MICHIGAN LABOR LAWS

Thesis for the Degree of M. A.

Laurence D. Glerum

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THESIS

Labor laws + legislation - Michigan

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Thesis

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by
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I

INTRODUCTION

Michigan Labor Legislation is of importance because it effects, directly or indirectly, every person in the state. No one lives or earns a livelihood within the borders of this state without being influenced by the laws concerning labor conditions. It is necessary to study these regulations in order to comprehend their full extent and significance. They have been accumulating since the time of the states' admission to the union in 1837. During this period of 92 years Michigan has grown from an agricultural state into one with many and varied industries. With this industrial growth there has been a corresponding development in the industrial legislation. The labor laws have continually broadened and become more and more comprehensive.

Heretofore, no one has attempted to trace the development of Michigan Labor Legislation. This thesis seeks to trace the growth of the industrial code from its beginning down to the present, noting the various changes and indicating its present status. In the preparation of this study the Michigan Public Acts, which are published biannually, furnished the chief source of information. Limited material concerning the immediate conditions causing the adoption of certain legislation was found in the Annual Reports of the State Commissioner of Labor from 1884 to 1920 inclusive.

II

CHILD LABOR LEGISLATION

In Michigan, as in most states, laws restricting the labor of children received first attention. These laws are found early because of the fact that open-minded people quickly appreciate and support the humanitarian and economic arguments against the exploitation of children in factories and at other types of arduous labor.

The humanitarian argument is that factory work is "too hard and strenuous and will stunt and dwarf the ordinary growth of a child, both mentally and physically. One writer remarked forty years ago, as he watched child labor increasing at the expense of child education, "Our large industrial centers are liable to become centers of ignorance as the citizens of tomorrow, who are the children of to-day go with insufficient education, the tendency is not only to a crippling of the intellectual condition but toward a crippled physical condition as well, for in many instances children in their tender years, immature in both body and mind are employed at work requiring a constant strain on both." (1)

The economic argument which influences many is that the employment of children lowers the working standards generally enforced for adult workers. The presence of children in a factory deprives their elders of the jobs they do. The father as chief support of a family is perhaps unable to get employment because children are filling the jobs. Moreover, this condition has a tendency to lower the standard of living;

(1) Annual Report of the Commission of Labor 1885, Page 90.

for children are often hired for half the wages of adult laborers and the presence of this competition consequently forces adults to accept smaller remuneration.

Prior to the year of 1881 there was no legislation whatsoever in the state of Michigan protecting child workers. In that year the problem received its first recognition in a law which applied to the minors engaged in certain occupations. It forbade the use of children under 16 years of age as contortionists, acrobats, rope-walkers, or beggars.(1) It was not until 1885, however, that any law was passed in Michigan restricting the employment of children in factories. Until that time parents were permitted to send or hire their offspring out to work as soon as the children were old enough to walk. It was not compulsory to provide children with an education or to send them to school. Employers were not restricted from employing young children at dangerous and strenuous tasks and keeping them working from "sun-rise to sun-set" for a few cents in wages. An investigation in 1883 revealed the fact that children of seven to ten years of age were working from six to ten hours a day piling bricks in a Detroit brick yard, while children of ten to fourteen years of age worked from twelve to fifteen hours a day.(2) In 1884 there were 596,894 children between the school ages of five to twenty years. In the state there were 223,030, or nearly half, who attended no school at any time during the year.(3) In Detroit there were 22,000 children of whom 9,250 were at work, and of these working children 2,205 were fourteen years of age or under.(4)

(1) Public Acts No. 260 of 1881
(2) A.R. of 1884, page 180
(3) A. R. of 1887, page 277
(4) A. R. of 1885, " 190

Michigan was at this time (1884) ranking sixth highest among the states of the union in regard to illiteracy, and the amount of child labor was increasing annually.(1) The State Commissioner of Labor's investigation in 1884 disclosed the fact that most children were compelled to work long hours with scarcely any time for rest and recreation and that they received a mere pittance for their efforts. Long hours and strenuous tasks formed a fearful draft on their tender nervous systems and in many cases warped them mentally and physically.(2)

Considering these facts and prompted by the increasing public interest, the law-makers in the session of 1885 created the first child labor legislation for regulating employment in Michigan factories. This act provided that no child under the age of ten years could be employed in any factory, warehouse, or workshop. It further provided that every child under fourteen years of age , before being allowed to work must secure a certificate signed by the proper school authority stating that he had attended school at least four months during the previous year. It was also made unlawful for employers to hire a child for more than ten hours a day or sixty hours per week.(3) This law had the popular support and was enacted by a practically unanimous vote by both houses of the legislature.(4)

One year later a canvas was made in eight Michigan

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(1) A.R. of 1885, page 90.
(2) A. R. of1887, page237
(3) Public Act 260 of 1881
(4) 1885 House journal p.1018, yeas 84, nays 4.
Senate journal p.546, yeas 24, nays 0.

cities and it was revealed that 980 children of nine to fifteen years of age were working an average of ten hours a day for twenty-nine to forty-eight cents a day. In 92 Detroit business establishments inspected, 372 boys and girls from ten to fifteen years of age were working ten hours a day for wages which ranged from twenty-nine to thirty-five cents a day. Bay City had 140 and Muskegon 130 boys from nine to fifteen years of age working ten and a half hours a day for twenty-five to forty-five cents wages.(1) Realizing that such conditions were undesirable and that such hours were too long for young children, the legislature of 1887 passed a law which prohibited any person, company, or corporation from employing any boy under fourteen or girl under sixteen years of age for more than nine hours a day.(2) It was soon noticed that this law, while it limited the working hours to nine per day, prescribed no limit on the number of working hours per week. Consequently some employers dodged the intent of this act by compelling the children to work on Sundays or for seven days a week. In order to overcome this abuse the first act of the next legislature in 1889 sought to limit the number of working hours in factories to fifty-four hours a week for all boys under fourteen and girls under sixteen years of age.(3)

In the same year, 1889, the legislature raised the minimum age limit for children working in factories from ten to twelve years of age. At the same time in order to

(1) A.R. Of 1887, page 247.
(2) Public Act 152 of 1887
(3) Public Act 265 of 1889

lessen the accidents among child workers, it was made unlawful for any child under fourteen years of age to clean machinery while it was in motion. It was made necessary that every firm employing more than ten children under fourteen years of age keep on file for each child so employed the four month school certificate and in addition thereto the written consent of the parents giving the name,age,and residence of the child.(1) It is important to note that none of this child labor legislation applied to farm children, domestics, store or hotel clerks.

That the child labor problem was not insignificant was shown in 1891 when it was disclosed that fourteen per cent of the total number of employees in Michigan factories were but eighteen years of age or under.(2) In order to diminish this number of children in factories the legislature of 1893 raised the minimum age limit for children employed in factories from twelve to fourteen years of age, and provided that children under sixteen years of age,instead of fourteen years of age as formerly required, must furnish the school certificate and the written statement of their parents consent to their employment. The law also limited all male children under eighteen years of age and all females under twenty-one years of age to ten hours employment a day and sixty hours a week in any factory.(3) This law was later expanded to

(1) Public Act 265 of 1889
(2) A.R. of1891, page 14.
(3) Public Act 126 of 1893.

include children employed in stores and factories.[1]

In 1895, ten years after the first industrial child labor legislation was enacted, the first compulsory school law was passed in Michigan. This law required that all children from eight to sixteen years of age in the country districts and seven to sixteen years of age in the city had to attend school for at least four months each year.[2] This act was a great step toward the promotion of child welfare. Very hearty support was given this legislation by the Michigan Manufacturers' Association (perhaps because of the economic reason of the hard times of the early nineties and the great number of adults out of employment).

The legislation of 1895 generally improved the child labor code; the provision prohibiting the employment of children in the cleaning of machinery while in motion was strengthened, boys under eighteen and girls under twenty-one years of age were barred from doing this work; children under the age of sixteen were barred from employment in places where life, limb, health, or morals were endangered; child workers under sixteen years of age had to furnish in addition to their certificate and statement of their parents' consent, a certificate signed

(1) Public Act 113 of 1901.
(2) Public Act 95 of 1895.

by the county physician stating that the applicant was physically capable and fit for the employment desired.(1) The laws of this year (1895) greatly improved the regulations dealing with children by effecting an increase of the minimum age limit for factory employment from fourteen to sixteen years. This was accomplished by making it more difficult to secure the working permits which were indispensible in the securing of employment. Since these permits became more difficult to secure, some persons tried to forge the certificates. To avoid this the laws of 1897 made it necessary that all permits be be sworn to by a notary public.(2) In 1901 the law was broadened so as to recuire stores and hotels,as well as factories, to keep on file the sworn working permits for all minors in their employ under the age of sixteen years.(3)

Previous to 1901 night work for children was lawful, but in that year an act was created prohibiting the employment of children under sixteen by any manufacturing establishment between the hours of 6 P.M. and 7 A.M.(4) This law was later amended to prohibit girls under eighteen years of age from working during the hours between 6 P.M. and 6 A.M. in any factory.(5)

(1) Public Act 184 of 1895
(2) Public Act 92 of 1897
(3) Public Act 113 of 1901
(4) Public Act 113 of 1901
(5) Public Act 285 of 1909.

And no male under eighteen years of age might work between the hours of 10 P.M. and 6 A.M.(1)

In 1905, twenty years after the first child labor legislation in Michigan, the advancement that had been achieved was very encouraging for those who were interested in protecting children from the hazards of industry. Michigan's child labor code compared well with those of the other states.(2) In 7168 Michigan factories and workshops inspected in 1904, out of a total of 225,000, employees found therein, less than ninety were discovered that were under fourteen years of age, and less than 6,000, were under sixteen years of age.(3) In order to eliminate any possible loop-holes in regard to the employment of children the law was further strengthened to provide that no child under fourteen years of age could be employed in any theatre, concert hall, place of amusement, factory, bowling alley, mercantile establishment, telegraph service, or any commerical enterprise whatsoever.(4) It was further stipulated that every parent or guardian must send all the children under his supervision, between the ages of seven to fifteen years inclusive, to school during the entire school year, unless the child was over fourteen years of age and could furnish the school board satisfactory evidence that his services were essential to the support

(1) Public Act 220 of 1911
(2) A.R. of 1906 page 319
(3) A.R. of 1906 page 317
(4) Public Act 171 of 1905.

of the family.[1] It was later added that children who had secured an eighth grade diploma might be excused from compulsory school attendance.[2] This, however, was qualified in 1923 by a law which provided that no child under fifteen years of age might be employed in any mercantile business or manufacturing establishment during the hours when the public schools were open and in session.[3]

The law prohibiting the employment of children for performing dangerous work was strengthened in 1907 when the minimum age limit was raised from sixteen to eighteen for boys and twenty-one for girls for all employed where life, limb, health, or morals were endangered.[4] Another act prohibited any minor under twenty-one from being employed in any theatre, concert hall, or place where intoxicating liquors were sold.[5] The law of 1887 restricting the number of working hours for children was strengthened by raising the age limit for boys from fourteen to eighteen years and prohibiting all females from working in any manufacturing establishment for more than an average of nine hours a day and fifty-four hours a week, and never more than ten hours in any one day (exception was made for canning establishments with perishable products in season).[6]

(1) Public Act 200 of 1905
(2) Public Act 74 of 1907
(3) Public Act 206 of 1923
(4) Public Act 169 of 1907
(5) Public Act 171 of 1907
(6) Public Act 285 of 1909

This law was later applied to mercantile institutions.[1]

In order to prohibit children from getting into industry the process of obtaining the required working permits has become constantly more complicated. The certificates or permits must have the name and residence of the applicant and his school report showing that he has successfully completed at least six grades; his age and date of birth must be sworn to; he must have a statement signed by a physician officially declaring that his health is in a good condition and that he is physically capable of the desired work; and he must have a sworn statement that he has satisfactorily passed a literacy test and can read and write intelligently. Since 1923 it has been necessary that all minors under eighteen years of age file an approved working permit with the employer when he applies for work.[2] It was made unlawful for an employer to hire any minor under eighteen years of age who has not furnished the properly signed working certificate.[3] The employer must keep these permits filed in his office at all times.

On July 1 1928 there were in Michigan 9,319 minors between the ages of sixteen and eighteen years engaged in industry by means of these permits approved by the

(1) Public Act 206 of 1923.
(2) Public Act 206 of 1923.
(3) Public Act 312 of 1925.

State Department of Labor and Industry. The remainder of the million persons gainfully employed in Michigan's industries were over eighteen years of age.(1) This indicates the success of the child labor code in this state.

That Michigan's child labor laws are superior to those of many other states is revealed by the fact that:

In 15 states children under 14 yrs. work in canneries.
In 12 states children under 16 yrs. work 9-11 hours a day.
In 22 states children of 14 yrs. run elevators.
In 28 states children of 14 yrs. work around explosives. and in places endangering life, limb, health & morals.
In 8 states children of 14 yrs. may quit school. (2)
In 14 states children of 16 may oil machinery in motion

In conclusion the fact will be recalled that all the laws concerning child labor have been introduced into Michigan during the past forty-three years. Prior to 1885 the state had no restrictions regarding the employment of children in factories. Michigan's first act in 1885 was to limit the number of working hours for children. Next, in 1895, provision was made for compulsory school education. In 1905 certain hazardous work was forbidden for children. It has been made more and more difficult for the child to get into industry and for the employer to take him in by the requiring of working permits and the restricting of their issuance. The minimum age limit for child workers has been gradually increased from

(1) Report of Mich. Dept. of Labor & Industry, 1928.
(2) Wisconsin Labor Statistics Bulletin #3 1928, page 4.

nothing in 1884 to the present high standard of eighteen years without a special permit and sixteen years with a permit. The state has diminished the number of working hours for children from seventy or eighty to a maximum number of fifty-four hours a week. Thus has Michigan's child labor code been successful in improving the child's opportunities for physicial and mental growth and development.

III

FEMALE LABOR LEGISLATION

It has long been an obvious and recognized fact that female workers have not the powers of physicial endurance possessed by men. It has therefore been the policy to protect women workers from the tediousness of manual labor. The public interest has always been much more pronounced in respect to female labor than it has been in relation to male labor. Perhaps because in women it sees the potential motherhood of the next generation, consequently for the benefit of posterity the women living and working to-day must be guarded from all harm which would endanger their welfare and capacites.

The first law in Michigan protecting female workers was enacted in 1885. This legislation related to the regulation of the number of working hours a day. It prohibited women from being employed in any factory, workshop, or manufacturing establishment for more than an average of ten hours a day and sixty hours a week, and required that employers must provide at least an hour off at noon for lunch time.(1) The above named hours continued to be the standard for women until 1909 when the legislature concluded that they were too long and were an undesired strain on the women workers and therefore they amended the law limiting the number

(1) Public Act 39 Of 1885.

of working hours to an average of nine a day with never more than ten in one day nor fifty-four a week for all females employed in factories.[1] The act was later expanded to include all female workers employed in offices, stores and restaurants.[2]

Another phase of female labor legislation has to do with the sanitation and the facilities of the working conditions. In order to determine the actual conditions in which females were employed the State Commissioner of Labor made an extensive survey in 1890. This survey disclosed some very deplorable situations. He found 13,436 female workers engaged in industry for an average wage of seventy-five cents a day. Of these 4,535 were working at least ten hours a day. "One hundred women were found working on the fourth floor of a building which had no fire escape whatsoever." "In a shirt factory poor ventilation and bad odors rendered the air foul and unhealthful. No separate wash rooms were provided and the one in use by both sexes, filthy to the extreme." "In a box factory a girl of fifteen was reported to have worked a week for eighty cents wages, while three dollars was a record wage for any woman's weeks work in that factory." "In two Detroit firms 'sweating' was used most vigorously, the girls being worked under a taskmistress for the lowest possible wage." "In a hotel the basement was used as a laundry and was

(1) Public Act 285 of 1909.
(2) Public Act 255 of 1915 .

cold, damp, unventilated, dirty, and reeking with a foul stench." "These classes of labor are hard, poorly paid, and carried on in the most dismal surroundings. The women, however, makelittle complaint but live on hopelessly from day to day, steadily tramping the treadmill of life." "In a fashionable dry goods store it was found to be the rule that although the place was supplied with a toilet the clerks were not allowed to use it,but must go where they best might while the closet was reserved for customers."(1) To better such unsanitary conditions a law was passed in 1893 making it compulsory that a suitable and proper washroom be provided wherever female workers were employed. This closet had to be separate and apart from those used by males and had to be kept clean and ventilated at all times.(2) Further improvements and regulations bettering factory conditions by providing for the proper heating, ventilation, and lighting were adopted and provision was made for their enforcement by the creation of state factory inspectors. This factory inspection work will receive further attention in the next chapter.

Among the first laws concerning women was an act in 1885 which provided that every employer of women in any manufacturing establishment, hotel, or store had to provide suitable seats for females and allow the use of such seats when the active duties were not engaging the

(1) A.R. of Comm. of Lab. of 1892, pages 177-183.
(2) Public Act 126 of 1893.

women workers.[1] As many employers complied with the law to the extent of furnishing the seats but made it understood to their employees that they disapproved of the use of them, the law was strengthened to provide that all persons employing female workers in any business, trade or occupation must provide suitable seats and make no rule or regulation prohibiting the use thereof when the females were not in the active duty of their employment.[2] This law is now in effect and is being enforced by the state factory inspectors.

Two types of employment have been entirely forbidden for female workers. The first was enacted in 1897 to safeguard the morals of women workers. It prohibited the employment of women as bar-keepers, waitresses, dancers, or musicians in any saloon or bar-room.[3] The other type of work which has been prohibited for female workers by statute is the operation of emery wheels or belts. This restriction was adopted because in many factories where these wheels were used steadily the dust arising from them was very injurious to the health. Another law was passed relating to the conditions of female workers employed in hotels. In many hotels where female labor was used it was the policy to provide living quarters as part of the wages. These quarters, however, were so bad in some instances that the regulations adopted in 1907 required hotels

(1) Public Act 39 of 1885.
(2) Public Act 91 of 1893.
(3) Public Act 170 of 1897.

which furnished rooms for their female help to keep these rooms properly heated, ventilated, and equipped.(1)

There has always been a great amount of complaint concerning the difference in the amount of wages paid female workers compared with the amount paid male workers for doing a like piece of work. Women, because they have fewer expenses can live more cheaply than men and may therefore work for less wages. The acceptance of lower wages by females forms a dangerous source of competition for male workers. In 1915 an attempt was made to establish a minimum wage restriction for female workers but the provision was not adopted.(2) Some relief was afforded to this problem in 1919 when a law was passed making it unlawful for employers to discriminate between the sexes in the payment of piece work wages.(3)

On July 1 1928, there were in Michigan 125,405 women working in the industries and mercantile establishments. This number does not include thousands who are employed in offices, hospitals, and small stores.(4) The laws protecting these workers are good but not the best. There are certain important pieces of female labor legislation that other leading industrial states have adopted that Michigan has not yet taken up. The most important of these include the eight hour day, the forty-eight hour week, the minimum wage laws for women, the

(1) Public Act 172 of 1905.
(2) Public Act 290 of 1913.
(3) Public Act 239 of 1919.
(4) Report of Comm. of Labor, 1928

prohibition of night work in factories and all work in the core-room of foundries, and the restriction of employment of women immediately before or after childbirth.

IV

MICHIGAN INDUSTRIAL CODE

Laws concerning the "conditions of employment" were passed from year to year and have gradually accumulated and formed what may be called an industrial labor code. This chapter endeavors to present the chronological development of the Michigan industrial code in its respective phases.

HISTORICAL

Probably one of the most important steps in the progress of the Michigan industrial legislation was the establishment in 1883 of a State Bureau of Labor Statistics. This Bureau has developed into the present Department of Labor and Industry which will receive a more complete description in a later chapter.
One of the first duties of the Bureau of Labor Statistics was to investigate labor conditions. These investigations disclosed some very deplorable and distressful conditions. Dangerous machinery was unguarded, entailing frightful accidents and untold suffering. Child labor was unrestricted and often little children were found at work with machinery that was dangerous even when handled with the judgment of mature years. No provision was made for ventilation in work-rooms which were stifling with dust and foul air. Protection against fire or sudden calamity was unthought of. Little

attention was paid to the sanitary conditions of the factory and the closets were commonly used by both sexes. Many employers felt under no obligation whatsoever to care for the health or morals of their employees.(1)

The investigators found "life in the brick yards of Detroit was destitute and wretched. Laborers and their families of five or six were crowded into filthy dilapidated little one room hovels ten foot square and eight feet high. The hovels were of wood, plastered inside and dimly lighted by broken glass and sash, approachable only through mud during the greater part of the year, and were veritable sieves to the chilling blasts of winter. Their food was scarce and poor. They ate largely of animal food, chiefly pork, taking the blood, entrains, heads, lungs, and liver and boiling them into unsavory soups."(2) Men worked from eleven to twelve hours a day and received fifty to seventy-five cents wages per day. In any type of labor at this time (1884) the number of working hours averaged around eleven hours a day. Many types of labor, however, worked even longer hours. The street car operators and conductors, for example, worked twelve to seventeen hours a day. There were no regulatory laws governing factories and the employers could exploit labor as they chose, working men eleven to eighteen or twenty hours a day and pay them

(1) Annual Report of the Bureau of Labor statistics.1902,p16.
(2) Annual Report of 1884 page 181.

starvation wages.[1] Such were the conditions forty-five years ago before the state government intervened in behalf of the working man.

LAWS CONCERNING WAGES

The first law in Michigan protecting the welfare of the working class had to do with the protection of wages. This was the Mechanics Lien Act of 1837 Which provided that if an artisan or laborer did work on another's property according to contract he might keep a just share of the property in case the owner defaulted in the payment of his due wages.[2]

The next law concerning wages was passed in 1879 and it provided that in the payment of all debts, the claims were given preference, second only to taxes.[3] The wages of laborers were given greater security in 1893 by an act which prohibited any employer from forcing employees into an agreement and without such agreement to deduct, directly or indirectly, from an employee's wages for charity, social, or beneficial purposes.[4] In order to insure and safeguard the proper payment of wages it was made unlawful for employers to pay wages to their employees in script or orders unredeemable in cash, unless a previous agreement had been arranged.[5] For the protection of both employer and employee an act was passed in 1903 providing that any person or concern which induces a laborer to travel to a point away from

(1) A. R. of 1884, page 82
(2) Michigan Revised Acts of 1838, page 538.
(3) Public Act 178 of 1879.
(4) Public Act 192 of 1893
(5) Public Act 221 of 1897.

the home locality must first make a written contract in which the wages and the work are definitely specified. And any laborer who accepts the contract and travels to the distant point must either do the work or pay the employer the cost that his transportation incurred.(1)

There have always been complications and trouble arising from long delayed payments of wages. For the purpose of insuring laborers of the prompt payment of their wages a law was enacted in 1913 which provided that every employee of any manufacturing concern, mercantile instutition, contractor, common carrier, or public utility must receive his wages on or before the first of the calander month for the first fifteen days of the preceding month, and on or before the 15th of the month for the last half of the preceding month, unless otherwise agreed previous to the employment. This law further provided that if a man left work or was discharged, he should receive the full amount of his due wages on the next succeeding pay day. In case the employer failed to pay the wages as above provided he was penalized at the rate of ten per cent interest for each day delinquent.(2) This penality provision was however declared unconstitutional by the State Supreme Court the reason being given that it was "class legislation, and the penality confiscatory and unreasonable".(3) The law has since been amended with

(1) Public Act 106 of 1903
(2) Public Act 113 of 1913
(3) 211 Mich.90,178NW776.

the penality changed to a maximum fine of one hundred dollars and provision made requiring that when an employee leaves his work he must be paid his due wages within three days. And if the employee is discharged he must be paid his due wages immediately. In case of the death of the employee his wife or nearest heir would receive his due wages.(1)

The problem of unequal wages being paid to men and women for doing the piece of work has always been a great cause for ill-feeling and complaint. Often female employees received less than half the wages that are paid men for doing the same piece of work.(2) This naturally resulted in the lowering of the wage scale and hence in a lowered standard of living. The first step in the remedying of this condition was taken in 1919 when a law was passed forbidding employers from discriminating between the sexes in the payment of wages for piece work.(3)

An interesting law was passed in 1919 . It prohibits any employer from demanding or receiving any part or portion of the tips that his employees received in the performance of their duties. Nor may such tips be substituted in lieu of wages.(4)

HOURS OF LABOR

The first law restricting or limiting the number

(1) Public Act 62 of 1925
(2) A. R. of 1917 page 177
(3) Public Act 239 of 1919
(4) Public Act 322 of 1919.

of working hours for men was passed in 1885. It provided that in all factories, workshops, saw mills, lumber camps, mines, and other businesses engaged in manufacturing ten hours should constitute a legal day's work, and any employer compelling his employees to work more than ten hours a day had to pay them for the overtime work if no agreement had been arranged previous to the employment.(1) As trainmen were not included in this law an amendment was made to it in 1893 which provided that ten hours in any consecutive twelve constitute a full days' work for railroad employees and any further work must be rewarded with overtime pay.(2) Another law prohibits any street railway company from requiring any motorman or conductor to work more than six days in any seven, except in case of emergency.(3) The above mentioned restrictions are all the regulations that the State has made concerning the number of working hours for adult male workers.

SAFETY AND SANITATION

The first law in Michigan concerning the physical safety of workers was a broad statute which was enacted in 1867 "to protect the rights, health, and liberty of laborers." It provided that no person without authority of law could by threat, intimidation

(1) Public Act 137 of 1885
(2) Public Act 177 of 1893
(3) Public Act 234 of 1919.

or otherwise interfere with or in any way molest any laborer in the quiet and peaceful pursuit of his avocation.

The use of certain types of machinery unavoidably entails considerable risk to the workmen. In order to insure a greater degree of safety to the workers various rules and regulations have been made concerning the operation of the dangerous machines. One such machine is the emery wheel. The dust which arises from the constant use of emery wheels or belts is very injurious to the lungs of those breathing it. So back in 1887 a law was enacted which provided that in any factory where any form of emery wheel was in constant use, blowers or similar exhaust apparatus had to be installed to carry off the dust made.(1) It was later revealed that many concerns, altho they provided the blowers, had installed cheap inadequate devices. In order to remedy this sitution the law was amended so as to specify the ratio of dimensions for the exhaust fans and suction pipes.(2) It was also made illegal to operate any emery wheel or belt in any room lying either wholly or partly below the surface of the ground, without special permit from the Commissioner of Labor.(3) Moreover, it was made illegal for female workers to operate any form of emery wheel.(4) Another provision to eliminate the danger of injurious dusts was one which required that hair picking machines must be installed in upholstering and mattress

(1) Public Act 136 of 1887
(2) Public Act 202 of 1899
(3) Public Act 193 of 1905
(4) Public Act 172 of 1907.

factories where hair or tow were picked over and used for filling.(1)

The first general law in Michigan for the improvement of the factory standards of safety and sanitation was passed in 1889. This law provided that the owner or operator of any factory or mercantile establishment must provide automatic doors or gates for all hoists, elevators, or well-holes, which would close the gateways whenever the elevator departed therefrom. In each factory there had to be the proper heating, lighting, ventilation, sanitary arrangements, and suitable exits provided for use in case of emergency. All belting, shafting, gearing, elevators, drums, vats of molten metal or hot liquid and machinery had to be guarded. All dangerous machinery had to have automatic shifting devices.(2) This law was very comprehensive and effected improvements in many factories. It was, however, so broad and extensive that the local police officers were unable to investigate its every detail and consequently violations were common. In 1892 three years after the passage of this law the State Commissioner of Labor Statistics investigated eighty-two Detroit places of business and 157 workers reported impure air, 374 reported impure water, and 382 reported offensive and obnoxious odors.(3) To provide for better enforcement of the provisions of the labor law the

(1) Public Act 232 of 1907
(2) Public Act 265 of 1889
(3) A.R. of 1892 page 160.

legislature of 1893 created the office of factory inspector under the supervision of the Commissioner of Labor. The inspectors were empowered to enter and inspect all the manufacturing establishments in the state. They were to see that the laws concerning the age restrictions for children and the number of working hours were respected; and that the working conditions were properly safeguarded according to the provisions of the law. Whenever the inspectors discoverd infractions of the law they so notifed the employer or operator or the factory and these conditions had to be promptly remedied. In addition to the existing provisions for the welfare and the safety of the workers the inspector was given further regulations to enforce. All stair ways in factories had to have substantial hand rails and rubber covered steps. If females workers were employed thereabouts the stairway had to be properly screened. Outside fire escapes had to be provided for all manufacturing establishments of three stories or more in height. Belts had to be thrown on and off pulleys by means of machanical apparatus if the inspector thought the danger required this safeguard. Separate and sanitary washrooms and closets had to be furnished for both sexes. A noon lunch-time of at least 45 minutes was required furnished for workers. These conditions the inspector had to observe and demand be properly enforced. Every factory in the state had to be inspected and a report of its condition

sent annually to the Bureau of Labor Statistics.(1)

The original act of 1893 creating the factory inspectors carried an appropriation allowing for the employment of but two inspectors. The importance and value of this service has been demonstrated by the fact that there has been a steady increase in the number of inspectors employed until the present time when a force of twenty are in the field. Likewise there has been a constantly increasing number of regulations, that they must see are enforced. Cables and gearing of all elevators in factories must be inspected at least once each year.(2) Hotels and stores must be inspected annually as well as factories.(3) The factory inspectors must see that all manufacturing establishments, hotels, stores, theatres, halls, apartment houses, and public buildings more than two stories in height are equipped with suitable fire escapes.(4) The inspector is also authorized to inspect all foundries or establishments where metal castings or cores are made and see that proper passage ways, heat, light ventilation, and exhaust fans are provided. That first aid equipments furnished and all precautions observed.(5) In 1909 the inspectors had the duty added of inspecting annually all schoolhouses and steam boilers and condemning those in an unsafe condition.(6) Since 1913 the inspectors have seen to it that the Hotel Law of that year is obeyed. This law provided that each room of a hotel must be posted with directions to the proper fire escapes and extinguishers.

(1) Public Act 126 of 1893
(2) Public Act 241 of 1897
(3) Public Act 113 Of 1901
(4) Public Act 149 of 1907
(5) Public Act 152 of 1907
(6) Public Act 285 of 1909.

Also that the toilets must be sanitary and towels furnished for each individual, the beds must be furnished with ninety-inch sheets and have a sufficient supply of quilts.(1) The factory inspectors have also been given the duty of inspecting all the buildings of state institutions.(2)

There was some little difficulty encountered when factory inspectors ordered permanent improvements for factories which were being rented. The renters shifted the burden of the expense of the improvement on to the owner of the building and often met with resistance. So in order to straighten this matter out a law was enacted declaring that the owner of a factory was responsible for permanent improvements ordered by the factory inspectors.(3)

Before the days of electricity steam engines were common and plentiful. Steam boiler explosions were very frequent and cost many lives annually. So in order to increase the safety of the operators a law was passed in 1899 requiring that every stationary steam boiler should be equipped with an approved low water gauge and alarm.(4) In 1909 the factory inspector was given the duty of inspecting all stationary steam boilers and condemning those in an unsafe condition.

Up until 1901 no action had been taken to curb the evil of sweat-shops. In that year many were existing in Detroit in a filthy and uninhabitable condition, the workers being driven through a ten-hour day by a

(1) Public Act 188 of 1913
(2) Public Act 20 of 1919
(3) Public Act 111 of 1897.
(4) Public Act 209 of 1899
(5) Public Act 285 of 1909

task-mistress, for wages ranging from sixteen to ninety-eight cents a day. In order to stop such practices a law was enacted which declared that no room or apartment in any tenement or dwelling house could be used for the manufacture of any type of clothing, piece work, or cigars, without getting a special written permit from a factory inspector who had made a visit to the place. The inspector was given the power to make any and all regulations that he saw fit and to revoke his permit whenever he saw fit.(1)

Numerous other laws regulating the safety and sanitary conditions of workmen will be referred to in this paper under the divisions concerning: marine laws, mining laws, railroad laws, arbitration laws, and compensation laws.

RAILROAD SAFETY LAWS

The first law directly providing safety measures for the employees of railroads was passed in 1881. It provided that every railroad must erect before each side of every tunnel, viaduct, or bridge a safety guard in the form of a traverse rod or beam with suspended ropes which reach to the top of the freight cars.(2) This regulation is in evidence to-day and has no doubt saved many lives from being scrapped from the top of trains.

In 1895 an act was passed providing for the protection of street car employees. It provided that all street car companies must furnish from November 1st to

(1) Public Act 113 of 1901
(2) Public Act 190 of 1881.

April 1st, wood and glass enclosures for the platforms of sufficient strength to protect the employees from exposure to the chilling winds and the inclemencies of the weather.(1)

An important act for the promotion of the safety of railroad employees was adopted in 1907. It provided that all railroads must equip their cars with automatic couplers which will function without danger of injury to the trainmen.(2)

In 1915 an act was passed providing for the improvement of the living quarters of railroad employees. It required that railway cars which are furnished employees for sleeping quarters must be clean, well-heated, lighted, ventilated, and sanitary, with places and facilites separate for the drying of wet clothes.(3)

ACCIDENTS

A forerunner of the Workman's Compensation Act was introduced in 1909 in an act relative to the liabilty of railroad companies for damages if the trainmen were injured of killed. This law made the plea of contributory negligence void if the accident was caused in any illegal work of the company or if the company was guilty of any negligence.(4)

The important piece of labor legislation concerning accidents was passed in 1912. This was the Workman's Compensation Act and an entire chapter will be devoted

(1) Public Act 9 of 1895
(2) Public Act 234 of 1907
(3) Public Act 3 of 1915
(4) Public Act 104 of 1909.

to a describtion of this law.

Two other laws have been enacted in Michigan concerning injured and incapacitated workers. One provided for the promotion of vocational education of persons disabled in industry or otherwise and their return to employment.(1) The other act was passed in order to determine the number of persons suffering with occupational diseases in Michigan. All physicians were ordered to report all such cases to the Commissioner of Labor.(2)

EMPLOYMENT AGENCIES

The first Free Employment Bureaus were created in Michigan in 1905. In order to aid the poor and the unemployed an act was passed authorizing the Commissioner of Labor to establish in every city of the state having a population of 50,000 persons a free employment bureau, whose sole purpose was to find employment for all those out of work and make no charge for the service rendered.(3) At this time (1905) there were but two cities, Detroit and Grand Rapids, which could meet the 50,000 population requirement. Therefore, as this service quickly proved its worth the next legislature amended the law so that it applied to all cities having 30,000 population.(4) subsequently the requirement was lowered to allow ten of the larger Michigan cities to have these free bureaus.(5)

In 1923 the population qualification was removed and

(1) Public Act 211 of 1921
(2) Public Act 119 of 1911
(3) Public Act 37 of 1905
(4) Public Act 281 of 1907
(5) Public Act 191 of 1911

the Commissioner of Labor was empowered to establish employment bureaus where he felt that they were needed.(1)

In 1927 the Michigan Free Employment Bureaus were subrogated by the Michigan Employment Bureaus in order to require the registration fee of $1.00 to be paid by all those applying for employment.(2) The object of this change was to make the bureaus appear to be commerical enterprises rather than charitable institutions. An idea of the scope of this work may be received from the fact that during the year of July 1st 1927 to July 1st 1928 the bureaus succeeded in placing 33,376 of their applicants in positions.(3)

In 1913 the first law was passed regulating private employment agencies. Through out the state numerous private employment agencies had been allowed to grow up unmolested and unrestricted. Free from any restraint, unscrupulous managers of some of these agencies practiced corrupt methods of swindling their needy patrons who were seeking work. One agency in Detroit went so far as to charge its applicants a five dollar fee and then advise them to go over to the state free employment bureau to find a job.(4) In order to prevent such occurences a law was drafted which provided for the licensing, bonding, and regulation of the private employment agencies and also limiting the amount of the fee that they could

(1) Public Act 216 of 1923
(2) Public Act 255 of 1925
(3) Report of Labor Comm. July 1st 1928
(4) A. R. of Labor Comm. of 1913 page 1985.

charge. A liability was imposed on all concerns which falsely advertised and all the agencies were subjected to the supervision of the Commissioner of Labor.(1) As the number of private employment bureaus continued to increase, a law was enacted in 1925 increasing the obligations by raising the license fees and their bond qualifications.(2)

MINE LAW

The mine laws of Michigan fall into two divisions: those relating to iron and copper mines; and those relating to coal mines.

IRON AND COPPER MINES: The first commercial mining in Michigan began in the iron and copper mines of the upper peninsula. Because of the lax and careless methods of operating the mines, a great number of accidents occurred and many workers were injured. In order to better conditions the legislature of 1887 passed an act to provide for mine inspection. The Board of Supervisors in each mining county was authorized to appoint an experienced miner as a mine inspector. This inspector must visit all iron and copper mines at least once every sixty days and all other mines at least once a year or oftener as he thinks necessary. After a thorough inspection the inspector was empowered to condemn all places where he believed that employees were endangered. Partitions must be erected between all hoists and ladderways, mine shafts must be covered so as to prevent anything falling down them, all elevators or hoists carrying men must have

(1) Public Act 301 of 1913 (2) Public Act 225 of 1925.

overhead covers. Whenever dangerous conditions were found the inspector could order the miners to quit work there and notify the operator to make the place safe by means of props or else abandon it. The operator of a mine must furnish maps and assist the inspector in examining the mine. An annual report of the conditions in all the mines is filed by the inspector with the Board of Supervisors.(1)

Through fear that the Board of Supervisors might be unduly influenced by political pressure in their selection of a mine inspector, the law was amended in 1911 so that instead of being appointed, the inspector would be elected by the people at the general election. And in addition to his regular inspections he must, whenever requested by an employee of a mine, investigate that mine. Whenever a mine is abandoned the owner must put a fence around all open shafts or pits which will prevent anything from falling down them.(2) To provide greater safety to drillmen the operator must never require or allow the use of any power or machine drill by anyone more than fifty yards distant from fellow workmen.(3)

These laws have greatly reduced the number of accidents in the iron and copper mines and are in effect to-day. Further protection is afforded the miners by the presence and cooperation of the federal

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(1) Public Act 213 of 1887
(2) Public Act 163 of 1911
(3) Public Act 220 of 1913.

mine laws and the federal mine inspector.

COAL MINES: Between 1895 and 1900 there was a very sudden and rapid development in the mining of Michigan's coal resources. In order to protect the workers in this new industry an act was enacted in 1899 which authorized the Commissioner of Labor to appoint an experienced miner as a coal mine inspector to inspect all of the coal mines in the state. The law requires that coal mines must have an escape shaft of at least eight feet square every three or four hundred feet. A competent engineer must be secured to operate all elevators and hoisting devices. Cages and elevators which carry men must have an overhead cover, a safety catch on the door and their capacity must be limited to ten men. Operators must furnish adequate prop and cap material for overhead protection, and ventilation so that each worker is supplied with fresh air.(1) In 1905 further safety precautions were added. Gaseous mines must have their air tested and examined every morning by the operator. Break throughs must be kept closed. Projected shafts must pass inspection. Passage ways must be wide enough to allow passage of men and animals. Landings must be kept clean of loose materials and protected by safety gates. Cages must be of steel and the cables examined daily. Lights must be provided at the top and bottom of the shaft. Escapement shafts must be provided with

(1) Public Act 57 of 1899.

stairways and kept clean. When adjoining mines meet underground the connecting passage ways must be kept clean and passable. Closets must be sanitary. Boilers must be located sixty feet from the shafts. Hoisting engines must have good brakes. A standard code of hoisting signals must be adopted. Extreme caution must be used in blasting. Pure animal oil must be used for illuminating purposes. When adjoining mines are approached work must advance slowly and carefully. When abandoning mines maps of all underground workings must be made and furnished the mine inspector.(1) Further safety rules were adopted in 1913. Ventilation must provide each miner with one hundred cubic feet of air a minute and double that amount if any poisonous gases are present. Electric lines must be heavily insulated. Clean sanitary wash houses must be provided for the miners. All cars in underground haulage must carry a conspicious headlight, and refuge nooks provided along the tracks in narrow passages. Mine operators must furnish the inspector with a complete map of the mine with the surface extent and the underground workings indicated. The mine inspector is endowed with police power and may arrest any violaters of the mining laws.(2)

The above laws are in effect at the present time and compare very favorably with those found in other states. The coal mining industry is not very prosperous in Michigan at the present time; there being but eight mines under

(1) Public Act 100 of 1905
(2) Public Act 177 of 1913.

operation and these are open but three or four months a year.[1]

MARINE LAWS

Prior to 1909 there were no state laws regulating the operation of boats and vessels on the Great Lakes. The existing federal laws applied only to those plying in interstate commerce; consequently many vessels were subject to no regulations whatsoever. The safety of the employees and passengers on these vessels was often unnecessarily endangered. Because of this fact a law to correct the conditions was passed in 1909 and strengthened in 1911.[2]

These acts provide that the Commissioner of Labor shall annually or oftener have inspected every steam or machinery propelled passenger vessel not under the jurisdiction of the federal laws. The inspector must examine the boilers and machinery and see that they are in a safe condition and equipped with safety valves. The hull and equipment of the vessel must be examined to determine the maximum limit of the number of passengers that may be carried. There must be permanent stairs on the decks, and the decks must be kept clean. Life preservers must be furnished and easily accessible to every passenger and member of the crew, also life boats provided. No explosives or highly combustable substances may be carried on passenger vessels. The master, pilot, and engineer of each vessel must be licensed and know the standard code of

(1) Report of Labor Comm. 1928.
(2) Public Act 113 of 1909 & Public Act 60 of 1911.

navigation signals. These signals concern the manner and whistle signals of two vessels meeting, approaching, or passing each other and what is to be done at night or in fogs. At night every vessel must carry a red, green, and white light forward. The name of each vessel must be printed on her stern.

If the inspector finds that every thing is in good order and that all the marine laws and regulations are observed satisfactorily, he issues his certificate of inspection for the vessel. Such a certificate must always be plainly posted in every passenger-carrying vessel. If the inspector discovers any violations of the law, these infractions must be corrected before the certificate which is necessary in order to do business will be granted.

ARBITRATION MOVEMENTS

During the period of the '80's in the nineteenth century Labor began to realize that there is a power in organization. Labor unions and organizations became very popular and common among the working classes. In 1883 Michigan passed a law allowing Labor Unions to incorporate in this state.(1) The chief and important weapon wielded by the union was the strike. Because, perhaps, of the novelty of this new power there was a widespread epidemic of strikes. In hope of avoiding these occurences and settling controversies peaceably the legislature of 1889 passed an act providing for the creation of a Court of Mediation and Arbitration. This Court was composed of

(1) Public Act 159 of 1883.

three arbitrators appointed by the governor with the consent of the senate. It had the power to investigate all controversies between capital and labor; it could subpeona witnesses; demand books or other evidence needed to carry out its purpose. After collecting and considering the evidence the Court would issue a decision.(1) The weakness of the Court lay in the fact that the parties concerned could completely ignore its decision, which they frequently did, and the Court was provided with no power by which it might enforce its decree. Because of this weakness the Court was not effective; in fact, it was not until 1897 or eight years after the enactment of the law, that the governor saw fit to appoint the first arbitrators. These held thier office until 1909 investigating strikes and making suggestions as to what should be done. These suggestions were, however, so frequently ignored that the legislature of 1909 could see no reason for the further continuance of the court and failed to appropriate money for its maintenance..

The idea of arbitration for strikes lingered on and again appeared in 1915 when a law was passed creating a Board of Mediation and Conciliation. This Board was headed by a commissioner appointed by the governor with the advice and consent of the senate. The duty of the Board was to arbitrate and settle peaceably disputes arising between employers and employees of railroads, mines, public utilites or whatever other industries might petition

(1) Public Act 238 of 1889.

for this service.[1] The same old difficulty confronted this Board. After it had deliberated upon the evidence and had reached a just decision, it was powerless to enforce its decree and was merely limited to suggesting and advising.

After this Board had existed for three years, it had accomplished so little that the effort was deemed futile and the Board dissolved in 1918. It has not been since revived, altho the law still remains on the statute books and the governor may bring it into existence by merely appointing a commissioner. Because of the diminishing frequency of serious strikes, there has been a lessening in the attention and thought devoted to the creation of an arbitration court in Michigan.

(1) Public Act 230 of 1915.

V

WORKMAN'S COMPENSATION ACT

Seventeen years ago, in 1912, the principle of workman's compensation was recognized and adopted in Michigan. Previous to the time it was assumed that the injured workman would alone bear the losses occasioned by accidental injuries. Often workmen who were living happily and prosperously and providing well for their families would sustain an accidental injury while working which would incapacitate them, and thus prevent them from receiving any income, and if the disability for work was of long duration the man's soon became exhausted and he and his whole family would be thrown into poverty and distress.

It is true that the workman might resort to a law-suit to recover damages, but experience proved this to be thoroughly inefficious and unsatisfactory. Under the common law which governed these cases the employer had three defenses; namely, assumption of risk, the fellow servant rule, and the plea of contributory negligence, and these defeated more than nine-tenths of the damage claims.(1) Moreover, lawsuits required a long period of time for adjudication thus incurring large expenditures. In the end, if the injured man was awarded damages, by the time he had paid his lawyer and the other expenses little would be left him other than the animosity of his employer. Then the workman's compensation laws evolved a product of

(1) U.S. Bur. of Labor Bull. #439 page 87.

experiments in foreign countries and some states during the first decade of this century. These laws were based upon the economic principle that the consumer should pay all the costs incurred in the production of the goods which he consumed. The employer should repair his man-power the same as he repairs his machine power and shifts the repair expense burdens onto the consumer as a cost of production.

Governor Osborne in 1911 appointed a commission to investigate and report a plan for legislative action to provide compensation for accidental injuries or death arising out of or in the course of employment.(1) The commission determined that the industrial accidents in Michigan warranted remedial legislation. The Governor then called a special session of the legislature in 1912 which passed an act to "promote the welfare of the people, relating to the liability of employers for injuries or death sustained by their employees, providing compensation for accidental injury or death of employees and the methods for the payment of the same, establishing an Industrial Accident Board, defining its powers, providing for a review of its awards, and making an appropriation for the carrying out of these provisions."(2)

In accordance with this law there was created a board known as the Industrial Accident Board which consisted of three members appointed by the Governor by and with the consent of the senate for a six year term. The Board was non-partisan.

(1) Public Act 245 of 1911.
(2) Public Act 10 of 1912.

The Act provided for an elective system of compensation with the exception of all governmental agencies (excluding officials) to which the law is compulsory. It provided also that unless an employer elected to adopt the compensation plan, the rights of his employees to sue and collect damages for injuries would be greatly strengthened, for employers who did not elect to operate under the Workman's Compensation Act could not use the three defenses, that the employee was negligent (unless the negligence was obviously wilful) or that the injury was the result of a fellow employee's negligence, or that the employee had assumed risks by the failure of the employer to provide and maintain safe premises and suitable appliances. These defenses did not apply to injuries sustained by household domestic servants, farm laborers, or to employees whose employers had elected to accept the provisions of the compensation law. Every employee of an employer who had adopted the compensation act was, without written notice to the contrary, assumed to be protected by the law.

There were four methods by which an employer might elect to pay compensation; namely, (1) by furnishing satisfactory proof of his solvency and financial ability to pay directly to his employees. (2) To insure his liability in an authorized liability company. (3) To insure his liability in any mutual insurance association organized under the laws of the state. (4) To insure the liability with the State Accident Fund.

The compensation law as originally passed provided that any employee who had not given notice that he did not wish to be subject to the provisions of the act would be entitled to compensation if the personal injury arose out of or in the course of his employment by an employer who was subject to the provisions of the law. However, a claimant was not entitled to compensation if he was injured through his own serious and wilful misconduct. The law did not provide for the payment of compensation if the injured was not incapacitated for a period of at least two weeks from earning his usual wages, compensation began on the fifteenth day after the accident unless the disability lasted for eight weeks or longer, in which case compensation started on the date of the accident. Reasonable medical and hospital services and medicines were furnished by the employer for the first three weeks after the injury. Occupational diseases were not covered by the compensation law.

In case death resulted from an injury compensation was paid to the dependents of the employee who were wholly dependent upon him for support in a weekly sum equal to one-half of his average weekly wage, but not more than ten dollars nor less than four dollars a week for a period of three hundred weeks from the date of the accident. If there were any persons only partially dependent upon his earnings at the time of his injury, weekly compensation

was paid equal to the same proportions of the weekly payments for the benefit of the wholly dependent persons as the amount contributed to the partial dependent bears to the annual earnings of the deceased. Those considered as dependents were: a wife upon her husband with whom she lived at the time of his death, or a husband upon a wife with whom he lived, or a child or children under sixteen years of age (or over sixteen if mentally or physically incapacitated). If he or they were living with the parent at the time of the death an equal division of the compensation was made among the children. If there were any total dependents, partial dependents were not entitled to any part of the compensation. A person must be a member of the family of the deceased or be related as husband, widow, or lineal descendant to be a dependent. All questions of dependency were determined on the date of the accident and subsequent changes do in no way influence the payment of the compensation. If one dependent dies, the remaining compensation was divided equally among the survivors, and payments only terminate upon the death of all dependents. Dependents may include non-resident aliens.

The employer or his insurers were required to pay reasonable sickness and burial expenses to the amount of two hundred dollars if there were no dependents. Compensation was payable at the rate of one-half the weekly wages but not more than ten dollars nor less

than four dollars a week, and in no cases could the period exceed five hundred weeks or a total amount of four thousand dollars. If the injured was only partially disabled, compensation was payable at a rate equal to one-half the difference between the average weekly wages before the injury and the wages he was able to earn upon his return to work. This could continue for a period not to exceed three hundred weeks. For purposes of computating the rate of compensation the weekly wage was arrived at by dividing the average annual earnings of the employee by fifty-two. If he had not worked a year in the employment in which he was injured, his annual earnings were computed by multiplying the daily wage by three hundred.

If the injured employee died before the expiration of the period for which he was entitled to compensation, payment of the compensation to him would then terminate and the employer was liable for the funeral expenses. Compensation could be claimed by the guardian or next friend for a mentally incompetent or a minor child. The receiving of monies from other sources or insurance companies could in no way be considered as part of the compensation to be paid.

A claimant's right to the compensation had to be protected by filing a notice of the injury with the

employed within three months after the accident, and a claim for compensation must be made within six months after the accident occured. If death resulted or physical or mental incapacity the claim had to be made within six months from the date of the death of the above mentioned incapacity. The time, place, and cause of the injury were given in the notice, and it was signed by the injured or by some one in his behalf. Dependents or some one in their behalf signed the notice in case of the death of the injured party. The injured party was required to submit to a physical examination at any time during the period of disability, if it were so requested by the respondents.

The Industrial Accident Board could grant permission for the payment of compensation in a lump sum under special circumstances if the weekly payments had been made for not less than six months, and the lump payment might be discounted by the payor at the rate of five per cent per annum. Rights to compensation could not be signed away by the claimant; and his compensation was not assignable or subject to attachment or garnishment for debts. Taxes and wages are the only things which have priority over compensation payments in case of insolvency.

If an accident resulted in the disability for work or the loss of a member which might entitle the injured to compensation, an agreement was executed and filed with the Industrial Accident Board and if approved by the said

board it was binding upon the parties which entered into the said agreement. The terms of the agreemant had to be in harmony with the provisions of the compensation act in order to receive the approval of the board. If an agreement could not be reached by the interested parties a committee of arbitration was formed consisting of one member of the Industrial Accident Board who acted as chairman and two other persons, one named by the plaintiff and the other by the respondents. Investigations were made and a hearing held in the locality of the accident and the resulting decision filed with the Board. The said decision was final if neither party made a claim for a review within ten days, unless for sufficient cause the Board granted an extension to the time period for claiming a review. Any member of the Industrial Accident Board had the right to require that the injured person be examined by an impartial physician and the reasonable expenses for such services were paid by the Board. The arbitrators of the case were allowed five dollars a day for their services, such fees , together with the costs of arbitration were paid by the department after having received the approval of the Board.

If the Board received a claim for a review all the facts of the case were reconsidered by them and a decision was rendered which was, in absence of fraud, conclusive. The only recourse left if either of the interested parties was dissatisfied was an appeal to the State Supreme Court

which had to be made by certiorari within thirty days after the Board's decision. If the terms of the agreement or orders of the Board were not complied with, the same could be presented to the circuit court of the county in which the accident occured and a judgment might be secured againist the employer or the Insurance Company which had assumed the employer's risk.

If an employee was injured by a third party while working for his employer, he could proceed under the common law and make a claim for damages from the third party or he might claim compensation from his employer but he could not do both.

Every employer who elected to accept the provisions of the compensation act was required to keep a complete record of all accidents sustained by his employees while in the course of their employment and make an immediate report of these accidents to the Industrial Accident Board, or be liable to a fifty dollar fine for refusing or neglecting to file these reports.

Such were the provisions of the Workman's Compensation Act when it was originally adopted in 1912. As this type of legislation was entirely new and untried in Michigan it was necessarily unadapted to all the various angles of industry, therefore it was made possible for the Governor to appoint a commission of three members, at any time he considered the provisions of the law unfair or inadequate, to investigate the

workings of the law and make recommendations for any needed legislation to improve the law. Such commissions have been appointed from time to time and their recommendations adopted. In fact, each legislature since the passage of the Act has corrected some flaw or added some new constructive feature to improve the law.

The legislatures of 1913 and 1915 increased the amount of the appropriation and provided for the enlarging of the staff and working force of the Board.(1)

In 1917 the act was amended to better define the average earning of an employee. It was provided that fifty-two times the weekly wage should be considered an annual wage, the average weekly wage was arrived at by multiplying the daily wage by six, and if it was impossible to secure the exact daily wage at the time of the accident, the previous daily wage of the employee and of others at similar work in the same locality was considered as the daily wage. The fact that an employee had received compensation from one accident might in no way debar him from receiving compensation for later injuries.(2)

The legislature of 1919 made further amendments: In order that all employees engaged in any and all of the employer's businesses might have protection, the law was changed to include all employees which the emplyer engages during the time that he remains under the act. It is also necessary that these all be covered by the

(1) Public Act 273 of 1913 & Public Act 104 of 1915.
(2) Public Act 41 of 1917.

same insurance company. A conspicious notice was provided for all employers who elect to come under the compensation act and these must be posted by them in their place of business. Increased compensation was provided for injured employees. The period for which respondents were liable for medical, surgical, and hospital services was increased from three weeks to three months; the period of two-weeks' wait before the injured b ecame entitled to compensation was reduced to one week and if the disability existed for six weeks (previously eight) or longer the payment of compensation started from the date of the accident; death benefits were increased and persons wholly dependent had their payment increased from fifty to sixty per cent of the average weekly wage, not to exceed a payment of fourteen dollars nor less than seven dollars per week; the weekly rate of compensation was raised from ten to fourteen dollars for total disability and for partial disability a proportionate increase was authorized; The maximum amount of compensation receivable was increased from four to six thousand dollars. The definition concerning dependents was broadened to include a living child or children under sixteen years of age by a former wife or husband of the deceased employee as a full dependent, and the death benefits had to be divided equally among all total dependents, however, a surviving parent receives all compensation which goes to the support of all the children unless upon investigation it was revealed that that person

was incompetent to perform his or her duties properly, in which case a legal guardian other than the father or the mother might be appointed to care for the interests of the minors.

The section of the law relative to making the claims for compensation was amended to provide that an accident that does not develop into a disability for work until six months subsequent to its occurance but does develop later may then have a claim made within three months after the actual development, if the employer has had notice of this accident but has not reported it the time limit for a claim is extended to two years. If an injured person's mental and physical condition was such that he could not make a claim, the limitation of six months does not run againist him; and if the employer refuses or neglects to report the accident, the statute of limitations does not run againist the injured until a report is filed. Reports for all accidents had to be made to the department on the eighth day after the accident on blanks furnished by the Board; if the accident was serious and compensable the report had to be furnished with full information relative to the occupation, wages, nature and extent of the injury and the place of the accident, this report had to be signed by the employer.(1)

Governor Grosbeck in 1921 thought that for economic reasons the Industrial Accident Board, Board

(1) Public Act 64 of 1919.

of Boiler Rules, Department of Labor, and Industrial Relations Commission[1] should be combined into one department, so the legislature created the Department of Labor and Industry. This department will be fully described in a following chapter.

Two new sections were also added to the compensation law that year. One provided that when an employer who was subject to the provisions of the Act contracted with a person who was not subject to the act to do work for him, an accident sustained by the person working for the sub-contractor would be compensated for by the acceptance of the Act by the principal contractor in the case, just the same as if he had been employed directly by him and not by the sub-contractor. The employee can not recover damages under the common law from the contractor who hired him, if compensation has been paid by the principal; however the principal may sue the sub-contractor for reimbursement. The other new section gave the Commission jurisdiction over all disputes regarding claims made for injuries sustained outside the territorial limits of the state, if the injured was a resident of Michigan at the time of the accident and the contract of hire was made in this state.

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(1) NOTE: The Industrial Relations Commission was established in 1919 to investigate and report the industrial conditions of the state with reference to unemployment, housing, safety, health, and the conditions of workers in general. The purpose of this commission, consisting of five members without compensation and appointed by the Governor, was to advise the legislature as to wise and beneficial legislation to adopt for the aid of the laboring classes.
See Public Act 281 of 1919.

The law was again changed in 1921 in order to increase the benefits to dependents, provision was made that the expenses of the last sickness and of the burial of injured employees, not exceeding two hundred dollars must be paid by the employer in addition to the other compensation. The maximum amount of compensation that might be paid for one person's accident was increased from six to seven thousand dollars.

Because of the constantly increasing number of cases of arbitration that were requiring the attention of the Commission, deputy commissioners were appointed and authorized to hear cases. And in order to speed up cases and eliminate any possible disregard or negligence to hinder such hearings it was provided that there should be punishment as for contempt of court for a witness who failed to obey subpoenas of the commission or who refused to be sworn in, to testify, or produce evidence pertaining to the investigation, or might be guilty of any contempt while in attendance at a hearing.(1)

The legislatures of 1923 and 1925 granted an increase in the appropriation to cover the expense of enlarging the working force of the department.(2)

Some very important amendments were made to the law by the legislature in 1927. Among which there is one which provided that minors between sixteen and eighteen years of age who were illegally employed were entitled to receive double compensation for any injuries.

(1) Public Act 173 of 1921
(2) Public Act 193 of 1923 & Public Act 120 of 1925.

The rate of weekly compensation was increased from sixty to sixty-six and two-thirds per cent of the average weekly wage of the injured person with eighteen dollars as the maximum limit. Compensation might not be paid for more than five hundred weeks nor to exceed a total amount of nine (previously seven) thousand dollars for the accident of one person. Dependents who were alien non-residents were entitled to receive two-thirds of the amount of compensation that would have been received by residents of the United States or Canada.(1)

During the past twenty years every state in the Union has adopted some form of a workman's compensation law. Being of so recent a development there is naturally a great degree of uniformity and similarity among the various laws, and none of them varies greatly from that of Michigan. In the history of the development of the Michigan law many amendments have been made to the original act, all of which have tended to make it more extensive and more liberal to the wage-earner.

(1) Public Act 63 of 1927.

VI

ADMINISTRATION

In his inaugural message to the legislature, delivered at the opening of the session in 1883, Governor Begole made the following remarks and recommendations: "Paupers and criminals, the fish in the brook, and the cattle in the fields,-all have State Commissioners to look after their welfare. But a large class of our citizens have no one whose especial duty it is to investigate their condition and report what legislation is necessary for the protection of their interests. I refer to the laboring class. I would recommend the establishment of a labor bureau headed by a commission whose duty it shall be to study labor questions and advise means of reforming numerous abuses."(1)

Acting upon his suggestion this legislature of 1883 passed an act creating a Bureau of Labor Statistics. The Bureau was headed by a Commissioner appointed by the Governor. The Commissioner was authorized to select a deputy to assist him. These two officers, together with the Secretary of State as an ex-officio member, comprised the commission of the Bureau of Labor Statistics. The duty of the Bureau was to collect and print in annual reports statistical details relating to all phases of labor in the state, particularly including the number, age, and sex of the wage earners, the safety and sanitary conditions of employment, and the social, economic, and

(1) Annual Reoprt of Bur. of Labor, 1884, page 1.

industrial conditions of the laboring class. In the collecting of this information the local officers assisted the state investigators. The county clerks, aided by the township supervisors, made regular reports of the facts and conditions in their respective counties to the Bureau of Labor Statistics. The Commissioner was authorized to subpoena and examine under oath such witnesses as he might require in the performance of his mission.(1)

Obviously the task confronting the first Commissioner was a large one. He had a big task and but a small appropriation allowed him with which to hire assistants. After visiting the three then existing similar bureaus in the eastern states the Comissioner modeled and began his system and work. The next legislature in 1885 increased the appropriation for the bureau and provided that the commissioner might send out special canvassers to assist in the securing and accumulating information and it was provided that the commissioner might punish those witnesses he called who refused to testify or testified falsely.(2)

In 1891 the commissioner was further empowered by being authorized to enter any factory in operation and gather facts and statistics relating to the hours of work, wages, industrial, economic, and sanitary conditions. These investigations revealed many abuses and violations of the laws protecting the safety and health of the

(1) Public Act 156 of 1883
(2) Public Act 189 of 1885.

employees. The local police and prosecuting attorney were responsible for the enforcement of these laws, but such officers are universally slow and lax and it was consequently very rare that the frequent and numerous violations of the labor laws were prosecuted.

In order to reform this situation the legislature of 1893 authorized the Commissioner of Labor to appoint regular factory inspectors whose duty it was to inspect annually all factories and manufacturing establishments and see that the labor laws were enforced or the violators prosecuted.(1) The value of this factory inspection by state men was soon evident, and the number of inspectors has been continually increased so that the Labor Commissioner has to-day twenty full time factory inspectors functioning in this state.

In 1899 it became the duty of the commissioner of Labor to have all the coal mines in the state inspected at least once each year. The Commissioner was authorized to appoint an experienced miner as state coal mine inspector, whose duty it was to investigate the coal mines and to correct or prosecute any violations of the coal mine laws.(2)

The Commissioner of Labor's duties were increased in 1905 when he was authorized to establish and supervise the Free Employment Bureaus in certain of the larger cities of Michigan. The value and extent of this work was described in a previous chapter.(3)

(1) Public Act 126 of 1893
(2) Public Act 57 of 1899
(3) Public Act 37 of 1905 or see page 35.

In 1909 the name of the Bureau of Labor and Industrial Statistics was changed to the Department of Labor. The Department of Labor continued to be headed by the Commissioner of Labor who appointed a deputy to assist him. The Secretary of State was relieved of his duties as ex-officio member of the Commission. The appropriation was enlarged and the Department of Labor continued with the administration and enforcement of all the laws concerning labor, including factory inspection, the gathering of statistics, and the operation of the free employment bureaus.(1) In addition, the commissioner was authorized to appoint an experienced seaman to inspect all the passenger carrying ships and vessels navigating within the jurisdiction of this state. The Inspector was required to inspect all these vessels at least once each year and see that the marine laws were being complied with or their violations corrected.(2)

In 1913 the Labor Commissioner was given another duty when he was made a member of the Hotel Commission. He, the Insurance Commissioner, and the food and Health Commissioners, comprised the Hotel Commission whose function it was to have all of the hotels in the state inspected at least once each year and have any violations of the Hotel law remedied and the violators prosecuted.(3)

The gradually developing important and multifarious administrative duties of the Commissioner of Labor received an impetus with the establishment of the present Department

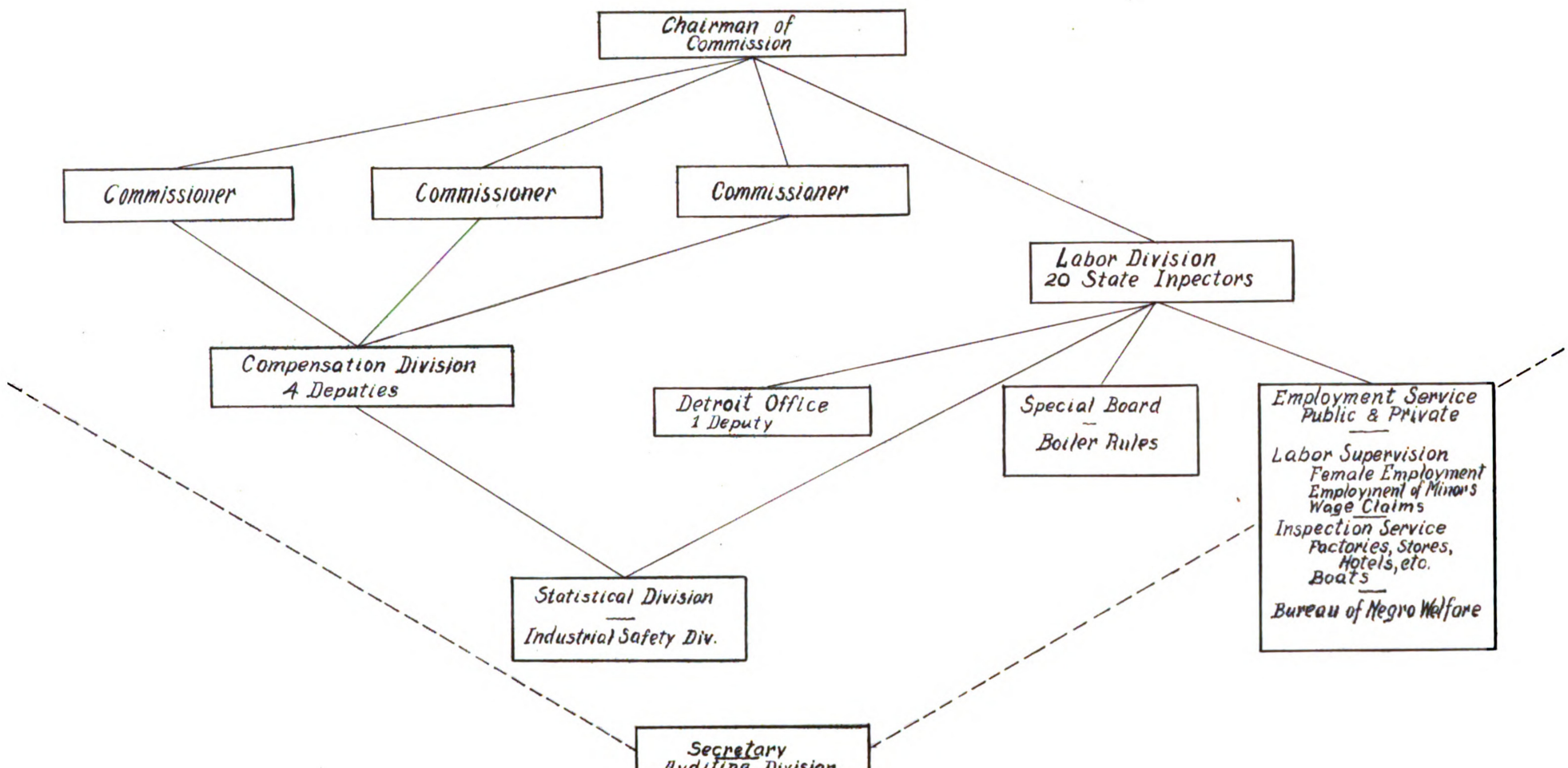
(1) Public Act 285 of 1909
(2) Public Act 113 of 1909
(3) Public Act 188 of 1909

of Labor and Industry in 1921. This Department is the resultant of the merging of several, all the powers and duties that were endowed in the Department of Labor, Industrial Accident Board, Industrial Relations Commission, and the Board of Boiler Rules were transferred and vested in the Department of Labor and Industry. The powers and duties of the Department of Labor and Industry are administered by a Commission of four members appointed by the Governor with the consent of the senate. One member is appointed chairman and is in general charge of the department. He designates three members to administer the Workman's Compensation Act.(1)

The principal steps in administering the compensation law may be roughly outlined as follows : an accident happens. It may or may not prove compensable, and if compensable it may range in all degree of seriousness from one causing no lost time to one resulting in total disability or death. The first step in determining what is due the injured man is to secure the necessary reports from the employer, employee, and physician or surgeon. The second step is to examine these records and if necessary prepare the case for hearing by an arbitrator or the commission on an appeal from the arbitrator's decision. The third step is the holding of the hearings by the commission and notifying the interested parties of the awards made. The fourth step includes the checking up on the promptness of the

(1) Public Act 43 of 1921.

DEPARTMENT of LABOR AND INDUSTRY.
Michigan-1928.



compensation payment. An idea of the magnitude of this work may be had from the report of the Commission for the year from July 1st 1927 to July 1st 1928. There were 210,558 accident reports filed with the department and of these 30,558 were compensable.(1)

The chairman of the Commission, who is in charge of the entire department, personally directs the labor division. This division has twenty deputies or inspectors and maintains a branch office in Detroit. It performs all the inspection work, visiting each year 16,673 factories and manufacturing establishments, all hotels and stores, public buildings, steam boilers, coal mines, and passenger carrying vessels, and enforcing all state laws pertaining to the working conditions, welfare of employees, and regulations concerning the employment of women and children.(2)

The Labor Commissioner establishes and supervises the public employment bureaus, and inspects and licenses the private employment bureaus. He oversees the activities of the Bureau of Negro welfare, which is an office that collects and systematizes all information concerning the colored people of this state. He is head of the Board of Boiler rules, a board which determines the rules and regulations that the operators of stationary steam boilers must observe.

The Department of Labor and Industry collects and systematizes all statistical information and details

(1) Report of Labor Com. July 1928.
(2) See Chart page 65

concerning hours, wages, age, sex, and working conditions where labor is employed, (except on farms) and all matter relating to the industrial, social, educational, moral, and productive industries of the state. This material is printed in monthly bulletins and in a biannual report.

In summarizing, it is recalled that the present Department of Labor and Industry which is administering the labor laws of Michigan ia a development of the last forty-five years. It was first created as a Bureau to collect statistics on labor conditions in 1883, and later the Commissioner was given the power to go into factories and look around for statistical details. Then he was given authority to inspect factories and enforce the labor laws. The inspection duties gradually increased from merely factories until they now include coal mines, hotels, stores, foundries, vessels and boats, and public buildings. The Bureau of Labor and Industrial Statistics developed into the Department of Labor in 1909 and in 1921 the Department of Labor merged into the Department of Labor and Industry and assumed the responsibility of administering the Workman's Compensation Law. The Department is now a well organized and efficient administrative unit of the State Government.

COMPARISON OF LABOR LAWS OF LEADING INDUSTRIAL STATES*

State	Child Labor Minimum Age		Labor Maximum Hours		Female Labor Maximum Hours		Prohibited Nite Hrs.	Minimum Wages	One Day Rest in 7 Provided	Workman's Compensation				Death (1)Burial (2)Dependent	Disability (1) total (2)Partial
	With Permit	Without Permit	Day	Wk	Day	Wk				How Administered	PerCent of Wages	Weekly Payments Maximum	Weekly Payments Minimum		
Mich.	16	18	9	54	9	54	None	None	No	Dept. of Labor & Industry	66 2/3	$ 18.	$ 7.	(1) $200. (2) 2/3 wages for 300 wks.	(1)2/3 wages for 500 weeks-7000 limit (2)2/3 wage loss for 500 wks. 9000 limit
Ill.	14	16	8	48	10	70	None	None	No	Industrial Board	50-65	$ 19. $- 14.	$ 7. $ - 14.	(1) $100. (2) 55% wages for 300 wks.	(1) 55% wage fo 500 weeks (2) 50-65% wage loss for 500 wk
N. Y.	14	17	8	48	9	54	10 P.M.- 6 A.M.	None	Yes	Industrial Commissioner	Death 15 - 66 2/3 Disability 66 2/3	$ 20.	$ 8.	(1) $200. (2)30-66% Wages during dependency	(1)2/3 wage for life (2)2/3 wage los & 3,500 limit
Ohio	16	18	8	48	9	50	None	None	Yes	Industrial Commission	66 2/3	$ 18.75	$ 5.	(1) $150. (2)2/3 wages for 8 yrs - 6,500 limit	(1)2/3 wages for life (2) 2/3 wage loss & 3,750 limit
Mass.	14	16	8	48	9	48	6 P.M - 6 A.M.	29¢ per hour	Yes	Industrial Accident Board	66 2/3	$ 16.	$ 7. $4. in death	(1) $150. (2)2/3 Wages for 500 wks.	(1)2/3 wages fo 500 wk.4,000 limit. (2)2/3 wage los

* U. S. Bureau of Labor Bulletins 370 & 423.

VII

CONCLUSION

In concluding it may be recalled that the Michigan labor laws have been completely developed during the last forty-five years. In that time Michigan has changed from a primarily agricultural and lumbering country into a highly industrial state. Michigan is to-day the automobile producing center of the world. This largest industry has accomplished its entire growth in the last twenty-five years. Because Michigan's industrial being is of such recent origin, the labor laws form an admirable study for the tracing of the growth of the public interest in the conditions of the working and industrial populations. Previous to the eighties there was little interest shown toward labor and the usual attitude was to let the laborer look out for himself as he best might. Then labor unions became popular and with them came their wide-spread epidemic of small strikes attracting the public attention toward the conditions of labor.

Gradually the long working hours were limited or lessened and the dangerous and more obnoxious conditions of employment and habitation were bettered. Factory inspectors were sent out to see that the higher standards provided for by the labor laws were adopted. These standards have continued to rise as the public has more thoroughly appreciated that society in general is more

prosperous when the welfare of the working classes is guarded. The growth of this sentiment was well illustrated in 1912 when the Workman's Compensation Act was adopted, shifting the burden of the expense of accidental injuries from the unfortunate individual alone to society in general. There has been a steady accumulation of the laws protecting the welfare and safety of labor so that to-day Michigan has a reasonably extensive industrial code. Michigan's labor laws are not yet as voluminous and extensive as those of some of the older industrial states such as New York or Massachusetts; but on the whole the Michigan labor laws are about average and not very far behind the foremost of the industrial codes of the leading industrial states.

In the matter of child labor Michigan has as high an age qualification as can be found in any of the states; the law requires that a child must be eighteen years of age before he can enter a factory for permanent work. Children between sixteen and eighteen years of age may be employed only after they have secured working permits approved by the State Labor Commissioner. The present law restricts the hours of labor for children to nine per day and fifty-four a week.

Michigan's female labor legislation is not voluminous but carries about the average restrictions found in the industrial codes of the lesser industrial states. Working hours are limited to nine a day and fifty-four

hours a week. The female labor code should be strengthened to prohibit night work and provide foran eight hour working day and forty-eight hour week for women.

The Workman's Compensation Laws of Michigan are very similar to such legislation in the other leading industrial states, and they have been made more and more liberal each year by additional amendments.

The administration of the Michigan labor laws is being expertly handled by the efficiently organized Department of Labor and Industry, headed by the State Labor Commissioner.

In final summary, the attitude toward the laboring classes and wage earners has changed in the last forty-five years, with the growth of Michigan's industries, from an attitude of complete indifference to that of liberal protection.

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