

## Chapter XV.

Summary and Conclusions.

In this study we have concerned ourselves with the history of labor legislation in California during the two decades from 1910 to 1930. Many achievements have been made during these years. California has kept abreast of the more industrial commonwealths of the Union and although much remains to be done along the lines of protective social legislation, the working class in the state is much better cared for today than it was twenty years ago. A brief comparison of conditions in 1910 with those in 1930 will substantiate the truth of this statement.

*From 1911*  
In 1910 practically no damages were ever paid to industrially injured workers or their dependents. Employers were protected by the common law defenses known as (1) the fellow-servant rule, (2) the doctrine of contributory negligence and (3) the assumption of risk doctrine. Today these defenses all are removed and an entirely different set of conditions prevail. Under the workmen's compensation act, compensation and medical benefits are paid, free of charge, to all injured wage-earners of the state. Employers directly pay for the benefits but the theory behind the law is that industry as a whole ultimately bears the cost.

At the beginning of the period there was no regulation of the time and manner of the payment of wages. Many unsuspecting workers were defrauded of their wages or else were compelled

to wait weeks or months for their pay. Today wage-payment laws prescribe that wages must be paid semi-monthly in negotiable instruments. An improved mechanics' lien law offers greater assurance to the wage-earner that he will get his money in case his employer becomes insolvent.

Since 1910 the women of the state have been guaranteed by law a minimum wage, the rate being at present \$16 per week. Although adverse decisions by the federal courts have held that such legislation is unconstitutional, the law in California is still functioning fairly well. The Industrial Welfare Commission administers the act, not by court prosecution, but by gaining the cooperation of employers through educational means. Some employers observe the law because of the force of public opinion.

Since the beginning of the period the California legislature has enacted an eight-hour law for women. Although the law does not cover quite all of the industries it is perhaps as comprehensive as any other similar statute in other states of the Union. The validity of the law has been sustained by the United States Supreme Court. All attempts during this period, however, to obtain a general statute protecting the hours of labor of men have failed. Outside of improvements in the miners' eight-hour law and the drug clerks' nine-hour act, conditions pertaining to the hours of labor of men have remained practically unchanged. There is still no Sunday closing law in California, although a number of city ordinances close certain establishments on that day.

~~Today~~ Child labor laws and compulsory education acts have much more stringent and comprehensive provisions than they had in 1910. But the greatest improvement has come as a result of better administration and enforcement of the laws. The appointment of Labor Commissioners who were vitally interested in the welfare of children, together with the appropriation of more money to carry on the work, has materially improved conditions. Although child labor is not so much of an evil in California today, the Bureau of Labor Statistics as well as the school authorities of the state will be compelled to maintain constant vigilance in the future in order to prevent violations of the laws.

In 1910 there was practically no safety work being done in California and outside of a factory inspection act of 1889 there was no provision for the sanitation of workshops. The lack of inspectors made the one factory act almost worthless. Today conditions are entirely different. The state, working through the Industrial Accident Commission, is diligently attempting to eliminate all preventable industrial injuries. Many safety orders and special safety acts provide <sup>quite</sup> very satisfactory protection to the life and limb of the worker, ~~in the~~ state. Sanitary conditions in factories and workshops are also better safeguarded by law. The greatest improvement along this line has been made by the Industrial Welfare Commission who has issued orders regulating working conditions in places of labor of women and children. A camp sanitation act provides for the sanitation of living conditions in labor camps in California.

During the last twenty years numerous attempts have been made to enact legislation prohibiting the operation of private employment agencies within the state. Other attempts have been directed toward the enactment of statutes regulating the fees of private agencies. Although these attempts have failed, largely because of constitutional difficulties, the agencies are much more closely regulated today than they were in 1910. In addition, the state has established a system of free employment bureaus which competes with the private agencies. These state bureaus furnish an efficient service and have obtained a large portion of the employment agency business. They save the California workers many dollars every year.

In 1910 the prison labor laws were such that very little competition existed between convict labor in California institutions and the free labor of the state. A bad condition, however, existed within the prisons ~~for~~ the inmates were idle most of the time. Since then they have been permitted by law to work on California highways and a state-use system has been established in the prisons. As a consequence, the convicts are much better cared for today and free labor still suffers from no direct competition.

Organized labor has taken an active part in agitating for labor legislation but many of the laws enacted in the state have not been the ones most desired at the time by the labor unions. Union men have always been afraid of state paternalism. They have wanted, above all, the right to bargain collectively

with their employers without governmental interference. They have wanted to make boycotts, strikes and picketing entirely legal and to curb the use of the injunction in labor disputes. Measured on this basis conditions are not ~~very~~ <sup>noticeably</sup> different today from what they were twenty years ago. Workers still have the right to strike for whatever cause they may see fit and the primary boycott is still permitted, but the use of the injunction by employers ~~to prevent picketing, or any form of coercion, intimidation or violence~~ <sup>and the broad interpretation by the courts of the terms</sup> ~~or violence~~ <sup>and</sup> ~~makes strikes and boycotts~~ <sup>hinder trade union activities</sup> quite as ~~in~~ effective <sup>by</sup> today as ~~they were~~ in 1910.

The labor laws of the state are ~~very~~ much better administered and enforced than they were two decades ago. A fairly efficient system of commission administration has been worked out by the legislators and during recent years efficiency has been increased by centralizing authority and responsibility in the newly created Department of Industrial Relations.

*California is fortunate in having upon her statute books such favorable labor laws. The effectiveness of these laws in the future will largely depend upon the ability of the men who are placed upon the state administrative commissions.*

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