

RESTRICTIVE LEGISLATION  
AND THE  
INDUSTRIAL WOMAN WORKER

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REPLY

BY THE

OPEN DOOR COUNCIL

TO THE

STATEMENT BY THE STANDING JOINT COMMITTEE  
OF WOMEN'S INDUSTRIAL ORGANISATIONS

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The Open Door Council, 3 Bedford Square, London, W.C.1

February, 1928

Price Twopence

FOREWORD

A The Standing Joint Committee of Industrial Women's Organisations defines in the following statement their attitude on Protective Legislation for Women.

This Committee speaks for organised working women in the United Kingdom.

A We submit the following reply to the Statement of the Standing Joint Committee of Women's Industrial Organisations in favour of so-called "protective" legislation for women in industry. In doing so, we wish to make it plain that we are not opposed to the protection and safeguarding of industrial workers by legislative enactment; solely to the different method of "protecting" women by denying them the same personal liberties, rights and responsibilities that all other adult workers possess. In the case of women alone are protection and "restriction on the right of choice" treated as synonymous. We believe this different method to be injurious and wrong.

The work of changing the whole face of industry as it existed a hundred years ago—even if that work be still incomplete—has been brought about by the application of that principle in which we believe, namely, that of basing regulations and restrictions on the nature of the work which the operative has to perform. The application of this principle by a series of legislative enactments called Factory Legislation has revolutionised conditions for all industrial workers. One phenomenon in industry, however, remains the same, though nearly a hundred years have passed. Women wage-earners, "protected" by a series of restrictions, based not upon the nature of the work but upon sex, are still at the bottom of the wage-market—the "worst paid and the least organised" section in the whole industrial community; and that regardless of the work they can, and do, perform.

While we do not attribute that tragedy solely to the different and wrong method of "protecting" women, we do charge that wrong method with exaggerating, confirming, and perpetuating certain natural and conventional difficulties, where the right method of Equal Status would have modified or nullified them.

THE GENESIS OF "PROTECTION"

B It represents over one million women organised in the political Labour, Trade Union, and Co-operative Movements. The views which it voices are those of women in these organisations. It is true that they are the same as the views of men who in some cases form the majority of the organisations represented, but, as women, the Committee has the special duty of securing what is in the best interests of women, and they have come to the conclusions set forth. These views are not new; they have been the views of the Labour Movement and the women within it ever since

B The policy of the so-called "protection" of the woman factory worker, namely, the denial to her by law of the status of an adult, began in the early forties of last century, and was supported by the old exclusive Craft Unions and the political parties of the day. It is thus our inheritance from a time when every woman was voteless.

It has become the official policy of the Labour Party to-day as an inheritance from the Trade Union section of its ranks: the section which had the strongest financial power to back Parliamentary Candidates in the early days of the Party's formation. These Unions had in turn inherited the policy from the old Unions. This traditional policy has been *accepted*; it has never been critically discussed.

This traditional policy is denounced to-day by an ever-growing number of men and women as an injustice to the very women whom it is supposed to "protect," because it places them as a sex on an unequal status with all adult male workers. It divides the interests of men and women as wage-earners, often turning them into rival camps.

there has been organisation to express their opinions, but it has become necessary to restate the position because of the attempts of certain groups of feminist organisations to oppose Protective Legislation for women on the ground that it is restrictive and injurious.

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

With regard to the present position, our immediate experience, in direct contact with groups of organised women in the Labour, Co-operative, and Trade Union movements, is that the value and meaning of Equal Status in industrial legislation and organisation has seldom been fully put before them. There are, however, within such groups a number of individuals who do realise the value of Equal Status for the industrial woman wage-earner.

It is essential to remember that "protection" in the form of restrictions on women was first advocated by men who desired to benefit by the shortened hours of children, young persons, and women in textile factories; and that the demand was coupled with an attempt to secure legislative restrictions on the numbers of women employed in mills and the forbidding of such work to all married women.\*

When originally organised in defence of their own interests in the Women's Trade Union League, working women consistently opposed legislative sex restrictions.† Since women became organised in the political Labour movement—though such organisation by no means covers working women—their views have inevitably been coloured by the traditional policy of that movement.

A majority vote, however, from every section of women mentioned would no more invalidate the claim for Equal Industrial Status than would an anti-suffrage referendum of women have invalidated the claim for Equal Political Rights.

To postpone the demand for Equal Status for any subject class, caste, or sex, until the majority of those immediately concerned demanded it, would be to postpone every equality demand for ever. The majority of slaves did not demand their freedom. The majority of women did not demand equal education. The majority of women did not demand a married woman's right to her own earnings. The majority of women did not demand equal suffrage.

WOMAN'S REAL NEED IS EQUAL STATUS AND EQUAL ORGANISATION

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

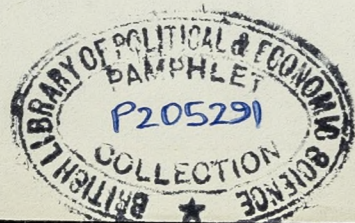
C We repeat we are in no way opposed to legislation which improves conditions of employment for the worker. Regulations and restrictions based on the nature of the work, not on the sex of the worker, do, in fact, improve conditions for all. General betterment in these conditions has been brought about by the mass of Factory Legislation which is so based.

Women, "the worst paid and the least organised," are in need of better and equal organisation, with the same status and rights as adult male members of Trade Unions. Most of all, since they are primarily wage-earners, they need Equal Status with adult male wage-earners, and the consequent removal of all arbitrarily imposed restrictions on their liberty. These restrictions do not necessarily keep women out of employment (save in certain cases where the prohibition is directly on a trade or process), but tend to drive them in masses into the least skilled and worst paid jobs.

The bad employer regards favourably the work of a subject unequal sex as he does that of a subject colour class, also with unequal status. In both cases he can get them cheap. He gets

\* *History of Factory Legislation*, Hutchins and Harrison, pp. 65-66.

† *Women in Trade Unions*, Drake, pp. 10-25.



### SPECIAL DIFFICULTIES OF WOMEN WORKERS

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

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

F Further, in addition to physical strain, under present social conditions, merging as we are from the dark ages in our attitude towards women, certain working conditions, such as night work and very

them cheap in both cases because they are conventionally looked upon as "inferior"—though the inferiority may be expressed in different terms.

D The "special difficulties" mentioned by the Standing Joint Committee are not the basic factors of woman's low position in industry. The basic factors are the assumption of her inferiority and lesser need, and the denial to every woman, by sex determined restrictions, of the Status which male adults in the community possess.

### HEAVY PHYSICAL WORK

E It is not clear whether this statement by the Standing Joint Committee as to the muscular capacity of women refers to any proposed new restrictive legislation—such as the suggestion in the last Factories Bill that women should be brought under a special weight-lifting limitation. We deal with the subject of weight-lifting later. Here we merely remark that the health of the industrial woman in what are known as the heavy trades is markedly good. It has also to be remembered that with the advent and continual development of modern machinery many industrial processes are far lighter than the heavy domestic work, washing, charring, etc., of non-industrial women.

### NIGHT WORK AND THE SHIFT SYSTEM

F We have no doubt that the "unregulated night work" referred to later in the Standing Joint Committee's Statement would be detrimental to the majority of those engaging in it, whether men or women. The tendency, however, in industry is to dispense with or limit it. When it is in operation we consider that an adult woman should have the same right as a man to engage in it if she chooses. It is for her, not for others,

late or very early hours (the two-shift system) are more disadvantageous for women than for men; whether they will always be so we cannot say, but we are regarding legislation from the point of view of facts as they are.

### THREE FORMS OF PRO- TECTIVE LEGISLATION

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

Protective legislation for women can be divided into three classes:

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

Legislation regarding hours of work comes under this heading. We can in factory legislation secure regulation of women's hours, and even the present Government (a year ago at least) was willing to enact a 48-hour week for women. Not all the efforts of Labour, and of agreements at International Labour Conferences, have been sufficient to secure 48-hour legislation for all workers. We prefer to take what regulation we can get rather than to delay it.

\* See *Labour Woman*, February, 1928.

† *Survey of Industrial Relations*, Committee on Industry and Trade, 1926, pp. 433-443.

‡ Factory Act, 1901.

§ Revision of this Convention is now suggested by the Government (Feb. 1928).

to decide whether or not her earnings in such work compensate for the disturbance of normal routine. It is for her, not for others, to decide whether or not her private arrangements are better served by night work than by day work. The disturbance of the home life of married women by the night work or shift work of husbands or sons is as serious, though without any economic compensation to the woman.\*

The same is true of the shift system.

That which keeps woman in "the dark ages," which keeps things fixed "as they are," is the attitude of mind which, whether the matter be one of social custom or legislation, fails to envisage a woman as a complete human being with the same rights and liberties as other adults; an end in herself, not a means to some end.

We must always deal with "facts as they are." Would anyone suggest things should be left as they are?

### EQUAL HOURS FOR MEN AND WOMEN POSSIBLE. THE WASHINGTON HOURS CONVENTION

G No man has ever demanded or ever would demand a prohibition on his right to work and his right to choose, not also applicable to others. But this is the form which the "protection" of women invariably takes. Men demand, and get, both by legislation and agreements, regulations and restrictions placed upon the work, which leave every man concerned equally restricted and equally free.

H We disagree that regulations regarding hours of work cannot be obtained for men as well as for women at the present time.

What are the facts? *By Agreements* men have obtained in practice the 48-hour week, or less, in some 92 per cent. of the organised industries of the country.† *By Law*—i.e. by "protective" legislation—women are permitted to work a 60-hour week‡; and by exploiting employers in ill-organised industries employing women, they can be and are at times obliged so to work.

Women as regards hours are benefited by men's agreements. Men are not affected by the 60-hours "protective" legislation applied to women.

All parties, Conservative, Labour, and Liberal, declared themselves in favour of the International Labour Organisation Washington Hours Convention of 1919 for a 48-hour week in industry.§ What prevented those who "prefer to take what regulations they can get" from pressing for the inclusion of those straightforward and agreed provisions—namely, for a 48-hour week and statutory payment for overtime for both sexes—in every Factories Bill brought forward?

The most serious obstacle—whether on the part of employer or worker—in the way of the ratification of this Convention for industry as a whole has lain in the different interpretations placed upon a number of its provisions—notably in connection

with certain fields of industrial employment, such as transport, and in connection with intermittent labour. In organised Factories and Workshops where the 48-hour week is mostly the rule such difficulties are few.

The Standing Joint Committee states: "We prefer to take what regulation we can get rather than to delay it." Nothing can be got without constant asking; and the failure during the past years, when several draft Factories Bills have been introduced, to make an insistent demand for the incorporation of the terms of the Washington Hours Convention in every such Bill, is a failure to "deal with facts as they are" and to seize an unrivalled opportunity of removing the woman worker from the category of the young person.

#### DANGEROUS AND HEAVY WORK

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

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

I Equipment for dangerous and heavy work is a matter of training and selecting the individual—whether man or woman. Neither men nor women *en masse* are "fitted" for dangerous work.

As to specially heavy muscular work we believe that in this country a larger proportion of men are able to do such work. Many women, however, are able to do heavy muscular work, and this ability depends upon training and upon getting plenty of fresh air, exercise, and food from childhood onwards.

*Active Service.* We consider it no more horrible that women should kill and be killed in war than that men should so kill and be killed.

Already, apart from combatant service, tens of thousands of women were during the last war enrolled for various forms of service in the Army and Navy. But as in so many other cases, they were not given the status of men doing the same work whom they replaced.

*Mines.* We claim the right of the adult woman in mining districts to decide for herself what manner of work she feels fitted to undertake, even if her choice should lead her into the mine.

*Heights.* Danger from working at great heights is an individual, not a sex danger. There are women steeple-jacks; women acrobats work at great heights, and so do women aviators. Regulations for the proper security of all who work at great heights is protection. Forbidding a woman to work is not protection. It is simply exclusion from a wage-earning trade.

*Dangerous Machinery.* The chief causes of accidents with machinery are: crowding of machinery, bad fencing, slippery floors, bad lighting, speeding-up of work by employers or operatives, unsuitable clothing, inexperience, carelessness due to long experience.\* There is also an "individual susceptibility" to accident.† None of these factors has anything to do with sex. Cleaning, minding, and setting machinery is work that a woman, no less than a man, *should be free to learn* and perform, subject to common safeguards for the good of all.

*Lifting of Heavy Weights.* It is possible that the Standing Joint Committee issued this statement on weight-lifting before the publication of the Industrial Fatigue Research

\* Enquiry into Causes of Industrial Accidents, 1911. Factory Inspectors' Reports.

† *Health of the Industrial Worker*, Collis and Greenwood, pp. 176-209.

tance to industrial fatigue would approximate more nearly to that of men, but legislation has to deal with things as they are.

Board (No. 44) on this subject; and that they had not had the opportunity of seeing the interim reports which foreshadowed the conclusions now published by the Board.

It is, however, unfortunate that their statement should give the impression that women are suffering injury, and more injury than men, from weight-lifting. *This is emphatically not the case.*

The above-mentioned Report of the Industrial Fatigue Research Board shows that no woman is suffering injury or even discomfort in those heavy trades involving weight-lifting; that these women are among the healthiest in the industrial community; that they are healthier than many women in the sedentary trades, and healthier than the unemployed woman who is at home through unemployment; and that these trades attract and develop women of sturdy physical type.

This result obtains under a system of freedom of choice and the exercise of skill and common sense by responsible adult women.

No case has been made out for limiting the weights industrial women workers should carry. The inevitable results in the case of those women who are now, with no bad effects, carrying weights heavier than the limit which might be imposed, would be:

Displacement of women by men; or

Employment of more women at a lower wage; or

Drift towards the sedentary trades already overcrowded and admittedly less healthy.

This would not be protection. *It would be a direct attack on women's employment and wage rates.*

*Handling of Dangerous Substances.* We are not opposed to the making of regulations for the handling of dangerous substances. This is protection where, as in the case of phosphorus, the regulation applies equally to both sexes. But it is exploitation of women where, as in the case of lead and lead paint, certain regulations restrict women only.

*Night Work.* (See above and below, F and O.)

The Standing Joint Committee realises, as we do, that the conservative attitude of mind which assumes that a woman wage-earner must also do the work of her own home—double work not expected of the man wage-earner—perpetuates the imposition on her of an extra burden, and gives her no time for recreation or Trade Union organisation.

This cruel convention must be broken down. The one effective method of doing this is to demand Equal Status, Equal Opportunity and Equal Pay for the woman wage-earner.

#### MATERNITY. PROHIBITION OF WORK WRONG AND USELESS. PROBLEM SOLVED BY CASH BENEFIT AND MAINTENANCE

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

Under this heading come

J A woman both during and after pregnancy should have the right—and no legislation or regulations should deprive her of it—to decide for herself whether or not she shall engage in paid work. Once that right is taken away and a woman is no longer a free agent she is, at the time of her greatest need,

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

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

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entirely at the mercy of the State, which has thus curtailed her right to earn money. Her own work is denied to her. She is obliged to accept the alternative offered, however inadequate that may be.

We are opposed to that part of the Washington Maternity Convention which forbids a woman to decide for herself whether or not she shall engage in paid work. We would not be opposed to a provision which gave her maintenance, *subject to her deciding to give up her paid work*. Such a provision would recognise a woman's inherent human right to decide for herself.

In any case not until women cease to be under compulsion will the State be likely to offer a substantial and adequate Maternity Grant. It is the freedom of the woman that will automatically compel the State to offer a first-rate benefit. If the grant and its conditions are good enough there is little doubt that most women would gladly choose it. If it represents something inferior to what a woman can secure for herself, if it is no better than many present-day schemes which would merely transfer a woman from a paid process in a factory to the heavy unpaid work of the average working home or to heavy ill-paid charring, we ask, why should a woman choose it?

Facts support our assertion. The prohibition of work for four weeks after childbirth was passed into law in 1891. The law was and is a dead letter.\* Even women Factory Inspectors were not supported by the working woman, who slipped back to work at the earliest possible moment. As far on as 1903—*twelve years after the enactment of the prohibition*—this fact is commented on in current writings.† In 1911, however, came the first Health Insurance Act with a Maternity Benefit. In two short years—i.e. by 1913—it is on record that complaints of breach of the law under Section 61 of the Factories Act had dropped to eight in number. This sudden change held good in such towns as had formerly the worst reputation for breaches of the law.‡

*Prohibiting the employment of the woman controls neither the woman nor the employer.* The benefit—the positive good—operates immediately; and women, in spite of possible loss of future work, give up their jobs for the four weeks after confinement. Making maintenance available succeeds where prohibition fails.

EFFECTS OF PART LEGISLATION

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

EFFECTS OF DIFFERENTIAL LEGISLATION

**K** A rough survey of the different types of prohibitions and restrictions leads us to a rejection of the Standing Joint Committee's conclusions on this point.

In the matter of weekly hours, men as men (though women share that benefit in many instances) are far ahead of women.

In the matter of overtime and night work, restrictions result in various industries in lower piece rates; or in loss of wages for overtime in some seasonal trades, work which women are able and willing to perform.

In the matter of certain dangerous processes prohibition has not protected women as wage-earners and workers: it has simply forbidden them to work. Men replacing them (as in the Lead Processes, 1898) have at times enjoyed improved

\* Ministry of Health, 1924. *Maternal Mortality*, D. Janet M. Campbell, p. 87.

† *History of Factory Legislation*, Hutchins and Harrison, p. 211.

‡ *Women in Modern Industry*, Hutchins, Appendix 8.

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conditions which were never thought of for the low-paid woman worker.\*

In the matter of certain health and welfare regulations for women only it has given the employer an additional excuse for looking on women as a class apart, costing him greater overhead charges, and therefore to be paid at a cheaper rate.

At the International Conference of Trade Union Women, Paris, 1927, Miss Crone (Denmark), delegate of working women, said: "It is no good coming to negotiations about better wages conditions, tied hand and foot by protection Acts. . . . One may be perfectly sure that all the particular measures that are demanded for women will have to be paid for by the women themselves through lower wages. . . . It is not the purchaser of labour who will have to pay the expenses brought about by the protection, but the defenceless female worker, and I want to maintain that of all destructive poisons that exist, hunger is the worst."

In the course of its Statement the Standing Joint Committee is obliged repeatedly to admit (see paragraphs C, D, L, U) that women wage-earners to-day are "the worst paid and least organised," that "in the whole history of their employment since the industrial revolution, women have had to bear the worst burden of bad wages," that "the worst sweated trades are those which mainly employ women."

These facts all point to our conclusion, that the position of woman in the industrial world during the last hundred years—the unaltered position of the bottom dog of the labour market—has been entrenched and strengthened by those restrictions for her so-called "protection" which have been imposed upon her.

**L** We cannot believe it possible that anybody would desire to go back to the time when women were employed in coal mines, or when the hours of their work in factories were wholly unregulated.

**M** Without regulation those who are weakest get the worst jobs at the worst pay, and that means that women get them.

**N** It is, however, quite a mistake to think that when the hours in factories and workshops employing women are regulated, women are at a disadvantage in comparison with men.

An employer does not substitute men in such a case, but all workers share in the improvement.

**L** We desire a woman to make her own decision about mining work.

We desire the terms of the Washington Hours Convention incorporated in any Factories Bill.

**M** The fact is that women do now, with restrictive legislation, get the worst jobs at the least pay. This the Standing Joint Committee itself admits.

**N** This statement is only strictly correct as applied to hours in textile factories eighty years ago. At present the facts are that men's benefits as to shortened hours reached by agreements are passed on to women where they are working together in organised industries.

Overtime restrictions do reduce women's wages and displace women's work. Night work restrictions did displace and do prevent women's work.

We hold no brief for overtime or night work as such. To state, however, that these restrictions on women's hours are passed on by the employers to men is not in accordance with facts.

\* Factory Inspectors' Reports, 1898-99.

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O As to the prohibition of night work, it has certainly not been injurious to women, and it has been an influence towards its abolition.

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NIGHT WORK

O We know of no greater injury to a wage-earner than the loss of work and wages. That injury was imposed on many women in this country by the night work enactments from 1844 onwards. The ban originally came into force when little heed was paid to the rights of the non-citizen wage-earning woman, with the consequence that displacements were taken little account of. But in every country displacements have caused great hardship. We quote some modern instances.

*International Conference of Trade Union Women, Paris, 1927.* Mrs. Wisborg, Sweden, Women Workers' Delegate, opposing "protective" legislation, stated that a whole class of well-paid women in the printing trade had been driven out of the printing trade completely.

*Lockwood Transportation Law, New York, 1921* (limits hours and prohibits overtime and night work for women). Every woman employed on the night shift was turned out of work. Preference on the day shift is now given to men, as they are unhampered by this law.

*Samnis Elevator Law, New York, 1921* (limits hours and prohibits overtime and night work for women). Every woman employed on the night shift was turned out of work. Preference on the day shift is now given to men, as they are unhampered by this law.

*New York State Labour Law (1913)\* and Women Printers* (prohibited night work for women printers). A three-shift system was worked. Men worked on any shift. Women cleaners of cuspidors and floors—heavy low-paid work—worked on any shift. Women printers—skilled work carrying good pay—worked only on the day shift, *the lowest paid shift.*

It is not the prohibition of night work for women, but necessity for the equalisation and standardisation of hours throughout industry for economic and organisation purposes which is the chief factor in the diminution of night work. That diminution is on the whole retarded rather than advanced by the present arbitrary sex discrimination. The so-called "protection" of women acts as a sop to the public conscience. Where there is an obvious economic advantage to men this tends to check their strong or spontaneous demand for equal legislation.

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

1881: 38,000 (Census figures, Great Britain).  
1911: 110,000 (Census figures, Great Britain).  
1926: 252,000 (Ministry of Labour estimates, Great Britain and Northern Ire-

P The increase of women in the Engineering and Metal Trades has nothing to do with "protective" legislation. The increase is due to the increased use of modern machinery and the subdivision of processes.†

\* Since amended.

† *Women in the Engineering Trades, 1918, Drake, pp. 7-13.*

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land, where the number is very small).

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

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

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

NEED TO EXAMINE ALL LEGISLATION PROPOSED.

R At the same time the Committee does not believe that we should accept blindly all protective legislation; each proposal must be examined carefully, and we must feel that there is good reason for the provision to be made. The past history of the woman worker has shown that she has often been employed to break the wage rate for all employees. That time has not yet been passed, and there is a feeling that the introduction of women into employments where they are not accustomed to work endangers wages. The consequences of using women to break a wage-rate are so dangerous to both men and women of the working-class that some trade unions have taken a strong line against the extension of women's employment

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WOMEN'S WAGES THE TEST OF EXPLOITABILITY

Q We agree that legislation regulating the conditions of industry, so long as it applies universally, prevents exploitation of the worker and gives him or her a stronger position. Legislation segregating any class of worker—whether the reason be colour, sex, or religion—leaves that worker in the most exploitable position. *The test of exploitability is wage rates. The woman's rate is everywhere the lowest.*

At the present moment women have the distinction of being the lowest paid workers, the "sweated workers" throughout industry. Their wages bear no relation to their work or its value. The lowest paid grade of man worker is better paid than the mass of women.

Can women achieve a greater inequality than this?

THE SEGREGATED WORKER IS THE BLACKLEG

R Recent Factories Bills have afforded an excellent opportunity for this careful examination, which reveals the practical possibility of obtaining Equal Status for all adult workers concerned without limiting the liberty and responsibility of any worker.

Blacklegging is not confined to women. Men can play, and have played, their part in breaking wage rates. The early policy of Trade Unions of excluding all but craftsmen was given up in great part for that reason. *The segregated inferior class is always the wage breaker.*

Exclusion either from a Union or by it from the full range of learning and employment is a policy which has recoiled on its promoters. It generally leads to the deliberate "degradation" of skilled processes, especially in trades where more and more repetition machinery is introduced.

The Engineering and Metal Trades figures quoted by the Standing Joint Committee indicate the possibility of the accession of women workers practically *ad infinitum* to unskilled or "degraded" processes at the lowest rates of pay.

*The male worker's wage rate will never be safe until women have Equal Status, Opportunity, and Pay.*

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in occupations where they have not been previously employed. They have, however, never proposed that such restrictions should be made a matter of legislation.

WOMEN AND LEAD POISONING

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

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

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NO EVIDENCE OF SEX SUSCEPTIBILITY TO LEAD POISONING

S A proven susceptibility on the part of women to lead poisoning would not alter our opinion that a woman should retain the inherent human right to decide for herself what paid work she shall engage in. Our investigations into the statistics of lead poisoning have therefore been quite unbiassed by any special desire to prove women non-susceptible. Those investigations nevertheless make it clear that there is no ground for the popular "medical belief" that women show a special sexual proclivity.

What is this "very careful examination" of the alleged susceptibility of women? If by "careful" we understand balanced, unbiassed and scientific, there has never been any enquiry at all. The 1908 Potteries Enquiry reveals a mass of conflicting statements and figures. We prefer not to use the word "evidence." One medical witness contradicts another. One table of figures contradicts another. A majority expressed the strong *opinion* that women as a sex were more susceptible. But opinion is not evidence; and the evidence, in a scientific sense, upon which such an opinion could be based, has never at any time or in any place been forthcoming. At the 1908 Enquiry such fundamental predisposing causes as poverty and malnutrition among women were either overlooked or set aside as "inevitable." Women were suffering from very bad wages. Moreover, then as now, they often predominated in the more dangerous processes.

We question the evidential value, as to a special sex susceptibility, of the Standing Joint Committee's statement that the present poisoning rates in the Potteries are much higher for women. Evidential figures are not available. The Home Office has no record of the number of males and females separately examined under the regulations for dangerous trades, and states: "Without definite figures of the number of each sex employed in particular industries (which are not available) it would be impossible to make any deductions on the number of cases notified."\* The Home Office Memorandum on Industrial Lead Poisoning (Form 324)† gives statistics ranging over a number of years. But juveniles are not separated from adults in these figures. The results are therefore evidentially valueless as far as woman's sex susceptibility goes, as the adolescent of both sexes is peculiarly liable to this form of toxic poisoning.

*But in any case such figures would be evidentially valueless unless the male and female workers examined were doing similar work under similar conditions, at the same wages.*

Dr. Alice Hamilton, Professor of Physiology, Harvard School of Public Health, who does not share our views on women's

\* Letter to Mrs. Abbott, May 23rd, 1927.

† January, 1921.

*Statement by the Standing Joint Committee of Women's Industrial Organisations.*

tection of women in processes using lead has been increased, though we are wholeheartedly in favour of a further protection which would include men as well.

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

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work, in her book, *Industrial Poisons in the United States*,\* gives the following interesting results of the examination of men and women working in dangerous lead processes.

In one series of investigations, where the writer emphatically calls attention to the fact that the women were in comparison to the men underpaid, poorly housed, poorly fed, and subject to the worry and strain of supporting families on low wages, while none of these factors applied to the men, the rate of lead poisoning amongst 796 men was 4.8 per cent., whereas in 150 women working under the very different conditions cited, the rate was 19.3 per cent. But in another series of cases, in which the men and women were working under the same conditions as regards these contributory factors, the rate for 304 men was 15.7 per cent., and for 243 women 11.5 per cent. The enormous discrepancy thus obvious between the two observations illustrates the futility of the comparison of unlike conditions.

During the war period in this country the employment of women was once more allowed in the white lead beds. The women took the place of acclimatised men. There was no rise in the case incidence. When "on the completion of the war the men resumed their old work . . . more cases of poisoning were now reported among men than occurred when the women took over the work."†

*The Trade Union View.* The Trade Union view to-day (we understand from the Standing Joint Committee's Statement that they refer to some recently expressed view) is the same traditional view which it held in 1908 at the time of the Potteries Enquiry. The National Society of Male and Female Pottery Workers then asked for the wholesale exclusion of women from certain processes. The society did not then have a majority of women members. There was no woman on the Executive Committee. The demand did not represent the view of the women workers. The secretary of the Union, questioned by the chairman and members of that Enquiry, admitted that the women actually working in these processes would not favour exclusion *because they would lose their jobs.* Though some women had been present at the lodge meetings, it was made plain that the women actually concerned did not really know what was taking place or that their work was in jeopardy.

THE LEAD PAINT (PROTECTION AGAINST POISONING) ACT, 1926

This Act protects men. It does not protect women. It prohibits their future apprenticeship and employment.

If lack of employment is protection this same protection can be enjoyed to-morrow by every man in the painting trade by his giving up his job *if lead paint is used.* Upon this suggestion being made to men painters their reply was: "THAT IS ECONOMIC FOLLY: OUR MEN MUST WORK TO GET WAGES." Precisely. We agree. But we point out that what even a child can recognise as *economic folly for men, is called "protection" for women.*

\* Macmillan, 1925.

† *Health of the Industrial Worker*, Collis and Greenwood, p. 233.

THE GENEVA SCANDAL AT THE I.L.O. CONFERENCE  
1921

This fresh exploitation of women has been secured in a manner and by methods which are nothing short of scandalous. Neither the first "regulative" Convention, nor the last "prohibitive" Convention as originally brought forward at Geneva excluded women. That part of the Clause restricting and ousting women was put into the final draft Convention at a ten minutes adjourned meeting behind the scenes. The altered draft was then rapidly voted in the Conference *without the exclusion of women ever being mentioned*.\* Nor were women's interests or the health of women in the trade once discussed at the Geneva Conference; neither in the many full meetings of the Conference, nor by the Experts' Commission, nor by the Medical Sub-Committee. Women were merely used behind the scenes more or less as something to bargain with.

Here in the House of Commons the same conspiracy of silence was observed. Old traditional "medical beliefs" were bandied about. Geneva was quoted as the sacrosanct source from which this prohibition came. But neither the House of Commons nor the House of Lords were told *how the prohibitive Clause was put in at Geneva*. The Home Office—as stated by the Home Secretary in the House of Commons—made no inquiry as to the health and conditions of women doing painting work.† But the House of Commons was ignorant of this lack of inquiry and lack of knowledge until we elicited the information, after the Lead Paint (Protection against Poisoning) Act, 1926, had passed.

MATERNITY, MISCARRIAGE, AND LEAD POISONING

There has been no inquiry in this country as to the effects of the father's lead poisoning on miscarriage. Where such inquiries have been made, as in France, Germany, Italy and elsewhere, it has been shown that lead poisoning in the father is as disastrous in causing miscarriage as is lead poisoning in the mother.

Nor are women lead workers alone in having high miscarriage rates. We append the following very interesting figures:

Dr. Arlidge's Enquiry:‡

Women working whole of married life in lead—one miscarriage in nine pregnancies.

2,000 Hospital cases (general)—one miscarriage in seven pregnancies.§

Women's Co-operative Guild Inquiry,|| 1916 (nearly all women in the Home)—one miscarriage in seven pregnancies (excluding still births).

RESTRICTIONS ON EMPLOYERS NOT WORKERS

T The greatest evil in the industrial employment of women is low wages, whether of men or women. The low wages of men often compel married women who are already fully

THE EVILS OF UNEQUAL STATUS

T We are in absolute agreement with this statement by the Standing Joint Committee as to the incalculable evil of low wages for man or woman, with their inevitable reactions. The only permanent solution must include Equal Status, Equal Opportunities and Equal Pay for all adult workers irrespective of sex. Without Equal Status, Equal Opportunity is impos-

\* Verbatim Report, Geneva, 1921.  
† Hansard, July 21, 1927.

‡ Factory Inspector's Report, 1900. § *Ibid.*  
|| *Maternity*, 1916, p. 194.

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

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

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

Signed on behalf of the  
Committee,

ELEANOR HOOD, *Chairman*.

A. SUSAN LAWRENCE,

L.C.C., M.P. } *Vice-*

M. J. PIDGEON, } *Chairmen.*

JULIA VARLEY,

MARION PHILLIPS, *Secretary*.

sible. Without Equal Opportunity, Equal Pay is impossible. Without Equal Pay, there will always be the danger of the man's rate being dragged down.

TRADE BOARDS

U We are not opposed to Trade Boards in as far as they have raised the actual weekly or hourly wage of the sweated workers, men and women.

We are not opposed to Trade Boards fixing minima hours, since these are equal for men and women.

But in as far as Trade Boards have by law standardised a lower rate of pay for women, they have legalised and standardised injustice.

We would prefer that the employer should lose his present legal right to sweat his women workers by paying them often half the rates of men workers.

THE REAL PROTECTION OF THE WOMAN WORKER

V We agree with the Standing Joint Committee that the position of women in the industrial world is poor and precarious, beset with many difficulties and in constant need of improvement. Nevertheless there have been visible improvements in that position.

Such recognition of her economic worth as woman has attained she has gained not through "protection" but in spite of it. The cause of the improvement is to be sought rather in the generally improved conditions of industry; still more in the awakening of women themselves to a knowledge of their latent power and value, due in turn to better education, the married woman's right to her earnings, and the franchise.

These are the fruits of the feminist movement which stands uncompromisingly for the raising of woman from her position of inferiority to the position of Equal Status.

It is neither progress nor protection to keep women—on the pretext of making them more comfortable—in a standardised position of inferiority. Yet that sums up the "protective" policy with regard to the industrial woman worker.

Through the International Labour Organisation western man is beginning painfully to grasp that unless he raises the coloured worker he cannot raise himself. The International Labour Organisation and man, west and east, have yet to grasp—a mental process still more painful—that unless woman is raised man cannot raise himself.

It is for women and men to help on that thought and turn it into action.

Much is won already. We greet the Standing Joint Committee's statement that women should not be prohibited from working by reason of marriage, that all professions should be equally open to women, and that in all industries and professions there should be equal pay for the same job. But we must



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remember that without Equal Opportunity in industry there can seldom be "the same job."

Is it too much to ask that this old policy of "protection" should be abandoned as outworn and that a new policy based on things as they are, and framed to secure things as they should be, shall be adopted in its stead?

We believe in the Equal Status of all women with all men.

We believe all women must suffer whilst some are held in bondage.

We believe in a real protection for the woman worker.

On behalf of the Executive Committee of the  
Open Door Council,

ELIZABETH ABBOTT,  
*Chairman.*