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CUBA

1. Regulations: Employment of Women

Decreto No. 2303 [aprobando el Reglamento para la ejecución del Artículo V de la Ley de 3 de agosto de 1917 y 18 de mayo de 1922]. 18 de noviembre de 1925. (Gaceta Oficial, 19 de noviembre de 1925, año XXIII, núm. 120, p. 12,841.)

Decree no. 2303, to approve the Regulations under section V of the Act of 3rd August, 1917¹, and 18th May, 1922. Dated 18th November, 1925.

CHAPTER I. GENERAL PROVISIONS.

1. Owners and managers of establishments of all kinds in the territory of the Republic which sell exclusively articles for feminine use shall employ women only for the direct sale of goods to the public; the employment of men on such work shall be permitted in so far as their services are necessary, *e. g.*, for cleaning, the loading and unloading, storage, arranging, packing, delivery and transport of goods, and direction, organisation or supervision where such work is not performed by the owners or managers themselves.

2. All establishments, whatever their situation and nature, which have special departments for the sale of articles for feminine use, or which sell such articles to the public together with other goods, shall employ only women for the direct sale to the public of such articles; the employment of men on the work specified in section 1 shall be permitted.

3. Similarly in establishments which sell sports goods, ironmongery, perfumery, medicaments, drugs, flowers, confectionery, toys, works of art, books, stationery and office supplies, the proportion of women employed for the direct sale of goods to the public shall be not less than 50 per cent.

¹ An Act relating to immigration; subsequently repealed, with the exception of section V thereof, by the Act of 18th May, 1922. Section V reads as follows:—

“A male immigrant who arrives in Cuba after the expiry of a period of thirty days dated from the coming into operation of this Act shall not be employed as an assistant in a commercial establishment for the sale of articles for feminine use, such as shops for the sale of silk goods, corsets and fans, dressmakers' and milliners' shops and similar establishments, nor on work which can be easily and suitably performed by women, such as the work of assistants in chemists', ladies' furs and stationers' shops, or of clerks, typists, booking clerks, telephone operators and the like. The Executive shall issue regulations specifying the kinds of work and occupations reserved for women, the extent to which they shall be so reserved and the exceptions allowed.

“Owners or managers of establishments and employees who contravene the provisions of this section shall be liable to a fine of not less than one nor more than 30 pesos. In the case of a second offence the fine shall be doubled and the guilty person shall in addition be liable to detention (arresto) for not less than three nor more than ten days; the matter shall be reported to the competent criminal court in order that the said penalties may be imposed by it.” (Legislación obrera de la Republica de Cuba—publicación hecha par la Secretaria de Agricultura, Comercio y Trabajo, Habana, 1919—pp. 210—213.)

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4. Theatres and cinemas and establishments which employ telephone operators, typists, clerks, booking clerks, cash desk clerks, persons for packing and wrapping easily handled goods, and other persons employed on duties of an identical or similar nature, shall employ women for such work in the proportion of not less than 50 per cent.

For the purpose of the provisions laid down in this and the preceding section it shall be understood that owners or managers of theatres, cinemas or other establishments in which not more than two persons are employed shall have the right to employ either men or women at their discretion.

5. A male immigrant who has arrived in Cuba under the protection of the Act of 3rd August, 1917, shall not be employed as an assistant in the establishments covered by sections 1, 2 and 3 or on the work referred to in section 4 of these Regulations, and any such male immigrant now in such employment shall cease to be so employed.

6. Assistants at present employed in the establishments covered by sections 1, 2 and 3 of these Regulations, who did not come into the country as immigrants under the protection of the Act of 3rd August, 1917, shall continue to have the right to be employed in the direct sale to the public of goods of all kinds. The owners or managers of such establishments in which persons are employed as specified in this section shall in future be bound to engage women whenever they increase their staff or a vacancy occurs among their employees owing to promotion, resignation, dismissal, retirement or death, until they comply with the provisions laid down in sections 1 and 2 or until they have in their employment the proportion of women laid down by section 3 of these Regulations, as the case may be.

7. The owners or managers of the establishments, offices, theatres and cinemas covered by the provisions of the first four sections of these Regulations shall transmit to the Department of Agriculture, Commerce and Labour by the date on which these Regulations come into operation an attested list of the wage-earning and salaried employees who at the said date are employed in the above-mentioned establishments, offices, theatres and cinemas and who are entitled to retain their posts in conformity with the provisions of these Regulations; the list shall contain the following particulars:—

- (a) name in full;
- (b) age;
- (c) nature of the work performed;
- (d) date on which work was begun.

This attested list shall state clearly the nature of the business in which the establishment is engaged, the place in which it is situated, with the street and number or any other information necessary to indicate its exact situation, and the name in full of the owner or manager of the establishment.

8. The owner of an establishment, office, theatre or cinema covered by the provisions of these Regulations shall issue to any wage-earning or salaried employee who leaves his employment on account of a change of employment, resignation or dismissal, and who is covered

by the provisions laid down in section 6, a certificate stating the nature of the employment, business or branch in which the said wage-earning or salaried employee was employed and the duration of the employment, in order that it may be ascertained at any time whether the person in question is entitled to the rights granted by the aforesaid section 6.

CHAPTER II. PROTECTION OF WOMEN DURING EMPLOYMENT.

9. In establishments in which women are employed, a suitable room shall be set apart exclusively for them to change their clothes and cleanse themselves, in addition to sanitary accommodation for the exclusive use of the female employees.

10. Every woman employed in the establishments, offices, theatres and cinemas covered by the provisions of these Regulations shall be provided with a suitable seat for her use when intervals in the work or in the service of the public permit.

11. Any woman employed in any of the duties or occupations covered by the first four sections of these Regulations who has a child whom she is nursing shall be entitled to half an hour's break twice a day to nurse her child, in addition to the time granted to the staff for meals. The said women shall come to an agreement with the owner or manager of the establishment or offices in which they are employed respecting the best method of arranging the time which is granted to them for nursing their children.

CHAPTER III. JUDICIAL INTERVENTION.

12. Any owner or manager of an establishment, office, theatre or cinema, or any wage-earning or salaried employee in such establishment, who is guilty of a contravention of the preceding sections of these Regulations, shall be liable to a fine of not less than one peso nor more than 30 pesos for the first offence and double the said amount for the second offence, and to detention for not less than three nor more than ten days in the event of a third or further offence.

13. The criminal magistrate of the place in which the establishment, office, theatre or cinema is situated in which the contravention of the provisions of these Regulations occurs shall be competent to impose the penalties referred to in the preceding section.

14. Reports of contraventions shall be made to the competent criminal magistrate by any officer of the public authorities or any citizen; such reports shall contain the name of the owner or manager of the establishment, office, theatre or cinema concerned, the place in which it is situated, the nature of the business in which it is engaged, the name in full of the wage-earning or salaried employee and the facts on which the report is based; the report shall be submitted in writing and shall give the address of the person making the report and other necessary particulars respecting him.

15. The proceeds of the fines referred to in section 12 shall accrue to the funds of the municipality in which the establishment which has been fined is situated, and shall be entered under the heading of "fines, increased fees and damages" in conformity with Chapter 9, section 2, of the Act respecting municipal accounts.

CHAPTER IV. DEPORTATION OF IMMIGRANTS.

16. The Department of Agriculture, Commerce and Labour may at any time order an immigrant who has arrived in Cuba under the protection of the Act of 3rd August, 1917, to be sent back to the port from which he came or to another port in his native country.

17. The Department of Agriculture, Commerce and Labour shall request the Department of Immigration, through the Secretary of Finance, to supply a list of the male immigrants admitted into the country in pursuance of the Act of 3rd August, 1917, with full particulars respecting each immigrant and the name of the individual or body responsible in each case.

18. The cost of the deportation of the immigrant shall be defrayed from the sum deposited as a guarantee under section 1 of the Act of 3rd August, 1917, the amount and the conditions of payment of which are laid down in section 1 of the Regulations of 29th October of the same year. If the said costs exceed the amount of the deposit fixed in each case in conformity with the said section 1 of the above-mentioned Regulations, the President of the Republic shall take the necessary steps to procure the credits necessary to make up the cost of deporting the immigrant in question.

CHAPTER V. FINAL PROVISIONS.

19. Any female immigrant who arrives in the territory of the Republic after the coming into operation of these Regulations, and who desires to find employment in a commercial establishment covered by the provisions of sections 1, 2, 3 and 4 of these Regulations, shall produce a certificate issued by a diplomatic or consular representative of the Republic accredited to her country of origin, certifying that the person concerned is of good moral character and has not been convicted for any criminal offence.

The Labour Office of the Department of Agriculture, Commerce and Labour shall examine the said certificate and if it is found to be satisfactory shall countersign the certificate, which shall be returned to the person concerned.

The owner or manager of an establishment, office, theatre or cinema covered by these Regulations shall not employ women immigrants entering the country after the promulgation of these Regulations unless the above formality has been observed.

20. The Department of Agriculture, Commerce and Labour shall be responsible for the observance of the provisions which continue in operation of the Act of 3rd August, 1917, and of the Regulations, of 29th October, 1917, and of the provisions of the Act of 18th May, 1922, and of these Regulations under the last-mentioned Act; the Department shall issue any regulations which it deems necessary for this purpose.

21. These Regulations shall come into operation sixty days after their publication in the *Gaceta Oficial* of the Republic.