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Decree: Employment of Women

Decreto-Ley núm. 598 [relativo al trabajo de la mujer en la industria]. 16 de octubre de 1934. (Gaceta Oficial, 19 de octubre de 1934, año XXXII, tomo IV, núm. 92, pág. 6681.)

Legislative Decree no. 598 [respecting the employment of women in industry]. Dated 16th October, 1934.

I. Women shall not be employed during the night by private persons or in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

II. For the purposes of this Legislative Decree the term "industrial undertaking" (empresa industrial) includes particularly:—

- (a) mines, quarries, and other works for the extraction of minerals from the earth;
- (b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind;
- (c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

III. The Ministry of Labour shall define the line of division which separates industry from commerce and agriculture.

IV. For the purposes of this Legislative Decree, the term "night" (noche) signifies a period of at least eleven consecutive hours, including the interval between 10 p.m. and 5 a.m.

During the summer the night period may be reduced to ten hours, provided that a compensatory rest is granted during the day.

V. The provisions of section I shall not apply:—

- (a) in cases of *force majeure*, when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character;
- (b) in cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

VI. Women shall have the same right to be employed as men, subject to the exceptions laid down in this Decree, and shall be entitled to be paid the same salary or wage as men for the performance of the same work.

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VII. Women shall not be admitted to employment in industry or commerce until they have been examined by a medical officer of the State, a province or a municipality, who shall issue free of charge a certificate of fitness for the work in question. Women shall likewise undergo a medical examination every year and whenever the nature of their employment is altered.

VIII. Women employed in industrial undertakings shall not be given work to perform at home.

IX. Every person who gives out materials or articles to be made up at home shall keep a register in which shall be entered:—

- (a) the name in full and address of each person to whom the work is given and the place where it is to be carried out;
- (b) the nature and description of the work;
- (c) the nature and amount of the remuneration to be paid for the said work.

X. A person who receives work shall not sub-contract it either wholly or in part, nor allow it to be performed elsewhere than in his own home or by persons other than his employees, members of his family or himself.

XI. Persons or undertakings engaged in giving out materials or articles to be made up at home shall obtain a permit issued by the Minister of Labour on an application stating the conditions under which the work is to be performed. The requirements for obtaining a permit shall be printed and posted up by the person or undertaking concerned in conspicuous positions in the places where work is given out or received or wages are paid or in any other place frequented by the workers.

XII. A board shall be set up, composed of the Minister of Labour or the person designated by him, a representative of the persons who give out homework and a representative of the industrial associations of women workers; every year the said board shall fix the minimum wage to be paid for homework, in accordance with the conditions of employment and the cost of living.

XIII. Women shall not be employed in dangerous or unhealthy processes, especially the following:—

- (a) the distillation of alcohol and the manufacture and blending of liquors;
- (b) the manufacture of white lead, red lead or other poisonous pigments, and the handling of paints, enamels or varnishes containing arsenic or salts of lead;
- (c) the manufacture, handling and preparation of explosive, inflammable or corrosive substances in quantities such as to cause risk of accident;
- (d) glass cutting and polishing, the polishing of metals with emery, and work in any room or place where dust or irritant or poisonous fumes are usually generated;
- (e) underground work;
- (f) the greasing and cleaning of machinery in motion, the handling of driving belts, circular saws and other dangerous machinery;

- (g) the smelting of metals, the transportation of incandescent substances and the melting and non-mechanical blowing of glass;
- (h) the manufacture of litharge, lead protoxide, white lead, sulphate, chromate or silicate of lead, and all the processes of reduction, smelting, manipulation and treatment of lead and zinc and the manufacture of solder or alloys containing more than ten per cent. of lead;
- (i) mixing and pasting in the manufacture or repair of electric accumulators;
- (j) the handling of white phosphorus, mercury and arsenic in any manner involving risk of poisoning;
- (k) lifting or moving weights.

XIV. The National Public Health and Poor Relief Board shall periodically draw up lists of dangerous and unhealthy trades, in the light of scientific progress.

XV. Industrial or commercial establishments which employ persons of both sexes shall provide separate sanitary accommodation for men and women. The women shall be provided with a room for changing their clothes if the nature of their work requires this.

XVI. In every factory, workshop, establishment, shop or office where women are employed, a number of seats with backs equal to the number of women employed shall be provided. The seats shall be placed in close proximity to the women workers, who shall be permitted to use them whenever the nature of the work on which they are employed makes this possible.

XVII. A woman employed in an industrial or commercial undertaking shall not be dismissed because she marries.

XVIII. If it is ascertained that a case of sickness or accident has occurred during the performance of any process or work prohibited by this Legislative Decree or carried out under conditions implying a contravention of the provisions thereof, in virtue of this fact alone the sickness or accident shall be deemed to have been due to the fault of the employer, who shall be bound to pay a supplementary sum equal to 50 per cent. of the compensation to which the woman concerned is entitled, irrespective of the insurance. This supplementary payment shall be enforced by the distress procedure laid down in the Civil Procedure Code.

XIX. Preference shall be given to women in the appointment of the inspectors responsible for supervising the observance of the laws relating to the employment of women.

XX. Every contravention of this Legislative Decree shall be punished by a fine of 30 pesos for the first offence, 100 pesos for the second offence and 500 pesos for every subsequent offence. The proceeds of the fines shall be entrusted to the competent finance office for transmission to the Women Workers' Maternity Fund.

XXI. The criminal magistrate of the place where the offence is ascertained to have been committed shall be competent to impose the fines referred to in the preceding section.

XXII. If women are being employed on night work by private persons or industrial undertakings at the time when this Decree comes

into operation, the owners, managers or persons in charge of the undertakings shall take the necessary steps to transfer the said women to day work, so that they shall not lose their posts.

XXIII. Any person shall be entitled to notify the competent criminal magistrate of contraventions of which he may become aware.

XXIV. Pending the drawing up of a detailed scale of remuneration by the Minimum Wage Board for the manufacture of articles of male and female clothing, the following rates shall apply:—

- (a) in the manufacture of articles of male clothing, women workers shall be paid not less than 20 per cent. of the retail selling price: if the price of the article exceeds 2 pesos, the women workers' wage shall be 12 per cent. of the said price;
- (b) in the case of articles of female clothing which require a more careful finish and greater skill, the remuneration shall be 30 per cent. of the retail selling price.

XXV. This Legislative Decree shall come into operation thirty days after its publication in the *Gaceta Oficial* of the Republic.

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