen the position of industrial women workers? In our opinion the facts all point in the other direction. The position of women in the industrial world during the last 100 years has been strengthened by every regulation for their protection which has been adopted.

We cannot believe it possible that anybody would desire to go back to the time when women were employed in coal mines, or when the hours of their work in factories were wholly unregulated. Without regulation those who are weakest get the worst jobs at the worst pay, and that means that women get them. It is, however, quite a mistake to think that when the hours in factories and workshops employing women are regulated, women are at a disadvantage in comparison with men.

An employer does not substitute men in such a case, but all workers share in the improvement. As to the prohibition of night work, it has certainly not been injurious to women, and it has been an influence towards its abolition.

A comparison of the numbers of men and women employed in the engineering and metal trades is especially interesting. Allowing for slight differences in methods of compilation the following numbers indicate the trend of women's employment in these trades:—

	Numbers	
1881	38,000	(Census figures, Great Britain.)
1911	110,000	(Census figures, Great Britain.)
1926	252,000	(Ministry of Labour estimates, Great Britain and Northern Ireland—where the number is very small.)

Expressed in the form of an index number there were 252 women employed in 1911 for every 100 employed in 1881, and 340 women employed in 1926 for every 100 in 1881.

On the other hand the numbers of men have not increased so greatly. For every 100 employed in 1881 there were 189 in 1911, and there was no increase on these figures in 1926.

The worker who cannot be exploited at the employers' will because the law does not permit it, gains a stronger and not a weaker position in the industrial world. Legislation has had to step in to give women a chance of achieving a more equal footing with men. Without such protection it is not equality that the woman achieves but far greater inequality.

Need to Examine All Legislation Proposed

At the same time the Committee does not believe that we should accept blindly all protective legislation; each proposal must be examined carefully, and we must feel that there is good reason for the provision to be made. The past history of the woman worker has shown that she has often been employed to break the wage-rate for all employees. That time has not yet passed, and there is a feeling that the introduction of women into employments where they are not accustomed to work endangers wages. The consequences of using women to break a wage-rate are so dangerous to both men and women of the working-class that some trade unions have taken a strong line against the extension of women's employment in occupations where they have not been previously employed. They have, however, never proposed that such restrictions should be made a matter of legislation.

Women and Lead-Poisoning

The restrictions, for example, of women employed in certain painting processes where lead is used are due, not to fear of the women, but to the definite medical belief that women are more subject to lead-poisoning than men.

The greater susceptibility of women to lead-poisoning has been the subject of very careful examination in the Potteries. The evidence of Dr. T. M. Legge, Medical Inspector of Factories, given before the Departmental Committee in 1908 was conclusively borne out by the figures of the greater incidence of lead-poisoning amongst women. His opinion is the opinion of the organised workers in the trade represented by the National Society of Pottery Workers, of whom the majority are women. At the present time the number of cases in that trade (which is the most important of those using lead in which women are employed) is about equal, but the rate per thousand is much higher for women than for men as there are at least one-third more men employed in the lead processes than women. During the war period a large number of women were introduced into the lead processes, but by agitation against their continued employment the numbers were reduced, but still are slightly higher than the pre-war level. We accept their view, based as it is upon definite first-hand experience, and welcome the fact that the protection of women in processes using lead has been

increased, though we are whole-heartedly in favour of a further protection which would include men as well.

The whole Labour Movement would prefer the abolition of lead in certain productions, but the present Government has refused to adopt the proposals on these lines accepted by the International Labour Conference at Geneva.

Restrictions on Employers, Not Workers

The greatest evil in the industrial employment of women is low wages—whether of men or women. The low wages of men often compel married women who are already fully occupied at home, and who are bearing children, to compete for employment in industry. The low wages of women are an important factor in dragging down the wages of men. In our efforts through Trade Boards to abolish sweating, regulation affects both sexes—but the worst sweated trades are those which mainly employ women. The fixing of minima, both of wages and hours, which has, therefore, been of special benefit to women: would the feminist organisations regard it as “restrictive”? Would they prefer that the employer maintain his right to sweat his workers in the name of equality?

These considerations apply to industrial workers in factories and workshops. They do not apply to the professional and clerical workers. We are also entirely against prohibition of the employment of married women on the ground of marriage. It is because we believe in the emancipation of women, economic, social, and political, that we stand for the protection of industrial women workers against the ruthless exploitation which has marred their history in industry.

For industrial and professional women alike, we seek equal remuneration for the same job, and we desire that all professions should be equally open to persons of either sex.

Signed on behalf of the Committee,

ELEANOR HOOD, *Chairman.*

A. SUSAN LAWRENCE, L.C.C., M.P.,

M. J. PIDGEON,

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} *Vice-
Chairmen*

October, 1927