

Most of these restraining laws ~~employers~~ have faulty enforcement provisions. Employees do not like to complain against their employers for fear of losing their jobs and no special agency has been given the responsibility of seeing that the laws are lived up to. The ^{writer} ~~author~~ has been unable to find any court award or decision pertaining to the statutes.

The History of California Labor Legislation, 1910-1930.

Chapter XIV

The Department of Industrial Relations.

In 1927 a Department of Industrial Relations was established in California. This Department administers the labor laws of the state and by means of the various commissions and boards are brought closer together and responsibility is centralized to a greater extent. In order to understand the significance of this Department of Industrial Relations it is necessary to discuss the historical development of the Divisions of which it is composed .

Bureau of Labor Statistics. The state Bureau of Labor Statistics was established in 1883.* The Bureau is pre-

* For the early history of the Bureau see, Eaves, Lucile, History of California Labor Legislation, pp. 369-378.

sided over by a Labor Commissioner appointed by the Governor. It is the duty of the Commissioner to collect and present in biennial reports to the legislative ^{with} varied statistical information relating to all departments of labor in the state, such as the hours and wages of labor, cost of living, amount of labor required, estimated num-

ber of persons depending on daily labor for their support and the probable chances of all being employed, etc. * As

*Cal. Stats. 1883 p. 27

new labor laws were enacted in California many of them were placed under the supervision of the Bureau. By 1908 the Bureau was responsible for the enforcement of the child labor law, hour law for drug clerks, the inspection of scaffolding statute, the factory inspection act, the law regulating private employment agencies and the eight-hour law for public works, underground works and smelters.*

*Report of the Bureau of Labor Statistics, 1908.

At that time the Labor Commissioner was assisted by a deputy commissioner, a stenographer and three special agents. In view of the many duties which had been assigned to it, the Bureau was entirely inadequate. To make matter worse, the commissioners had always been appointed, not because of special training and fitness for office, but because of politics.*

*Miss Eaves stated in 1908 that the collection and interpretation of statistics is now fully recognized as work which requires careful preparation, but not one of the men who have been appointed to carry on the difficult work of the California Bureau of Labor Statistics has ever had

the slightest special training for the services which he undertook. The office has always been regarded as a purely political appointment. The labor organizations have made several unsuccessful attempts to secure the position for some prominent leader whom they considered particularly well qualified to protect their interests....Even when the men appointed to the position had fair ability and might have learned something of the duties of the office, the state has never profited by their expensive education through experience, for no Labor Commissioner has ever been reappointed at the expiration of his four-year term of office." (History of California Labor Legislation, p.373.)

Upon the introduction of the Progressives into power in 1911, the personnel of the Bureau was greatly improved. Governor Johnson appointed John P. McLaughlin, one of the most prominent trade-unionist of San Francisco, to the office of Labor Commissioner. Organized labor was jubilant over this appointment.* Appropriations for the Bureau were near-

*Labor Clarion, February 24, 1911, p.8.

Mr. McLaughlin filled this position in an admirable manner for ten years. In 1921 Walter G. Mathewson, another efficient labor representative, was appointed to the office. Mr. Mathewson has been Labor Commissioner since 1921.

ly doubled and the staff of workers was augmented by hiring a trained statistician together with additional assistants, clerks and inspectors.

Some of the most important labor laws placed under the supervision of the Bureau of Labor Statistics for administration and enforcement since 1908 have been (1) the acts pertaining to the payment of wages, (2) the eight-hour law for

female workers, (3) the public employment bureaus act, and (4) several acts pertaining to the sanitation of factories.

In 1915 the Bureau was given authority to enforce any labor laws of the state, the enforcement of which was not specifically vested in some other officer, board or commission, and the deputies of the Commissioner were given the power and authority of sheriffs to serve papers and make arrests.* The

*Cal. Stats. 1915 Ch. 4841

reason for this statute was that some labor laws had been enacted without any provision for enforcement, notably, the wage payment laws and certain sanitation measures.

Since 1908 the Bureau has made special investigations under the following subjects: Oriental Situation, Ports of California, the Utilization of the Water-power of the State, Wage Conditions in the Alaska Salmon Canneries, the Lumber Industry, the Portland Cement Industry, Abuses of Spurious Trade Schools, the Extent of Child Labor in Agricultural pursuits, Mexican Labor Conditions in the Imperial Valley, the Fluctuation of Employment in the Motion Picture Industry, and Wage Rates and Hours of Labor in the California Petroleum Industry. The results of these investigations have been published in the biennial reports of the Bureau.

Each biennial report requires approximately a year for

preparation and printing, so that an interval of three years may elapse between the gathering of facts and their publication. Much of the information in the reports thus loses its timeliness before it reaches the public. In order to keep the people of the state better informed regarding business conditions, employment, etc. The Bureau began in 1924 to publish the California Labor Monthly Bulletin, a small pamphlet containing much valuable information regarding current labor statistics.*

*The Bulletin is published in conjunction with the Bureau of Labor Statistics of the U. S. Dept. of Labor.

By 1928 the personnel of the Bureau ^{had} been increased to fifty-five members, including the Commissioner, chief-statistician, two attorneys and numerous deputies, agents and stenographers. The main office of the Bureau was in San Francisco with branches located in Los Angeles, Oakland, Sacramento, San Diego, Fresno, Long Beach, San Bernardino, Santa Barbara, San Jose and Stockton.*

*Report of the Bureau of Labor Statistics, 1928, p. 5.

Other Commissions and Divisions Administering and Enforcing California Labor Laws. The Industrial Accident Commission was created in 1913. Its functions are (1) to

administer and enforce the Workmen's Compensation, Insurance and Safety act, (2) to administer the state compensation insurance fund, (3) to promote safety in industry and (4) to collect and publish statistics relating to accidents in industry. The Commission is composed of three members appointed by the Governor for a term of four years. To carry out the provisions of the compensation act the Commission has created the distinctive departments of Compensation, Permanent Disability, Rating, Insurance, Safety, Accounting, Legal, Medical and Statistical. The history of the activity of the Commission together with its departments are discussed rather fully in the chapter pertaining to the administration of workmen's compensation.*

* See page

The Industrial Welfare Commission is composed of five members, one of whom is a woman, appointed by the Governor for a term of four years. The Commission was created in 1913 for the purpose of (1) holding public hearings, (2) calling wage boards, and (3) determining minimum wage rates, maximum hours of labor, and minimum standards of working conditions for women and minors. The principal function of the Commission has been the administration and enforcement of the minimum wage law for women and minors. This Commission and its activi-

ties are more fully discussed in the chapter on the minimum wage.*

*See page ____.

The Commission of Immigration and Housing, composed of five members appointed by the Governor, holds office at the pleasure of the Governor. The Commission was created in 1913 and has the following functions: (1) enforcement of the labor camp sanitation act, (2) enforcement of the state housing act, including hotels, apartment houses and dwellings, (3) enforcement of the auto camp act, (4) approval of the county jail plans, (5) advice on city planning, and (6) protection of immigrants, but not the promotion of immigration of aliens into the state of California. We are concerned primarily with the Commission's activities in connection with the labor camp sanitation act which is explained in the chapter on special factory acts and sanitation measures.*

*See page ____.

Thus it may be seen that by 1913 the labor laws of the state had expanded to such an extent that four separate commissions and bureaus had been established to administer and enforce their provisions.

In November 1918 a committee was appointed by Governor

William D. Stephens to survey the activities of the state government and report upon the practicability of introducing economies in the administration of the state's affairs. After making extensive investigations the committee made certain recommendations pertaining to the co-ordination of agencies of administration which performed similiar or allied functions.* These recommendations were presented to

*Report of Committee on Efficiency and Economy, Mar. 12, 1919.

the legislature in ¹⁹²¹ 1921 and, as a result, a reorganization plan was enacted by the law makers. We need to concern ourselves only with the part of the plan pertaining to the enforcement and administration of the labor laws of the state.

A Department of Labor and Industrial Relations was created by the reorganizing act. The Department was composed of four divisions: (1) Industrial Accident Commission, (2) Commission of Immigration and Housing, (3) Industrial Welfare Commission, and (4) the Bureau of Labor Statistics. These divisions were to function independently, very much as they had done heretefore, but a provision was made for closer co-operation through common membership of their department heads in an advisory council on labor.

Section 364a of the Political Code provided that on or before the first day of January of each year and at such other

times in case of vacancy, each of divisions one, two and three should designate one of its members as its representative on the Department of Labor and Industrial Relations. The Chief of the Division of Labor (Commissioner of Labor) should be the representative of the Division of Labor. Such representatives should meet once each month, or oftener at the call of any two members. At its first meeting a chairman and secretary were to be elected. The purpose of the meetings of the Department was to be for the solution of all problems involving conflict or duplication of the activity of two or more divisions.

Section 864b of the Political Code provided that the Department of Labor and Industrial Relations should make and promulgate rules and regulations that would eliminate overlapping and duplication of the activities of the several divisions and ~~that~~ it might provide for the transfer of functions and activities from one division to another in the interest of the betterment of the service of such division or divisions.*

*Cal. Stats. 1921, p.1031.

The Department of Labor and Industrial Relations functioned from 1921 to 1927. During this time appropriations for the separate divisions were greatly reduced and many state employees

were dismissed. The administration of Governor Friend W. Richardson, from 1922 to 1926, was particularly devoted to economy and retrenchment in governmental activities. Labor leaders made the accusation that Governor Richardson's policy was one of false economy and that he was merely trying to save corporations of the state from paying taxes.* Although

*The State Federation of Labor Convention of 1923 went on record as denouncing "the Governor's attempt to destroy or nullify all humanitarian legislation which had been enacted and to prevent further legislation of that character in the interest of so-called tax economy". Proceedings, p.31.

the state Commissions were crippled during this economy era the practicability of the theory behind the organization of the Department of Labor and Industrial Relations was demonstrated.

Governor C. C. Young stated in his inaugural address on January 4, 1927, that he favored greater consolidation and co-ordination of the numerous boards and commissions which were then operating independently of each other. In speaking of the reorganization carried out in 1921 Governor Young stated: "At that time, only a beginning of this work was accomplished. I accordingly invite the attention of the legislature to this problem, and suggest that the work of departmentalizing the state's activities be at this time continued. Probably this work cannot at present be fully completed, for

the reason that certain of the state's offices and commissions are written into the state Constitution, and can be reorganized only by constitutional amendment. One innovation, however, can be accomplished now, and I believe might be very wise -- namely, an arrangement by which the heads, or directors, of such departments as may now be formed shall be constituted into a Governor's Cabinet or Council, to the end that ^{at} regular meetings there may be discussed in orderly fashion the various problems which confront the state. Some system like this would, I believe, be far more business-like and effective than such haphazard and infrequent consultations as must otherwise normally take place between a Governor and our numerous unrelated boards and commissions."*

*Senate Journal, 1927, p.57.

In accordance with the wishes of Governor Young, the legislature of 1927 made a further and more thoroughgoing reorganization of the labor administrative commissions of the state.

An amendment to section 364 of the Political Code provided that "a department of the government of the state of California to be known as the Department of Industrial Relations is hereby created. The Department shall be conducted under the control of an executive officer to be known as Director of Industrial Relations, which office is hereby creat-

ed. The Chairman of the Industrial Accident Commission shall be ex officio Director of Industrial Relations. The Governor shall designate the Chairman of the Industrial Accident Commission from the membership of said Commission, the person so designated to hold the office or position of such Chairman at the pleasure of the Governor..."

Section 364a, as amended, provided that "for the purpose of administration, the Department shall be forthwith organized by the Director, subject to the approval of the Governor, in such manner as he shall deem necessary properly to segregate and conduct the work of the Department. The work of the Department is hereby divided into at least five divisions to be known respectively as the Division of Industrial Accidents and Safety, the Division of Housing and Sanitation, the Division of State Employment Agencies,* the Division of Labor

*It was felt that the importance of the state employment service warranted the creation of a separate department. This employment service had formerly been conducted under the supervision of the Bureau of Labor Statistics.

Statistics and Law Enforcement and the Division of Industrial Welfare. Each Division, except as otherwise expressly provided by law, shall be in charge of a chief, who shall be appointed by, and hold office at the pleasure of the Governor.."

Section 364f stated that "...the Department of Industrial Relations shall succeed to and is hereby vested with all the

duties, powers, purposes, responsibilities and jurisdiction of the Industrial Accident Commission, Commission of Immigration and Housing, Bureau of Labor Statistics, Commissioner of the Bureau of Labor Statistics, the Industrial Welfare Commission heretofore established, and the Department of Labor and Industrial Relations.."

Section 364h provided that "...the Department of Industrial Relations is hereby invested with the power and is charged with the duty of administering and enforcing all laws now or hereafter imposing any duty, power or function upon any of the offices, officers, deputies or employees, herein transferred to the Department."*

*Cal. Stats. 1927 Ch. 440.

Other sections of the Political Code dealing with the subject pertained to definitions, transference of records, funds, etc.

In 1929 a Division of Industrial Fire Safety was added to the Department of Industrial Relations. The state Fire Marshall, appointed by the Governor, was made Chief of the Division. The functions of this new Division are the prevention of fire hazards in cleaning and ^{*}dy^{*}ing establishments and in other places of employment; also general elimination of fire hazards.*

*Cal. Stats. 1929 Ch. 155.

At the present time, therefore, we have a Department of Industrial Relations presided over by a Director* who

*Mr. Will J. French, Chairman of the Industrial Accident Commission, has ably served as Director since the inception of the Department in 1927.

is a member of the Governor's Council and is directly responsible for the supervision, direction and control of the six Divisions of the Department. Thus a unification and co-ordination of the former independently functioning Bureau of Labor Statistics, Industrial Accident Commission, the Commission of Immigration and Housing and the Industrial Welfare Commission has become an accomplished fact.

Regular meetings of the Chiefs of the Divisions, presided over by the Director of the Department, are held and serve as a clearing house for the exchange of important information regarding the work of the various Divisions. The Director prepares and renders reports of their activities to the Governor's Council each month. Duplication of efforts in related fields is being eliminated and what is more important a centralized control is giving opportunity for the Director to evaluate, enhance or curtail the various activities of the Divisions brought under his vigilance and direction.