

Labor Standards

BULLETIN 272



A REPORT ON THE  
**BUREAU OF  
LABOR STANDARDS  
30th ANNIVERSARY**

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U.S. DEPARTMENT OF LABOR  
W. Willard Wirtz, Secretary

U.S. BUREAU OF LABOR STANDARDS  
Nelson M. Bortz, Director

**“‘LABOR STANDARDS’ is a broad term covering recognized goals in the improvement of working conditions. Labor standards are guiding principles, laws, or operating rules for acceptable employment conditions—protection against unreasonably long hours or unsafe working conditions, harmonious employer-employee relationships, fair wage rates, and prompt and regular payment of wages, compensation for occupational injuries, unemployment, and other hazards of employment. Labor standards are, therefore, living, changing things. They are established by labor and management through collective agreements, and by the legislator and the labor administrator through laws and regulations. Through their effects upon workers and upon production, labor standards vitally touch our entire national life.”**

**—From *Bulletin 33, Bureau of Labor Standards, 1939.***

**30th ANNIVERSARY**  
**OF THE**  
**BUREAU OF LABOR STANDARDS**  
**WASHINGTON, D.C., NOVEMBER 17, 1964**

*Forging Labor Standards*  
*1934 . . . 1964 . . . 1994*

**BULLETIN 272**  
**U.S. DEPARTMENT OF LABOR, W. Willard Wirtz, *Secretary***  
**BUREAU OF LABOR STANDARDS, Nelson M. Bortz, *Director***

**LABOR STANDARDS**

**LEADERS**

**1934—1964**



*Nelson M. Bortz*  
1964—



*Verne A. Zimmer*  
1934—46



*Arthur W. Motley*  
1958—64



*Wm. L. Connolly*  
1947—54



*Paul E. Gurske*  
1954—57

## Preface

“THE effort to improve labor standards was one of the original guns fired in the war on poverty, and don’t forget it,” said Frances Perkins as she addressed representatives of management, labor, and government assembled in Washington, November 17, 1964, to observe “Labor Standards Day”—the 30th birthday of the U.S. Department of Labor’s Bureau of Labor Standards. “This business of the State labor departments devising legislation which covers the country in every crossroads as well as in the great industrial plants is one of the first acts that will be recorded in the book of time when the history of the war on poverty is written,” concluded the Cabinet officer who had served under President Franklin D. Roosevelt and, in 1934, had instituted the Bureau of Labor Standards.

Its anniversary, said Secretary of Labor Wirtz, “presents an opportunity to evaluate the standards achieved, their present usefulness or shortcomings, to identify the challenges of the future, and to think creatively about areas with no standards as well as areas with standards which are obsolete or have not been universally applied.” The Secretary invited friends of the Bureau to commemorate the event, to describe progress achieved in advancing labor standards since the midthirties, and to speculate on the role of labor standards in the years ahead. These proceedings, hopefully, may help inject their articulation of future worker needs into the stream of national thought.

This publication contains the statements made on this occasion. They reflect the speakers’ candid views and, although sometimes at variance with those of the Department, they constitute constructive and thoughtful presentations by experts in various areas of labor standards. The Bureau is grateful for the encouragement, perceptive advice, and constructive criticism which these men and women gave. It will be most useful in assessing the Bureau’s role in an ever-changing society.

The anniversary party was an informal affair. Friends and

associates of the Bureau, past and present employees, had a chance to see each other and to reminisce. Because this report has been extensively edited, it does not fully reflect the spirit which prevailed—the humor of the presiding officials—the pertinent and entertaining stories of some of the speakers.

The Department and Bureau were honored by the presence of many outstanding men and women. In addition to Miss Perkins who traveled to Washington from Ithaca, N.Y., which she described as “the most centrally isolated spot in the United States,” Secretary Wirtz presented the following guests during the Anniversary luncheon: Hon. Jennings Randolph, U.S. Senate; Arthur Altmeyer, former Assistant Secretary of Labor and Chairman of the Social Security Board; Reed O. Hunt, Chairman of the Board, Crown Zellerbach Corp.; William Schnitzler, Secretary-Treasurer, AFL-CIO; Mrs. Verne A. Zimmer, whose husband had been the Bureau’s first Director; and Arthur W. Motley, former Bureau Director. Time did not permit introducing all who were present.

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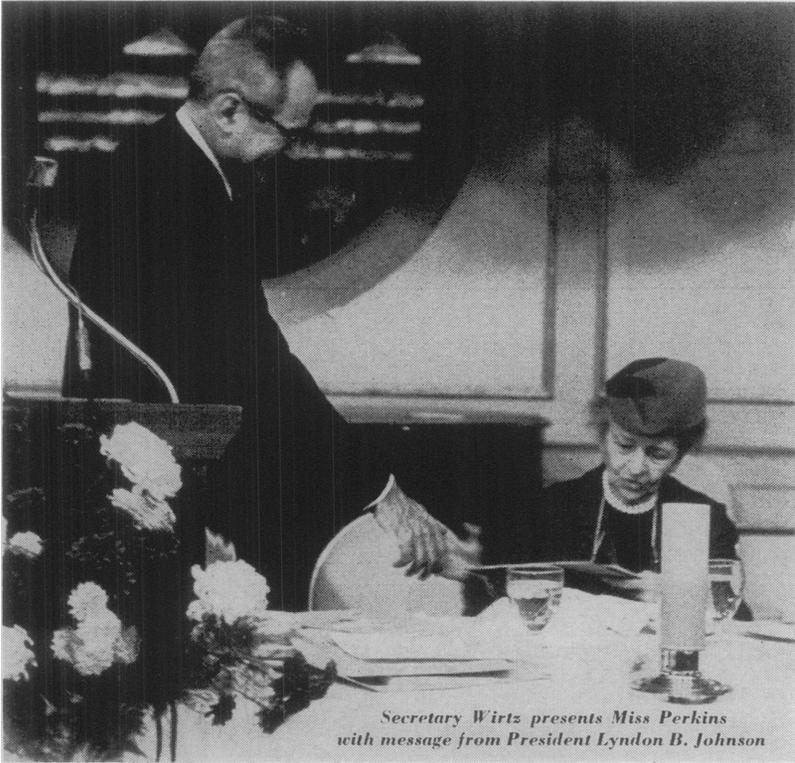
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## **Part I**

**Recollections of Promise and Performance, 1934–64**



*Secretary Wirtz presents Miss Perkins  
with message from President Lyndon B. Johnson*

**THE WHITE HOUSE**

**Miss FRANCES PERKINS,  
c/o Hon. W. WILLARD WIRTZ,  
Secretary of Labor,  
Washington, D.C.**

November 16, 1964.

**DEAR MISS PERKINS:** It gives me great pleasure to send to the Bureau of Labor Standards my warmest greetings on its 30th anniversary.

Your judgment of the value of a Bureau to improve and extend the protective standards of American working families has been vindicated. Today, the Bureau you established is a small but vital agency that provides to State and Federal officials, to labor and management, and to all interested citizens a continuous opportunity to evaluate and improve labor laws and their administration.

You have our Nation's appreciation and gratitude for your many achievements, and I am delighted to have the opportunity to join all my fellow Americans in this special commemoration of your founding of the Bureau of Labor Standards.

Sincerely,

(S) LYNDON B. JOHNSON.

## RECOLLECTIONS OF PROMISE AND PERFORMANCE, 1934-64

*Presiding: HONORABLE W. WILLARD WIRTZ, Secretary of Labor*

SECRETARY WIRTZ. Good morning. Count this, if you will, a birthday party and count it, if you please, a very informal occasion. It has been hard to get the meeting started because there are so many old friends here talking with so many other old friends. Let's count that one of the advantages of the day. Let's improve every opportunity there is for that. Let's avoid any formalities—certainly as far as I am concerned. Let's hope very much Miss Perkins will feel free to use as much time this morning as she will to talk with us about these things. And the other speakers will enjoy that same privilege, but for myself, I speak very briefly.

It is an occasion of anniversary, of recognition of what went on 30 years ago. I want to revive the mood of 30 years ago just a little bit. Here in Washington that morning the weather forecast was for a high of 65 and a low of 32. You will see there has been a certain inflation taking place over the years. There were some other interesting things going on that day—30 years ago. In New York, "a menacing crowd of 2,000 was prevented by a squad of 25 policemen and the crews of 10 radio cars from attacking a policeman who injured a man accused of putting a slug nickel in a subway turnstile." So violence in the streets is not something entirely new.

In Washington, President Franklin D. Roosevelt was presented with a plan for a national theater calling for a government loan of \$1 million. George M. Cohan was one of the sponsors of the plan. The names are changed but the cultural intent is still present today. [Laughter.]

The National Chamber of Commerce and the Roosevelt administration joined efforts to push national recovery. Admiral Byrd surveyed unknown areas in the Antarctic, and we could go on and on. Things change so much that they are still the same.

I want to call particular attention to two things that happened at about that time. One was the appearance before a congressional committee of the then Secretary of Labor, Miss Frances Perkins, with a proposal for the creation of a Bureau of Labor Standards and Service. The record of that testimony is intact, and it presents a description of the intent and purpose of the moment which I should go into in detail if it weren't for the fact that the author herself is here and it would be much better to hear it from that source.

But she won't recall one little anecdotal feature of that testimony and so I remind her of it here. It was after the formal presentation, and one of the members of the committee said, "By the way, who is the person in charge of the new program?" Secretary Perkins answered "There is no person, yet. I have not spent my money before I saw it, sir." In that respect only, Miss Perkins, times have changed. [Laughter.]

And then I want to read, too, the editorial which appeared in one of the then well known publications, newspaper publications in America, long since disappeared from popular notice at least. Thirty years ago today the *New York Times* had the following editorial:

"Social Reforms Slow," and I am going to read it in a little extended form because so much of it is so close to today.

"When President Roosevelt told the Security Conference at Washington that there could not be such a thing as hurricane social reform, he seems to have both surprised and piqued some of his own aids and advisers. They did not like his program of 'one step is enough for me.' They wanted to go all the way to the goal in a single stretch. Secretary Perkins, in fact, let it be known that detailed plans had been drawn for legislation which the President had said must be put aside for the time being. This is doubtless the case. Mr. Roosevelt's characteristic way is to encourage his multitude of counselors each to go on with some comprehensive plan, all the time reserving to himself the right to decide which should be adopted and which dropped from the schedule for the present.

"Very likely the elaborate bills of which Miss Perkins and others speak will be duly introduced in Congress but it is certain that they will not be pressed to enactment in the next session against the President's recommendation. He is known to desire a short session of Congress. It could be congested by worthy projects of social betterment just as easily as by doubtful bills affecting the currency or by a drive for the

bonus or laws for other special groups. His deliberate choice is to unite on one useful measure and let the rest await. It must be borne in mind always that great social changes such as those proposed are necessarily slow in reaching the statute book. Who remembers now that President Hoover also had large and well studied plans for the security and well being of the people? He too had his voluminous reports, his succession of conferences at the White House, all filled with projects designed to be one of the widest benefit. But few of them ever got as far as Congress, and none of them which had any importance were given the force of law.

“As President Roosevelt said, it is necessary carefully to study the mistakes made by other countries and then seek to avoid them. He also emphatically laid down the principle that the financial setup for all such agencies must not be unsound. If this means delay, it also means waiting until the business is well in hand and entirely mastered before going ahead with it. Doubtless the President’s genial smile will continue to irradiate those whom he has disappointed by deciding to do one thing at a time, but they will soon find out that not what they think but what he determines will be the order of the day in Congress.”

I read the editorial not lightly but as a basis for introducing a person who 30 years ago today was out ahead of the President of the United States, out ahead of the rest of the country, out ahead of almost everybody else in public reforms, almost all of which have now taken place. To be that much ahead of your time is only to be in step with the kind of idealism for which Frances Perkins has always stood.

Ladies and gentlemen, it is a very real privilege and a very real pleasure to introduce now the original designer, the architect of the Bureau of Labor Standards, whom today we recognize. It is also a very real personal pleasure to introduce a person for whom I can only speak a Nation’s respect and admiration, and beyond that and most of all, strong warm personal affection, Frances Perkins. [Standing applause.]

### **Statement of Frances Perkins, Secretary of Labor, 1933-45**

I was awfully interested and pleased with the Secretary’s introduction, particularly the *Times* editorial, which I have no recollection of ever having seen before. In singling me out as having

been among those present who were disappointed that the President said we had to go one step at a time, the *Times* failed to say what no one who didn't know my inside thinking could have known. We must find some way to turn this into victory, which is what we did.

There always is a way when one thinks about it a little, and of course the Bureau of Labor Standards, when it finally came to be, was one of the ways by which a considerable victory was brought about. Those laws that have to do with the relations of working people to each other and to the Government and to their employers; the laws which have to do with the way in which the working people have protection against the then major hazards of being a workingman and working in an industry unprotected by laws based on safety; and the way in which laws relating to minimum wages and maximum hours, which had been established in those days only by the NRA, and a few of the more progressive industrial States—the ways in which these things all came to be over what is, after all, a long span of years, Mr. Wirtz, are, I think, illustrations of what can be done and how it can be done.

I think the President was right on this occasion, not so much in saying only one step at a time, but take the step, make it work, take another step, and then take another step. Of course eventually, he came to swallowing quite a large order when it came to the Social Security Act only the next year. And this, of course, was the bill I had in mind when I said to the reporters that I already had the draft of a bill.

I think I ought to tell this now. Otherwise I will forget it. I also had in the lower right-hand drawer of my desk, and I kept it there for years, a draft of a wage and hour act, based on the conception that some day the Federal Supreme Court would find a way to make a ruling on some case which would legitimize a national wage act and a national hours of labor act. At that time we were struggling under the inhibitions imposed by the Supreme Court, in which we really believed and thought—at least I didn't, but many people thought—they would never change. It was an unchangeable, immovable front. But it wasn't. This is the way things happen in Government as well as in our private and personal lives.

So the only thing I have to suggest is always be ready. By the time we were ready for the Wage-Hour Act, it was perfectly obvious that we were going to need a wage-hour act when the NRA fell to pieces under the pressure of a tough case.

But this is not what I meant to say this morning. They are just comments brought on by Mr. Wirtz' happy finding through,

I suppose, some special research bureau he has in his office which found that particular issue of the *New York Times*. But anyhow, the children who did the work and found that for him also gave me considerable pleasure and amusement on this occasion, and I am very glad indeed to be here.

When it was first broached to me that I come I let myself be uncertain and indecisive, because I really couldn't decide as I thought I couldn't get here. I wondered how in the world I was going to get here, because I now live in what the president of our university calls "the most centrally isolated spot in the United States." [Laughter.]

When I was asked to come to this reunion today, I thought of the last time I came to a birthday party, the 50th anniversary of the Department of Labor. I had a wonderful time and saw so many old friends, but I thought to myself, now I have graduated. I have a diploma. I am through with the Department of Labor. But right away you asked me to come again and I am afraid that so long as I am able to cope with it, I shall come if you ask me again. I was particularly tempted to come to this meeting which celebrates the founding of a bureau which was hardly more than an idea when I appeared before a House Committee to explain it.

I would like to see—in fact I would love to have seen before I attempted these remarks—what I said in 1934, which was the purpose and intent of the bureau. And since you recommended that all the people here read it, it would have been nice if I could have seen what the purpose and intent was. [Laughter.]

I had forgotten, you see, that such things as Congressional Records exist and that you can go and look at them and find out what you said 20 and 30 years ago. And if it comes home to roost, that is all good, too. But I now know what I think I thought at the time, what I think I was thinking of. I had been an industrial commissioner of one of the States, you know, and so I had that little edginess which all industrial commissioners acquire if they stay in office long enough, always looking out for your property just a little, you know.

Somebody is likely to steal your thunder, and I suffered terribly in the previous year by the personal depression created by the United States Employment Office. In my State, the legislature had made large appropriations for a State employment office and was under the impression that the State employment office was doing an adequate job, although really, it wasn't doing an adequate job, and I knew it, but it was trying to do a better job. The Federal, the United States Employment Office had a feeble little project in New York State, but it wouldn't co-

operate with us. Of course, we did want to grab the credit, I know, and probably would have if they would ever have cooperated. But they didn't cooperate so they were in no danger. We couldn't find out what they were doing, and it was a lot of grief and hardship to me, but nobody else seemed to mind particularly. I shared that little fear of what the Federal Government would do to you, you know.

Well, you know you change your mind when you change your post and your position in life. Soon after I became Secretary of Labor at the Federal level, I began to have a different view of the possibilities and the responsibilities of the Federal Department of Labor, and to see the question of the States and their opportunities and their activities from a somewhat different point of view.

But it turned me in the direction of a cooperative relationship, rather than a relationship of rivalry. But when we first thought of having a conference of the Commissioners of the States, I think it was my own personal respect for such commissioners and such departments of labor in the various States. I had known them in some of the meetings of the labor and public officials association, a voluntary association, which met largely to read papers to each other just the way they do in learned societies—although we never were a learned society—and then to have a nice time afterwards, and get to be friends and so forth. I don't remember anything else happening, but I learned to like these fellows and have a very warm respect for them. I began to realize that most of them had just tiny bits of appropriations to work with, and what they did was on the whole perfectly safe but not very exciting. Coming from an industrial State which had long since undertaken to pass a great many laws regarding the conditions of workplaces and the terms and conditions under which laborers and workers might be gainfully employed, I realized that I had an interesting and exciting administrative type of responsibility.

In the State of New York, we had this pattern of administrative law, written into our statutes. This was done in order to make it possible to enforce the law. Without the variations clause and without the opportunity to grant a dispensation or a variation from the strict letter of the law, it would have been almost intolerable. There would have been situations so difficult that employers would not have complied and we would have been up against the problem of prosecuting them and going before the court and half the time, perhaps more than half the time, being turned down by the courts on these measures. So that this whole

process of variation and dispensation under a type of law called administrative law was a matter of considerable importance to me, and I realized that it was the direction in which more and more of the labor legislation in the country must move. It always interested me to know what the industrial commissioners would think of it.

The industrial commissioners had almost no opportunity for conference with each other. They were hardly a part of, they were rarely thought of as a part of, the Government of the United States. Of course, I thought I had been a member of the Government of the United States for many years, because I administered the labor law in the State of New York. And I began to realize that something must be done to rouse both the industrial commissioners or the labor commissioners of the States, the heads of the labor departments in the States, to claim their right to be heard, and to rouse them to deposit their learning and their experience in a general repository where everyone could have access to it, and everyone might know what had been the results of either their investigations, their inquiries, or their failure to make investigations or inquiries.

This was what I had in mind. But when the time came to make some decisions about what we should do in the Department of Labor beyond the enterprises that were already founded and started, I was handicapped in my thinking and in my actions by the fact that I had nobody to look up anything for me anywhere. I might read in the newspaper about some terrible industrial accident in some remote place, and I would come in and I would ask everybody in sight, including my secretary, the head of the Bureau of Labor Statistics, and the one press man that we had, what they knew about this, and they didn't know anything about it. Well, can you find out, or go and try and find out, what happened and how it happened? What safeguards had been taken against this explosion in a grain elevator, we will say, and how many other grain elevators are there in the same condition, and are there grain elevators in other States which are likely to explode by the pressure of the gas, which I knew must have been there?

We had no pattern. We couldn't look it up in books. We couldn't find anything about grain elevator explosions, and it didn't occur to me for some time to ask one of the grain elevator operators. I found a grain elevator operator, eventually, who knew exactly what was the matter in that particular case, and what ought to be done to prevent this kind of thing. He wasn't very encouraging and he was a sour old man, but he knew. And so I regarded him as a great asset to my thinking on that particular subject.

But there were other things coming up all the time, not only industrial accidents but industrial diseases as well. We were still getting reports on carbon disulfide poisoning which came along with the introduction of rayon into this country, and here nobody knew the reasons for this illness. Nobody had any real knowledge of it. Obviously, something ought to be found out. I looked the Department over for anybody to do this kind of work, anybody to make a study of the women who were really working under terrible conditions and getting a wage so low that it was hardly possible to think of a girl living on it.

Well, the Women's Bureau would do that, and very well indeed. It wasn't exactly their line to do the economic research on it or the factual research. They didn't have enough inspectors to go out through the country to determine the real size of the problem. They could just take a sampling and make a study, and that there was some help for. But you couldn't put the whole Women's Bureau to work on that. They wouldn't move in that direction. They had their work to do.

This was the case with many other problems that arose in the Department of Labor. I began to think we ought to have something here, some bureau, some enterprise that could find out about these strange things. I began to think of the industrial commissioners. I wrote to a number of them asking for information, asking their help and suggestions, and asking a way to get their cooperation.

I received every kind of answer. But I began thinking about it more and more, and finally decided that we would have to set up a bureau. We would have to set up some kind of a division, I think we called it a small division, that would not attract much public attention because, goodness knows, we had nothing to report on then. We had to find some experts who could work on it and who could take responsibility to go, find out, and recommend—go, find out, recommend. We had no pattern for that.

As I sat thinking over what I had for tools, I saw that almost the most important new tool that the Department of Labor needed was a division or bureau of labor standards—some group of people who would dedicate themselves to finding out what the labor standards are or ought to be. What are the hazards? What are the misfortunes? What are the important failures of our industrial system? What are the failures of industry that are always coming to light and always presenting a grievance and an appeal for help? What else do we need to watch for?

At any rate, we made this little plan for a Bureau of Labor Standards. It would be small and pretty quiet at the beginning,

but I hoped that it would have a very considerable influence upon the work of the Department before we were through.

And so it proved that it did, because look at the things that developed there. The whole apprenticeship program which finally became so big that it couldn't be confined within the organization of a division, and was so large and time-consuming that it took up everybody's time in the Division of Labor Standards, and was eventually set up as a separate bureau in the Department.

And there is plenty that needs to be done in this changing time when automation and progress in method of manufacture and of service is changing so rapidly that some of the old skills just drop off. You don't need the man who knows just how to do this and can do it because his fingers are sensitive to it, because his work slides along on a conveyor of some sort and he just pushes a button here and there and that is skill, you know. Today it takes the place of skill.

These things are moving so rapidly that the kind of skill needed is often intellectual skill, as opposed to the skill of the finger and of the hand. And this, I think, has been one of the good things that came out of this Bureau.

Look at the whole question of industrial hygiene. No one in the Government had any contact with it. I learned later that the Public Health Service had at one time made a little study of industrial hygiene, not much of a study as the author of it said to me because they didn't have much material or much money, but they knew that there were still disease hazards rampant throughout industry, and something ought to be done about it.

I, too, knew that industrial disease was rampant because serious industrial diseases were causing workmen's compensation injuries in the State of New York, and I knew what some of the diseases were and how they could be recognized.

Thus, the very early activity of this Bureau was to express an interest in and investigate the whole question of industrial diseases, to isolate and name some of them, to prepare the kind of simple diagnosis by which such a disease could be recognized. I look back at the publication of a whole handful of pamphlets on different industrial diseases with a great deal of pride. These were distributed not only to labor unions who worked in the various trades where these diseases, such as lead poisoning and zinc poisoning, might be rampant, but also to employers, to public officials, and to county medical associations. We put a great deal of pressure on the county medical associations, who at that time hardly knew how to diagnose lead poisoning. We told them how to diagnose it in a little pamphlet. We did not have a physician on



*During World War II, Labor Secretary Frances Perkins enlisted over 400 safety experts from industry to help stem the rising accident tide in vital war plants. The eight regional chairmen directing field operations are shown with Miss Perkins and LSB Director V. A. Zimmer (center).*

the staff, but we could, of course, diagnose lead poisoning. Some forms of lead poisoning were more obvious and were a part of the whole paint industry, when paint was regularly mixed with lead. Miss Martin and I know the looks of old barns down in Maine which are painted with good lead paint, and you can't get that color unless you still use that lead loaded paint.

You struck a responsive chord when you said you were going to diagnose the hatter's shake. That was the shaking disease that hatters who worked on felt used to get because of the terrific amount of mercury put into the felt hats as they were thrown on the cone. I think hardly anybody today knows about throwing on the cone, but in those days, gentlemen wore hats, by jove, and you know, they were made by these devices which did bring about mercury poisoning, and the hatter's shake was well known.

These were some of the challenges to us and some of the first steps that we took. Now this is important to the working people individually in the United States. Not all working people are exposed to the same industrial disease or, in fact, to any industrial disease. But for those who are exposed, it is a serious loss and a serious assault upon their personality and their health, welfare, and life.

So that the exploitation of knowledge about industrial diseases and the distribution of this information led to more and more interest all over the country. Yet, it is a very inappropriate subject for Federal legislation. It is much more a local affair, and it is the kind of thing where local knowledge of local conditions is particularly important. At any rate, we undertook to claim this whole field and worked through the State labor departments for a clarification of some of these matters.

These were all a part of the early thoughts and ideas. The Gauley Bridge incident came considerably later. We were pretty well established when the newspapers brought us the news. I am sorry to say it was not the industrial commissioner of West Virginia. He ought to have been the one. The State labor department ought to have been the first to know it. We all got it at the same time—men working on the Gauley Bridge were boring a tunnel through solid rock and in the whole process of the construction were dropping like flies with some terrible disease, name unknown.

They would go into the tunnel, come out, stagger, gasp for breath, and be laid low. There had been deaths; there was much, much illness; a terrific amount of falling off of the job; and actually the public health officers of the State had become alarmed and were issuing warnings and so forth.

I remember coming into the office one morning with the news of the Gauley Bridge incident in the newspapers and sending for everybody who had come in and saying, "What is this? How did it happen? Who knows anything about Gauley Bridge? Who wants to go down?"

Somebody from the Bureau of Labor Standards went down to Gauley Bridge and telephoned back a horrible story of what was going on there. There was no medical intelligence on the job, and medical care, of course, was without intelligence because it hadn't been diagnosed. Just to bore a hole through a ledge, through a mountain, it ought to be all right. There was no trouble about that. We know how to use the tools. But at any rate, it was, as you know, a great and a massive operation of silicosis which attacked these men directly as they bore in. The dust blew right back into their throats, bronchial tubes, and lungs, and it made them very sick. They all had a form of pneumonia, a form of tuberculosis, every kind of respiratory disease came along with silicosis, and it was a very real life hazard. I forget the number of people who did die, then or later.

Radium poisoning had already begun, and the commissioner of the State of New Jersey had dealt with the radium poisoning which he found in the watch factory in New Jersey. He had dealt with it very well, indeed, and had acted with great intelligence to stop radium poisoning in that one factory. Its owners, operators and manager did not know that there was any hazard, and no precautions had been taken as the girls wet the brushes which had the radium paint on them between their lips—just twisted it so they could make the fine line on a watch dial. They were painting the radium figures on watch and clock dials, and this was the way they did it, a little camel's hair brush pointed by twisting it between the lips with a slight moisture.

They were doing that, and every one of them had been overtaken by radium poisoning. Some of them were already sick, some were already dead. It was a horror. As a matter of fact, 2 or 3 years later the manager of that factory died of radium poisoning. He had not known even enough to protect himself against the hazard. But there again the State labor commissioner being right on the job, living right in the neighborhood, to to speak, knew what was going on and knew, for instance, when the first two or three cases appeared and before it became a great story in the newspapers that something ought to be done, and he began working on it. He knew that the manufacture of radium painted clock dials ought to be stopped, and some other way found to paint the clock dial.

But this case had its reverberations because all over the country there were other people in other parts of the country working on the same kind of operation—painting with radium paint which was put on with a brush moistened in the mouth.

All of these things were going on at the same time. So the activity of the Bureau in the form of advice, consultation, recommendations for law as well as recommendations for direct action was a very productive enterprise.

I remember plainly the decision to ask the labor commissioners to come in for a conference. We hesitated about it for some time. It so happened in those days, that some of the States had governors and labor commissioners of a political party which was not of our faith. [Laughter.]

Every now and then it does happen that way you know. Of course in recent years not too often, but at any rate that was the case, and we were a little alarmed about what would happen if we got a lot of them together. There might be some unpleasantness. Well, we decided to face the music. We didn't know all of them; a few of them we knew. Mr. Verne Zimmer who had long experience in the New York State department in every kind of operation from factory inspector to workmen's compensation judge to an investigation unit, investigating just the same kind of thing for the State that I have indicated here, was the head of the Bureau of Labor Standards. And dear Clara Beyer who had been with us until just recently when she retired, of course, did a major operation in organizing this particular bureau. I don't know if she really retired or went to higher glories; she still can be reached by telephone, I know.

It was already a going concern and one could ask the Bureau of Labor Standards to confer about a conference of labor commissioners. What about calling it here in Washington to offer the help of the U.S. Department of Labor in anything they want to have looked into, if we have the facilities, and to offer to the labor commissioners any kind of reporting service they needed? What about asking labor commissioners to tell us what they knew, that they report to the Federal Department of Labor any new industrial disease, any new abuse of workers, any new cropping up of child labor in a new area or a new industry or a new occupation, any of the developments that we have come to realize as handicaps to labor?

From our original study of what the State laws were lacking, I had come with great surprise to realize that there were not many State laws. Most States had relatively few laws. New York and Wisconsin were unique in having had the time and opportunity

and pressure developing from below to originate, plan, and pass a whole series of labor laws. This was not true everywhere. In some States, there were labor commissioners who really had no duties, I am sorry to say.

The labor commissioners are supposed to take a general interest in labor conditions, and I am sure they did, but they had no duty to report their findings to anybody, nor to make them public. And so sometimes they knew a great deal, but it was locked up in their heads.

Some of you may remember the old labor commissioner from New Hampshire, Mr. Davie. He had been a labor commissioner for a long time and nobody would listen to him. But he knew a good deal and he had had the experience of a State labor commissioner. After a few hours of doubt, he came over to the idea that we should all operate together. His complaint was that the State labor departments and the State labor commissioners had no authority, that they needed help if they were ever to get authority, real authority and real power in their States.

For various reasons, the labor departments were strangely assorted in the type of legislation that supported them. I seem to remember that nine States had no labor departments at all, no labor commissioners. They never had had one. Sometimes they were nonindustrial States, like North Dakota; but, still, there were people who worked for a living there, and who worked not at agricultural work but at work covered by labor laws in factories, mills, mines, service trades, and all that sort of thing. So it occurred to us that among other things we ought to discuss was the question of a labor department.

It so happened that when I got the Bureau of Labor Standards together, after quite a good many days of talking and wrangling about it and how it should be done, we decided to call a conference of labor commissioners. Mrs. Beyer had two or three friends in the labor movement who were outside Washington, outside the usual beat of the Department of Labor, and she consulted or conferred with them to sort of break the news to them, so that they wouldn't explode when they heard that the United States Department of Labor was having a conference of State labor departments. What business of the U.S. Department of Labor is it any how? as one man said politely at our first meeting. I wasn't quite sure what business we had, but we thought up something right away. [Laughter.]

Anyhow, we had lots of good will. We decided we would go to it and hold the conference. But then we thought we have got to have some people who know a good deal about labor laws. So can't

we get a few consultants in? And, we thought also that we needed to popularize it with governors who wouldn't all be enthusiastic about this, as one can realize.

So we thought up the device of asking the governors to appoint a delegate. After all, you know, governors of States are governors of a sovereign State. I never forget that, because I began life in the State labor department, and I became aware of the fact that the governor of a sovereign State is just that. It is a sovereign State, and if you go into his territory, you should report to him and say you are there and what you are there for. Sometimes the governor didn't have any method by which you could report to him except to walk right into his office and say, "Here I am. I have come to save you, or to help you," or whatever you thought was appropriate. [Laughter.]

I remember on one occasion the Governor of Ohio practically turned me out of the State. I had gone to inform him of my presence and what I intended to do. But that is a long, old quarrel, and he was of my political party, too, so we could quarrel without bringing down the Government of the United States.

But at any rate, we talked this all over and decided to hold the conference. And they came. We asked the governors of every State to appoint some person in whom they had confidence and who had some knowledge of good working conditions, someone who could be a critic, commentator, contribute to the ideas and not to the prejudices that might be present in such a conference. I don't think we used the word "prejudices." That is not a welcome word anywhere. Although we may have prejudices, we don't like to have them mentioned, so I am sure we didn't use that word. And the governors in many cases did appoint a proper person, sometimes at our suggestion. Sometimes they appointed nobody in particular. Sometimes they just did nothing.

The labor commissioners naturally came, I think not all of them, and we became acquainted. I suppose that was the first thing. We had a very carefully prepared agenda. We wanted the people present to consider the United States as a whole. The United States as a whole will not ever be blanketed with beneficial labor legislation unless at some point the States undertake to write labor legislation for their own interstate industries—and even for the great intrastate industries that happen to be located in their community. After all, it hurts a woman's back just as much if she is injured at the General Electric Co. in Texas as it does in General Electric, or in some other electrical factory, in Boston.

It is a matter of the individual who is being helped by the pro-

posed legislation. And among other things that we did propose was the provision of seats and their reasonable use for women in industry. There had just begun to be considerable interest in the way in which the efficiency of women in industry was promoted—if they had seats on which they could sit down occasionally for a longer or shorter time, for example.

This was the basis of our appeal to the commissioners. We had the right people speak on various subjects, on various laws that we thought good, minimum wage laws, for instance. In particular, there came from the floor a complaint from one commissioner that the thing that drove him crazy was the effort on his part, and so far as he knew nobody else had this problem, to collect unpaid wages. "People keep coming to me. I live in a great summer resort area," he said, "and people come from way out of the State to work at the tables and in the hotels in this resort place. When the season is over, they pack up and go home, but before they have left their employer has often left and without having paid their wages. It is almost impossible for an individual to find the time, effort, and opportunity to pursue his claim. He leaves it in the hands of a local lawyer and nothing happens. He doesn't have to go back the next year, he doesn't, but this is the situation."

Another said, "I spend my time just going around trying to collect unpaid wages." And there are lots of other unpaid wage claims. You should have seen them popping up all over the floor. Everybody had them. In New York State, I don't think I had ever had a claim for unpaid wages so I was not aware that this was a real problem for labor commissioners who had no law, no authority to do anything about this.

But believing that they should be interested in everything that working people needed, they saw plainly a duty to do something about the collection of unpaid wages. As you know, many, many States have since then passed a law about this, and have a specific procedure, and the whole evil practice has been derided in the public press, so that we now have a reasonably good face to the country on that one particular thing.

But this was the general temper of that first meeting. They were looking for help. They were trying to establish their right to be heard, in which we encouraged them, and they had many ideas about the revamping of our whole system of workmen's compensation. That has never been done yet. Lots of changes have been made in the workmen's compensation law, but never to a single pattern.

At that time I remember our great surprise when we learned

that 10 States had no workmen's compensation law at all. I remember being very much astonished at this. I had been active in the promotion of workmen's compensation for many years, in the American Association for Labor Legislation, and I supposed that every State had had such legislation for a long, long time. But there were 10 States that didn't have any workmen's compensation law. We tried to think of things to improve their attitude and promised help. At any rate, today every State in the country has workmen's compensation. But it took a long pull, because those States that had no workmen's compensation had had tough opposition to it, and the bills hadn't gone through, and various situations of that sort.

The people who came to the labor conference were the governor's delegates, the labor commissioners of the States, and selected labor union leaders from the States. Now when I say selected, I mean we really chose them more or less to try to get people who were interested. We didn't know whether we could handle this conference or not, and there was a good deal of opposition the first day, a good deal of more or less, "Get your hat and go home," or "What are we going to talk about here?" There was no patting of the chest about the rights of labor and the rights of man and all that kind of thing. That was what some of them wanted, frankly, rather than a little plan about preventing people from getting a bad disease in the place where they worked.

At any rate, we went ahead. Seeing that the meeting was a little dull, and we were getting a little tiresome, we devised a dinner for the second night. I remember we had to hustle around to find a hotel large enough to take us in, because everybody wanted to come. So they came to the dinner and had a good time. We went out of our way to turn out all of the social talent in the Department of Labor—and there was a good deal of it in those days. I am not sure that you have kept up with the social life. We had singers, dancers, and Irish storytellers. Oh, we had everything, and we turned it all on for the edification and amusement of the commissioners of labor and their escorts.

In the minds of many present, I suspect, that was perhaps the best thing we had. On the spur of the moment, I had a rush of blood to the head and I suddenly realized that I had a letter from the President of the United States authorizing the calling of this conference. I had provided myself with this in case of trouble. [Laughter.] It is always better to have it you know. At any rate, I don't know that it had any authority, but it would appear to have authority if the President had signed it. And it occurred to me, as I looked over the papers at the dinner table, to give this

to the man who had come the farthest distance. This letter, you know, bore the real signature of the President, not the signature which the secretaries had learned to copy and which was well known in Washington. However, I knew the labor commissioners wouldn't know the difference between the real one and the imitation one, but I was honorable about this. This was a real signature.

I, of course, thanked them for coming this great distance, but this was a reward and we gave it out with great ceremony and it went off very well. They were very pleased with that. [Laughter.]

I felt much better. From that time on we never had any doubts about being able to make the labor commissioners have a good time. That week before the meeting was over we had a resolution passed. We had it passed on purpose because if some of us hadn't planted it, and planted its supporters over here and here, it never would have been passed. We had a resolution passed calling upon the Secretary of Labor to call another conference next year. [Laughter.]

They indicated the line of approach and what they would want to have discussed. So that was started, and all went well. And, as a matter of fact, all went well for some time. In fact, I guess it always went well. We got so accustomed to ourselves that we began to quarrel occasionally, and that was a great advance when they wouldn't agree, and had the nerve to get up and say they didn't agree with the Secretary of Labor. We learned a great deal at the Federal level and at the State level.

We came to a point where we decided on a large program of legislation that ought to be in every State, and that is all in your report book here, which is fascinating when you realize what it includes. It includes every kind of labor law which needs to be set up for the protection of people the country over. And these commissioners and these departments of labor began measuring their own law against this standard. That was, I think, one of the great things that happened as a result of the activities of this particular bureau.

This has been a period—these 30 years—of great expansion of labor law generally throughout the United States, of all kinds of labor law, labor law having to do with the physical conditions of labor, labor law having to do with the rights of man in the relationship of employer-employee. This has been a great period, and recognizing the constitutional problems of the United States, it has been enacted for the most part at the United States level with the fact in mind that they could legislate only for interstate

commerce, and therefore the following up of the same idea in the various States to cover intrastate commerce has been important and has been met, I think, with considerable wisdom by the labor departments of the country.

The labor departments have increased. I think there is only one State now that has no labor department, and it has something which acts reasonably as a labor department in substitution. The result is that we now have the ability to call a whole labor conference of this sort which ought to be sort of a melting pot, the matrix out of which new ideas in labor legislation may spring.

The conference on labor legislation even lined up what ought to be in any model law creating a department of labor.

There ought to be first the appointment of a commissioner who is sworn in by the governor, and who owes his appointment to the governor by and with the consent of the senate, or, not by and with, because some States have really great conflicts between their legislatures and their governors.

This labor commissioner should have certain rights, and he must always have these rights. It was shocking, as we reviewed the State laws creating the departments, to find out that many of the States had no right of entry. Their duty was only to be concerned with the interests of labor, but they had no right of entry into a workplace. Over and over again they were turned away, not allowed in by the employer. The right of entry is one of the most essential things in a program of legislation for a State.

Second, the right to subpoena books, papers, and persons is absolutely essential if you are going to try to find out the causes and the actual facts of the misuse of law, or the misuse of habits, or the failure to comply. If you are going to find out these facts, and if you are going to find out anything in the tight squeezes about the real operations and the real situation with regard to a threatened strike, the right of subpoena is essential to the labor commissioner if he is to do his duty. And, of course, he must also have the right to swear witnesses at the same time and by the same device.

And then he must have certain responsibilities—and this, I think, we should never lose track of. It is good for us—it is good that the head of the U.S. Labor Department—that we are obliged by law to make an annual report to the President and to the Congress of the United States and to publish it. That same obligation should rest upon the State labor commissioners to make an annual report in detail to the governor, and to the legislature—always to both—because there may be a tendency to hide it by one or the

other. But if the report is made to both, somebody will surely publish it, and then the obligation to publish such a report is satisfied. These are the safeguards which we need for ourselves. We need them to keep us doing our full duty and to keep us from impairing the welfare of the workers by unwise and unthought-out projects.

I have enjoyed telling you these things. I have told you too much and haven't begun to tell you all that I would like to. But I do want to say, as I said to Mr. Wirtz as we came in, this is one of the original guns fired in the war on poverty, and don't forget it. This business of the State labor departments devising legislation which covers the country in every crossroads as well as in the great industrial plants is one of the first acts that will be recorded in the book of time when the history of the war on poverty is written.

And don't ever forget to congratulate yourselves, and the people who preceded you as members of this conference, upon their opportunity to do this bit of service for their fellow citizens in the United States of America. Thank you so much.

[Standing applause.]

SECRETARY WIRTZ. May I say what I know was in everyone's mind. I have the feeling that I have just listened to the authentic voice of the constructive conscience of this country, and I realize that in the Bureau of Labor Standards, there is the institutional reflection of that constructive conscience. I won't try to spoil it by defining it, but it is something which finds its motivation only from some decision in some person's mind that this is right, and something else is wrong, and it is just that simple, and the process is then one of proceeding from that conviction.

And it is a matter of pride to be able to report just briefly in response to what you have said, Miss Perkins, about the work of the group which you established. I do it only very briefly. You spoke about it as a small division. It has grown. I did some arithmetic while you were talking. You asked for \$73,685. You got it. Last year we got \$3,300,000; 46 times over, this baby of yours has grown.

You also said that you were much concerned about the position of the industrial commissioners. In fact, your words were, "I roused them to claim their rights to be heard." Believe me, you wrote very well. And it is an interesting thing that I had lunch yesterday with the executive board of the International Association of Governmental Labor Officials. There is a very different relationship from the one which you had to rouse. It isn't as close

## *In Memoriam*

**JAMES P. MITCHELL**  
**Secretary of Labor, 1953-61**

*Mr. Mitchell who had been scheduled to speak at the 30th Anniversary of the Bureau of Labor Standards died October 19, 1964. In his introduction of Mr. John J. Gilhooley, who served as Assistant Secretary of Labor under Mr. Mitchell, Secretary Wirtz said: "I come to a point in the program which would have been filled had he been here by Jim Mitchell. . . . We all know that we are bound as individuals, almost all of us in this room, to what is now the memory of a very great man; but he would not want us to dwell upon that point, and he would want us to accept in the same way in which it was offered the kind of contribution and devotion to this task, to his duty, which was symbolized by the quiet way in which he went about his business."*

yet as it should be, and I am going to suggest right here and now to IAGLO that the kind of conference that we held for the first time yesterday, which was an informal conference, be made a quarterly sort of meeting, and that we call these little informal conferences the "Frances Perkins Conferences." I am going to suggest that formally. If you will start each of those luncheons with the summarization I give you now—just thank Heaven for Frances Perkins. [Applause.]

I would have hoped, too, that Joc O'Connell could be here, as the program indicated, to take Jim Mitchell's place because again there are bonds of warmth, affection, and understanding between so many of us and Joc O'Connell. He did so much for the Department in its administration and so much for this particular Bureau. He is not well at the moment and could not make it today as he had expected to.

And so filling in again, as he has so often in the past, and combining again much of the warmth that unites the previous administration with this one to the point where the lines disappear entirely, John Gilhooley is here today, who was Assistant Secretary of Labor, as you know, a member now of the New York Transit Authority. John, we will be very grateful for your reminding us of that period, particularly in the life of this Bureau. [Applause.]

### **Statement of John J. Gilhooley, Former Assistant Secretary of Labor, 1957-60**

Thank you, Mr. Secretary.

Madam Secretary, Mrs. Peterson, distinguished guests, friends of the Labor Department.

I rise here this morning to represent James Mitchell, a man for whom I had a great personal affection, a man who made a tremendous contribution to this Department and to his country. Because I am unworthy, really, to represent him, I shall be very brief. This man who spent most of the labor of his lifetime working in behalf of those who toil with their hands will not be soon forgotten.

You will recall his devotion to the cause of migratory labor, youth employment, the force that he lent to the conferences on occupational safety, the frustrating experiences that he had in his efforts to persuade the States to lift the levels of benefits of

their workmen's compensation laws. No man tried harder and no man felt more deeply about the importance of that law than did he.

I was with him shortly before he died, the afternoon before he died, and during that conversation he spoke again of the Department of Labor and of its people. When I reminded him of what I thought of the contributions that he had made, he said, in a way that was almost poetic, that it was the "high ground" of his life.

Ladies and gentlemen, I am aware that this is a birthday celebration. But I hope that you will keep a spot in your heart for this man who felt so close to you.

Today you honor the Bureau of Labor Standards, and in honoring the Bureau, you honor Miss Perkins, and in honoring her, you honor yourselves. For surely this charming lady is one of the great women of American history. [Applause.]

Today, we contemplate the past. We have heard something of the past, and the future as well, and we look ahead with anticipation to the contributions that this Bureau and its people make to the working people of the Nation. What will the future be? It seems to me that, gaged by the bright lights of the past, it will be a brilliant one.

There are many reasons to say that, but I shall choose just two. First, the dedicated and imaginative and tenacious leadership that the Department of Labor now has under the able Secretaryship of Mr. Wirtz, and the evidence of his commitment that the Bureau go forward in an aggressive way through his appointment of Nelson Bortz as your Director, a man for whom I, personally, have a most extravagant respect.

In the broadest sense, I think you will begin to find in your endeavors with the States that the exciting development which took place when the Supreme Court handed down its reapportionment decision (a decision, incidentally, which you know was participated in by another great Secretary of Labor, Mr. Goldberg) that when the States are reapportioned properly, and when the industrial areas have their proper voice in the legislative halls of the Nation, you will begin to find that the difficulties of the past that Miss Perkins alluded to, the difficulties of the past will ease, and we shall at last begin to see a vigorous discharge of State responsibilities and a little less prating about States rights.

So I wish you well.

I urge as your motto—Excelsior!

Happy Birthday!

Ad multos annos.

Thank you, Mr. Secretary. [Applause.]

SECRETARY WIRTZ. Thank you very much, John, particularly for putting into words what is so strongly in all of our feelings.

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The next speaker comes to us as a representative of the group about which Miss Perkins spoke—the labor commissioners. Miss Marion Martin is Commissioner of Labor of the Department of Labor and Industry in Maine. I gather that some attempt was made to put this part of the program on a bipartisan political basis. I haven't any certainty about that at all, nor do I believe, Miss Perkins, that it matters any longer. You had trouble in Ohio, even though there was a Democratic governor there. I have trouble in Ohio because there is a Republican governor there, but in almost all of the States, and really including Ohio too, this is now a matter of no concern.

We work as closely together on one basis as we do on another, and it is one of our particular pleasures to work with Miss Martin from the State of Maine.

### **Statement of Marion Martin, Commissioner, Maine Department of Labor and Industry**

Mr. Secretary, Miss Perkins, distinguished guests and friends.

Anniversaries are times of rejoicing, and we, at the State level, can rejoice that there is a Bureau of Labor Standards; that we have a specific place to go with our questions and our problems, and that we can be assured of help in our efforts to improve working conditions.

There are agencies of Government which do not see the State's place in the governmental setup. On the other hand, the Bureau of Labor Standards is fully cognizant of the fact that Federal jurisdiction is limited and that there are many millions of workers engaged in businesses purely intrastate in character. If, therefore, we are to achieve our common goal of improving working conditions, then the State departments must be strengthened and leadership given them so that they will carry on strong and intelligent programs at their level.

The Federal and State departments should be partners in a common enterprise, rather than competing agencies. A great service that the Bureau of Labor Standards can perform is to interpret Federal programs to the States, and when they have difficulty in adjusting to such programs, that the Bureau serve as a friend in court, expressing the States' viewpoints and problems.

We in Maine appreciate all the help that the Bureau has given to the State in the past 30 years and look forward to continued cooperation in the future. [Applause.]

SECRETARY WIRTZ. I want to introduce now another labor commissioner who has brought a very great deal to this whole field, and in a variety of capacities, as is true of so many of those who have worked in it.

Mr. Frank Crane, before he became labor commissioner of North Carolina, was head of the mediation service in that State. He has seen this whole area grow and develop, and he has contributed a very great deal to it. It is a very real pleasure to introduce at this time Mr. Frank Crane, Labor Commissioner, State of North Carolina.

### **Statement of Frank Crane, Commissioner, North Carolina Department of Labor**

Thank you, Secretary Wirtz, Miss Perkins, Mrs. Peterson, and Mrs. Beyer.

You know, I certainly appreciate the explanation that Willard gave us as to how this program was arranged. I was in a considerable quandry as to exactly why they chose Marion Martin and myself to be on this particular program. I came to the conclusion that they looked down the list of the labor commissioners of the United States and chose the two birds, Martin and Crane. [Laughter.]

I have rendered and put down on paper some thoughts that I had as to this great celebration. I am going to take the liberty of turning this over to the powers that be, hoping that in that way I will get it published in *Safety Standards*. In that way it will be preserved, you see, for future history. I am sure that all of us here want to hear from Mrs. Beyer, because she certainly has a lot of reminiscences she can bring to us and our time is short. Being from North Carolina, I am a Southern gentleman, you know, and reelected, by the way, for 4 additional years, Miss Perkins. [Applause.]

I am looking forward to being around for at least 4 more years to work with you, and I am looking forward to the close association we have with the U.S. Department of Labor, Mr. Wirtz, and particularly with the Bureau of Labor Standards. So, I am going to yield at this time to Mrs. Beyer.

**“LABOR STANDARDS DAY”**

(Statement submitted, but not read, by Mr. Crane.)

North Carolina has grown a lot in recent years and the picture of our life and society today is in sharp contrast with that of the last century. Manufacturing is now, by far, our largest source of income. North Carolina now ranks 11th among the 50 States in population and 10th in the number of people employed in manufacturing. Only nine of the Nation's largest industrial States now exceed us in factory employment. We have come a long way since our economy was based on a one-crop, cash-crop system of agriculture. Our labor force of more than 2 million is now more than 80 percent nonagricultural. Thirty years ago, it was the other way around: farming accounted for about 60 percent of our employment and nonagricultural pursuits only 40 percent. This economic growth has brought a rather wide industrial diversification to North Carolina, and it follows that our labor force also is becoming more diversified.

As we have grown and diversified, we have had to face many problems. From where I sit, none of these seems more important or far reaching in its effects on the people of my State than the problem of developing adequate labor standards and keeping them in step with our expanding, changing, industrialized economy.

I have been privileged since 1934 to see close up and take part in efforts to develop and to maintain sound labor standards for our people. From 1934 as a Safety Director for the North Carolina Industrial Commission, and since 1954 as one of the four elected State labor commissioners, my lifework has been in the field of labor law administration. So, since I first started my career in this field in 1934, my own “30th anniversary” exactly parallels that of the Bureau of Labor Standards.

To those of us in the States who have the responsibility of promoting or administering labor laws, the matter of Federal-State relationships has a real and practical meaning. In this area of developing and administering laws that affect the well-being of so many of our fellow human beings, we in the States recognize the concern of the Federal Government with matters affecting the national interest. You in the Federal service are aware of the basic responsibility the States have to provide sound labor laws, soundly administered, for the benefit of their people. This, too, is in the national interest. Together, we are all aware of the need, and while we sometimes differ as to means and methods, there is no disagreement among us on the basic goal: *the desirability, the necessity* of adequate labor standards in achiev-

ing our mutual objective of making America a better place in which better Americans will live and work.

Under the top leadership of men like Governor Hodges, Governor Sanford, and others, North Carolina has forged ahead economically and socially. In my own area, too—labor legislation and labor law administration—North Carolina has forged ahead. The two should go hand in hand.

Looking back over the past 30 years, I am impressed by the high caliber relationships that have been maintained between my State of North Carolina and the Bureau of Labor Standards in the U.S. Department of Labor. Miss Perkins, having been a State labor commissioner herself, knew the value of one agency collecting the experience of the several States and passing it on to the others. States have been the great innovators in our system of government. One develops a novel way of solving a common problem and tries it out. It may fail; but if it succeeds, other States can profit from that innovation.

When Miss Perkins became Secretary, few State labor commissioners knew each other or, indeed, their Federal counterparts. She changed all that and, through the Bureau of Labor Standards, we became acquainted with each other's successes and failures. The staff of the Bureau became adept at analyzing State experience and we in the States have benefited immensely from the stimulation, the advice, and the technical services, rendered by the Bureau. We like to think, too, that you have benefited from working with us, and that our experiences, our successes, and even our failures, have been of value to the Bureau and to other States in their efforts to improve and perfect labor standards in our country.

Almost from its birth 30 years ago, the Bureau of Labor Standards has worked closely with us on matters of mutual concern. And—I say this with all modesty—we have tried to reciprocate at every opportunity. Since 1934, North Carolina has made noteworthy progress in improving and upgrading its labor laws and their administration. Perhaps, we would have done this anyhow, but I think it was done sooner, better, and more skillfully because of the technical assistance we asked for, and got, from the Bureau and its fine people, as well as from the inspiration and leadership supplied by Miss Perkins and the Secretaries of Labor who succeeded her; by Mr. Zimmer, Mrs. Beyer, Mr. Motley, and subsequent Directors of the Bureau of Labor Standards.

I do not think that our experience with Federal-State cooperation is unique. In fact, I suspect that our mutual, cooperative and beneficial relations with the Bureau are more or less typical of

those existing over the years between the Bureau and many other States. Let me mention just a few highlights from the record—some examples of North Carolina's relations with the Bureau of Labor Standards during the past three decades. I'm sure that the experience of many other States closely parallels ours.

North Carolina was one of the first "customers" of the Bureau of Labor Standards. We joined with three other States in the first training course for factory inspectors held in Baltimore, Md., in February 1936.

To this pilot-experimental program, conducted by the Bureau in cooperation with Johns Hopkins University, the Maryland Industrial Accident Commission, and the Baltimore City Health Department, North Carolina sent six inspectors. Included in their number were the late Forrest H. Shuford, then our chief factory inspector, who became labor commissioner and served long and well in that post; and our present deputy commissioner, Lewis P. Sorrell.

All six of our inspectors successfully completed the course, and received certificates from the hand of Miss Perkins upon its conclusion. More important, they took back with them a renewed sense of purpose—inspiration and information—which they not only applied to their daily work, but which they passed on to others—to plant managers and safety personnel, to workers and their organizations, and to their fellow factory inspectors. Who can measure the benefits that surely accrued—still are accruing—to the people of my State as the result of the ripples emanating from this early training effort?

And this was only the beginning. Over the years, we have continued to receive help from the Bureau of Labor Standards in a variety of safety training courses, and in numerous other ways.

Since the end of World War II, when many industries were faced with problems connected with reconversion to peacetime activities, the Bureau has helped us conduct 11 special industry-wide safety programs. Using the "service" approach—offering technical help and enlisting the cooperation of management, rather than stressing the "police" aspect of safety enforcement—we have achieved approximately 95 percent voluntary compliance with our inspectors' recommendations among plants in the industries involved. In the entire period since World War II, the injury rate in all North Carolina manufacturing has dropped more than 50 percent—from approximately 16 disabling injuries per million man-hours in 1946, to fewer than 8 in 1963. The cooperative Federal-State safety program of awards to plants meeting specified safety standards has been highly successful. The safety

training courses conducted by the Bureau have been of great benefit to our inspection staff.

Other achievements in North Carolina labor standards in which the advice and assistance of the Bureau has been of great value to us include the enactment of the North Carolina minimum wage law, improvements in our child labor law and maximum hour law, and improvements in our laws relating to workmen's compensation, and migratory labor. I could go on with a long, detailed listing of these things, but since our time is limited, I shall be content to have mentioned just a few of the outstanding benefits which we have derived from our long and fruitful association with the Bureau.

In closing, I wish to express my confidence and belief that even greater achievements in labor standards lie ahead of us as we move on into a great age of abundance based on automation and the peaceful uses of nuclear energy.

In this coming age of unprecedented growth and abundance, adequate labor standards, soundly administered, will be more important to the well being of the people than ever before. I know that the Bureau of Labor Standards will continue to play a pivotal and vital role, in cooperation with the States, in the creation and maintenance of these standards.

In behalf of all the working people of my great State, I am happy to wish for the Bureau and its fine people a future that will be even more fruitful than its useful and rewarding past. Thank you.

SECRETARY WIRTZ. I hold in my hand, as they used to say in Government, a yellow sheet. It is a press release, dated November 13, 1934, and reads, in part, as follows: "Secretary of Labor Frances Perkins today announced the appointment of Mr. Verne A. Zimmer, as director," and so on and so forth, "of the new Division of Labor Standards."

It is just as clear as it can be, and it goes on to report the appointment of Verne Zimmer, whom you mentioned as director, and Clara Beyer as assistant director of the new division. But I go back to the day you testified before the Congress. This was just after you had said that you were putting nobody in charge until you had your money in your hand. There was little of the puritanical ethic about all that, because you went on to say that "I have called on a very able woman," I don't know whether you said you weren't going to put a man in charge until you had the money in hand, but you said this 30 years ago.

"I have called on a very able woman whom I discovered in the

Children's Bureau, Mrs. Clara Beyer, who used to be the head of the Minimum Wage Commission of the District of Columbia when it existed. I discovered that she had the ability and knowledge of conditions in many of the States, so I called on her to do many things that are slightly out of the field of her activity as defined in the description of her duties."

You said you didn't know whether Clara Beyer had retired or not. By that you meant, as we all know, that Clara Beyer will never retire, that she joins you now in contributing about a century of constructive conscience to the work of this country, and it is a very real pleasure at this point to say hello again for this group to Clara Beyer. Clara. [Standing applause.]

**Statement of Clara M. Beyer,  
Associate Director, Bureau of Labor Standards,  
1934-58**

Mr. Secretary, Miss Perkins, and friends. This is old home week in the Bureau of Labor Standards. It is good to see that so many of the staff of the earlier Bureau days have come here to pay tribute to Miss Perkins and to the organization which they served so faithfully. I wish I did have time to reminisce. I could tell you many stories of Miss Perkins' leadership. She was certainly way ahead of her time. She never gave us a moment of rest. Every morning's paper gave her a new idea for which she called on us to get the facts. And we were supposed to have the facts before night.



***Clara M. Beyer, Associate Director of the Bureau, 1934-58. Her long years of service were devoted to making the Bureau an efficient instrument to improve State labor legislation and administration.***

We did not have the services that are now available to you, Mr. Secretary. We had to do a lot of researching with limited staff and facilities. But we did get results. Miss Perkins often referred to the Bureau as the promotional arm of the Department and its conscience. She expected us to range

over the whole field of economic and social activity to see that workers' rights and welfare were safeguarded. If there were time, I would like to tell you of some of the many programs that are now accepted policy that were first given governmental attention through the services of the Bureau of Labor Standards. The apprentice training program, the control of industrial homework, the problems of older workers, school dropouts, discrimination in employment, problems of migrants, workers' education, safety in Federal employment, control of silicosis hazards, were among the subjects upon which facts were gathered, conferences held, and action programs developed.

Miss Perkins' experience as Commissioner of Labor of New York State convinced her of the need for a cooperative relationship between the Federal and the State departments of labor. She charged the Bureau with responsibility for stimulating and assisting the States, wherever possible, in improving their services to workers and employers and to develop common approaches to the solution of labor problems.

Together we prepared draft bills on all types of labor legislation. We helped adjust these bills to the needs of a given State. We trained inspectors in carrying out the purposes of the legislation.

The Secretary's annual conferences on labor legislation, which the Bureau conducted, were of tremendous influence in stimulating State action and improvement in services. It also gave the labor commissioners stature in their own States. Regional meetings in the South did much to bring up the standards in that area.

We worked through and with the International Association of Governmental Labor Officials, thus increasing its strength and importance. On the other hand, the support which the Association has given the Bureau and the Department has been of outstanding value.

We were fortunate, too, in having the active support of organized labor and management representatives. Not only did they participate in our conferences and program building, but they defended our budgets before Congress when need arose. And need there was! Twice, we were almost wiped out—once when we pioneered in workers' education, and again when our Director voiced a preference for a State fund to handle workmen's compensation insurance.

Perhaps, with my long association with the Bureau of Labor Standards, I will be forgiven if I give a few words of motherly advice. I hope the Bureau will always be aggressive in behalf of good labor standards and willing to tackle problems no matter how difficult. The poverty drive will offer many opportunities for

services which will not be popular but must be done. The Bureau should be prepared at all times to drop old programs or leave them to someone else and to take on those that need imagination and experimentation to demonstrate their usefulness.

If the Bureau is to carry on its tradition of exploration, it should not get bogged down with a lot of administrative responsibilities. I hope it never gets such a large budget that defense of its money becomes more important than the espousal of social justice.

To an unusual extent the Bureau makes its own program. In the many years that I was with the Bureau, we were always out in front on issues that we thought were important and should be faced in the Government. I cannot remember a single instance when we were not upheld by the incumbent Secretary. I have not had the privilege of working under Secretary Wirtz, but from what I know of him I am sure he would be sympathetic to new ideas and programs advanced by the Bureau.

When we celebrate the Bureau's 30th anniversary, we should give credit to the people who developed its program. Their skills and devotion to duty, their imagination, their teamwork were the source of the influence which the Bureau brought to bear on the economic and social structure of the country. This is not meant to detract from the contributions of the Secretaries whom we served. They gave us the leadership and support, but the ideas, the methods, the untiring effort came from the Bureau staff. I was hoping to call on some of the members, but I found that the list of those present was so long that I dared not begin to pick and choose any of them. They all deserve public acclaim. May I give them my heartfelt thanks for devoted service beyond the call of duty. And to those still in the Bureau and more recent recruits, I say more power to you in carrying the program forward.

## **Part II**

### **Outlook for Labor Standards in a Changing World**

## *Salute to Bureau of Labor Standards*

A ceremony will be held in Washington Tuesday to celebrate the 30th anniversary of establishment of the U.S. Labor Department's Bureau of Labor Standards.

Thirty years ago 25 percent of the Nation's labor force was unemployed and average hourly wage rates were 44 cents an hour. Today the unemployment rate is 5 percent and efforts are being made to bring that down. Average wages in manufacturing range from \$2.25 to \$2.70 an hour.

In November 1934, only 15 States had minimum wage laws. Today the Federal Government and 32 other government jurisdictions administer such laws. Thirty years ago only four State child labor laws set a basic 16-year minimum age for employment. Today the Federal Government and 25 other jurisdictions set such a standard.

No farm workers had protection of labor laws in 1934. Today 30 States and the Federal Government offer some protection to migratory farm labor. No laws existed to prevent discriminatory practices in employment. There was little machinery to provide for mediation of labor-management disputes. Only a handful of States had workmen's compensation laws; today only one State has no such law.

We need not enumerate all of the other gains that have come about to protect American labor in the past 30 years and the constructive role the Bureau of Labor Standards has played in them. Today, with an exploding population and labor force and with vast changes in that force, we're glad the bureau has the experience of 30 years in dealing with so many specific problems to guide its work in the future.

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## OUTLOOK FOR LABOR STANDARDS IN A CHANGING WORLD

*Presiding: NELSON M. BORTZ, Director, Bureau of Labor Standards*

SECRETARY WIRTZ. And now one other introduction and my part in this program closes. It is a matter of very real personal pleasure and official privilege to introduce to you the person in whose hands the affairs of the Bureau now lie. I think of Nelson Bortz as one of the finest illustrations of the finest tradition of career service that is developing in this country.

I think of what he has done for the Department of Labor over the years, again a record with which some of you are familiar so that I shall not burden you with its repetition. I think, too, of the personal cooperation which has been one of the privileges and pleasures of working with Nelson on this as on a great many other things. I think, too, of the particular commitment in this man's mind to the ideals which underlie the whole principle of things of which Miss Perkins spoke this morning.

I realized as she talked that we have now in the most recent appointment as Director of the Bureau the man who among us in the Department most personifies the kind of thinking to which Miss Perkins referred. At this point, I have the pleasure of introducing to you the guardian, the steward of the tradition which you honor here today, Nelson Bortz. [Applause.]

MR. BORTZ. Thank you very much, Mr. Secretary, for those very generous remarks.

Miss Perkins, Mrs. Peterson, Mr. Peterson, other guests at the head table, and all of our friends in the audience. There isn't anything that I want to say to you now except my profound thanks in terms of all the people who have made up the Bureau since the day Miss Perkins organized it 30 years ago, those who are in the Bureau of Labor Standards now, for this very heart warming and splendid reception and attendance you have given to this program which we have attempted to arrange in connection with the Bureau's 30th anniversary. Our thanks to you for coming out and being with us today. And now, I think, we had best proceed with the program that we have arranged for the luncheon today—two talks, one by an official of the New Jersey State De-

partment of Labor and the other by our own inestimable Assistant Secretary for Labor Standards, Mrs. Esther Peterson. [Applause.]

MRS. PETERSON. I think some of us have forgotten that the campaign is over, because we are still running out making speeches, and this is what I am having to do. But anyway, I am not going to make my speech to you because the speech has been mimeographed and it is on the table. I hope that all of you will pick up that speech and read it. And may I say, I can't take credit for all of this, because the staff and a lot of people have been meeting and getting together their ideas of new kinds of thinking, picking up the old thinking that we have and really putting down the questions and areas in which we would like to have your opinion and ideas.

May I ask you, really, to read it, and to give us your ideas on it, and pass them along to us if you possibly can, because there is a lot of good meat and a lot of things that we all believe in very, very much.

MR. BORTZ. Thank you very much, Esther. We are sorry that you have to go, but thank you again for all the support which you have given us.

### **Address by Esther Peterson, Assistant Secretary for Labor Standards, U.S. Department of Labor<sup>1</sup>**

First of all, let me join Secretary Wirtz in welcoming all of you here today. As Assistant Secretary of Labor for Labor Standards, I have naturally looked forward to "Labor Standards Day."

It is very exciting for those like myself who have come to the Department in recent years to hear from the lips of those who 30 years ago conceived the need for a labor standards watchtower in the U.S. Department of Labor, who planned and worked and brought it into being.

It is also very heartening to us to hear that they, too, had problems and difficulties, but with patience and persistence were able to resolve them. The labor laws on the State and Federal statute books today form a monument to their wisdom, their determination, *and* their success.

Recently I read a little Bureau history to prepare myself for today and came upon a resolution of gratitude and affection for

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<sup>1</sup> Text submitted, but not delivered, by Mrs. Peterson.

Secretary Perkins unanimously adopted by the State labor commissioners at the National Conference on Labor Legislation in 1944. "The fruits," they said, of her "leadership, resourcefulness and courage . . . are implanted today in the labor laws of many States and are reflected in the hearts of millions of American workers who enjoy the benefits of these laws." Born of depression and despair, these laws have stood the test of time—of war and reconversion, of the cold war, and of an affluent society.

Thank you, Miss Perkins, for what you did for the wage earners of America and for inspiring us anew here today.

Miss Perkins, Mr. Gilhooley, Mrs. Beyer, and three State labor commissioners from Maine, New Jersey, and North Carolina have made us realize once again that labor standards are living, changing concepts. They are an expression of society's conscience at any given period of time.

We live today in a period of the most dynamic change in recorded history. Knowledge grows and changes so fast, we have had to devise electronic computers to store, count, and relate it all. Scientists, the most knowing of men, have had to resort not to reports but to abstracts of reports just to keep abreast of new knowledge. I'm not sure the English language, rich and varied as it is, will long be adequate to communicate the new knowledge and the new ways.

Secretary Wirtz, who is the Professor 'Iggins of American speech, constantly challenges us to find better words with which to communicate. When we discovered that many workers lacked the basic R's to hold a job, some called them "functional illiterates." Secretary Wirtz outlawed the phrase as infringing the dignity of man. The Employment Service for years has talked about "labor market areas." The other day came one of the Secretary's finest examples of interoffice communication. He announced that we would celebrate the 50th anniversary of the Clayton Act which declared "labor was not a commodity," by outlawing the word "market" from the term "labor market areas." It, too, infringed the dignity of man.

Well, labor standards now and always have dealt with the dignity of the workingman. They are concerned with and affect people and not products, workers and not wares. And they were the *first* weapons in the Nation's long war on poverty. There wasn't any doubt in the old days when a man was injured in a mine explosion that he and his family went on the economic slag heap. When Pennsylvania passed the first mine safety law in 1870, any such accident that was prevented also prevented the entrance of one more family into poverty's grimmest ranks.

When the Fair Labor Standards Act was passed, the minimum wage of 25 cents an hour wasn't wealth, but it lifted the standards of factory workers earning less, that much out of the mire of the working poor.

When the Bureau of Labor Standards was born, one-third of a Nation was ill-housed, ill-clothed, and ill-fed. Today one-fifth of the Nation lives below the poverty line as we see it in the sixties. The difference is the measure of your success, those of you here who have fought over the years to advance the welfare of wage earners.

Our task, yours and mine, in the years ahead, is to devise and apply labor standards to help bring to this last fifth of our people a decent way of life, living and working levels accepted for all other Americans. Our task is also to protect all who work from the physical and economic hazards of our scientific revolution.

We have another task and that is to defy those who say labor standards have all been won and that our only function here today is to pay nostalgic tribute to our glorious pioneers and then get on with something else. I hope that today you will be aroused to a decade as intellectually challenging, as difficult, as exciting as any which have gone before. The greatest tasks of developing and promoting labor standards, I think, lie ahead. We shall have to win the war on poverty and protect American workers in the midst of a population explosion, of staggering shifts in the labor force, and of a headlong revolution in technology.

This afternoon some very concerned people gather to discuss how we can meet the needs of youth, minorities, migrants, and workers against injury, labor, and management. I hope they—and you—today, and in the months ahead, will raise basic questions, will question our traditional assumptions without regard to stereotypes or jurisdiction. We certainly cannot find the answers unless we pose the questions. And as a challenge I'd like to pose a few myself.

What kind of a world will we live in by 1975? We shall have some 226 million people in our population contrasted with the 192 million at present. Nearly half will be under 25 years of age. Over 21 million will be over 65. A smaller proportion than in 1960 will be of prime working age from which national and industrial leadership and the highest skills may be drawn.

Work and jobs exist because there is a population to be served. The larger the population, the more needs to be met and the more jobs required to meet them. Just think what all those people are going to need in 1975! Needs to be met by both the private and public sectors of the economy.

In the public sector where I function, government at all levels will be called upon to perform more services, especially teaching, health and welfare services, and the like. The Federal Government, responsible for national defense, will be a good customer for spacecraft, missiles, and electronic equipment. As a Nation of urban dwellers, we shall continue to demand more slum clearance, public housing, urban renewal and redevelopment, more green spaces to achieve better living in our cities. Our prodigal use of our forests, fields, and streams means that billions of dollars will have to be spent in the years ahead to maintain and restore America's croplands, forests, and water resources, including the economic desalinization of water.

Can we recruit and train the labor force to produce the goods and services needed in this country? This audience more than most knows our labor force will increase by a net 20 million workers between 1960 and 1975, a slightly faster increase than for the population as a whole. Young people under 25 and women over 25 will account for two-thirds of that net increase. And, as I mentioned, there will be a smaller proportion of people in the prime working ages from which the highest leadership and skills may be recruited.

As this audience also knows, we expect to continue the present rapid growth in white-collar occupations, professional and technical, managerial, clerical, and sales; a smaller growth in blue-collar jobs, craftsmen, operatives, and laborers; a faster-than-average growth among service workers; and a further decline among farmers and farm laborers.

As I view your task and mine in the next decade, it is to identify the needs and develop and promote labor standards for all these workers, those who enter the labor force, those who participate in the labor force, and those who exit from the labor force.

First, the new entrants, our youth. All of us are aware of the demands of our scientific revolution for more and better preparation of youth for work and citizenship. Most of us here have joined the great debate, the vigorous intellectual ferment stirring the educational world:

How, we ask, shall we produce tomorrow's scientists, artists, and statesmen?

How shall we prepare youth for the higher skills demanded by employers in our technological age?

How shall we wipe out discrimination to assure equal educational opportunity for all?

How shall we prevent or retrieve dropouts who, when they drop out of school, usually drop out sight? How shall we compensate

disadvantaged youth for their deprived homes—by keeping them in school longer or starting earlier? Shall we take them at age 3 to the zoo, the museum, and the art gallery to enrich their life experience and bring them nearer a par with other youngsters their age? Or shall we extend both ends of their school span? And how shall we improve the quality of their instruction, gearing it to their needs and capacities?

Shall we recognize a later entry age for work for more of our highly trained young people—even age 25 or 30?

What kind of labor standards will these wide-ranging shifts require? Safeguarded flexibility in our child labor laws? There is no debate, I think, about laws protecting the health of our children and their right to all the education they can absorb.

For those with capacity for a high school diploma, a college degree, or a Ph.D., there is no problem except to safeguard the school shops and scientific laboratories where they may study and conduct research. This is a charge upon the youth safety specialists of the land.

For the others, how can we best prepare them for work, ease the transition from school to work? Do we know the kinds of jobs we should prepare them for? When the experts tell me they have seen chemical plants run by two engineers, two assistants, and “two guys with brooms,” it is obvious the training needs of the last two are not strenuous. We are also told of the growing need for all kinds of services, as well as our projected trade expansion which will offer job opportunities for the majority of our youth who, like me, can never be an Einstein. The National Planning Association calls growth in trades and services our future defense against mass unemployment.

Should we not conduct some rigorous research into the kinds of jobs we can anticipate in this economic sector and what training will be required? If brief on-the-job training will suffice, has society, have *we*, an obligation to train these youngsters in work attitudes, how to look for a job, what the employer expects in promptness, neatness, and performance, in reliability, integrity, and interpersonal relationships.

For youngsters from deprived homes, these attitudes cannot be taken for granted. We have a Negro stenographer in the Department who is eager, willing, and ambitious. On her own time and money, she is furiously studying stenography but is puzzled over her lack of progress because the sound and meaning of many words she hears convey nothing to her. We must learn how to help fine people like her. There are many young workers from deprived homes who unlike her do not even recognize that they lack

the background and attitudes we have come to expect in our labor force.

Should we develop standards for the supervisors of young workers, noting their physical and psychological immaturity and the need for special supervision to overcome their inexperience.

And—I wonder—in our haste to train young scientists, engineers, and skilled workers, have the glamor and status we have attached to these jobs unwittingly downgraded all others? Especially those in trades and services. Do we need to upgrade the status of these jobs? Indeed, of all work? Do we need to teach our youngsters that all necessary work has inherent dignity? Should we try to build pride in doing a good job? And how can we do this? How can we induce pride in watching a dial, mopping a floor that will only get dirty again, or performing a minute operation in making something of which the worker sees neither the beginning nor the end? Despite these difficulties, do we not need to rekindle the craft concept, to clothe these lesser skilled jobs with the pride of craftsmanship? Convey to our disadvantaged youth that all work well done has dignity and honor?

The influx of young workers into the labor force specially highlights an evil suffered by adult workers as well: exploitation by unscrupulous private employment agencies which has proliferated in recent years. Should we not strive for greater uniformity in State regulation, setting standards to meet today's and tomorrow's needs, formalizing requirements for obtaining a license and providing standards for newer services such as employment counseling? Are different standards needed for temporary help services now largely unregulated by State law? Do we need Federal assistance to regulate agencies whose activities cross State and national boundaries?

When the youngster gets a job, his need for sound labor standards merges with that of all participants in the labor force, especially if employed in the fast-growing sectors of trades and services where labor standards have been traditionally lax or hard to administer.

State labor officials know how small, how many, how scattered are most trade and service industries. Don't we need hard thought and perhaps research on how best to reach such firms with labor standards of any sort? With some exceptions they are engaged in intrastate commerce and under our system of government come within the purview of State labor departments.

Whether a maintenance man in tomorrow's radio shop or in an advanced space station 300 miles above the earth, the worker's first need is for a safe and healthful place to work. With all our

safety knowledge and progress, why do 14,000 people still die on the job every year? Why are nearly 2 million injured? Is our limited progress due to limited vision among those responsible for accident prevention? How can we restore 20/20 safety vision? Do we face only backward in safety—basing our planning on last year's injury frequency and severity rates—on investigation of the accident that has already occurred? The experts tell me they are like the farmer who said he didn't farm nearly as well as he knew how. Why don't we use all the knowledge we have?

And what about the hazards in all the new technological marvels either alone or mixed with general environmental hazards? Should the Government monitor the introduction and use of new industrial materials as it does food, drugs, and cosmetics? What about the little understood personal causes of accidents? Don't we need safety research or presearch to protect the lives and health of tomorrow's workers as they seek new knowledge or perform new tasks?

And on the other side of the safety shield, are our State workmen's compensation laws proving adequate to the demands on them? If anyone thinks they are, he's got to explain the rapid growth of competitors to the compensation system in recent years—the nonoccupational disability laws, disability and survivors' insurance under the Social Security Act, veterans' disability pensions, retirement programs, and private disability and pension plans. Can the State workmen's compensation system be made adequate to the needs of today or will it wither away and be superseded by one or more of these other forms of income maintenance? As many of you here know, the Bureau of Labor Standards has always been committed to helping States improve their laws.

Its latest bulletin, however, lists 19 major gaps in State laws—19! No wonder the system's got competitors. The Bureau is still trying, however. Jointly with the Atomic Energy Commission, the Bureau is currently studying methods of improving State workmen's compensation laws and administration, including the establishment of radiation exposure records and processing of delayed injury claims.

I ask you compensation administrators—will the States improve their laws to meet tomorrow's needs or will they court the risk of irresistible pressures for a Federal workmen's compensation law, or Federal standards, or a takeover by some other system? Has anybody thought of using interstate compacts to develop a regional compensation system which would minimize unfair competition from nearby States and let the States in a region raise and extend

benefits together? Tomorrow is later than you think for our earliest form of social insurance.

Perhaps the greatest advance in the last 30 years was in minimum wages—from unconstitutional status to the Federal Fair Labor Standards Act and a \$1.25 minimum and 30 State laws. But 17 million employees are not covered by FLSA and while some are covered by State laws, 16 States have not yet enacted minimum wage laws and 4 have inoperative laws. In these 20 States some 6 million nonagricultural wage earners lack the benefits of either Federal or State wage protection, two-thirds of them in retail trade and service industries. About half of the other State laws do not apply to men, and minimum rates in some are obsolete. As we know, one-half of the heads of families with incomes of less than \$3,000 a year are employed—they are our working poor.

The projected employment growth in the trade and service industries, comprising many intrastate establishments, accentuates the importance of State minimum wage action. How can we stimulate it? I can think of nothing better to start the climb of our working poor out of the mire of poverty.

Other weapons in the war on poverty are State wage payment and wage collection laws. I find people just don't believe there are workers in 1964 who don't receive the wages they have worked for and earned. Yet, this audience knows there are and while most States have wage payment laws, many exempt workers in agriculture, domestic service, and other "trade and service industries." Even worse, wage collection is often possible only when State agencies help the workers collect their earnings. Yet, 30 States have not granted themselves such authority. How can we get moving in this area?

One of the largest "pockets" of poverty in America has been filled with workers in agriculture—long exempted from the benefits of State and Federal labor laws. The trend toward industrialized agriculture, large farms, and mechanization has abolished whatever justification may once have existed for exempting hired farmworkers from the benefits of labor legislation. Will the States lead in eliminating the distinctions in law and practice between farmworkers and industrial workers? Or should the Federal Government assume the lead in covering all workers under FLSA?

Either action would, of course, aid domestic migratory farmworkers whose misery—demonstrated by a generation of studies—has finally brought some amelioration by State and Federal action, by bills sponsored by Senator Harrison Williams of New

Jersey and now by special provisions in the Economic Opportunity Act. Will these improvements be adequate—crew leader registration, Federal aid for community education, sanitation, day-care, and housing projects? Will growing mechanization and increased use of local labor on the farms soon eliminate all or most of these migrant labor jobs? Will the nature of our problem shift from one of migratory labor to one of unskilled unemployment?

And now that we have a national commitment to equal employment opportunity through the Civil Rights Act and growing acceptance of this principle throughout the country, should not those who care press vigorously for enactment of fair employment practice laws in the 25 States which have not yet enacted such laws? What types of Federal-State programs can be devised to assure maximum effectiveness of both Federal and State laws?

Are there new areas of need for creative and protective labor standards? Is it time to enact into law for all workers those gains so widely established by collective bargaining—vacations with pay, severance notice, and call-in pay? Does increased credit buying suggest the need to evaluate all our laws and practices governing the impact of debt on the wage earner—garnishment, debt-pooling, and excessive interest rates on loans? Should we not explore means by which the public interest can be represented when major plant relocations are under consideration, so as to minimize and accommodate to the impact on the wage earner, both in the community the plant is abandoning and in the community to which it is relocating? What about consumption standards—adequate housing and schooling at the other end for workers the company brings along?

And finally, the day arrives when the worker exits from the labor force, hopefully by choice but all too frequently involuntarily and prematurely. How can society anticipate and provide for his needs? Does not our present concept of equal employment opportunity also cover the elimination of age barriers to employment? At present rates, a youth of 20 can look forward to 6 job changes during his working life, 2 after the age of 40 and 1 after 50.

Should we not know more about the causes of restrictive practices? Should we encourage the consolidation of private pension plans or provide portable pensions to overcome employer resistance to hiring older workers? Seventeen States and Puerto Rico already prohibit discrimination in employment because of age; what about the rest of the States? And what about the exemption in several of these existing laws of action taken under a retirement or pension plan? If employers and workers agree on a

60-year retirement age and this arrangement is exempt from the State anti-age discrimination law, does it not negate the purpose of the law in removing age barriers to employment for those willing and able to work?

I have asked a lot of hard questions. But lest you think I have followed the practice of some who raised questions without answering them, I, frankly admit I don't know the answers. But I think you here and others like you do. And I hope I have challenged you to help us think through to some of these answers.

But after the fun of asking hard questions, I shall now offer a constructive suggestion or two. I never met a State or Federal labor official who didn't lament the difficulty of enacting labor laws because of the preponderance of rural representatives in the Legislature or Congress who didn't understand labor or urban problems. Senator Douglas illustrates how universal is this malapportionment. One district in California with 14,000 people has the same representation in the California Senate as the more than 6 million people in Los Angeles County. A hamlet of 36 people in Vermont has the same representation in the lower house in Vermont as a city of 38,000. (*Congressional Record*, September 8, 1964, p. 21026.)

In 15 States less than 20 percent of the State's population can elect a majority of one legislative house. Rural Kent County in nearby Maryland has 1 State Senator for every 15,481 persons, and Baltimore City, 1 for every 156,506 persons.

As we know, the Supreme Court has held this malapportionment, this over representation of rural areas, unconstitutional. It has said (*Reynolds v. Sims*) "Legislators represent people not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government, and our legislatures are those instruments of government elected directly by and directly representative of the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system."

The Supreme Court went on: "The complexions of societies and civilization change, often with amazing rapidity. A nation once primarily rural in character becomes predominantly urban . . . [But] A citizen, a qualified voter, is no more nor no less so because he lives in a city or on the farm."

Our States are in the middle—the understandably painful middle—of trying to comply with the Supreme Court's edict of "one man—one vote." But I suggest to you that when the tumult and the shouting die, we may see a renaissance in labor standards fol-

lowing reapportionment, through more understanding of worker problems by legislatures more representative of urban and suburban populations.

I suggest that all of us here begin today to prepare for the time when our State legislatures will be reapportioned and convened as truly representative bodies collectively responsible to the popular will.

My other suggestion stems from one of Walter Heller's, which is now being discussed rather widely. Mr. Heller proposed that some of the revenue from Federal taxation be diverted to State and local governments for worthy purposes which these State and local governments lacked taxing or borrowing power to finance themselves.

Considering the constant difficulty of adequately financing many State labor functions from State taxation sources, should not State and Federal labor officials begin thinking about including such functions among the purposes for which Federal taxes might be turned over to the States? You commissioners and many of your predecessors have repeatedly agreed upon appropriate functions for a modern labor department. Should we not get together and decide upon those functions for which Federal taxes might be used; for example, for improved administration of your occupational safety and health laws, workmen's compensation, wage and hour regulation, wage payment and wage collection, equal pay, child labor standards, protective laws for women workers, elimination of homework, regulation of private employment agencies, mediation and conciliation services, provisions guaranteeing the right to organize and bargain collectively and machinery for protecting such rights, apprenticeship and training in industry, labor statistics, and programs for migratory workers?

I submit that virtually every function of State government except the labor standards function receives some sort of Federal aid. I hope you will ponder the possibilities of this idea and let us hear from you.

In conclusion, then, my major recommendation is that we anticipate more representative State legislatures, determine the most serious unmet needs of the wage earners of your State, have legislative measures drafted and enlist support for these measures. I suggest also that we at the Federal level and you at the State level consider, together, the policy and details of identifying those State labor functions for which Federal tax revenues may be utilized by the States.

My challenge to you is by these and other means to gird for the battles which will bring to this land a long-needed renaissance in

labor standards, win a major victory in our war on poverty, and set another foundation stone in the Great Society.

MR. BORTZ. I think that one Peterson deserves another. You have met the American Peterson. The Secretary introduced you to Minister Peterson of British Columbia. I would like, however, to just afford him the privilege of the rostrum for a moment to say hello.

The Minister of Labor and Education of British Columbia, the Honorable Mr. Peterson. [Applause.]

### **Statement of Honorable L. R. Peterson, Minister of Labour and Education, British Columbia**

Mr. Secretary, Miss Perkins, Mr. Bortz, and other distinguished head table guests, ladies and gentlemen.

As one who emanates from foreign soil and is indeed a citizen of another country, it is a privilege and an honor to be included in these celebrations today and to extend to you the congratulations and the best wishes of two associations which are very active in the field of labor in both Canada and the United States—the Canadian Association of Administrators of Labor Legislation, and the other association which is perhaps more familiar to you, the International Association of Governmental Labor Officials.

On behalf of both of these associations, I do want to express to you our very best wishes for the future. As Canadians, of course, we have watched with interest the increase in stature of the Bureau and the increase as well in the service to the people of this country, as well as what I am sure we can all agree is the dedicated work of those who are associated with the Bureau.

On behalf of the IAGLO, an association which I might say is not only represented by its full executive today but also by many of its members across this country, I would like, if I may take the time, Mr. Bortz, to read a resolution that was presented at our last annual convention, held in Vancouver, British Columbia, and carried unanimously:

Whereas the Bureau of Labor Standards of the U.S. Department of Labor will celebrate, in 1964, the 30th anniversary of its establishment by Secretary of Labor Frances Perkins in 1934; and

Whereas the Bureau from its inception and throughout the years has made its services available to the various States and to the IAGLO in the advancement of necessary labor legislation; Now, therefore, be it

*Resolved*, That the 47th convention of the International Association of Governmental Labor Officials extend its heartiest congratulations to the Bureau of Labor Standards as it marks its 30th anniversary, and express its good wishes for continued service by the Bureau on behalf of the wage earners of the United States.

[Adopted.]

And may I simply add to this resolution the gratitude of the members of the association for the very kind and generous offer that was extended by you, Mr. Secretary, earlier this morning when you indicated that you were prepared to meet with us not once a year but four times a year, and I think it is significant and appropriate that these conferences should be named the "Frances Perkins Conferences."

Now I haven't had an opportunity to meet with my Executive Board since this offer was given, but as an attorney, I know that once an offer is made it can be withdrawn at any time before acceptance. So now as President, I would like to in the presence of this distinguished audience formally accept this generous offer and assure you that we will be pleased indeed to meet with you. I am sure we may have some budgetary problems to settle, but I would hope that the same degree of cooperation might prevail in this respect.

Perhaps I might suggest further, Mr. Secretary, that while we are always happy to come to this beautiful city of Washington, perhaps you might in your wisdom consider meeting with us in other areas as well, such as San Francisco on the west coast or Vancouver, British Columbia. Whatever the details might be, we are certainly honored and happy to meet with you, and as a Canadian may I say that I am particularly happy that this new era, if I may call it that, should occur during my term of office, because I think, too, it might reflect the very high degree of cooperation, the close liaison that exists between our respective countries, and I do regard this offer by the Secretary of Labor this morning as representing the dawn of a new era of continuous consultation and cooperation between the various State departments and the Federal administration. We have, I think, similar objectives, and I hope that this new step will lead us closer to the achievement of them.

On behalf of myself personally and the two associations that I represent today, may I extend to you our very best wishes for future success. [Applause.]

MR. BORTZ. Thank you very much. Thank you for that resolution which you read. I am sure that there are some souls in the audience that will say "Well, this too was prepared in LSB." [Laughter.]

The remarks of the next gentleman I can assure you are his own and were not developed in the Bureau of Labor Standards. I am happy to present to you, the New Jersey Commissioner of Labor, Ray Male.

### **Address of Raymond F. Male, Commissioner New Jersey Department of Labor and Industry**

Mr. Secretary Wirtz, Miss Perkins, Mrs. Peterson, Mr. Bortz, ladies and gentlemen.

At the outset, I want to thank the U.S. Department of Labor for granting me the privilege and the great honor of participating in this important meeting.

The exciting early days of the New Deal during which the Bureau of Labor Standards came into being represented what I believe to be one of the three most exciting times in American history.

The first of these periods had to be the events surrounding the Constitutional Convention of 1787 when the very fabric of our government was woven by dedicated, imaginative men. From earliest boyhood, I have always been fascinated by that cast of characters and by their handiwork.

In my judgment, the second most exciting period in American history began in March 1933, and had as one of its historic highlights the event of November 1934 which we commemorate today.

At that time, I was privileged to be a distant witness to this history. The heroes and heroines of that period included persons who had been an important part in the life and the problems of my native New York State. The President of the United States had been the Governor whose office I visited from a rural elementary school. It was Franklin Delano Roosevelt from whom I learned the importance of boldness and sound experimentation in State and local government. The distinguished Secretary of

Labor of the United States, Miss Frances Perkins, had been the exciting and imaginative Industrial Commissioner of the State of New York, and I count it as one of the treasured experiences of my career to be able to share this platform with her today.

In 1934, Frances Perkins held in her hands a catalog of unfinished business related to labor standards. The Nation then hardly realized how vital these standards were to become as building blocks for today's America. The standards were not just standards for a New Deal in a depression-ridden country. The standards were not just takeoff points for a Fair Deal for the working men and women in a vastly expanding country that had found its way to world leadership in the forties and fifties. Those standards were to become testing grounds or launching platforms, reaching toward a new frontier of service and national aspiration. More importantly, as we look to the near and distant future, these standards represent the takeoff point for the Great Society.

My assignment today is the risky one of peering into the crystal ball to see what the standards of the Great Society may be three decades from now. I am happy that it is a 30-year rather than a 20-year forward look, recognizing that the latter would plant us firmly in the year of George Orwell's traumatic 1984. In the course of peering into what is at best a cloudy crystal ball, I enjoyed reading and rereading many of the past attempts to picture the future world: Thomas More's "Utopia"; Huxley's "Brave New World"; Nevil Shute's "On the Beach"; and even the one to which I was driven by Secretary Wirtz' thoughtful references, Capek's "R.U.R."—the world of "Rossum's Universal Robots."

Before I am so bold as to forecast the world of 1994, I would remind this audience that in her 1933 Annual Report, Miss Perkins recommended the establishment of this agency and expressed the hope that four important things related to labor standards could be accomplished:

1. Shorter hours throughout industry and trade.
2. Higher standard of wages, and particularly, a machinery for regulating the minimum levels of wages.
3. The permanent abolition of child labor.
4. The use of the Government purchasing power for supplies and equipment to maintain high industrial standards.

In 1934, a national conference of State and Federal officials met at her call to discuss the labor standards needs of the Nation. Out of that conference came an impressive catalog of objectives. In reciting them, it is well to ponder the extent to which these objectives have been met, and necessary legislation adopted:

1. A 40-hour, 5-day week.
2. Minimum wage laws for women and minors.
3. Ratification of the Child Labor Amendment.
4. Elimination of industrial homework.
5. Liberalization of workmen's compensation acts.
6. Acceptance by the States of a Federal-State employment service.
7. Unemployment insurance legislation.
8. Old-age pension legislation.
9. Improvement in State labor law administration.

In fact, the Nation has gone far beyond the ambitious hopes of 1934. Included among the major advances are legislation and programs in vocational rehabilitation; the protection of migratory workers and their families; acceptance of collective bargaining and minimum wage standards, not just for women and children but for mere men as well. Other advances have been made in fields of academic and vocational preparation for jobs and the training and retraining of workers. Work injury frequency has been cut almost in half.

The labor standards, the living and working standards, for most of us in 1964 America are unmatched in any other time or place. May I, therefore, suggest that we face frankly the fact that the Bureau of Labor Standards has accomplished the agenda set before it by the pioneering Miss Perkins. We can, therefore, recommend on this important anniversary that it be abolished.

Such an action will bring joy to many of the hearts disappointed by the election returns of November 3, 1964. It will confound that delightful gadfly of bureaucracy, Prof. C. Northcote Parkinson. It will astound those editorial writers who are convinced that once a Federal agency is born, it is, in the words of that 20th century political philosopher, Ronald Reagan, the nearest thing to eternal life on earth.

Somehow, though, this suggestion is too bold. Naturally, it would discomfort the dedicated personnel of the Bureau whose lives may indeed have been shortened by even the facetious suggestion that their work is done. More importantly, if we are honest about our box score of even their most impressive accomplishments, we would have to insist and they would have to concede that much remains to be done.

It does not dilute our sense of accomplishment nor water down the sincerity of our congratulations to all those who contributed in these exciting 30 years to suggest, as President Kennedy suggested, that there is much unfinished business; nor as President

Johnson suggests that we have it in our power to build the Great Society.

In the accomplishment of such a vast undertaking, we will need to define our goals not just in narrow "labor" standards terms, but we must recast the agenda and the objectives in terms of standards for that Great Society.

First, we must build on the record of the past—to improve and to extend the standards of the past. Who is to say that the 40-hour, 5-day week is to remain the standard or to be the standard of 1994? New Jersey's public employees have for years enjoyed a 35-hour week, except in the summer months when we enjoy a 32½-hour week, and I, therefore, shuddered to considerable embarrassment when Secretary Wirtz indicated some objection to Jersey-type work schedules.

Our minimum wage laws are still riddled with important exemptions affecting millions of workers. When applied, the minimum leaves a major family breadwinner short of the \$3,000 poverty line and adds him to the roster of the working poor.

Federal and State child labor laws have done the limited job for which they were intended. Yet, in 1964 we realize that millions of youngsters are not equipped to step from school to jobs. The left hand and the right hand of the education and manpower worlds have to know much more about what each is doing. Until recently, each has gone about its business largely in separate bureaucratic worlds, seeming to speak different languages and giving evidence of little appreciation that their objectives were interlocked.

And so it is with much of Miss Perkins' catalog of 1934 needs. Great progress; much unfinished business; hopefully, a great spirit of awakening to the opportunities that lie ahead.

Time will not permit a long recital of the stuff of which 1994 will be made, but I venture to sketch the following points which will help you to recognize 1994, should you return from a long space voyage and be unsure of your worldly calendar.

There is no doubt in my mind that:

- Automation and the vastly changing technology will have transformed our present quaint methods of production of food, industrial products, and all manner of creature comforts.
- There will be a recognition of the fact that our Nation faces a severe manpower shortage, despite the fact that the machine has made great strides.
- Standards of values will have altered so vastly as, for example, to find today's attitude toward service to one's

fellows, toward public service, and toward politics implausibly old-fashioned and short-sighted.

- Our sense of time and distance will have altered to the point that our Nation will be our neighborhood and our world will be our community.
- The teenagers of 1994 will be literate, multilingual, world-traveled; and a brilliant former President of Harvard will warn of the social dynamite implicit in trying to contain on this planet those who are demanding the opportunity to seek their futures elsewhere in space.
- The narrow 1964 concepts of jobs or careers will seem more than a bit limiting to the many who will want to plan and to accomplish a life's "work" outside the present horrendous job-cells described in our *Dictionary of Occupational Titles*.
- Education will be light-years different from our present institutionalized forms, and a generation of change will have eroded 1964's barriers between education and its customers.

There must be those who would quarrel with the concept that the displacement of jobs by machines in an automated world of production can leave us with a manpower and womanpower shortage. Time again does not permit here a detailed catalog of the new opportunities for work and service and accomplishment, but the following labels indicate the areas in which 1994's "employment" will be found. Indeed the trends, the beginnings are already there to be read. With some we have taken bold steps forward. With others we still nervously wait to move ahead. All involve amazing potential for human activity. This audience is one that can fill in the paragraphs that I must omit from the description of the unfinished business, the unfilled need, the demand for human service implicit in each of these areas of the Great Society:

- Education.
- Health.
- Recreation.
- Leisure.
- Transportation.
- Travel.
- Communication.
- Space (the study of it, the travel in it, the use of it).
- Art.
- Culture.
- Personal development.

In these important areas of our life, we already have severe personnel shortages, and I am not speaking only of those professionals whose "disciplines" seem to demand college, university, or post graduate education. In each one of these fields, there exist today important needs for men and women at all skill levels. Each of us must contribute more effectively. Even the most severely handicapped, physically or mentally, can contribute in important ways.

In moving through these major changes from 1964 to 1994, the new standards we seek must be as bold for those years as were the standards sought by the leaders of 1934.

As one who speaks from experience at the working level of State government, may I suggest that one takeoff point for the new standards might well be item 9 of the 1934 agenda: Improvement in State labor law administration. If we can build 50 effective centers of concern for standards and continue to build the kind of constructive relationships between them and the Bureau of Labor Standards, if each of us shares the important objectives and recognizes our identity of interest, we can move forward.

The exciting and lasting achievements of 1787 gave us the framework. The exciting and lasting achievements of 1934 proved that we could act upon national concern. And now begins the period which I believe will constitute one of the three most exciting times in American history: Building within the 1787 framework, and with the 1934 concern, the Great Society which will evolve in the years ahead.

Those of us involved in government whether at the Federal, State, or local levels will need to perfect a new kind of partnership. In the new partnership, there will be room neither for the extreme of narrow, selfish, paralyzing States' rights, nor for the extreme of absolute, centralized, superimposed national control.

The new partnership will involve new concepts of public investment to replace old concepts of public spending. It will hopefully involve a low-overhead, basic-English, customer-oriented service based on ever-higher standards of excellence, progress, and concern.

It will also involve risk and experimentation. To describe this I could never find better words than those of Mr. Justice Brandeis from a dissenting opinion of 1932.

"There must be power in the States and the Nation to remould, through experimentation, our economic practices and institutions to meet changing social and economic needs. I cannot believe that the framers of the Fourteenth Amendment, or the States which ratified it, intended to de-

prive us of the power to correct the evils of technological unemployment and excess productive capacity which have attended progress in the useful arts.”\*

From the standards of 1964 to the standards of 1994, can we not agree with Justice Brandeis that, “It is one of the happy incidents of the Federal system that a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.”\*\*

An important anniversary justifies a backward look at history and accomplishment. It is more valuable, however, if it sparks a forward look.

I am sure that Frances Perkins, now an active teacher of government and politics, would agree with the Washington cab driver’s comment to a young boy puzzling over the inscription on the National Archives Building: “What Is Past Is Prologue.”

The cab driver told the young man that those words simply mean, “You ain’t seen nothin’ yet!” [Applause.]

**Panel: MEETING THE NEEDS OF—**

**Youth—Minorities—Migrant Workers—  
Workers Against Injury—Unions—Management**

MR. BORTZ. Ladies and gentlemen, the panel has assembled. I want to assure you that the day and the ideas of the day have not yet been completed. When we structured this program we did it with certain malice aforethought in terms of the morning program for recollections and what had gone on during the past 30 years.

We aimed the luncheon program at some broad observations on the needs in the area of labor standards, and then we invited the panel, the group you see before you, to do some really serious thinking on meeting the needs in the years ahead in the area of labor standards. We did it in terms of various interests and groups with which the Bureau has been identified, and areas in which the Bureau has worked in the past.

We asked the panel this afternoon to look into the future. We didn’t specify any particular number of years; 30 years is what Ray Male used in his fine talk which you just heard. But we

\* *New State Ice Co. v. Liebmann*, 285 U.S. 311.

\*\* *Loc. cit.*

asked the speakers to look into the future, to think of what lies ahead, to give us and to give you their ideas and their suggestions, however "far out" some of them might be; but we wanted to conclude this program with comments and observations as to what needs to be done, at least in the decade ahead.

**Statement of Mrs. Pearl Herlihy,  
National Committee for Children and Youth**

I think it is a great privilege for all of us to be here today to help celebrate the anniversary of the Bureau of Labor Standards. As a former State labor commissioner, and after that a member of the President's Committee on Youth Employment, I would like to take this opportunity to express publicly my appreciation for all the help, guidance, and assistance I got so readily and so willingly from the Bureau. I would also like to pay tribute to the high quality of work that is maintained by the Bureau and its personnel. I have very warm feelings toward the Bureau of Labor Standards.

Actually, when we speak about youth and the future needs for youth, we should remember that protective laws for women and children were the first breakthrough for labor legislation. We are all aware of the tremendous differences brought about by the elimination of the gross exploitation of women and children as a source of cheap labor.

Such abuses of child labor have not been entirely eliminated, unfortunately, nor are child labor laws uniform through the country in their coverage and their enforcement. That is why it is so imperative that the Bureau of Labor Standards continue to give leadership and direction to this area of standards, and of equal importance, the administration of child labor laws.

Although today we are principally concerned with standards, we can assess them only in relation to their practical application through child labor legislation.

Furthermore, it would be futile to direct these remarks to Federal child labor laws as the standard of measurement, first, because some of these laws do not meet accepted standards; and second, because many young workers are in jobs not covered by Federal law.

This immediately brings us back to the point of lack of uniformity in child labor laws among States and between States and the Federal Government.

Granted, child labor laws and the standards they embody vary in degree, we can assume that there is general acceptance of the need for protecting young workers. There exists, however, a rather common misconception that child labor laws inhibit the employment of young people to their disadvantage. Of course, child labor laws inhibit the use of child labor. This was their intent, but not to their disadvantage.

Today, child labor standards are again being challenged. In the face of the need for more job opportunities for the large number of young people entering the labor market, the question is: Are child labor standards too restrictive? What is the effect of laws on the employment of youth?

The President's Committee on Youth Employment asked these questions, and one of the subcommittees made a comprehensive study of the effect of legislation on youth employment. We wanted to know if child labor and compulsory school attendance laws, they complement each other, might be and should be modified in content or administration to open up additional job opportunities for youngsters seeking employment, without jeopardizing the fundamental objectives of the laws.

How does the Selective Service Act affect employment of youth? What about minimum age provisions, prohibition against night-work, minimum wage legislation, and limitation on hours of work? What about children working in agriculture?

After careful study, we came to the basic conclusion that youth would best be benefited by emphasis on improvement in training and education and not by relaxation of legislative standards and protection. We did suggest certain modifications in the laws and periodic review of their administration to adapt them to changing conditions. But we pointed out that these recommended modifications and reviews could not in themselves open up substantial additional job opportunities for youth. Cutbacks in statutory youth employment standards would not solve youth employment problems which are widely rooted in immaturity, lack of training, under-education, and the decrease in jobs for unskilled workers. We went a step further in recommending that the age standards set for nonagricultural work by children be extended to agriculture.

Several definite conclusions can be drawn from the report of the subcommittee on laws affecting youth employment. The lack of uniformity in child labor laws is most confusing. In light of new programs and the new drive to involve young people in work programs, this presents certain administrative difficulties.

The lack of uniformity in school attendance laws, their admin-

istration and their enforcement, is loosely related to the out-of-school work youth problem.

Although it is generally accepted that children should attend school until 16 years of age, in over half the States children of 14 or 15 years of age can leave school for a variety of reasons, and can go to work, and they do.

In one year, 160,000 children 14 and 15 years of age were not in school and not in institutions. Of this number, 52,000 were in the labor force.

Although seemingly unrelated, one of the startling facts we have to face in talking about standards for working conditions is that many potential workers cannot meet the most elementary requirements for a job. We have seen a great upsurge of programs, both public and private, that are designed to correct the educational and vocational deficiencies of young people, many of them fresh out of school. But one of the decisions we must face in the future is whether we are going to provide better education and training in our school system, or are we going to continue trying to correct mistakes. Sooner or later the pressures of a large body of young persons unable to meet job requirements is bound to have some effect on labor standards.

It has been suggested that in order to provide jobs for young people, some of the legislative protections should be relaxed, lowering the minimum wage rates, eliminating withholding taxes for working students. Should there continue to be a growing number of young people incapable of meeting job requirements, this kind of proposal could very well be taken seriously in order to offset rising welfare costs.

Any individual, any agency concerned with maintaining and improving standards, must be concerned also with those forces that could threaten standards.

The minimum wage laws at the present time recognize the validity of the theory that lower rates be paid students, learners, apprentices, handicapped workers, and the like. But there is a definite need to coordinate such wage rates so that present work-study programs that are very worth while are not undermined by provisions in new laws and new regulations which might set a higher rate of pay for working students who are not in a work-study program.

In our attempt to prepare youth for the world of work, and keep them in school longer by providing work programs that help alleviate the poverty of their families, we must be extremely careful that we do not lose sight of the main objectives of the program, the instruction and training of the boys and girls involved, by

creating an indirect welfare program or by reviving the old concept that young children should go to work to help support their families.

In our society, this concept is no longer acceptable. The great need is to make the work experience worth while so that the individual learns the satisfaction of working and earning money that almost all boys and girls enjoy and want, no matter what the level of their family income is.

There has never been an effective substitute for a job. For a youngster this is what he wants. The difficulty is to find job openings and to create job opportunities suitable for young people. This is where the Bureau of Labor Standards can be most helpful in the years to come.

Another aspect of the changes being brought about by the increasing youthfulness of the labor force and the necessity to place youth in jobs is the need to make it more attractive to hire people, hire the young people. From the employer's point of view, hiring young people who need training or who are part of a work-study program can be an expensive experience. A lot of them won't bother with it.

These workers need direction and supervision and assistance. This takes time and represents actual costs of operation in terms of hours spent by other employees or by the employer himself, and sometimes in the mistakes that are made. The cost of operation could be offset by tax saving incentives, formulated under standards set by the Bureau.

As I see it, the Bureau of Labor Standards faces some very real challenges in meeting the future needs of youth. There is the continuing necessity of bringing State laws into more uniformity and improving Federal law and promoting better administration of child labor legislative standards through consultation and communication and of making constant reviews of present legislation.

But the Bureau's responsibility cannot and does not end with setting standards for working conditions. It must think in terms of job standards, job categories, and their suitability, and the kind of supervision the young people are getting.

It must also continue to think in terms of making workers suitable for jobs. The prime responsibility for this may not be the function of the Bureau of Labor Standards, but this problem has a direct relationship with maintaining child labor standards. Therefore, through research, and a lot of it, through publications, projects, and direct contact with other agencies, and with communities, the Bureau can offer its long and varied experience in the field of labor legislation, consultation, and factfinding.

And now, 30 years later, I would like to add a personal note. Speaking as a person active in a local community, one of the main difficulties I have at the present time is to try to sort out for myself and explain to others the relationship of the different programs now enacted into law that deal with youth employment and youth employability. We started talking about the NRA and all the other initials this morning. What I would like to know: I hope I can be helped to understand the best way to accomplish my objective of serving youth through utilization of the MDTA, through OMAT, the BES, the CAP, the EOA, and the CPR. I would also like to know how these work with my local work-study corps, the adult education program that I am interested in, and the volunteer agencies with which I am associated. Is there anything that LSB can do to help me?

**Statement of Reverend James L. Vizzard, S.J.,  
National Catholic Rural Life Conference**

The great majority of migrant workers, about which my talk is concerned, are members of minority groups, Negroes and Mexican-Americans for the most part, and although my comments will by no means cover all of the urgent needs of Negroes and other minorities, this is part of their problem.

And I can't help but take the opportunity to make a personal comment about Mr. Mitchell and the television film "The Harvest of Shame." After Mr. Mitchell moved to San Francisco, and took a position with the Crown Zellerbach Corp., I happened to be visiting out there and met with Mr. Mitchell and had lunch with him. I asked him, "Jim, just how serious were you when you made your pledge in the 'Harvest of Shame,' that for the rest of your life, in or out of office, you were going to devote yourself to the bettering of the conditions of life and labor of migrant workers?"

And he said "Father, I was dead serious, and I intend to do everything, continue to do everything, I possibly can." I said "Okay, in that case an organization of which I am a chief officer has created a post for you to accept, as President of the National Council on Agricultural Life. Will you accept?" He said "I will accept, and put me to work." Unfortunately, the distance between San Francisco and Washington did not allow us sufficient opportunity to put him to work, but this year we had scheduled our annual meeting on a date chosen for its convenience to Jim

Mitchell, and he expected and planned to be with us on December the 7th, and to start taking a major part in the activities of the National Council on Agricultural Life and Labor. So, personally and professionally, I feel Jim Mitchell's loss very deeply.

As Jim Mitchell above all learned, the most difficult and usually the loneliest battles here in Washington are those in which there are no votes to be gathered back home, the needs of the voiceless and the voteless, no matter how urgent and how justified, get little attention from those who, even if they aspire to be statesmen, still are politicians who want to be reelected or reappointed.

All of us here today, I am sure, would agree that the most voiceless and voteless in this land are migratory farmworkers. It is not any wonder then that until recently their many and urgent needs have been legislatively ignored. But fortunately, the record of the 88th Congress just completed proves that they are no longer being ignored.

To realize what a change this represents, one has only to look back over the years during which a number of individuals and organizations, including the National Catholic Rural Life Conference which I represent, and the National Council on Agricultural Life and Labor, and indeed many distinguished administrators of the Department of Labor, all carried on a well-nigh futile struggle to awaken this Nation to the desperate misery and deprivation of migrant farmworkers and others trapped in rural poverty.

During those years, long before the war on poverty was declared, our forces were weak and scattered, and even one must confess it now, often dispirited. All our years of struggle had produced not even one small victory.

Certainly through our writings, conferences, and appearances before congressional committees, we had disturbed some consciences. Perhaps we had even unsettled some appetites when we described the filth, misery, and injustice that accompanied many of our foods to our tables. But the payoff never came. Adequate wages and working conditions, housing, education, health—all these and other requirements for a decent life which had been secured in abundance by most of our citizens—were still denied to our migrant workers and rural poor. Every attempt at legislative reform failed because of apathy or opposition, or both.

Starting, however, about 4 years ago, this dark picture of persistent failure began to lighten. Perhaps the change resulted in part from new leaders in the now famous Senate class of 1958. Certainly Senator Harrison Williams and his subcommittee on migratory labor had a lot to do with it. Nor should one under-

estimate the influence for favorable change of a new and more friendly administration.

Finally, perhaps, we do-gooders learned more effective ways to do good. At any rate, in 1962 the forces for reform won our first victory, small though it was, in the passage and the signing into law of the migrant health bill, at that time the only legislation ever passed for the direct benefit of migratory workers.

This year on August 17, the Crewleader Registration Bill, which already had been passed by the Senate, was approved in the House by an astonishing vote of 393 to 7, and I might say in an aside that somewhat to the distress of some of my friends in the Bureau of Employment Security, I have been recommending that the supervision and enforcement of that Crewleader Registration Act be placed in the Bureau of Labor Standards. For some reasons that seem to me to be obvious, these victories prepared the way for the even larger advances for migratory workers under the provisions of the Economic Opportunity Act of 1964. One section of the bill, as you know, authorizes and directs the administrator to initiate programs for housing, day care, education, and sanitation for migrants, all of which had been covered by Senate-passed Williams' bills, but which had been bogged down in the House.

Additional help for migrant housing was also contained in the omnibus Housing Act of 1964.

The Vista program, the Volunteers in Service to America, under the Office of Economic Opportunity, also gives promise of direct help to migrants. A number of volunteers will be assigned to migrants' home bases and camps, and some will travel with them on the road, helping them with remedial education and counseling, day care and recreation for the children, assistance in health, hygiene, diet and home economics, job training, and placement.

It is evident then that the 88th Congress was a banner one for the interests of migratory workers, but, as you well know, the job is far from complete. A number of the Williams' bills still await action by Congress. They include bills for: (1) the regulation of child labor outside of school hours; (2) the establishment of a national advisory council on migratory labor; (3) the development and maintenance of a volunteer farm employment service; (4) a minimum wage for agricultural workers; and (5) collective bargaining and NLRB coverage.

When in the next session of Congress our forces begin the campaign as we will for the latter two objectives, a minimum wage and collective bargaining, the battles for the already passed migratory labor legislation will look like mere skirmishes. Every

bit of our experience and effort will be required if we are to have any chance of victory.

As I approach this last point of my presentation, I wish I had the light touch of Mr. Male. I am afraid that it may appear to sound like an unpleasant bomb dropped into a pleasant family gathering, but, I think, in the midst of justified self-congratulation, we need to face some of the harsh facts of life, too. In fact, this point should act as an antidote to any self-congratulation in which we might be tempted to indulge because of recent victories.

Indeed, the point is that what seemed to be one of our most important victories is threatening to turn into ashes in our mouths. I refer, of course, to the attempt now being made to substitute Public Law 414, the Immigration Act, for Public Law 78, as a vehicle for bringing into this country tens of thousands of Mexican nationals for seasonal farm labor. When we succeeded in killing the bracero program, we thought that at last American farmer employers would be forced to join the 20th century economy. We thought that finally they would have to offer American standards of wages and working conditions in order to get an adequate and dependable American work force.

But it is now becoming apparent that the growers are determined to continue to demand and get the equivalent of a slave labor force.

To me, it is a profound embarrassment and humiliation that our Federal Government feels it is obliged to cooperate with them in this disgraceful venture.

On November 30, I expect to testify before a Labor Department hearing on this matter. The coincidence of time and the subject matter of the hearing sent me back to my files, to the clippings I have, like this one here which I will show you in a moment, which is typical of the front page stories carried on this day by newspapers across the country. This clipping comes from the St. Paul, Minnesota *Pioneer Press*. It is the top story on the front page. It reads:

“Priest accuses JFK of political deal in Florida wage case.” The date is November 22, 1963. It was a newspaper that people were reading when they first heard the stunning and tragic news.

The issue then was basically the same as that which the November 30 hearing will concern itself. This time, I have no certain knowledge of any deals, although, as you probably know, reports of a deal are currently being widely circulated. I hope that the reports are not true. I would like to believe that this Administration, which has started out so well in its attack on

destitution and discrimination, will not allow a handful of American employers to continue to exploit the poor of other lands, to beat down and crush the poorest in our land.

Otherwise, for hundreds of thousands of our needy citizens, the war against poverty will be nothing but an empty farce.

So while all of us can legitimately rejoice that after decades of neglect, migrant farmworkers are finally receiving legislative attention and assistance, and while we are most heartened by the enlightened and dedicated work towards this end by administrators of the Department of Labor, none of us should allow ourselves to forget that the greatest and the most difficult battles for justice and human decency are still ahead.

### **Statement of Leo Teplow, Vice President, American Iron and Steel Institute**

Thirty years ago when this Bureau was founded, the term "labor standards" meant coping with sweatshop conditions. It meant dealing with the dread danger of silicosis. It meant some way to approach the hazards of long hours of work, and the problems of obviously unsafe working conditions.

Had our objectives remained frozen, we could now say: "Well done, oh good and faithful servant! The job we hired you to do is practically accomplished, and you can retire to permanent pasture or wherever it is that old bureaus go when their work has been achieved."

Obviously our objectives have not remained stationary, and it is much too early to conclude that the Bureau's work has been accomplished. On the contrary, the recital of achievements and present and anticipated problems that we have heard today is indicative of future growth and development, rather than retirement. And I have worked closely enough with both the chiefs and the Indians in the Bureau to know that this is not make-work which keeps them occupied, but rather conscientious, constructive endeavor in areas that require more work and greater devotion than ever.

But, I think it is important that we recognize the changing environment and, therefore, the changing emphasis in the work of the Bureau, especially insofar as it affects occupational safety.

We have been talking all day about labor standards. But just what do we mean by the term "labor standards:" Do we mean the

minimum standards required by law? Or do we mean the higher standards that actually exist in most of the workplaces of the Nation?

The establishment of standards by law and by regulation is undoubtedly essential insofar as minimum standards are concerned. But minimum standards, like minimum effort or minimum self-involvement, are not what makes the world go 'round, nor can they ever establish a satisfactory rate of progress in occupational safety.

We are rapidly passing from the period when it was essential to emphasize the physical environment to the age of safety-mindedness as the major objective in the promotion of occupational safety.

I do not refer to safety-mindedness merely as something to inculcate in the rank-and-file employee. Safety-mindedness has to be a comprehensive attitude that encompasses the entire organization, from the very top down, if it is to achieve its aims of optimum safety, combined with optimum efficiency.

An example of this safety-mindedness at the top comes to mind in connection with the National Safety Congress last month. When United States Steel presented its corporate safety program before the Congress, the President of United States Steel, Leslie Worthington, made a special trip to Chicago to introduce that presentation. There is no doubt that in that company safety-mindedness starts at the top.

While laws and regulations have their place, they are not a very effective instrument to promote comprehensive safety-mindedness. Consequently, it seems to me that the raising of labor standards must be more a matter of promotion of the will and the desire, rather than the setting of minimum standards.

In the field of occupational safety, we have two examples of precisely what I have in mind. On the one hand, we have the President's Conference on Occupational Safety, which combines the enlistment of voluntary leadership, the prestige of the office of the President of the United States, and the devoted work of the Bureau of Labor Standards staff to provide encouragement to thousands of missionaries who have made the promotion of safety their life work. The President's Conference helps raise their stature, fires their zeal, and provides an exchange of information as to methods by which progress can be made.

On the other hand, we have what seems to me to be precisely the wrong way to go about the problem: namely, to stretch the provisions of a law which has been on the books for nearly 30 years—the Walsh-Healey Law—for the purpose of using it as a

basis for imposing a single, detailed set of physical standards affecting all industries.

There may be a role for a policeman in connection with occupational safety, but it should be a highly restricted role and limited to the minimum standards that must obtain. And even in that case, these minimums should be adopted only after long deliberations and thorough consultation with all those affected—just as the Bureau of Labor Standards has done with respect to ship repair and longshoring regulations.

But the major activities for the Bureau of Labor Standards that I see in the future have to do with inspiration, encouragement of voluntary activities, training of State safety personnel, the provision of guidance and encouragement of research which can do so much to promote the cause of safety.

How do you make a man want to be safe? What are the most effective motivations to use? What is the impact of an authoritarian organization on one hand, or lack of leadership on the other, on the safety program? How little we really know about motivation for safety—and how much we need to know!

The Bureau of Labor Standards can and will contribute a great deal to raise standards of performance with respect to safety in occupations everywhere. But I predict that most of the achievement will be due to the encouragement it provides to voluntary action, rather than by volumes of legal requirements and regulations.

### **Statement of B. A. Gritta, Metal Trades Department, AFL-CIO**

I have been asked to discuss and talk about meeting the needs of the workers against injury. Regardless of the State in which they perform their work, workers need protection against accidents, injuries, and occupational diseases. They also need the protection afforded by adequate workmen's compensation laws, which are effectively administered. This 30th anniversary of the Bureau of Labor Standards is an appropriate time for us to again take note of the fact that in many of our States the laws, rules, regulations, and codes relating to safety and workmen's compensation fall far short of adequately meeting the universal needs of the workers in these vital fields.

We in the Metal Trades Department view occupational safety as a 3-way responsibility. The employer has an obligation to

provide a safe and healthful workplace, equip it with properly guarded tools, good ventilation, lights, healthful temperatures, adequate and well-kept sanitary facilities, protective clothing, and other safety devices. It is also the employer's obligation to enforce safety regulations and practices, and to do this with equity and fairness.

It is the obligation of the worker to follow established safety practices in performing his work, and to use protective clothing, devices, and guards. Each worker must develop a safety consciousness and constantly be on the alert to avoid committing an unsafe act, which might harm him or his fellow worker. Workers should not compound an unsafe condition or an unsafe act by becoming a party to it.

It is the obligation of the Government to provide sound and comprehensive industrial safety and health legislation and codes which must be complied with by all within its jurisdiction. Our States must not only have adequate legislation in these areas, maintained on a constantly updated basis to cope with the changing industrial practices and techniques, but they must also have an adequate and comprehensive staff working in the occupational safety field, including fully trained safety inspectors who are well paid and not subject to political appointment or removal.

During its 30 years of life, the Bureau has proven to be a most valuable vehicle in the promotion of industrial safety and health, and in the development of desirable standards in the field of labor legislation, and in providing technical assistance to State Governments and all interested groups concerned with developing efficient standards to insure safe workplaces, adequate safety codes, and workmen's compensation programs historically tuned to the need of our modern-day industry.

While some substantial progress has been made toward achieving the universally recognized desirable codes, we still have today many and large differences among our States in workmen's compensation laws, in State safety codes, in the adequacy of safety inspection, and safety inspection staffs, and in their recognition of the real need for dynamic safety programs adequate to the industrial changes we are constantly experiencing.

There is still a pressing need in most States for further development of accident reporting to enable them to keep close tab on the frequency, severity, types, and causes of occupational accidents. Only when equipped with such information and by using such information and constantly reviewing and updating State safety requirements can a dynamic safety program be assured.

The Bureau has done a fine job on a periodic basis reviewing

and comparing State workmen's compensation laws and geographically showing our progress as a Nation towards achieving recognized workmen's compensation goals. There is absolutely no justification for the wide differences in treatment which our States still accord to workers subject to occupational injury or disease. Job safety is a national problem. Industries and occupations know no State lines. Our skilled manpower is our most important national asset.

The work of the Bureau in publicizing and comparing State workmen's compensation laws against desirable workmen's compensation goals must be continued.

We have noted with interest the efforts of the Bureau since 1960, with the full support of organized labor, to study and measure the progress being made by our States toward achieving recognized uniform safety codes. The Bureau's Safety Code comparisons with those of the American Standards Association in 20 basic areas has helped to expose existing inadequacies of present State codes. We believe this work should be continued, and that the Bureau should consider periodically reporting and publicizing overall progress or lack of it in this field, much as it does in the workmen's compensation field.

In addition to the detailed comparison charts of which the Bureau has published some 20 to date, we urge an annual bulletin summarizing such code comparisons. This would dramatically show today, for example, that only four States have adopted into their State laws the American Standards Association codes in full, and that only eight States have thus far achieved what might be referred to as good conformity with such code standards.

Similarly, we urge that the Bureau consider periodically publicizing State comparisons on the number of State inspectors, the number of employees per inspector, and the average amount spent by each State per employee in promoting occupational safety. The study made by the National Safety Council in 1960 highlights the need for exposing to public view the wide variations presently existing in these vital safety functions. The variations revealed by the National Safety Council study shows the amount spent per employee, where expenditures range from a low of 5 cents a year in Mississippi to a high of \$2.33 in Oregon, with an average expenditure for reporting States of 31 cents per employee per year.

Similarly, the number of workers for each safety inspector ranged from a low of 9,000 workers in Oregon to a high of 400,000 workers in Mississippi.

The pending reapportionment in our State legislatures re-

quired by recent Supreme Court decisions will substantially increase metropolitan area and urban representation in many State legislatures, with the heavily populated areas in our States gaining a greater voice in the State legislative halls. The years immediately ahead offer real promise for a dramatic improvement in State legislation in the entire occupational safety field.

The Bureau's good work in advising, counseling, and publicizing the great need and the wide gap in State safety legislation, hence, becomes of increasing importance and must be intensified. And I want to say this in commending the Bureau of Labor Standards: That our Metal Trades Department of the AFL-CIO will do everything possible to cooperate and support this Bureau in undertakings to improve the safety standards in all States. We feel there is a crying need to do something to bring about an even standard in all of our States under the supervision of the Federal Government.

### **Statement of David Sullivan, Building Service Employees' International Union, AFL-CIO**

It is a great pleasure to be here today and to participate in this anniversary program of the Bureau of Labor Standards. It is also a pleasure to be able to repeat publicly our congratulations and best wishes to Nelson Bortz, the new Director of the Bureau. We have known Nelson for a long time and have always found him extremely helpful and able, a devoted public servant, inspired by the desire to do a good job for the working people of the United States.

The idea of "standards" has been an important part of the thinking of the labor movement for a long time. We've always felt that, in the interest of fairness and decency, there are certain basic standards that must apply to the treatment of all human beings. We have not always been able to sell this viewpoint to management and even to Government. In another connection, we have often found ourselves subjected to production standards improperly arrived at by employers and their technicians for the purpose of speeding up work to the very limits of endurance. In my own union, the Building Service Employees' International, we have been concerned over the years with the standards in many different areas. We number among our members thousands of employees of Government and thousands more who are in the

service industries and occupations, who have special needs and problems related to minimum standards of one kind or another. We have been concerned with unemployment compensation for the employees of small hotels and other establishments, with safety standards for window cleaners, with the application of social insurance laws to the employees of Government and nonprofit institutions, and with the application of minimum wage laws to hospital and nursing home employees.

Speaking more generally, we have been concerned with the application of minimum standards to persons employed in service occupations and industries. We have been shocked to find that in area after area these people have been treated more shabbily than any other economic group in the population.

Consider minimum wage standards, for example. Even today after several revisions, the Federal Fair Labor Standards Act still fails to cover large numbers of service employees working in hotels, motels, hospitals, and other establishments. Similarly, only a few of the State minimum wage laws protect these workers.

The special irony that applies to the situation comes from two facts. First, the service industries, as well as employment in State and local government, are both expanding fields and can be expected to continue to expand in the future. In fact, they must expand in order to contribute more substantially if we are to create the number of jobs needed to bring us back to full employment. Second, the people working in the service industries and service occupations are precisely those people who most need the protection of various kinds of minimum standards. They are the ones who need minimum wage laws to bring their earnings to some kind of minimum level—especially in those locations where unionization has not yet taken hold. The service workers are precisely the ones who are least likely to be able to take care of themselves in the event of injury on the job or to long survive economically in periods of unemployment. If any one group deserves the special attention of all governments—Federal, State, and local—in the matter of giving them protection through the establishment of various kinds of standards, it is the service workers. Yet, they are the people who have been left out most often when standards legislation has been passed.

It is our view that Government must quickly recognize not only the unjustness of the present situation, but also the fact that, by itself, it constitutes a threat to the economy. We may pay the highest wages in the world to employees of manufacturing industries and give them the best possible social insurance protection. But if the number of employees in the manufacturing industries

continues to decrease, and the number of employees in the service industries continues to increase, then eventually we will get to a situation where most workers in the United States will not be protected by the standards that are written into our laws unless something is done immediately to begin extending such protection to the service industries and also to employees of State and local governments.

I would like to cite briefly a few of the areas where quick action is badly needed.

1. One is the vitally important area of workmen's compensation. In it we discover, for example, that charitable and non-profit institutions are subject to compulsory coverage of employees in only 20 of the 50 States, and many service workers are excluded from coverage because compulsory coverage does not apply to establishments which have fewer than a certain number of employees. In some States, service employees are not covered because their jobs are not considered "hazardous." In our union we are, of course, aware of the fact that the true value of workmen's compensation benefits has been declining over the years in terms of the average wage, and we are naturally much concerned that benefits should be improved and brought up to date. We are also concerned, and believe that Government ought to be concerned, with the fact that large numbers of people are not covered at all by this very important legislation which is now over a half century old in the United States.

2. Unemployment compensation is a second area crying for attention. Among the many workers who are not covered by unemployment compensation in the United States are thousands of employees of State and local governments and thousands of service workers who are working for so-called "small" employers. Similarly, unemployment compensation provisions dealing with non-profit institutions are another source of exclusion from coverage. Here, as in the case of workmen's compensation and minimum wage laws, it is precisely the people who most need the protection of unemployment insurance laws who are least likely to have it. Clearly, with the continued high level of unemployment in the United States, action is needed to bring coverage to these workers.

3. Minimum wage laws. It is obvious that all occupations ought to be brought under the protection of the Federal minimum wage laws, and certainly service and other workers not now covered by most State statutes ought to be protected by those statutes. This is an area in which the minimum standards system fails most dramatically and it is this area where minimum standards are most needed.

4. Finally, in terms of occupational safety, we would like to see more done on the Federal level to speed the extension and improvement of safety codes and laws at the State level. The recent President's Conference on Occupational Safety stressed the special need of work in the field of trades and services. It pointed out in part "accident prevention in the trades and services has been neglected . . ." In a survey of certain types of State safety provisions that we made a few years ago, we found a lack of uniformity and the virtual absence of the acceptance by States of their full responsibility in this field.

We are asking that action be taken immediately in these areas, and we believe that the Bureau of Labor Standards can be especially influential in promoting these improvements in our standards legislation. And while we are making these suggestions for action, we also want to call attention to a related development that is particularly significant in our day. During the last few years under the Manpower Development and Training Act, and increasingly in the future under the Economic Opportunity Act, the Federal Government is and will be playing an important role in the training of workers in skills that are related to the service industries. We applaud this development which, we believe, will make an important contribution to the development of these industries.

However, we wish to sound a note of caution which is based upon our own particular experience in this area. A good deal has already been said and written about the fact that training programs should be aimed at filling jobs for which workers are needed rather than for jobs which are already filled. It should be recognized by persons in charge of training programs that there is unemployment in the service industries due chiefly to the inroads of automation. In other words, the service industries is not an area in which any and all sorts of training programs can be undertaken indiscriminately. Training programs should be undertaken only where there is a clear need.

More important, it should be absolutely clear to everyone that training programs should not be used as a method of supplanting workers already on jobs. Any program, for example, that would utilize persons being trained as hospital workers to do actual work in hospitals at a very low rate of pay would, of course, tend to undermine the relatively low standards that have been won for hospital workers in recent years.

I am sure that Nelson Bortz and his colleagues in the Bureau of Labor Standards are fully aware of the dangers of the situation, but I feel the need of placing this emphasis on it because of a

number of instances that have come to my attention where programs have been proposed which, while worth while in their ultimate objective, would nonetheless have a bad effect on employment and standards as they already exist.

In conclusion, I want merely to say that we should utilize this 30th anniversary of the Bureau to remind ourselves of the need for a greater cooperation between the labor movement and the Bureau. We in the labor movement need to come to the Bureau more frequently with suggestions and with requests for service. As for the Bureau, we ask only that it keep continually in mind that the labor movement is, has been, and will continue to be one of the most important forces in the establishment of standards aimed at protecting the working people of the United States and at making their jobs more pleasant and helpful, and at giving them a more adequate standard of living.

### **Statement of Vincent P. Ahearn, National Sand and Gravel Association**

Well, I do date way back, as you have already been told. I received a call in 1936 from Miss Perkins' secretary saying that she would like to have me come over to her office, which I was glad to do. She told me she was organizing the National Silicosis Conference, because of the Gauley Bridge incident, an incident in which some 27 men lost their lives because of the compounded effects of silicosis, tuberculosis, pneumonia, and malnutrition, because the great depression hit West Virginia long before it hit the rest of the country.

I was told that there would be four committees. I was asked to serve as chairman of the economic, legal, and insurance committee, and I thought to myself "she must have chosen me because I don't know a thing about any of those matters."

But I was encouraged to accept. A few of the men similarly involved in the Conference come to mind. One of them was Phil Drinker of the Harvard Graduate School of Public Health who was the inventor, as you know, of the iron lung or, as it is known in another context, the Drinker Respirator; Dr. Sayre of the U.S. Public Health Service, a man who knew more about pulmonary infections than any other medical man I have talked to; and Metcalf Walling who was later to become the administrator of the public contracts and wage and hour legislation.

I told Miss Perkins that I wasn't sure that I could make a contribution since I knew very little about silicosis.

However, this National Silicosis Conference was my first introduction to the Department of Labor, and I will always be grateful to Miss Perkins and to the Department for making it possible for me to become identified with an undertaking which in my opinion, had many rich results.

I would now like to mention a man whom many of you know and some of you may not have heard about, but he is one of the great men of my generation. I am talking about Robert Watt of the American Federation of Labor. He was fiercely loyal to the workman. And yet, he had a compassion for all points of view, warm human sympathy, and a determination to make a contribution to his country. Bob and I became friends, and we remained friends all of his life. He died much too soon. But thinking about the National Silicosis Conference made me think about Bob, today.

I appeared on many platforms with him. We talked at business meetings. And I recall a meeting of the Industrial Hygiene Foundation in Pittsburgh, and Bob made a rousing talk. And he said something that I think belongs here today—No amount of compensation can compensate a man for the loss of his health or the loss of his life, and nothing can be done that will help that man's family more than to prevent occupational disease.

Now this became the theme of the National Silicosis Conference report, that the thing to do was to prevent silicosis, rather than to figure out ways of trying to compensate a man who has contracted it, where prudent management and proper safeguards would have kept him well. I like to believe that the National Silicosis Conference made an imperishable contribution to our country. It resulted in investments of hundreds of millions of dollars for the purpose of protecting the lives of workingmen, and this was one of the fine moments, I think, in our country's history.

And I will always be indebted to Miss Perkins for making it possible for me to know so many fine men and women in all walks of life. I would recommend to all men in business and labor, in other parts of our society, that they not miss any chance to serve in this kind of capacity. There are so many compensations in this kind of work, no matter how much time it takes or how little, if any, pay one receives.

I also served on the National War Labor Board. There were many labor dispute cases. There were all kinds of cases. But the management side of the Board never felt it necessary to support management when we thought management was wrong. I was

asked by a friend after the War Labor Board had been relegated to oblivion if I found the interchanges with labor's representatives a little rough. And I said, "No, the only real cuffing around I got as a member of the National War Labor Board was from employers whose applications for wage increases I voted to deny."

And, by the way, I started out on the War Labor Board as a member of the Appeals Committee, and there was a very bright young man, the chairman of the Appeals Committee. His name was W. Willard Wirtz. He hadn't been there very long until he had the absolute admiration of all segments of the Board for his integrity, his scholarship, his loyalty, and for his wisdom. We all liked him immensely. I was surprised, actually, when he returned to public life, because he had given so many years to the Board and in other capacities, and he was just about to try to make a living for his family in the practice of law. He was a very able and a very successful lawyer. While I was surprised to see that he had returned to the public service, I felt that the public service would be the beneficiary of this man's devotion. I have great admiration for Bill, personally, and I like him immensely. I think he is the ideal public servant, if there ever was one.

I am not trying to write a story of my life here, but, after all, this is the Department of Labor, and I feel very close to all of you and the President's Conference on Occupational Safety. I still don't know who was responsible for the invitation to me to become the first executive director of that Conference. I suspect it was Verne Zimmer whom I got to know when he was a State official in New York. But whoever was responsible, I would like to let him know that I feel very grateful, too, for that experience.

And I would also like to say that among my green memories will be Bill Connolly who was then Director of the Bureau of Labor Standards. He had one of the brightest minds I have ever known. He could go to the heart of a problem as quickly as any man I have ever met. And we had a good team.

On one occasion, I was introduced to an audience by the then Secretary of Labor Maurice Tobin, who died much too young, and he said, however I didn't deserve it, that I had served in these various capacities without compensation. Well, in one sense, you might say, Yes, but in a better sense I had many compensations, the spiritual compensation that came from being identified with the movement to save men's lives. What greater compensation could any man ask than that? This is a distinctly American trait—to be concerned with human life. To do all within our power to save a life, to prevent one disabling accident, to feel that perhaps in some mysterious way the things we are doing, and the help we

are getting from people in all walks of life, will save just one life—just one—this will be a distinctly American quality. So I would say again that there are so many compensations to be derived from being identified with a public undertaking which has this kind of objective.

As we move along in this country, I hope that more young people will come into Government and will have an opportunity to use their talents in the public service. I hope, too, that many young men and women will accept membership on advisory committees and thus come to know men and women in all walks of life, as I have done, widen their horizons, see what is happening on the other side of the hill, and also receive the benefit of the other man's point of view. So accept these assignments, I would say to the young people. Don't turn any of them down, because the compensations you will get will be very precious.

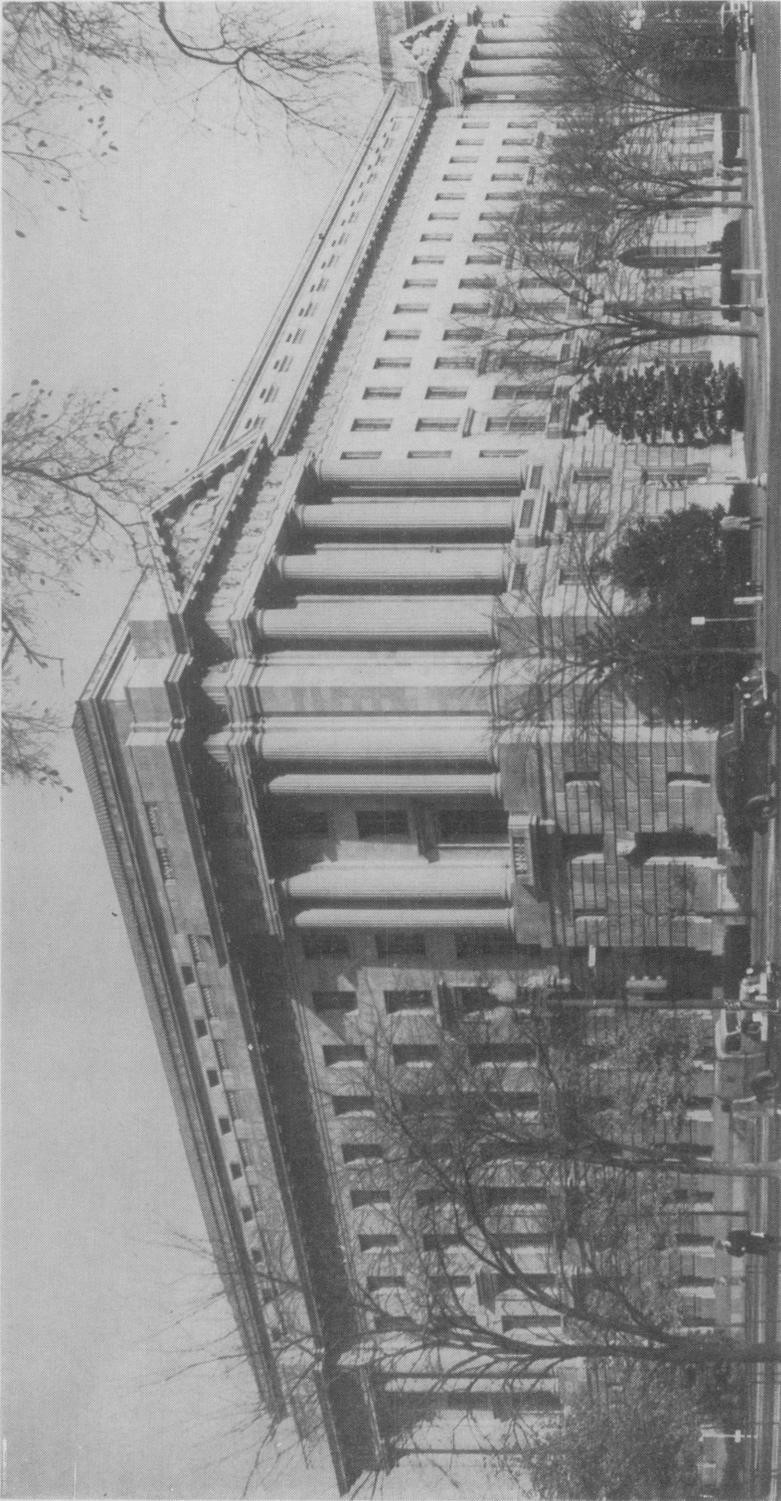
Since 1937 I have been identified, in many cases, with the people who work for the Department of Labor. I know there was a time, perhaps it is still so regarded in management circles, when it was felt that the Department was labor's bastion—that it was the headquarters of only one sector of our society, and that it wasn't concerned with other segments.

I have always rejected any such narrow allocation of responsibility to the Department of Labor. The Department represents the public interest, and that is not inconsistent with protecting the welfare of the individual worker. They go together. They are not mutually exclusive. And the doors of the Department of Labor have always been open to me as a representative of management. I have never had occasion to regret the times I have spent there, the times I have gone there not only in connection with departmental work, but work involving the industry which I have the honor to represent.

You have treated me very fairly. I have never been denied a hearing. I haven't always won, of course. But I always left feeling that I got a hearing, and that is all I ever asked for. And I think the Department of Labor is composed of men and women who share with me the feeling that their responsibility under our system is to represent the public interest with particular reference to the interests of the workingman as that matches the public interest. Thank you very much. [Applause.]

## **Part III**

### **Thirty Years of Service**



*This building, part of Washington's Federal Triangle and location of the main office of the U.S. Department of Labor, and the infant Bureau of Labor Standards both started life together in 1934.*

## 30 YEARS OF SERVICE, 1934-64

“Forged out of the fires of industrial depression.” This can truly be said of the Bureau of Labor Standards. The depression, which began in 1929, still persisted in 1933 when Franklin Roosevelt became President. He appointed as Secretary of Labor Frances Perkins, the first woman member of the Cabinet.

Recognizing the necessity of harmonious Federal-State relations in the matter of labor standards and legislation, Secretary Perkins in February 1934 called together a national conference on labor legislation, to which came Governors’ representatives consisting of State labor commissioners and union leaders. After 2 days’ discussion of labor legislation, the conference recommended improved labor legislation in the fields of hours of labor, minimum wage, child labor laws, industrial homework, workmen’s compensation, unemployment insurance, public employment offices, and safety and health in industry.

This exploratory meeting requested the Department of Labor to conduct conferences on matters of labor legislation in order that standards might be kept up to date and the experiences of the various States pooled and compared. It also favored the establishment by the Department of facilities for the drafting of labor legislation to be available to legislators, administrative officials, and others, and requested the Department to organize facilities for “research and advice to be available to the States on all matters pertaining to labor legislation, safety codes, and other problems” relating to the “improvement of labor conditions.”

The Secretary that same year established a Division [later Bureau] of Labor Standards as part of her own office, and appointed Verne A. Zimmer as Director. The Bureau was later referred to as “the Secretary’s arm in maintaining harmonious Federal-State relationships and in acting as a national clearing-house of sound experience throughout the country in the fields of its activities.” The exploratory conference on labor legislation called by the Secretary developed into a series of annual meetings and was to become a principal function of the Bureau for the next two decades.

The body of State labor legislation on the statute books of 1934, exemplified in the table on p. 9, was meager.

Coverage of agriculture was generally considered to be outside the area of protective legislation. However, the unfortunate conditions under which agricultural workers were employed was recognized by Secretary Perkins as early as 1934. She was interested in the study of agricultural labor problems with the hope of setting up standards in this area. Another special problem of early concern to the Secretary was that of discrimination in employment against the older worker.

### **Federal Legislation**

Except for the Railway Labor Act of 1926, with its limited application, little Federal legislation applied to labor. In 1932, however, the Federal Government had stepped into the picture with the Norris-LaGuardia Act, which restricted the power of Federal courts to issue injunctions in general labor disputes. This act had also specifically encouraged the organization of labor unions and the principle of collective bargaining, as, shortly, did the National Industrial Recovery Act of 1933 and the National Labor Relations (Wagner) Act of 1935. The National Labor Relations Act was the first comprehensive Federal law dealing specifically with the problems of trade-union organization and collective bargaining representation. Although the National Industrial Recovery Act was held unconstitutional in 1935, the NRA codes stimulated interest in high labor standards all along the line and many of their provisions live today in laws subsequently enacted by Congress and the State legislatures.

In the same year, the Social Security Act was passed, providing for an all-Federal system of old-age and survivors' insurance, Federal-State plans of unemployment insurance and public assistance, and other benefits. In 1936 came the Walsh-Healey Public Contracts Act, setting basic labor standards for work done on U.S. Government contracts for materials, supplies, and equipment exceeding \$10,000. Such standards include minimum wage provisions, overtime, safety and health requirements, and child labor provisions.

### **Bureau Action on Dust Diseases**

One of the foremost interests of the Bureau was the problem of occupational diseases, and by 1936 nationwide concern over the prevalence of slow-growing, debilitating, and incurable dust diseases led the Secretary soon afterwards to call a national conference on silicosis and similar dust diseases. With the Bureau acting as secretariat, leaders of labor, management, insurance, and medical experts met with State and Federal officials and

devised a series of medical, engineering, and legislative controls that brought substantial progress toward further prevention of this disease.

### **Federal Safety Council**

In the field of industrial safety, the Bureau early established a training program for safety inspectors. Another duty requested of the Director of the Bureau was to serve as secretary to the International Association of Industrial Accident Boards and Commissions. The Bureau also performed the administrative and secretarial work of the Federal Interdepartmental Safety Council, established in 1936, to advise in matters pertaining to the safety and health of Government employees. The Council was given added stature by Executive order in 1939.

### **Wages and Hours**

Time and again Miss Perkins declared that shorter hours, higher wages, and a voice in the terms and conditions of work were "essential economic factors for recovery and for the technique of industrial management in a mass-production age." Progress came as higher standards in all areas of labor legislation were being adopted by the States and the great depression was slowly becoming a thing of the past.

The years 1937 and 1938 were of special significance in State minimum wage legislation. The 1937 Supreme Court decision in the *West Coast Hotel v. Parrish* case overturned previous decisions and established the constitutionality of State minimum wage laws. This decision, coupled with the passage of the Federal Fair Labor Standards Act in 1938, changed the course of State minimum wage legislation. The Federal act applied to men as well as women and minors, and established a "floor for wages and a ceiling for hours." Shortly thereafter, States began passing minimum wage laws that applied regardless of sex and established statutory hourly minimum wage rates.

Labor legislation is of little value unless effectively administered. The Bureau, realizing this, concentrated on promoting the establishment of labor departments in all States lacking them and strengthening those in existence. A labor department coordinating all labor functions was recommended. To help in this program, a factory inspection manual was prepared.

### **Concern for Migratory Workers**

One of the special problems which concerned the Bureau was that of the migratory farmworker, following up the Secretary's

early interest in this subject. There was a great deal of discussion on this question at the National Conference on Labor Legislation in 1940. It was pointed out that unfair methods of recruiting labor lowered the migrant workers' wages and standards of living, as well as threatened labor standards already built up in the areas into which they came. The housing of migratory workers and their families was described as pitiful and the lack of sanitary facilities and medical care as a health menace, both to migrant families and to the communities in which their nomadic existence took them. Migrant children went without schooling and many of them, even the very young, worked in the fields. The Secretary of Labor was asked, in cooperation with other Federal agencies, to work with the States to get factual information. The Bureau was active in this program and conducted special conferences on the problem.

### **World War II Tolls Injuries**

As the clouds of World War II gathered, and finally an all-out war became the fact, the rapid expansion of industry as it converted to full-time war output took a frightening human toll in workers' lives and limbs. There were not enough trained safety men in the land to control the unfamiliar hazards and to train the flood of inexperienced workers. So in June 1940, the Secretary called together the National Committee for the Conservation of Manpower in Defense (later War) Industries, made up of safety men from industry, unions, and Government. Under the direction of this committee and the Bureau, hundreds of volunteer safety experts made available their knowledge of safety practices to firms producing goods under Government contracts.

During the war, the Bureau also organized the first nationwide safety training program, under agreement with the Office of Education's Engineering, Science, and Management War Training program. In this connection, the Bureau sponsored a series of courses in each of 116 engineering colleges throughout the country and provided instructors and text material.

Disabling work injuries had risen from 1½ million a year to nearly 2½ million before such cooperative safety programs stemmed the tide in 1944.

### **Bureau Helps Safeguard Labor Standards in Wartime**

In addition to the safety problem, the Bureau was busily engaged during the war years in trying to safeguard hard-won labor standards. Early in this period, representatives of the major war production agencies met in committee and agreed on certain de-

sirable standards for efficiency in war production work. The Bureau proposed wartime labor standards including 1 day's rest in 7, at least a 30-minute meal period in the middle of each shift, a maximum 8-hour day and 48-hour week, and a brief vacation period.

Recalling the experience from World War I, Secretary Perkins called conferences with military leaders and with State labor officials to work out a system of specific exemptions from State hours laws for individual plants. Surveys later revealed that rarely did war plants use the granted exemptions to the full. And as a result, relatively few laws were repealed or seriously weakened by legislative amendment. Thus once again did the great body of labor legislation demonstrate its soundness and usefulness in sustaining all-out war production while at the same time protecting the well-being of the wage earner.

A few months before V-J Day, Frances Perkins resigned as Secretary of Labor. She had served in that office longer than any of her predecessors. To succeed her, President Truman in 1945 named a former colleague, Louis Schwellenbach, whose duties were to help the Nation reconvert to peacetime activities. There were grave problems in shifting veterans back to civilian jobs and in the displacement of war workers.

The following year, the Bureau was saddened by the death in office of Director Zimmer. A successor was not immediately appointed and the post was filled during the interim by Mrs. Clara Beyer, as Acting Director. In 1947, William L. Connolly, former labor commissioner of Rhode Island, was appointed.

An event of importance to the Bureau occurred in 1946 when Mrs. Beyer was named Secretary-Treasurer of the International Association of Governmental Labor Officials, and a Bureau official has continued to serve in that capacity ever since.

### **Child Labor Functions Added**

In 1946, also, the Children's Bureau, which had been in the Department of Labor since 1913, was transferred to the Federal Security Agency, except for the Industrial Division which remained in the Labor Department. Subsequently the child labor and youth employment promotional and research functions were transferred to the Bureau of Labor Standards. The aims of the branch were described as "to keep children from being employed at too young an age, in unsuitable jobs, or in jobs with bad working conditions. It searches for ways to improve the opportunities of youth for suitable employment when they are old enough and ready to work. . . ."

### **Bureau Adopts New Approach to Safety Problems**

The problem of safety was still a most important one. Along with training courses, setting of standards, and other types of technical assistance, a new approach was evolved. In 1948, the Bureau proposed to enlist the leadership of the President of the United States to give the national safety movement impetus for further progress. President Truman concurred and directed the Secretary of Labor, Maurice J. Tobin, who had been named by the President following the death of Mr. Schwollenbach, to organize the President's Conference on Occupational Safety. Some 1,200 leaders of American management, labor, insurance, education, and private safety organizations met with State and Federal officials at that first conference in March 1949, and agreed upon a comprehensive series of recommendations for voluntary controls on work hazards. The conference was held again in 1950, and has met biennially ever since.

### **Bureau Helps Again To Hold Standards**

With the onset of the Korean conflict, the Bureau was again instrumental in developing a policy, formed in conjunction with State labor commissioners, to the effect that "there be no general relaxation of labor standards for the mobilization emergency. . . . If the time comes when the national defense clearly requires some modification of labor standards, such should be permitted only under careful safeguards and for temporary periods."

### **Safety Functions Expanded**

Meantime the Bureau was expanding, adding further services. A Presidential Reorganization Plan in 1950 had given the Bureau responsibility for promoting safety in another high accident-rate industry—longshoring and harbor work. With a frequency rate much higher than that of manufacturing, longshore and ship repair hazards did not yield to promotional work alone, and in 1958 a bill sponsored by the then Senator John F. Kennedy of Massachusetts was enacted by Congress for the regulation of safety in these industries. In cooperation with the industry and the workers, the Bureau has developed longshore and ship repairing codes and is administering them. Bureau safety consultants today work from 22 ports and cities on the inland waterways of the United States.

### **Problems of Postwar Youth**

The problem of the employment of postwar youth was another serious matter to be attacked by the Bureau. Technological

change during and after the war began to highlight the need for ever higher worker skills. Employers began increasingly to demand a high school diploma of all job applicants. Accordingly, the Bureau invited public and private agencies and knowledgeable individuals to participate in nationwide stay-in-school campaigns to better prepare youth for future employment. The postwar population explosion added urgency to such preparatory efforts.

When General Dwight D. Eisenhower was inaugurated as President, he appointed Martin P. Durkin, president of the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, as the new Secretary of Labor. Mr. Durkin resigned at the end of 8 months, and was followed by James P. Mitchell, a former industrial relations director in private industry and government and, at the time of his appointment, Assistant Secretary of the Army for Manpower. The next year, Paul Gurske, former chairman of the Industrial Accident Commission of Oregon, was named Director of the Bureau.

### **Bureau Concerned With Equal Opportunity**

One of the great concerns at this time of both the Department and the Bureau was that of equal opportunities for work. Secretary Mitchell said:

“No longer can we afford the high cost of prejudice. There is neither excuse nor justification for discrimination in employment. It is clear that as a nation we are injured both domestically and internationally by intolerance. . . . Whoever is best fitted for a given job should be given employment in that job, regardless of race, religion, physical handicap, age, or sex. . . . And we must explore and apply more adequately the skills of potential workers currently excluded from the work force because of prejudice. The end result of these measures should be that every worker will be able to realize his or her greatest potential.”

The National Conferences on Labor Legislation had continued to be held every year. In 1953, the Secretary's report stated that three major problems to be discussed at that conference were strengthening State labor departments, State minimum wage legislation, and State service to migratory workers. After the National Conference of 1955, the pattern changed from annual to regional conferences.

When Mr. Gurske resigned the directorship of the Bureau in 1957, Clara Beyer again took over the reins as Acting Director until Arthur W. Motley, formerly Assistant Director of the Bureau of Employment Security, began his term as Director in 1958. Mr. Motley served until September 1964, when he was

succeeded by the present Director, Nelson M. Bortz. Mr. Bortz is not new to the Bureau. He served as Associate Director for 2 years, beginning in 1957.

Arthur J. Goldberg, former general counsel for the United Steelworkers of America, was appointed by President John F. Kennedy as the ninth Secretary of Labor in 1961. The following year, Mr. Goldberg was honored by an appointment to the Supreme Court, and Under Secretary W. Willard Wirtz was appointed to succeed him as Secretary.

### **Youth Programs Developed**

The Bureau has continued its interest in youth by promoting (1) a certification program to prevent children from working in jobs unsuitable or illegal for their ages; and (2) a hazardous employment program to protect them against dangerous occupations. In this connection, one of the Bureau's responsibilities authorized by the Fair Labor Standards Act is to recommend to the Secretary, after research, study, and public hearings, the jobs that are considered especially hazardous for minors under age 18. Currently, 17 hazardous orders are in effect. The Bureau also negotiates agreements with some 44 States for acceptance of State employment certificates as proof of age under the act. It also seeks to increase the employability of youth and aid in their transition from school to work.

### **Training Foreign Technicians**

For many years, another type of service has been given by the Bureau—in connection with foreign nationals who request training in our methods. Thousands of foreign trainees have studied and continue to study labor law enactment and administration in this country and many Bureau technicians have gone abroad to assist other governments in setting up labor departments, in organizing accident prevention programs, and in administering labor legislation. The Bureau has increasingly participated in Government's exchange of persons and information operations, the International Labor Organization, and other pertinent UN agencies.

### **Safety Training Grows**

Safety training has grown over the years until in fiscal year 1963, 107 courses were conducted in 21 States for 2,500 State, labor, and management personnel concerned with safety consultation or enforcement and with special industry programs. In addition, some 285 training courses and sessions were held for over

8,000 union safety officials and almost 1,000 sessions conducted for some 25,000 longshore and harbor workers.

### **Bureau Continues as Secretary's "Arm"**

The Bureau has continued to be the Secretary's "arm" for developing sound Federal-State relationships and for giving technical assistance in labor legislation to all who ask. From Bureau experiments in promoting labor standards has emerged a pattern of conference, field consultation, technical assistance, training in occupational safety and labor law administration, and publications, which has broadened over the years into a trademark of service.

Through the years, sound labor standards have been found by experience to promote efficient production and improve employee morale. Generally, they follow the industrial development of the country, changing with industrial change. As dynamic as our economy is, these labor standards may be achieved by law, by collective bargaining, by employer acceptance, or by governmental administrative action. For a contrasting picture of State labor laws today and 30 years ago, please see p. 91.

### **Recent Federal Laws**

As to Federal laws, in addition to those already mentioned, others of particular significance to workers have been passed in the last few years including:

- 1958. Welfare and Pension Plans Disclosure Act
- 1959. Labor Management Reporting and Disclosure Act
- 1961. Area Redevelopment Act  
Fair Labor Standards Act amendments
- 1962. Manpower Development and Training Act
- 1963. Federal Equal Pay Act  
Vocational Education Act
- 1964. Farm Labor Contractor Registration Act  
Economic Opportunity Act  
Civil Rights Act

### **30 Years of Service**

The past 30 years have been productive ones in advancing the "welfare of wage earners." The Bureau has provided services affecting men and women of all ages, including both youth still in school and older workers. Services have been given to labor, management, administrators of State labor laws and other State and Federal officials, congressmen, State legislators, students, professors, librarians, civic groups, and other interested parties. The Bureau has given services in every State—and in many foreign

countries. While the Bureau does not claim credit for progress made in raising standards for workers, the Bureau's "trademark of services" has been a significant factor.

### **The Future Challenge**

It is gratifying to review the past and sense worthwhile accomplishments. But there are both old and new challenges awaiting the Bureau in the future. As the new Director, Mr. Bortz, said recently: "Today, we are at the threshold of what I believe will be a renaissance in Federal-State relationships—a renaissance born of the different needs and necessities of the 1960's; the fruition of far-reaching postwar changes that have occurred in our economic and social fabric . . ." He went on to say that the Bureau rededicates itself to working with the States "to build a better America by building a better body of labor laws and stronger labor agencies under the banner of a wholesome Federal-State partnership." This, he indicated, is the Bureau's challenge and its mission in the years ahead.

## Appendix

### NUMBER OF STATES WITH SPECIFIED TYPES OF LABOR LAWS IN 1934 AND 1964

#### *November 1934*

Fifteen States had minimum wage laws in effect; nine other States had passed such laws prior to this time, but two had repealed them and the other seven had declared them unconstitutional following the Supreme Court decision in the District of Columbia case *Adkins v. Children's Hospital*. All of the laws still in effect applied only to women and minors (or women and girls), and none set a statutory minimum wage.

While there were many laws requiring payment of wages, only eight laws authorized the State labor commissioner to help collect wages for workers who were not paid.

Every State had a child labor law, but only four set a basic 16-year minimum for employment.

Over half the States provided for mediation of labor disputes, but these services were seldom used.

There were no State labor relations acts.

No State prohibited discrimination in employment because of race, creed, color, or national origin.

Two States had laws relating to discrimination in employment because of age.

Thirty States, the District of Columbia, and Puerto Rico had laws regulating private employment agencies.

Twenty States granted general rulemaking authority in the field of occupational safety.

Forty-four States, the District of Columbia, and Puerto Rico had workmen's compensation laws, and there were two Federal laws applying to longshoremen and harbor workers and Federal civilian employees. Of these laws, only 17 had compulsory coverage; only 17 included occupational disease coverage.

#### *November 1964*

Thirty States, the District of Columbia, and Puerto Rico have minimum wage laws in operation. (Four others have such laws on their statute books, but they are not in operation.) Of the laws in operation, those of 16 States and Puerto Rico apply to persons regardless of sex. Twenty set a statutory minimum, and seven now equal or exceed the Federal minimum wage rate.

Forty-seven States, the District of Columbia, and Puerto Rico have wage payment laws, and the labor commissioner is specifically authorized to collect wages for the worker in 22 of them.

Every State, the District of Columbia, and Puerto Rico has a child labor law; 24 States and Puerto Rico set a basic minimum age of 16 for employment.

Forty-six States, the District of Columbia, and Puerto Rico provide mediation services, and in most States there is much activity in this area.

Thirteen States and Puerto Rico have labor relations acts.

Twenty-five States and Puerto Rico have fair employment practices acts which prohibit discrimination in employment because of race, creed, color, national origin, and ancestry.

Seventeen States and Puerto Rico prohibit discrimination in employment because of age.

Forty-five States, the District of Columbia, and Puerto Rico regulate private employment agencies.

Forty States, the District of Columbia, and Puerto Rico have laws granting general rulemaking authority in the field of occupational safety and most of these have utilized this authority to considerable extent.

Forty-six States have laws or regulations for the control of radiation hazards; 32 of these authorize Federal-State agreements, and 8 of the 32 have concluded such agreements with the Atomic Energy Commission.

Every State, the District of Columbia, and Puerto Rico has a workmen's compensation law, also two Federal laws apply to longshoremen and harbor workers and to Federal employees. Of these 54 laws, 30 are compulsory; 53 apply to at least some occupational diseases, 34 to all occupational diseases.

#### *Agricultural Coverage*

Legislation applying to agricultural workers still lags behind that for industrial workers. But from practically no coverage 30 years ago, it appears that real gains have been made. At present:

Thirty States have mandatory laws or regulations applying to migrant agricultural workers.

Eight States and Puerto Rico have laws specifically regulating farm labor contractors or crew leaders.

Eight States have laws or regulations setting safety standards for vehicles used in the transportation of farmworkers.

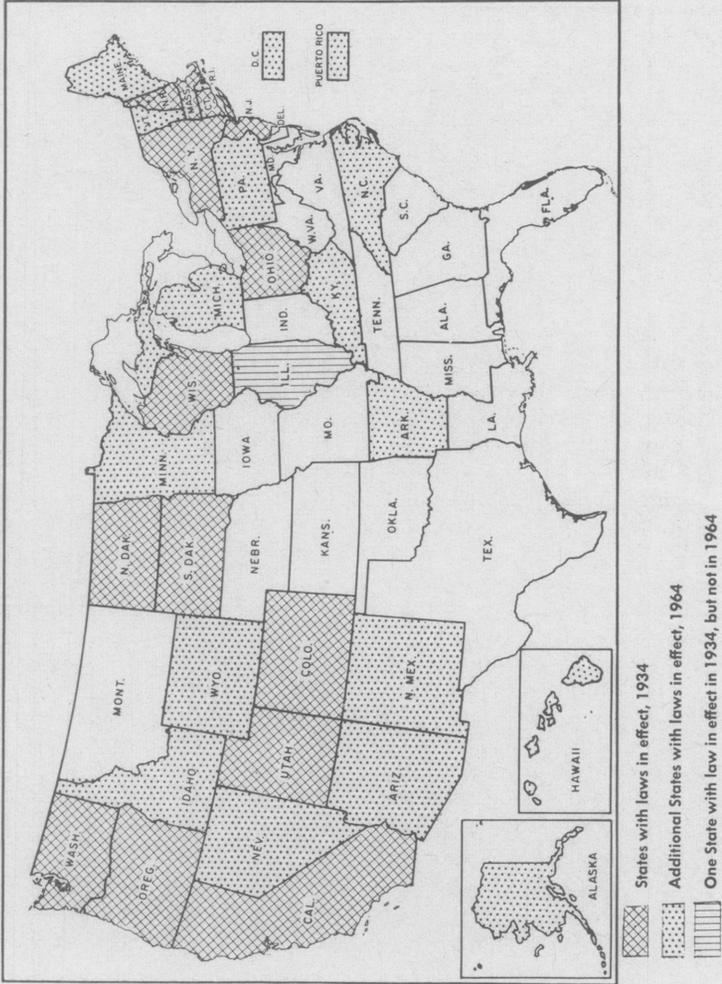
Ten States and Puerto Rico provide a minimum age for employment in agriculture outside school hours.

Seventeen States and Puerto Rico have some specific coverage of agricultural workers under workmen's compensation.

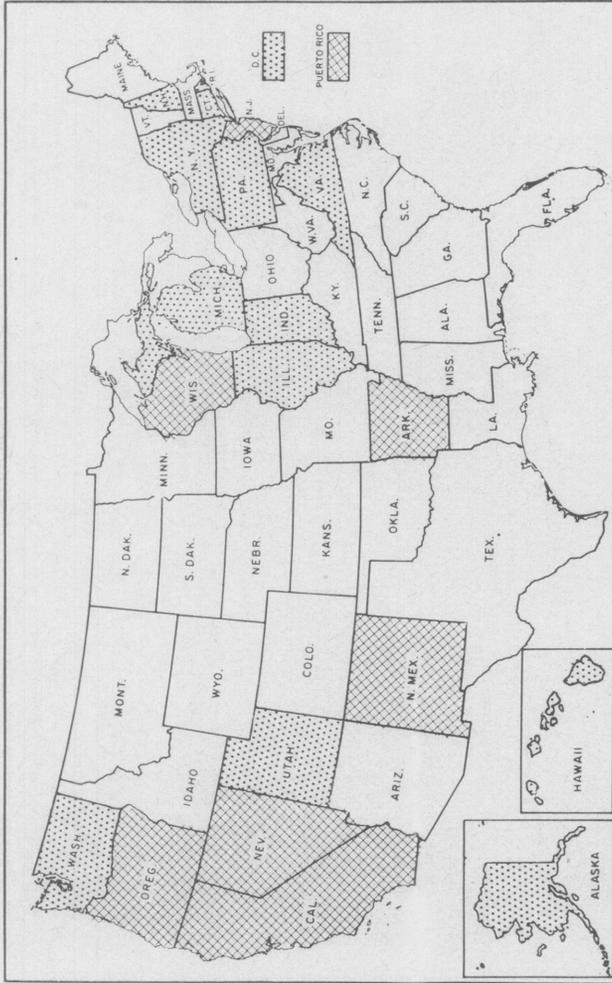
Four States and Puerto Rico have minimum wage laws applying specifically to agriculture.

Six States have wage payment laws applying specifically to agriculture, and three States have wage collection provisions applying specifically to agriculture.

STATES WITH MINIMUM WAGE LAWS IN EFFECT  
November 1934 and November 1964



STATES WITH LAWS SPECIFICALLY AUTHORIZING COLLECTION OF UNPAID WAGES  
November 1934 and November 1964



States specifically authorizing collection of unpaid wages, 1934  
Additional States specifically authorizing collection of unpaid wages, 1964





STATES WITH LAWS REGULATING FARM LABOR CAMPS

November 1934 and November 1964

