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REAL NOT PSEUDO-PROTECTION FOR WOMEN.

**THE CASE AGAINST DIFFERENTIAL LEGISLATION FOR WOMEN
IN INDUSTRY.**

With the exception of a few obstinate obscurantists everyone to-day accepts or pays lip service to the principles of Equal Pay and Equal Opportunities for women in the professions and in industry. As far as the professions are concerned—with the notorious exceptions of the Civil and Local Government Services—there is what might be called a surface equality. There are, at any rate, no legal disabilities: the difficulties to be overcome are mainly those of custom and prejudice.

The case of the woman in industry is far different.

The trend of industrial legislation, it is true, is all in the same direction—the mitigation of bad conditions. And in as far as such legislation is based on the type of the work and not on the sex of the worker, feminists have no quarrel with it. But when proposals are made—and they are being made in the form of several International Labour Office Conventions which, once ratified by a country, cannot be amended or repealed for ten years—to treat women in industry as a class apart, and to apply to them a type of legislation which is quite falsely called “protective,” it is quite another matter.

It would be well to remember that internationally as well as nationally there is a wide divergence of view as to the eventual benefits of the so-called “protective” legislation. The divergence is not a party one: it is not, and never has been, a case of “conservative-minded” women who wish—inhuman thought!—to exploit the industrial woman worker *versus* “labour-minded” women who wish to help the industrial woman worker. Both sides are out to help women. The means to the end differ—that is all.

The feminist view is opposed to all differential treatment for women in industry. We believe that what is called “protection” can only be logically supported on the assumption that industry is normally a function of the male, and that, therefore, women, like non-adults, are only to be permitted to work for wages at special hours, under special supervision, and subject to special restrictions by the legislature. That view we reject, not merely on the ground that it involves an unwarrantable interference with the liberty of the individual, but because it also closes avenues of training and employment to women, encourages employers to pay them lower occupational rates on the ground of increased “welfare” charges, and delays rather than hastens the betterment of conditions throughout industry, irrespective of sex.

This leaflet is based on the policy of the National Union of Societies for Equal Citizenship as expressed in its Resolutions passed at its Annual Council Meetings.

The Washington Maternity Convention.

The Washington Maternity Convention provides a fairly substantial maternity grant to industrial women. That would be all to the good, were women free to accept or reject it according to their individual decisions. But the Convention proceeds to lay down that in any public or private industrial or commercial undertaking a woman **shall not be permitted** to work during the six weeks following her confinement, and shall have the right to leave her work six weeks before her confinement; and that, during these times—or any longer time, if her absence is due to an illness arising out of pregnancy or confinement—her employer must keep her job open for her.

How any, save those suffering from a permanent mental squint, can approve the wording, the meaning and the inevitable results of these articles of the Convention is hard to understand. The first big fact we have to face is that during these post-war years there has been—there is—a desperate and determined effort to down the married woman worker in every field. The passing of this Convention would finish the job. Does any sane being believe that an employer will continue easily to take on or to retain married women workers with such conditions hanging over his head—**unless, indeed, because of these conditions, he can get them very cheap?** Does any one believe that a woman, knowing herself to be pregnant, knowing also that she must earn money, will find it easy under these conditions to get a job? Will she get any job at all without impertinent questions being asked? Will she, however skilled, stand any chance in competition with some unmarried woman or any male competitor?

The primary condition of healthy child-bearing is good food, and enough of it. Any prohibitions which make it more difficult for a necessitous child-bearing woman to get work make it more difficult for her to get food. Sentimentality is always cruel; philanthropy sometimes so. This Convention is the brightest example of sentimentality and a parochial kind of philanthropy we have met. It is being put before the working woman as a magnificent gift. It is, in fact, a robbery. For—apart from the question of personal freedom—it will reduce the chances of employment for married women in industrial and commercial undertakings, and force those who remain to be both cheap and docile. The woman herself should decide how long she can carry on her job; and when she should return to it. Legislation on pregnancy should be on the lines not of forbidding women to select their own work, but of providing for them such economic conditions as shall make it possible to give birth to their children without facing either ill-health or starvation.

Some may ask, what of the child? It is worthy of note that in this country a high incidence of infantile mortality does not necessarily coincide with a high percentage of married women in industry. It is highest in the mining districts where the women are not in factory employment. Our shamefully high maternal mortality among the working class is principally due to insufficient or unskilled attendance at child-birth.

Convention on the use of White Lead in Painting.

Article 1 of this Convention **prohibits the use of White Lead**—save in exceptional cases. Articles 5 and 7 safeguard its exceptional use. Article 3, meantime, prohibits the training or employment of any woman in the painting trade (but allows the training of boys under 18 as painters' apprentices). The safeguarding regulations are stringent. If they are

not enough to reduce the risk of poisoning to a minimum, then, white lead is so deadly that its use, and not the training and employment of women, should be entirely prohibited.

We are not satisfied that women as a sex are specially susceptible to lead poisoning. Mrs. Sidney Webb has admirably summed up the reality of the situation in her *Minority Report on Women in Industry*: “. . . It is said that women are specially susceptible to lead poisoning. I do not feel sure that what has been proved is a special susceptibility of the female sex, or a special susceptibility of particular individuals. The experience during the war with T.N.T. and other poisonous substances leads me to the inference—and this is the suggestion of women doctors who have served as medical officers of factories—that what is called for is not the exclusion from work of all persons of one sex, or even the subjecting of them to special restrictions, but the minute, careful and persistent observation, by the medical officer of the factory, of the health and diathesis of the individual workers irrespective of sex, and the application of such special precautions, such restrictions and even such exclusions, as may be called for by the proved susceptibility of the several individuals affected, whether they are men or women.”

The whole of the Report for 1923 of the Chief Medical Inspector confirms the reasonable belief that in the different classes of poisoning certain types of individuals are more susceptible than others. Precautions, restrictions and scientific inquiry are needed in connection with all the dangerous trades. But it is neither scientific, nor protective, nor just, nor economically sound to exclude women from a whole series of trades—as this Convention and the Recommendation concerning the protection of women against lead poisoning would do—on the unwarranted assumption that it is their sex that makes them susceptible. Last year 42,669 women who were working in dangerous trades, many of them including the use of lead compounds, were medically examined. There were 37 cases of poisoning and 4 deaths. Among the 204,829 males similarly examined there were 461 cases of poisoning and 31 deaths: a very much higher percentage.*

The Night Work Conventions.

Doctors, nurses, domestic servants, singers, actresses, dancers, journalists—these may work when they will. The working-woman may toil through the day at the wash-tub, cook three meals, dress the children, wipe their noses and pack them off to school, undress them, put them to bed, clean up the house, and then walk the floor with the latest baby while father sleeps. But no woman—according to the Night-Work Conventions, which cover industry and agriculture—whether she be unmarried or childless, whether her tastes turn towards the factory or the field, may do a stroke of work between the hours of 6 p.m. and 5 a.m. (On a fine summer's night she may stay in the fields till 8 o'clock!) The term “industrial undertaking” covers a wide ground. It includes the telephone, telegraph and railway services and other industries which employ clerks as well as factory hands. Night-work generally carries with it special rates of pay. These conventions would divert from women every well-paid job that involves a night-shift; and on no ground that cannot be equally applied to men. Unless women are to be looked on as beings of inferior status without the same right as men to determine

* Annual Report of the Chief Inspector of Factories and Workshops, 1923.—Cmd. 2165.

for themselves when, where, how and why they shall work, these Conventions are an indefensible encroachment on their liberty and a direct attack on well-paid employment. No reasonable human being wants to see unnecessary night-work done by men or women. Night-work should be minimised and its conditions carefully regulated; but these regulations should be based on the type of the work and not on the sex of the worker.

Pseudo-Protection must be Rejected. Real Protection must be Demanded.

To sum up. The Conventions under discussion propose: (a) far-reaching prohibitions on the work of the pregnant woman, and penalisation of her employer; (b) the closing of the painting trade to woman, and probably her dismissal from a large number of processes in which she is already employed with very small risk; (c) the closing of every industry to women which involves a night-shift or work after 6 p.m.

Who is going to benefit? Not the women workers in the long run, whatever very visible temporary benefits some of them may reap. Men? We have been assured that in supporting the 1874 Factory Acts for women "the men were also thinking of themselves." Are they thinking of themselves now? To-day when hours of labour, rates of wages, conditions of employment are being settled by statute, when the whole work of the International Labour Office is directed to protecting the interests of workers, to talk about men attempting to win better conditions for themselves "behind the women's petticoats" is to talk unmitigated rubbish. We do not pretend to a divination of motives: the individual motive is often good—the mass motive practically always selfish. But it is useless to deny the fact that there are large numbers of men who desire to exclude women from the better paid classes of labour—whether industrial or professional—and that there has been pressure exercised by organised bodies of men to secure their dismissal. These Conventions are offered as "protection" to women. They are in effect added power to prevent women's equal competition in the labour market. The less inclined employers become to employ one sex, the more dependent they will become on the other.

Every law and regulation which emphasises merely the **femaleness** of women is a step backward, and the old laws of that kind are slowly, but surely disappearing. Every law and regulation which acknowledges the equal right of men and women to equal powers and responsibilities, pay and opportunity, protections and penalties is a step forward. By that standard these Conventions must be judged—and declined, with not too many thanks. The body which is responsible for them, the International Labour Office, has as a definite part of its programme **Equal Pay and Equal Opportunities** for women. **These are the essential factors in raising the status of women in industry. They afford not an illusory but a real protection; and on these two reforms work must be concentrated.**

ELIZABETH ABBOTT.