

A claim to compensation lapses if not expressly admitted or established in a court of law within six months of the date on which the employee should have entered on his employment.

#### SETTLEMENT OF DISPUTES

Disputes are referred to the special courts set up by the Act of 4 July 1931.

These labour courts alone are competent to give judgment in disputes between an employee and an employer or between employees of the same employer arising out of an employment, service or apprenticeship based on a private contract, irrespective of the sum involved. They are in particular competent to give judgment in disputes respecting :

- (a) wages, commission, and other remuneration ;
- (b) the beginning, continuation, and termination of an employment, service or apprenticeship ;
- (c) other allowances and rights to compensation arising out of an employment, service or apprenticeship, including deductions from wages, penalties under the contract, repayment of security deposits, leaving grants, the use of requisites for the employment, or annual leave ;
- (d) the issue of certificates of employment, their contents, and claims to compensation arising therefrom.

All expenses of the labour courts are borne by the State.

A labour court consists of a chairman, one or more vice-chairmen as required, and assessors and substitutes.

The chairman and vice-chairmen are appointed by the Minister of Justice from among the professional judges exercising their functions at the seat of the labour court, with due regard for their knowledge of labour law and social conditions.

## Factory Inspection in Switzerland, 1929-1935

Under the Swiss Constitution the Confederation has power to legislate on all matters concerning work in factories and in arts and handicrafts. When it makes use of this power the provisions it enacts apply to the whole country. The cantons are not then permitted to legislate on subjects already dealt with by Federal legislation, and Federal law takes precedence over any existing cantonal law.

The cantons are responsible, subject to the supervision of the Confederation, for the enforcement of Federal legislation for the protection of the workers. The inspection service is partly Federal and partly cantonal.

The work of the Federal inspectorate is restricted to the field covered by the Federal Factory Act of 1914-1918<sup>1</sup> and the Administrative Order of 8 October 1919 under that Act, as amended by the Order of 7 September 1923.<sup>2</sup> This Act provides that the legislation shall be enforced by the cantons under the control of the Federal Council and that the Federal Factory Inspectorate shall act as the supervisory body. The Orders of 1919 and 1923 prescribe that the Federal Council shall exercise its right of control through the Federal Department of Public Economy and the Federal inspection services attached to it.

For inspection purposes the territory of the Confederation is divided into four districts, in each of which the inspectorate consists of one inspector, two or three assistants, and a clerk. As a general rule the inspectors or their assistants must visit the factories<sup>3</sup> in their districts at least once a year. Industrial establishments not on the register of factories must also be visited if there is any reason to suppose that they fulfil the conditions which would render them subject to the legislation. The factory inspectors have no power to issue regulations, but they invite the manufacturer to take such steps as they consider necessary. If he refuses to do so, the inspection service proposes to the Cantonal Government the measures to be taken. The Cantonal Government informs the inspectorate of its decision. If it does not give effect to the request made by the inspectorate the latter can appeal to the Federal Department of Public Economy.

The supervision thus exercised extends to all the fields covered by the Act: hygiene, accident prevention, works regulations, holidays, wages, hours of work, employment of women and young persons, measures organised by the employers (holidays with pay, employers' insurance funds, workers' housing, etc.), and the weekly rest.

In connection with accident prevention and measures for combating occupational diseases the Federal inspectorate collaborates with the Swiss National Accident Insurance Fund, which is an independent institution managed by a governing body and an executive. The Federal inspectors inform the Fund of their findings when the instructions they have given for the prevention of accidents or occupational diseases cannot be applied without difficulty or when the employer refuses to comply with them.

A certain number of cantons, more particularly those with a highly developed industry, have set up special bodies for ensuring

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<sup>1</sup> *Bulletin of the International Labour Office* (Basle), Vol. IX, 1914, p. 269, and Vol. XIV, 1919, p. 205.

<sup>2</sup> *Idem*, Vol. XIV, 1919, p. 215; INTERNATIONAL LABOUR OFFICE: *Legislative Series*, 1923, Switz. 3.

<sup>3</sup> Factories within the meaning of the Act are taken to be industrial establishments using mechanical power and employing 6 or more workers, or not using mechanical power but employing 6 or more workers of whom one at least is under the age of 18 years (a young person), or not using mechanical power or employing young persons but employing 11 or more workers, and industrial establishments employing fewer workers than the numbers specified above, but in which there is special danger to the health and lives of workers or which are unmistakably of the nature of factories as regards the manner in which their work is carried on.

compliance with the Federal legislation. Some of them have a cantonal inspection service (Aargau, Basle Town, Fribourg, Geneva, Solothurn, St. Gallen, Valais and Zurich); Lucerne has an office for dealing with matters concerning industry and arts and crafts; in the Cantons of Berne, Neuchâtel and Vaud the enforcement of the legislation is supervised by the Prefects, with the assistance of the police or the local authorities. In other cantons this task is usually entrusted to the communal authorities or the police.

The Federal inspectors submit annual reports to the Federal Department of Public Economy on their work (before 1932 the reports were made every second year). The reports made every second year by the Cantonal Governments to the Federal Department were published separately until 1932; in 1934 they were for the first time published as an appendix to the report of the Federal inspectors. The present analysis of the work of the Swiss factory inspectorate from 1929 to 1935 is based on those reports.<sup>1</sup>

#### THE WORK OF THE FEDERAL FACTORY INSPECTORS FROM 1929 TO 1935

The following table provides a summary of the activities of the Federal inspectors from 1929 to 1935 (no corresponding figures are available for the work of the cantonal authorities).

ACTIVITIES OF FEDERAL INSPECTORS, 1929-1935

	1929	1930	1931	1932	1933	1934	1935
Number of factories covered by legislation	8,325	8,406	8,394	8,282	8,217	8,193	8,170
Number of workers employed in the factories covered	409,651	392,232	363,190	322,610	314,868	319,912	311,093
Number of inspectors and assistants	— <sup>1</sup>	15	15	16	14	15	15
Factories inspected once	6,127	7,052	7,453	7,456	7,544	7,482	7,447
Factories inspected more than once	207	118	184	193	209	251	293
Other establishments inspected	359	396	377	495	383	393	436
Total number of inspections	6,930	7,699	8,242	8,403	8,431	8,443	8,583
Number of workers employed in the factories inspected	311,216	240,230 <sup>2</sup>	220,982 <sup>2</sup>	300,238	292,054	292,368	282,773

<sup>1</sup> This figure is lacking.

<sup>2</sup> Number of workers employed in the factories inspected in the first, third and fourth districts; no figures are available for the second district.

<sup>1</sup> *Rapports des inspecteurs fédéraux des fabriques sur l'exercice de leurs fonctions, 1928-1929, 1930-1931, 1932, 1933, 1934 and 1935. Rapports des gouvernements cantonaux et du gouvernement de la principauté de Liechtenstein, 1929-1930 and 1931-1932, and Appendix to the reports of the Federal inspectors, 1934.*

## THE INDUSTRIAL SITUATION

After the economic revival which reached its culminating point in 1928-1929, a far-reaching change took place during 1930-1931. The report of the Federal inspector for the third district for 1930-1931 states: "The difficulties began in the summer of 1930 and made themselves felt first of all in the cotton industry and soon afterwards in the silk industry. The next branch to be affected was machine construction for the textile industry in all its branches, and eventually all the export industries. In consequence of the lack of markets, undertakings were obliged to reduce production by stopping some of their machines and then by reducing hours of work and wages, dismissing employees and workers, and sometimes even closing down altogether. Unemployment became very extensive, and at the present time all the authorities concerned are striving to provide relief for the unemployed and their families."<sup>1</sup>

The depression became much worse in 1932, and the number of workers employed in factories fell by 40,580 as compared with the preceding year. Every branch of industry without exception was affected; the worst sufferers, however, were the export industries, which had to reduce their production to a very marked extent. The measures taken to protect home production—prohibition or restriction of imports, quotas and increased customs tariffs—relieved the situation somewhat in a certain number of industries, such as the clothing and boot and shoe industries. Other branches which had hitherto worked for export adapted their production to the needs of the home market.

In 1933 the downward trend slackened. The decrease in the number of workers employed was only 7,742. In certain industries (wool, linen, clothing, paper and metals) there was even an improvement, largely as a result of the protective measures still taken by the public authorities. But these measures also induced a certain number of foreign undertakings to establish branches in Switzerland, thus intensifying competition on the home market.

In 1934 the economic recovery seemed to be more definite. For the first time since 1929 the number of workers increased (by 4,669) in all branches of industry except cotton, embroidery, wood-working, watch-making and pottery. The inspectors expressed the opinion that this improvement was due entirely to the measures for the protection of the home market. At the same time, while noting the increasing difficulties of exportation, they drew attention to the greatly increased competition on the home market which had resulted in many undertakings being forced to lower their prices to such an extent that they were working without any profit at all.

In 1935 the curve began to fall again. The number of workers declined by 8,444, and this decrease affected all branches of industry except watch-making, in which there was a slight improvement.

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<sup>1</sup> Subsequent references to the Federal reports in the text of this article will be indicated simply by the number of the district and the year in question.

The other export industries were still struggling with the same difficulties. In the case of industries working for the home market and protected by quotas and other similar measures, the great problem was that of prices. "During our visits we are frequently told that it would be possible to obtain orders but that they cannot be accepted at the low prices at present current" (third district, 1935).

#### INDUSTRIAL HYGIENE, ACCIDENT PREVENTION AND THE APPROVAL OF NEW PREMISES

Much space is taken up in the inspectors' reports by questions of industrial hygiene, safety and accident prevention. From their observations it is clear that although a large number of employers endeavour to improve the conditions of hygiene and safety in their undertakings as far as they can, the inspectors have nevertheless been obliged to intervene on many occasions. "As is always the case during periods of industrial depression, the inspectors have had to restrict their demands to the financial capacity of industry. Improvements have had to be put off until better times and we have had to be satisfied with the normal upkeep of plant, although vigorous action has been taken wherever the life or safety of the workers was in danger" (first district, 1931). In 1932 the inspectors of all four districts reported that the upkeep of workplaces left much to be desired in many cases. "It is often difficult to secure any far-reaching improvements, even when the head of the undertaking admits the necessity for them, because he frequently finds it difficult to obtain the money required for making the change" (fourth district, 1933). "The slogan: 'Avoid all unnecessary expense'—and by this is meant any expenditure that does not tend to increase output—is constantly heard in every undertaking. It is sometimes employed without due cause, and in many cases we have had to take a firm line.... On the other hand, we are glad to note, more often than might be imagined, improvements undertaken by the manufacturer on his own initiative" (first district, 1934). "The occasions on which the inspectors have to intervene in matters of industrial hygiene naturally become less frequent as the volume of employment decreases, especially when only the existing plant is being kept working.... This is why the number of observations made by the inspectors with regard to the general hygiene of workplaces fell last year to a third of what it had been in years of normal activity. This does not mean that the inspectors close their eyes to all defects; on the contrary, they have had to make a distinction between what could be tolerated because the safety of the workers was not directly endangered, and what must be changed immediately, even if only roughly and provisionally" (first district, 1935).

The number of plans for the building, extension or transformation of factories or workshops submitted to the Federal inspectors for approval has fallen considerably since the beginning of the depression. In 1928-1929 it was 2,035, but it fell to 1,565 in 1930-1931, to 606 in 1932, rising again to 668 in 1933 and 719 in 1934, and falling slightly to 714 in 1935. The great majority of these plans did not refer to new

plant but to the extension or rearrangement of existing premises. In many cases they did not reach the inspectors until after the work had actually begun. The inspectors have endeavoured to secure closer and more rapid collaboration with the cantonal authorities on this matter.

Permits to open undertakings are granted by the cantons, and the Federal inspectors report that the cantons are developing the habit of consulting them regularly before granting permission. One canton expressed the opinion that before permission to open an undertaking was granted the Swiss National Accident Insurance Fund should take more active steps to ensure compliance with the regulations for the prevention of accidents by threatening to charge a higher premium to heads of undertakings who refused to follow the principles laid down by it.

#### STAFF LISTS, WORKS REGULATIONS, WAGES AND CONTRACTS OF EMPLOYMENT

With regard to the statutory staff lists, one Federal inspector reports that they are generally satisfactorily kept, although it is frequently necessary to draw the attention of employers to the subject (second district, 1928-1929). "Cases of failure to keep staff lists generally occur in the smaller undertakings where it is easiest to keep them up to date" (fourth district, 1930-1931). One inspector mentions that the employers do not seem to appreciate the value of these staff lists as much as formerly, "when the lists contained a variety of information concerning the ability of the worker, his wages, his family responsibilities, etc. Does the gradual neglect of this old custom mean slackness and a loss of interest in everything that does not directly affect industrial output?" (first district, 1935).

According to the legislation, employers are obliged to draw up regulations concerning the organisation of the work in their undertakings, hours of work, factory discipline and the payment of wages. These regulations have to be approved by the cantonal authorities, who consult the Federal inspectorate before giving a decision. According to the reports of the Federal inspectors, those legislative provisions are generally complied with, although the draft regulations are sometimes submitted rather late. Most of the regulations are drawn up on the basis of the standard form suggested in the Administrative Order issued under the Act. The inspectors have often certain criticisms to make. "During our visits we frequently have to point out that the works regulations are not posted up, or that orders contrary to the regulations are posted up, as for instance, regulations concerning fines or alterations in the rules for giving notice, which are not permissible unless expressly stipulated in the contract of employment" (fourth district, 1933). "There is still a tendency among certain employers to consider the works regulations as a contract of service and to include in them provisions which are quite out of place.... We frequently find that the regulations are not posted up or handed to the workers, or that manuscript changes or erasures have been made" (first district, 1935). One inspector states that neither the employers

nor the workers pay much attention to the works regulations (first district, 1933).

Disciplinary fines are not permitted by Federal law unless stipulated in the works regulations, and the reports indicate that they are less frequently applied than formerly. Nevertheless, "even when the employer in practice does not impose fines, he is unwilling to abandon the regulations which leave this possibility open to him. He wishes to have the right to use this form of punishment when he feels it necessary.... In many undertakings fines are imposed only when the worker arrives late or has been absent without proper excuse" (fourth district, 1928-1929). "There is little to report on the subject of fines, as will readily be understood; for who can expect a worker in times of depression when he is intermittently employed to adhere to the strict letter of the regulations?" (first district, 1932). Similar comments may be found in most of the reports, which also mention that some undertakings which had abandoned the practice of imposing fines had reintroduced it, sometimes after altering their works regulations, but sometimes quite arbitrarily. In the latter case the employers were requested to alter their regulations accordingly.

The question of wages and their payment received much attention from the inspectors. The reports for 1928 and 1929 refer more particularly to the difficulty of enforcing the provisions of the Federal legislation whereby wages should be paid at intervals of not more than fourteen days, on a working day (not being Saturday) and during working hours. From 1930 onwards, when the depression began to make itself felt, there were considerable irregularities and delays in the payment of wages, and the question of reductions in wage rates became acute. "Many workers are working only a few days, or sometimes only a few hours, weekly; and it is therefore not surprising that wages are not paid regularly. The employer finds it difficult to collect the money due to him, and he cannot count on the same warm welcome from the bank that he received when business was flourishing. As a result of the depression many employers are in arrears in the payment of wages; and complaints are made to the inspectors when the sums owing to the workers exceed reasonable limits" (first district, 1930-1931). In the branches of industry particularly affected by the depression, such as watch-making, "wages are paid when the money comes in and when the workers are there to receive them, for the factory is not open every day" (first district, 1932). "In some cases the inspectors had to take energetic action to prevent the workers from suffering on account of the financial difficulties of certain undertakings" (fourth district, 1932). Similar difficulties are frequently mentioned in the reports from 1933 to 1935.

Whereas some of the reports in 1928-1929 mentioned that wages were comparatively high, all the reports for 1930-1931 mentioned reductions. "The majority of the workers affected seem to realise that such a reduction has become inevitable. They have often proved their realisation of this fact by accepting a compromise with the employer. Though there have been cases of dissatisfaction among the workers, leading in many instances to conflicts, the cause has always been the way in which the reduction was applied or its extent" (fourth district,

1930-1931). In 1932 and 1933 the reduction in hours of work, which often occurred along with the fall in wages, reduced still further the workers' income (second and third districts, 1933). At the same period the reports mentioned that certain undertakings were trying to reduce working costs either by paying job rates or piece rates or else by applying certain special systems of calculating wages. "The tendency to fix wages by the job or the piece on the basis of studies made by engineers in the undertaking or from outside has made further progress and will probably spread to other undertakings" (third district, 1933). "In general the workers are keenly interested in task rates or piece rates when such a system gives them an opportunity of additional earnings in proportion to their greater output and when the surplus received on pay day acts as a stimulus. But the inspectors have discovered systems of job rates or piece rates applied to groups or to individual workers which have been far from increasing the workers' joy or satisfaction in their work" (fourth district, 1933).

Certain comments are made on the payment of time and a quarter for overtime. "As a result of the depression the employers are more inclined than in the past to contest their obligation to pay a higher rate of wages for overtime. Frequently, and more especially in the textile industry, they say that they cannot afford the higher rate because of foreign competition" (third district, 1932). Many complaints were made by the workers concerning the failure of employers to pay higher rates (second district, 1934; fourth district, 1934 and 1935). Any infringements that were noted were dealt with more severely than formerly.

There were not many disputes concerning contracts of employment. Those that did occur generally referred to deductions from wages or failure to give due notice of dismissal. The inspectors pointed out that this question was outside their competence; when complaints were made to them they generally referred the parties to the appropriate courts or sometimes tried conciliation measures. The Federal inspector for the fourth district pointed out after 1933 that the employers tended more and more to claim the right to dismiss workers without notice. In 1935 he added: "Whereas salaried employees are usually engaged under a written contract, the workers' contracts are concluded verbally in most cases. I have been struck by the fact that in the case of workers a written contract is not used even when there is some departure from the statutory regulations—for instance, in the case of notice of dismissal—whereas such exceptions are not legal unless stipulated in writing." The reports of the inspector for the same district in 1932 and 1933 mentioned that questions of industrial relations were arising much more frequently and that the need had therefore been felt for closer touch between employers and workers. The staff committees in certain undertakings had thus gained in importance.

#### HOURS OF WORK

During 1928-1929 much progress was made in the application of the 48-hour week. "The normal working week has proved its value.... As many branches of industry are very busy and have to



deliver goods on short notice it has proved necessary to some extent to go beyond the manifestly narrow limits of the 48-hour week, but the principle is now firmly established " (second district, 1929).

A census made during the week from 19 to 24 August 1929 showed that of the 409,083 workers employed on 22 August by the undertakings covered by the Factory Act, 20,871 were working less than 48 hours, whereas 261,295 were working 48 hours a week ; thus 282,166 (69 per cent.) were working within the normal limits. For 84,080 workers the working week was not more than 52 hours and for 22,789 it did not exceed 50 hours. The remaining 20,048 workers (4.9 per cent.) were employed in successive shifts, and some of them were not working more than 48 hours a week.

From 1930 onwards the effects of the depression began to be felt and were noted by the inspectors. " It is difficult to express an opinion as to whether the principle of the 48-hour week as a standard has become more firmly established in industry during the last two years or not. The economic depression has seriously interfered with the normal course of development and has often led to much shorter hours than are acceptable to any of the parties concerned. Nevertheless, it seems possible to give an affirmative reply to the question ; and in some cases even the employers have expressed the view that it is impossible to stop the evolution towards still shorter hours—apart from the present abnormal situation—and that hours of work will be reduced to 46 or 44 in the week " (second district, 1931). According to the report from the third district for the same period the shortage of work had induced an increasing number of undertakings in practically every branch of industry to abandon the normal 48-hour week from the summer of 1930 onwards. Hours of work had often fallen to 40 or 36 in the week or even less. Hours of work were much more irregular than formerly, and in many factories it had proved impossible to maintain the normal working week or even the normal working day. In 1932 the normal 48-hour week had spread to large groups of undertakings not covered by the Factory Act (second district, 1932). Industries working for export or menaced by foreign competition were among the first to reduce hours of work to 44, 40, 36 or even less (fourth district, 1932). In 1933 employment was very irregular in most undertakings. " Some of those included in the staff lists as workers are only employed occasionally ; others are employed irregularly, sometimes working very short time for several weeks and sometimes working full time. Employers constantly ask for permission to work an average week of 48 hours, and this is understandable in view of the great irregularity in the volume of work in many branches of industry. On the other hand, such a step might have very serious consequences " (third district, 1933). In 1934 the employers, although accepting as a general rule the principle of the 48-hour week, found that the volume of employment was so irregular, and that a rush of work occurred so frequently and unexpectedly—not only in seasonal industries in the strict sense of the term—that they complained of the rigidity of the provisions concerning the normal working week and regretted that they were unable to calculate average hours over a certain period. In 1935 the

tendency to reduce hours seemed to have come to an end, for the number of workers employed had to some extent been adapted to the volume of work available. The Federal inspectors for the second and fourth districts mentioned that the suggestion of a legal working week of 40 hours was not generally received favourably. "The employers wish to be able to return to the 48-hour week as soon as the needs of production require such a step, either temporarily or, preferably, as a permanent measure" (fourth district, 1935).

Since 1929, less and less advantage has been taken of the provision of the Factory Act which enables the Federal Council to permit certain industries to work 52 hours a week or longer when very important reasons justify such a step. This can be seen from the following table, which shows the number of factories which took advantage of this exception and the number of workers to whom it applied from 1930 to 1935.

FACTORIES AND WORKERS PERMITTED TO WORK A FIFTY-TWO-HOUR WEEK

Factories and workers affected	1930		1931		1932	
	June	Dec.	June	Dec.	June	Dec.
Number of factories	1,865	1,083	1,571	830	792	391
Number of workers	81,194	56,899	59,330	34,890	26,391	18,063
	1933		1934		1935	
	June	Dec.	June	Dec.	June	Dec.
	June	Dec.	June	Dec.	June	Dec.
Number of factories	306	280	247	206	228	216
Number of workers	16,610	15,746	11,835	7,232	6,700	6,121

The amount of overtime has also decreased steadily since 1930. The numbers of exemption permits of various kinds issued by the Federal authorities have not shown any marked change; 108 permits to alter the limits of the working day were granted in 1929 (affecting 1,301 workers) and 154 in 1935 (1,504 workers); 345 permits to work in two shifts by day were granted in 1929 (8,015 workers) and 553 in 1935 (7,908 workers); 50 permits for permanent night work in 1929 (377 workers) and 67 in 1935 (298 workers); 35 permits for permanent Sunday work in 1929 (159 workers) and 12 in 1935 (32 workers); 43 permits for continuous work in 1929 (177 workers) and 43 in 1935 (144 workers); 44 permits for subsidiary work in 1929 and 27 in 1935.

In general the temporary permits granted by the cantons tended to become less numerous; in 1929 and 1935 respectively 7,686 and 5,443 permits were granted for an extension of the daily hours, 612 and 445 for night work and 348 and 290 for Sunday work.

## EMPLOYMENT OF WOMEN AND YOUNG PERSONS

The proportion of women employed in factories did not vary much from 1929 to 1935, being 35.99 and 35.82 in those years. The only industries in which the number of women increased were the clothing, wool, linen and chemical industries. In every other branch the number of women workers decreased, the decline being most marked in the silk, cotton and embroidery industries.

As far back as 1931 the inspector for the first district touched on what had become of the women workers who had been dismissed. "The married women have returned to their homes, or, especially in the towns, have tried to find employment of various kinds, usually as charwomen. The girls seem to have remembered that there is a shortage of domestic servants which has led to the granting of numerous permits to foreign women to be employed as general servants or cooks in private houses and as pantry-maids, cooks, washerwomen and laundry-maids in hotels". In 1930 alone 17,534 permits of this kind were granted to foreigners. The number subsequently fell as more strict supervision was exercised over foreigners. In the fourth district, where there are many embroidery undertakings and textile and clothing factories and where the proportion of women employed in factories is appreciably higher than in the other districts, the Federal inspector noted that although many women workers found it impossible to obtain fresh employment there was a shortage of skilled labour in some industries, such as the clothing industry. In many places efforts were made to deal with this situation by organising training courses and occupational re-apprenticeship (fourth district, 1932-1935; and cantonal reports, 1933-1934). The report for the fourth district for 1935 mentioned some isolated cases of undertakings which had tried to replace male workers by women at lower rates of pay. In other cases steps had been taken to prevent plural earnings in the same family: one large textile undertaking, after consulting the staff as a whole, dismissed about 20 women workers whose husbands were working in the factory; compensation was granted to the women in question.

Generally speaking, hygiene and safety measures are carefully observed. Some undertakings provide their women workers with working clothes, suitable seats for their type of work, etc., and do what they can to improve hygienic conditions. The inspectors have expressed the hope that these examples will be followed. Very few cases were reported in which women were employed on prohibited or unduly strenuous tasks.

The inspectors found that the rule prohibiting the employment of women on overtime for more than 140 hours a year was sometimes infringed. "It is very difficult to check the observance of this regulation, for it would be necessary to know whether the same women are really employed for all the hours of overtime that are worked" (first district, 1930-1931). The other offences reported concern the payment of time and a quarter for overtime, the closing of workshops on Saturday afternoons, etc.

The prohibition of work at night and on Sundays is generally

observed. The inspectors for the first and second districts reported certain cases in which the local authorities in error granted permits for night work. In the first district (1930-1932) the question of women workers employed on Sunday mornings in winding up watches that were under observation and adjusting some regulators caused concern to the inspectors and apprehension in the watchmaking world; the matter was settled on appeal by the Supreme Court of the Canton of Berne in accordance with the legislation, which strictly prohibits such work. A certain number of preserving factories were obliged to employ women at night in the busy season. "In accordance with the international Convention concerning the employment of women during the night, the Federal Office provisionally permits the cantonal authorities to allow exceptions of this kind" (fourth district, 1930-1931).

The Federal inspectors have not had to intervene very frequently in connection with the provisions concerning childbirth. The most frequent infringements of the regulations are failure to grant the full statutory rest period of six weeks, failure to keep a complete list of women absent on account of childbirth, and the absence (complete or at least in the prescribed form) of certificates showing the date of the confinement. One inspector expressed the view that the existing legislative measures constituted "a minimum that could not be considered adequate" and hoped that a system of maternity insurance would be introduced at some future date (second district, 1930-1931). An enquiry showed that "a considerable number of pregnant women continue to go to work until the day before or the actual day of their confinement. On the other hand, more than half the women covered by the enquiry did not return to work until after a rest period of more than eight weeks. Many women are obliged by their financial situation to return to the factory even after several confinements; in all such cases a system of assistance is of great value. Many undertakings try to deal with this matter by means of special maternity or assistance funds or by providing benefits in kind to women before and after childbirth" (fourth district, 1935).

The number of young persons employed in factories decreased very greatly from 1929 to 1933. In 1929, out of a total of 409,577 workers, there were 46,943 young persons between the ages of 14 and 18 years, of whom 23,012 were boys and 23,931 girls. The corresponding figures for 1935 were 311,093 workers and 21,487 young persons, of whom 10,521 were boys and 10,966 girls. The decrease in the number of young persons was therefore about 54 per cent., the proportion being approximately the same for boys and for girls, while the fall in the total number of workers was only about 24 per cent. The decrease affected every branch of industry without exception.

In 1930-1931 the Federal inspectors drew attention to this phenomenon, which they attributed partly to the lack of employment resulting from the depression and partly to the decline in the birth-rate during the war years. "In our opinion the grouping of the available juvenile labour has changed and there is a tendency for young persons to enter other occupations than industry. Vocational

guidance must have played an important part in this development. The two main activities which have absorbed a certain number of these young persons are domestic service in the case of girls and the building industry in the case of boys " (first district, 1932). The same report referred to the activities of domestic and vocational schools and of the employment exchanges, which directed young persons into occupations where opportunities for work were available. In 1934 the decrease in the proportion of young persons stopped ; but this should not be taken as meaning that the opportunities for employment had increased for young persons leaving school. " The demand that the age for admission of young persons to occupational life should be raised from 14 to 15 years is more than ever of fundamental importance. It would be a most desirable step from the point of view of the protection of the workers. Industrial employers would not be likely to make any difficulties, for the number of young persons under the age of 15 employed in factories is comparatively small and many industrial undertakings already refuse, on principle, to engage them " (fourth district, 1934).

Infringements of the regulations concerning the minimum age, prohibited or unhealthy tasks and night work have been comparatively rare. There have been rather more cases in which the inspectors had to intervene to ensure compliance with the regulations concerning certificates of age, which were often not provided or not drawn up in due form. They have also had to prohibit the employment of young persons under the age of 16 to clean premises outside the normal hours of work. In the first and third districts a few young persons over the age of 16 were permitted to work at night in glass-works, but their number is gradually falling.

The inspectors have devoted considerable attention to apprenticeship. They found that in many places the depression was making employers hesitate to engage apprentices, although on the other hand some large undertakings requiring skilled and specialised workers were making great efforts to train them by means of apprenticeship. There were very few cases in which apprentices were exploited ; these occurred mainly when the apprentice lived with his employer (fourth district, 1932).

#### MEASURES ORGANISED BY EMPLOYERS

Under this head the reports deal with all institutions set up or measures taken by undertakings and employers or at their suggestion for the benefit of the workers (insurance funds, holidays with pay, workers' dwellings, canteens, libraries, sports, etc.). In this field also the progress noted in the reports for 1928-1929 became less marked from 1930 onwards. " The present depression compels employers to reduce expenditure everywhere . . . . With regard to holidays for workers, which were referred to in the preceding report as making satisfactory progress, more especially in the watch-making industry, the inspectors have noted a reduction in the allowances granted from 1930 onwards. In 1931 unemployment became so widespread that there could no longer be any question of granting holidays . . . . The

situation is not the same as during the previous depression, for unemployment insurance has now taken the place of unemployment relief. Under the new system many unemployment insurance funds have sprung up throughout the whole area" (first district, 1930-1931). Many employers endeavoured to retain the existing institutions. "It is satisfactory to note that the difficulties of all kinds which exist at the present time have not prevented the employers in the more important industries from devoting attention to the material well-being of their workers, more especially when sickness or infirmity compels them to abandon their work" (first district, 1935). "In many cases the works sickness funds have ended the year with a deficit, and it is a matter for satisfaction to find that the employers very often contribute handsomely to covering this deficit" (fourth district, 1935). Some of the reports pointed out that workers employed in undertakings with a pensions fund were placed on the retired list before they were entitled to the full benefits of the fund (first district, 1934; fourth district, 1935).

#### ENFORCEMENT OF THE LEGISLATION BY THE CANTONS

Generally speaking, the reports of the Cantonal Governments show that the competent authorities or services have done all in their power to ensure the fullest possible application of the legislative provisions.

Certain cantons pointed out that the measures taken by the communal authorities to supervise the hours of work authorised by Federal or cantonal permits were not always very effective. Others regretted the great delay that sometimes took place in making known the decisions of the courts with regard to infringements of the legislation, so that it was often impossible to lodge an appeal.

The following table shows the number of fines imposed by the cantonal authorities from 1929 to 1935 on account of infringements of the Factory Act:

FINES IMPOSED BY CANTONAL AUTHORITIES, 1929-1935

For infringements of the regulations concerning	Number of fines						
	1929	1930	1931	1932	1933	1934	1935
Hygiene, accident prevention and premises	15	12	11	15	7	15	9
Staff lists and works regulations	38	42	27	30	30	36	33
Hours of work	368	444	347	318	328	319	249
Employment of women	20	27	34	34	30	31	22
Employment of young persons	25	35	23	23	12	17	14
Other provisions and decisions	3	8	9	17	13	16	13

The Federal inspectors, while paying tribute to the efforts made by the higher cantonal authorities to ensure complete compliance with the legislation, complained in their reports of difficulties arising out of the great diversity of authorities responsible for the supervision of the legislation in the different cantons. "In most cases those difficulties arise from the fact that the activities of the bodies responsible for direct supervision, which are the communal or district officials, are not on a par with the anxiety of the higher authorities to enforce the legislation more strictly. This may be attributed in part to the organisation of the local inspectorate and in part to the very different attitudes taken up by the various persons responsible for the work of inspection" (fourth district, 1928 and 1929). Similar difficulties were noted in many of the reports from 1929 to 1935.

Most of the comments made by the Federal inspectors on the detailed points with regard to which the cantonal authorities failed to apply the legislation strictly concerned the granting of permits in circumstances not permitted by law, the question of hours of work and the lack of effective supervision of the hours actually worked. Some comments were also made with regard to night work and Sunday work and the protection of women and young persons. The fact that the Federal inspectors did not receive the plans for the building, extension or rearrangement of factories and workshops in due time was also noted. The Federal inspectors also reported a certain negligence in deciding whether certain undertakings or workshops were subject to the Factory Act or not.

The Federal inspectors have endeavoured to improve this situation by entering into closer collaboration with the cantonal authorities and more particularly with the district and communal authorities, who had to be made to realise the importance of applying the legislation strictly (first and third districts, 1933; third district, 1935).

The Federal inspectors attach great importance to the decisions given by the courts. They have found that while in industrial districts the fines are generally appropriate to the seriousness of the offence, the courts in districts where industry is of little importance sometimes fail to realise the necessity for dealing severely with offences. The inspectors have drawn the attention of the cantonal authorities to certain judgments which they consider faulty. They also express regret that such a long period elapses before they are informed of judicial decisions, which are sometimes not brought to their notice until after the expiration of the period for lodging an appeal.