

REPORTS AND ENQUIRIES

The Effects of Special Legislation on the Employment Opportunities of Women in the United States

The Women's Bureau of the United States Department of Labour has recently published a report on its investigation into the effects of labour legislation on the employment opportunities of women.¹ For the study of the problems of women's work, growing steadily in importance with the rapidly increasing participation of women in all branches of social life, this investigation will be found of fundamental value. As the question of protective labour legislation for women is hotly contested in feminist circles, especially in Anglo-Saxon countries, the report of this official enquiry, of which a summary is given below, will arouse great interest not only in these countries but also in those where the desirability of special protection for working women is not disputed.²

ORIGIN AND PLAN OF THE ENQUIRY

The investigation was undertaken by the Federal Women's Bureau at the request of the second Women's Industrial Conference, which met in January 1926 at the invitation of the Women's Bureau. One group participating in the Conference reiterated the position taken by their organisation against labour legislation applicable to women only, the ground of their opposition being that it handicapped women in securing and retaining employment. They urged that the Women's Bureau undertake a study. All members of the Conference, those opposed to and those in favour of such legislation, were in accord with this recommendation, believing that the facts should be secured. The controversy concerning the subject, however, made it profoundly important that the procedure of investigation should be so planned as to ensure objective conclusions.

One means of ensuring this objectivity in procedure was to appoint two committees: one advisory committee to give technical advice, composed of persons having experience in carrying forward industrial

¹ UNITED STATES. DEPARTMENT OF LABOUR, WOMEN'S BUREAU: *The Effects of Labour Legislation on the Employment Opportunities of Women*. Bulletin of the Women's Bureau, No. 65. Washington, Govt. Printing Office, 1928. 500 pp.

² This summary is largely quoted from the Foreword (pages xv-xx), which was contributed by the Technical Advisory Committee, and from Chapters I and II of the report (pages 1-54), which themselves contain a general survey of the situation and a summary of the results of the investigation and the conclusions drawn from it; these conclusions are given here in full. The remainder of the volume gives the results of the investigation in greater detail.

investigations, and a second composed of representatives of organisations advocating special legislation for women and representatives of a national organisation opposing it. This was an idea taken over from the recommendations of the United States Commission on Industrial Relations, particularly the minority report presented by Professor John R. Commons, urging that in the administration of labour legislation controversial issues should be met by having both sides represented in advisory committees. These committees could be kept informed constantly of the progress of investigations and of the administration of labour laws and would be free to express their assent or dissent when reports were published.

Unfortunately, this plan of the second advisory committee proved impossible to carry out. Those opposed to special labour laws for women urged that the investigation be conducted from the beginning mainly through public hearings. The advocates of special labour legislation, the majority of whom were themselves women in industry, representing organisations of women in industry, were opposed to public hearings on the ground that testimony given on such occasions by working women might jeopardise their positions and could not be relied upon to bring out all the facts. When their opponents on the committee, in their efforts to secure the adoption of their recommendation on procedure in making the study, induced their members in the States to write letters to Congressmen designed to discredit the investigation before it was begun and to bring charges of prejudice and unfair dealing against the Women's Bureau, the representatives of industrial organisations and those favouring special labour legislation withdrew from the committee, holding that it was not fulfilling its proper functions, that they could not agree with the recommendations for public hearings, and that no useful purpose could be served by the agitation resulting from this disagreement in the preliminary planning of the study. This committee, therefore, lacking representation of advocates of special legislation for women, was automatically dissolved.

The Technical Advisory Committee of experts in industrial investigation advised throughout the enquiry on the best method of collecting and presenting the material. The Chairman of this Committee was Miss Mary van Kleeck, Director of the Department of Industrial Studies of the Russell Sage Foundation. Miss van Kleeck has had many years of experience in making industrial investigations, and has published a number of reports of great social value. She served as a member of the President's Conference on Unemployment in 1921; she was a member of the Committee on Unemployment and Business Cycles, 1922-1923; and she was the first Director of the Women's Bureau (then the Woman in Industry Service), and was therefore especially well equipped to understand the requirements of the work in hand.

The second member of the committee was Dr. Charles P. Neill, Manager of the Bureau of Information of the South-Eastern Railways. Dr. Neill was United States Commissioner of Labour from 1905 to 1913, and conducted the monumental investigation into the condition of woman and child wage earners in the United States which was made during that period. He has served as president of the American Statis-

tical Association, was a member of the United States Immigration Commission in 1907-1910, and a member of the United States Coal Commission in 1922 and 1923.

The third member of the committee was Dr. Lillian M. Gilbreth, who, as psychologist and as consulting engineer in management, has made practical studies of industrial fatigue. She is a member of the Taylor Society and an honorary member of the Society of Industrial Engineers, and is the author of several books on time and motion studies in industry.

Regarding the scope of the investigation, the Foreword states that in the working out of the plan several surrounding circumstances had to be taken into consideration. These were (1) the large numbers of women employed in industry; (2) variety in the occupations in which they were engaged; (3) varying conditions not only in different industries but in different localities and in different establishments in the same industry and the same community; (4) changes in industrial equipment, in machinery, and in the development of the country from agricultural to industrial pursuits, which have been coincident with labour legislation and with many other changing factors influencing the employment of women; (5) different backgrounds in public opinion in the different States, as shown in the history of labour laws in Massachusetts, New York, and California; (6) the controversial character of the problem as already described; and (7) the range of possible effects of labour laws which could be set down as hypotheses in the beginning and would require examination.

In approaching the subject, it was taken for granted that one result of labour legislation was the establishment of certain standards of employment which are socially beneficial. But the investigations were not centred upon this, as it was clear that the social effects of labour legislation would be a different subject. Certain other questions, such as the effect on industry itself, whether labour laws cause movement from one State to another, restrict or enlarge production, and in general how labour laws affect industrial efficiency, were also excluded from the enquiry as being beyond its scope.

The point upon which it was desirable to focus attention was evidently the possible curtailment of opportunities for women through the substitution of men, by reason of labour laws applying to women only. This was the real object of the enquiry.

When the investigators set to work, the question they sought to answer was this: What have been the actual changes in the proportion of men and women as measurable statistically from plant records over a series of years during which labour legislation was being enacted, as compared with changes in the same industry in a State not having similar legislation? It was proposed to secure this information by examining payroll records and procuring from them the particulars and dates of changes in the proportion of men and women employed, and by interviewing employers and workers to learn what had been the factors in these changes.

This technique had to be radically altered, because plant records were lacking in precision, as they did not give the information for

specified occupations and often did not give it separately for men and women. It would have been possible to secure those records for a few plants, but these were likely to be the better managed and not typical of general conditions. In order to get a more inclusive picture of many occupations in different States it was necessary to change the technique. Instead of a statistical study supplemented by interviews the enquiry had to be made by means of interviews supplemented by statistics.

The technique of studying prohibited occupations resolves itself into a study of these occupations in those places where they are not prohibited, in order to discover whether their prohibition deprives women of advantageous opportunities for employment. It is pointed out that special labour legislation may be divided broadly into two parts: (1) laws definitely prohibiting the employment of women; (2) laws regulating their employment. The laws which regulate their employment may become prohibitory in their actual effects. There are two different problems of investigation involved in studying these two types of legislation.

In the industries and occupations studied, establishments employing in all more than 650,000 men and women were covered. The base for the facts was therefore broad. As regards conclusions, however, the Technical Advisory Committee point out in their Foreword that the first caution in the reading of the report, which is demonstrated again and again in the material, is the impossibility of generalisation, the necessity for recognising differences in different occupations, different industries, and different localities.

OCCUPATIONAL DISTRIBUTION OF WOMEN'S EMPLOYMENT IN THE UNITED STATES

According to the figures of the 1920 census, over eight and a half million women in the United States at that time were engaged in gainful occupations. These women were working under a great variety of conditions, for this number included the independent worker, the worker who was the only employee, and the worker who was one of many in a large business or industrial establishment. To some of these occupations legal regulations of hours and other conditions of employment for women apply; to others they do not; so that according to the most reliable estimates available only about a third of the eight and a half million women come under such legal regulations.

The table on page 235 shows the total number of women engaged in gainful occupations in each State, as well as the proportion which that number forms of all the women in the State. It is based on figures taken from the Census of Occupations for 1920.

It is apparent from this table that the women in gainful occupations are of minor importance in some States, while in others they are numerous enough to assume very great significance.

The Trend of Employment

The number of persons engaged in non-agricultural pursuits has increased more rapidly over the 50-year period from 1870 to 1920 than has the population, and this is true for both men and women. During

PROPORTION OF WOMEN IN GAINFUL OCCUPATIONS IN 1920, BY STATE¹

State	Females 10 years of age and over		
	Total number	Engaged in gainful occupations	
		Number	Per cent.
Alabama	869,077	223,868	25.8
Arizona	111,810	18,386	16.4
Arkansas	634,933	115,810	18.2
California	1,339,057	286,647	21.4
Colorado	351,853	62,587	17.8
Connecticut	540,073	146,252	27.1
Delaware	87,128	18,102	20.8
Florida	365,637	85,262	23.3
Georgia	1,080,976	288,745	26.7
Idaho	146,103	17,509	12.0
Illinois	2,537,438	540,938	21.3
Indiana	1,157,492	185,385	16.0
Iowa	932,795	141,321	15.2
Kansas	676,228	92,510	13.7
Kentucky	904,259	131,493	14.6
Louisiana	681,108	152,726	22.4
Maine	306,658	64,845	21.1
Maryland	576,020	137,221	23.8
Massachusetts	1,591,865	503,155	31.6
Michigan	1,358,977	245,383	18.1
Minnesota	890,255	164,066	18.4
Mississippi	670,099	194,964	29.1
Missouri	1,352,024	244,615	18.1
Montana	185,857	28,278	15.2
Nebraska	484,262	71,789	14.8
Nevada	24,500	4,334	17.7
New Hampshire	180,644	49,302	27.3
New Jersey	1,237,914	295,990	23.9
New Mexico	123,769	14,941	12.1
New York	4,215,968	1,135,295	26.9
North Carolina	926,790	202,697	21.9
North Dakota	218,221	28,328	13.0
Ohio	2,242,416	409,970	18.3
Oklahoma	716,198	94,594	13.2
Oregon	295,928	54,492	18.4
Pennsylvania	3,321,983	686,232	20.7
Rhode Island	246,672	80,562	32.7
South Carolina	615,092	205,656	33.4
South Dakota	223,512	29,686	13.3
Tennessee	884,810	152,108	17.2
Texas	1,708,209	303,843	17.8
Utah	159,235	21,783	13.7
Vermont	139,947	26,899	19.2
Virginia	862,375	156,210	18.1
Washington	496,641	92,900	18.7
West Virginia	512,778	57,439	11.2
Wisconsin	997,362	182,365	18.3
Wyoming	62,677	9,402	15.0

¹ UNITED STATES, BUREAU OF THE CENSUS: Fourteenth Census, 1920, Vol. 4: *Population, Occupations*, p. 47, Table 8.

this period women were assuming a somewhat more important place in the general activity; in 1920 they formed a slightly larger percentage of the total number of people in gainful occupations outside agriculture in the country as a whole than they had done in 1870, the figures for each decade being as follows :

Year	Employed women (percentage)
1870	20.9
1880	20.4
1890	22.5
1900	22.7
1910	24.2
1920	24.2

The slight increase since 1870 in the proportion of women employed is not, however, the really significant fact in connection with the development of women's opportunity. Of far more immediate importance is the shifting of women's occupations from one field to another that was conspicuous during the decade from 1910 to 1920. Considered in connection with the legislative regulations that apply to the different types of women's employment, these shifts are most significant. In 1910 there were 203 occupations in which 1,000 or more women were employed; in 1920 the occupations in this group had increased in number to 232, and a very large part of this increase was in occupations in manufacturing and mechanical industries and professional service. Increases of 50,000 or more occurred among women who were clerks in offices, stenographers and typists, book-keepers and cashiers, teachers, saleswomen, telephone operators, trained nurses, and clerks in stores. Decreases of 50,000 or more occurred among farm labourers at home, farm labourers working out, cooks, general servants, laundresses, dressmakers, seamstresses not in factories, and milliners and millinery dealers.

On the whole, the great change seems to have been a decrease among women working in or for the home and in personal service occupations, and a corresponding increase in clerical and allied occupations, in teaching, and in nursing, all of which had been woman-employing occupations for many decades, but had not before reached such numerical importance.

In manufacturing and mechanical industries, which are the really important groups as far as labour legislation for women is concerned, it is necessary to search more closely for the significant changes. Increases since 1910 of more than 10,000 women were found among semi-skilled operatives in the food, iron and steel, and clothing industries, in silk and knitting mills, and in electrical supply, shoe, and cigar and tobacco factories, among labourers in cotton mills, and among forewomen and overseers in manufacturing. The most striking increase shown for women in any industrial group is that for operatives in automobile factories, among whom there was an increase of 1,408 per cent. In the entire iron and steel industry women increased 145.4 per cent. as semi-skilled operatives. A slightly larger increase (148.1 per cent.) occurred among women operatives in electrical supply factories. Many

of the changes that took place in the manufacturing and mechanical industries were indicative of changes within the industries themselves and showed increases for men also. It is interesting to find that while women operatives in automobile factories increased 1,408 per cent. (from 848 in 1910 to 12,788 in 1920), the largest percentage increase for women in any one industry, men operatives in automobile factories increased 435.4 per cent (from 20,243 in 1910 to 108,376 in 1920), the second largest percentage increase for men. In this one rapidly developing industry the employment of women was increasing at a greater rate than that of men, though the actual number of new employees was enormously greater for men than for women.

In studying all occupations employing an appreciable number (1,000 or more) of both men and women in 1910 and 1920, an interesting situation was found to exist. The changes in rate of increase or decrease for the two sexes were entirely disproportionate, and in by far the greater number of cases the women took the lead in the rate of increase. Of course, in most of the occupations considered, men still were numerically far above women, and the conspicuously large percentage increases shown for women in certain occupations — for example, automobiles — are the direct result of small basic figures in 1910; but these huge increases none the less indicate that more and more industrial opportunities are being offered to women.

THE APPLICATION OF LEGISLATION TO WOMEN IN GAINFUL OCCUPATIONS

The same decade that saw in many industrial processes numerical and proportionate increases in the number of women employed also saw the enactment of important and inclusive legal regulations for this employment. A simple correlation between these two facts, however, would not be reliable nor significant because of several qualifications that must be allowed for first. Most essential of all qualifications of legal matters is the exact application of the laws, and this qualification is an especially important one in connection with the labour legislation in question. In no case do these laws cover all women's occupations, and one of the most important limitations of the industrial code set up for women is the variations in the wording and interpretation of each individual enactment and in the policies and practices of the enforcing officials.

Most of the women in gainful occupations are not affected by any of the labour laws relating to the employment of women. In the first place, not all of those working for gain are in the employ of another person, and, in the second place, not all employed women are engaged in occupations ordinarily covered by such laws. The Census furnishes the only figures that can be used to determine how many women are covered by hour laws or night-work laws, though frequently it is impossible to make the Census classification of occupations fit the occupations or industries that are specified by the State laws. Then again, in certain States the laws are broad in their application, covering many

different types of employment, but in other States the law applies only to very circumscribed groups of women, who form but a small part of the wage-earning population. However, using the Census material as a basis, and noting the necessary qualifications of the scope of each specific State law, an estimate has been made for each State of the number of women whose hours or time of work were regulated.

The particular groups of employees covered by hour laws or night-work laws vary from State to State, but such legislation is most likely to apply to workers in factories, stores, and laundries, to telephone operators, and to the employees of hotels and restaurants. Occasionally clerical workers are included, and in a few States the laws are so worded that they might apply to any woman working in the employ of another person. The main Census divisions under which these workers are classed are manufacturing and mechanical industries, which include all those employed in factories and workshops; trade, which covers the mercantile workers; domestic service, under which are found laundry operatives and the employees of hotels and restaurants; and transportation, which includes the telephone operators.

Regulatory Legislation in Manufacturing Industries

Considering first the women in manufacturing industries, who are a fairly homogeneous group in regard to the requirements of their employment and the possibilities of adjustment to the standards set by legislation, there are three types of legislation applying to women only, the effects of which have been considered: first, daily and weekly hour limitations; second, prohibition or regulation of night work; and third, the requirement of special working conditions.

Hour Laws.

The records of the scheduled hours of the women in 18 States cover altogether 233,288 women employed in 2,608 plants — factories, stores, and laundries. They show, on the whole, great variations in standards of hours. Of all the women for whom scheduled hours were reported, only slightly more than one-fifth were on a daily schedule of 8 hours or less, but more than a third had weekly schedules of 48 hours or less. At the other end of the scale were about one-sixth of the women with scheduled hours of 10 or more daily and more than 54 weekly.

As regards the application of hour laws to the women in five important woman-employing industries (boots and shoes, hosiery, paper boxes, electrical products, and clothing), the investigation has shown that such legal limitations of women's hours of work have not brought about any degree of substitution of men for women. Two minor isolated cases in hosiery plants, where men had been substituted for women because the women could not work more than 9 hours a day, were the sum total of *bona fide* instances found of decreased employment for women resulting from the enforcement of hour legislation in these

five industries. From the many interviews held with employers it was apparent that they engaged women for certain work because they wanted women for that work, and the legal limitation of women's hours did not prevent their doing so. Nor was it the legal limitation of hours that kept women from being promoted to supervisory positions. Very few women supervisors were found in the States where legislation restricted their hours, but there were equally few in the States where legislative standards were so liberal as to be practically non-existent.

In another group of manufacturing establishments — those employing men longer hours than were permitted for women — a slightly different situation had resulted from the legislation limiting women's hours of work. Here, also, there was no evidence of any decrease in women's employment because they could not work so long as could men, but in a comparatively small number of cases there might be additional jobs open to women if they could work longer hours. These jobs, however, bore no evidence of especially valuable occupational opportunity.

Without the limitations of the hour laws some women undoubtedly would be employed much longer hours, but in most of the establishments operating longer hours for men than were legally permitted for women the women's work was so adjusted that it could be performed during a shorter period, and there was no need of their extended employment. In some cases it was customary to put men on women's work for the overtime hours necessary. This did not involve a replacement of women but was merely an adjustment to prevent their working longer hours. Most significant of all is the fact that more than half the employers who required of men longer hours than were legal for women stated that they would not employ women for such hours even did the law permit it.

On the whole, legislative hour restrictions of women's work play a very minor part in influencing their position and opportunities in manufacturing industries. Employers have very generally accepted the fact that long hours do not make for efficient production. Competition between firms often leads to decreased hours so that a better type of labour may be attracted, and cases were even reported of a reduction in hours to lessen the competition for labour resulting from a legal standard of short hours for women in a neighbouring State.

It is not unusual for manufacturing establishments to reduce hours, and such reductions, from whatever cause, commonly are not looked upon as handicaps to employees. In States with 48-hour or 50-hour laws for women these laws have been the main factors in causing reductions of hours in woman-employing industries, but they were not by any means the only factors, and many reductions in hours have occurred as part of the normal development of industrial standards without producing any serious upheaval in employment policies.

Not only have there been practically no instances of actual decreases in women's employment as a result of hour legislation, but the general status of their opportunity seems not to have been limited by this type of law. Women were employed as extensively in California as in Indiana, in Massachusetts as in New York. In fact, because in

certain States women cannot work overtime, the result in some cases has been not a restriction of their employment but increased opportunity for them. This is due to the fact that, in States where women's hours are so limited that they cannot work overtime, it is not unusual for establishments to employ additional women when there is extra work, or else to carry a larger force of women the year around in order to be prepared for the rush seasons. In States where there is little or no legal regulation of women's hours the establishment may, instead of employing extra women for these rush periods, keep the women already on the rolls for very much longer hours. One of the most important effects of hour legislation on women's opportunities is, therefore, to increase the number of jobs available for them.

Further illustration of the fact that hour laws have not limited women's opportunities in industry was given by the actual experiences of working women who had been employed at the time when some hour legislation went into effect. Not one woman had found that such legislation had handicapped her or limited her opportunity in industry. As a result of the laws, hours had been decreased for the majority of women, but this was the only result experienced generally enough to be significant.

Night-Work Laws.

So much for the daily and weekly hour laws applying to women in industry. Night-work laws have a different story. If a plant carries on women's occupations during hours when women may not be employed, the alternative is to put men on these occupations. However, the important fact about this situation is that such substitution occurs in less than half the plants that operate at night. It is much more usual to find that the plant that operates a night shift does not run at night the occupations on which women normally are employed. There is an astonishingly strong feeling among employers in industry against the employment of women at night, irrespective of legal regulation. Night work, considered undesirable for men, is considered very much more undesirable for women.

There are, of course, an appreciable number of employers who would like to use women when the night shift includes women's occupations. In most of such establishments, however, the fact that this cannot be done does not decrease the day work of women. Instead, women are employed as fully as possible during the daytime, and the substitution of men on women's jobs at night is the extent of the restriction of women's employment resulting from the night-work prohibition.

Though this is true in by far the greater number of plants running women's occupations at night, sometimes the fact that women cannot be employed at night reduces or eliminates their employment during the daytime. However, this occurs not only under the legal prohibition of night work; one of the most striking examples found of such a situation was in a State where there is no night-work law for women. In some plants that run on a three-shift system it is customary for the employees on the different shifts to change from one to another at

stated intervals, in this way each taking a turn at the day, the evening, and the night shifts. Where the law prohibits women's work on the night shift their employment in such plants may be limited on the day shift also because of the necessity for rotating shifts.

On the whole, in most localities and industries night work for either men or women is frowned upon and is decreasing. In some establishments women would be employed at night if the law permitted, and in an even smaller number of cases increased numbers of women might be employed in the daytime if they could work at night. To this extent the night-work laws restrict women's opportunity.

Laws regulating Working Conditions.

In addition to the legal limitation of hours and night work for women in industry there are regulations that stipulate certain working conditions and sanitary arrangements where women are employed. This type of legislation is almost entirely a reflection of the standards of efficient management, and as such its effects in terms of women's employment are extremely difficult to measure. It is not likely that many establishments will be found that refuse to employ women because they must have a separate lavatory or service facilities. The provision of chairs is another minor matter so closely allied to efficiency and production that it cannot be measured easily in terms of possible discrimination against women. There is one type of working-condition requirement, however, that has caused considerable discussion and that it has been possible to investigate. This is the legal stipulation that special partitions and ventilating devices shall be provided when women are employed in core rooms. It has been claimed that the requirement of such devices and the restriction of the weight that women may lift have resulted in the elimination of women from this occupation. In the State of Massachusetts such regulations went into effect in 1917, but there is no evidence that any plant dismissed women or curtailed their employment because of the requirement of partitions and special ventilation. There were plants that had cut down the number of women core makers for other reasons, but the regulation in question so obviously was the standard accepted by the industry that it had little effect on women's employment. The regulation requiring that women should not be allowed to carry core and core box whose combined weight was more than 25 pounds perhaps had proved a slight handicap in one or two cases, though in the majority of establishments women were working on such small cores that this regulation had no effect on the work they were doing. In one or two establishments the employer stated that he would have tried women on larger cores had it not been for the need to watch weights carefully lest they infringe the law. It does not seem likely, however, that this can be a serious handicap to women, as in the very large majority of core rooms they were found to be working on small cores requiring the delicate touch of light fingers. Such work commonly is accepted as the type on which women are most successfully employed.

Laws applying to Special Occupations

After examining the question of hours legislation in stores and legislation applying to special occupations, such as waitresses and elevator operators, the report discusses the conditions of street-car conductors, ticket agents, and women employed in transportation, and states that the entire situation with regard to the effect of legislation on women's employment in transportation is so complicated and subject to so many exceptions that it cannot be summarised briefly.

The effect of hour limitations and night-work prohibitions on the employment of women in printing and publishing is specially mentioned as a phase of legislative regulation that has aroused much controversy. These women are working in a trade that is highly organised and for which short daily and weekly hours are customary. Therefore, laws limiting the number of daily and weekly hours that women may work have had little effect, because their usual hours are shorter than, or at least as short as, those stipulated by law.

On the other hand, for some women in the printing trades night-work prohibition has proved to be a handicap. A large part of the publication of morning papers and some of the work on afternoon papers necessarily is night work. For many occupations in such establishments it is customary to allocate employees to the various shifts by their seniority rights, a system similar to that in force in transportation companies. If women cannot take their turn on the night shifts they cannot enter the trades nor use their seniority rights on an equal basis with men, and their employment is made much more difficult. The night-work law that was enforced at one time for women in newspaper offices in New York State undoubtedly proved a handicap to some women. The effect of this law, however, was not extensive, because comparatively few women were employed in the occupations and under the conditions regulated. In fact, a study made in New York five years after the exemption of these women from the provisions of the law showed that only 40 of 150 women, employed on 77 newspapers, were working at night. Nevertheless, among the women employed at night in printing establishments there are some who are highly skilled, well paid, and thoroughly satisfied with their work, and the prohibition of such employment would be a decided handicap to them.

Prohibitory Legislation

All the legislation discussed in the foregoing paragraphs is regulatory in type. Occasionally, as in the case of the women printers and some of the women in transportation, this legislation has become prohibitory in its result. On the whole, however, its purpose, and its accomplishment, has been to regulate but not to eliminate the women employed in various occupations or industries. The effects of the laws prohibiting employment in certain occupations are very different from those of the regulatory laws. Prohibitory laws have really only one effect -- the

elimination of women from the occupations covered. The importance or significance of this elimination is the one necessary qualification in a measurement of the effect.

A list of the occupations prohibited for women by the laws of one or more States is a long one. Some of these laws are insignificant in their possible effect on women, but certain of them deserve very careful consideration. The prohibited occupations studied in the course of this investigation were grinding, polishing, and buffing, electric and acetylene welding, taxicab driving, and gas and electric meter reading.

Grinding, Polishing, and Buffing.

The prohibition of grinding, polishing, and buffing occurs in Ohio and New York. In other States women are successfully employed on these operations, the employers are satisfied with their work, and the women are enthusiastic about both the job and the pay. The laws prohibiting work on such operations originated as safety measures at a time when modern safeguards and improvements of machinery had not been installed. Under present conditions, however, the prohibition of such work — sometimes highly skilled but in many cases purely automatic and often done under excellent conditions — seems to be a restriction of women's opportunity. Of course there are many types of these operations that are not suitable and probably cannot be made suitable for women. This is not sufficient justification, however, for prohibiting all such employment for women.

Electric and Acetylene Welding.

The same thing seems to be true of electric and acetylene welding. Though women acetylene welders are not employed in any great numbers, they occasionally are employed with very great success, while some processes of electric welding employ successfully considerable numbers of women on work that is practically automatic and involves almost no hazards.

Taxicab Driving.

Until recently, women in Ohio could not be employed as taxicab drivers, and yet in New York and California and Massachusetts and Pennsylvania a few women are doing this work with perfect success and satisfaction. In fact, in Pennsylvania, one company inaugurated a fleet of cabs driven by women chauffeurs, and it was reported that the women were most satisfactory in every way.

Gas and Electric Meter Reading.

The effects of legislation prohibiting gas and electric meter reading by women are unimportant, because practically no women are engaged in these occupations, though the work is prohibited for women in only two States. A number of public utility companies tried women at this

work during the war, but they found it not very successful and transferred the women to other departments.

CONCLUSIONS

It is a difficult thing to measure what the prohibitory laws may have done to women's opportunities in the States where they are in effect. However, from the fact that women are successfully employed elsewhere in many of the prohibited occupations, it appears that the prohibition must be something of a restriction where it exists. This restriction affords the outstanding example of possible discrimination against women resulting from labour legislation.

In general, the regulatory hour laws as applied to women engaged in the manufacturing processes of industry do not handicap the women but serve to regulate employment and to establish the accepted standards of modern efficient industrial management. When applied to specific occupations, not entirely akin to the industrial work for which the laws were drawn, this regulatory legislation in a few instances has been a handicap to women.

Laws prohibiting night work for women in industry are chiefly a reflection of the usual attitude of employers regarding such practice, but occasionally they result in a limitation of women's employment. When applied indiscriminately to special occupations that are professional or semi-professional in type, night-work prohibition or regulation has resulted in restrictions of women's employment.

In almost every kind of employment the real forces that influence women's opportunity are far removed from legislative restriction of their hours or conditions of work. In manufacturing, the type of product, the division and simplification of manufacturing processes, the development of machinery and mechanical aids to production, the labour supply and its costs, and the general psychology of the times, all have played important parts in determining the position of women. These factors have varied with the different industries and localities, but everywhere they have been far more significant in their influence than has any law regulating women's hours of work.

In other occupations other influences have been dominant in determining the extent of women's employment. In stores a more liberal attitude and successful experimentation with women on new jobs ; in restaurants the development of public opinion as to the type of service most suitable for women ; in pharmacy a gradually increasing confidence in women's ability on the part of the public ; in the metal trades a breaking down of the prejudices against women's employment on the part of employers and of male employees, and demonstration of women's ability along certain lines — these are the significant forces that have influenced and will continue to determine women's place among wage earners. Such forces have not been deflected by the enforcement of legislative standards and they will play the dominant part in assuring to women an equal chance in those occupations for which their abilities and aptitudes fit them.