

LABOR LAWS BRIEF ISSUED

LAWS OF OREGON FOR THE PROTECTION OF LABOR

O. P. Hoff, labor commissioner, has issued a concise and compact resume of the labor laws of Oregon, with an appendix of the Industrial Welfare commission's rulings which took effect September 1 this year.

An epitome summary of this pamphlet, begins in this issue of the Observer and will be completed next week. The most essential clause of the Oregon Labor Laws are included here. There they are:

Employers' Liability

All owners, contractors, subcontractors or other persons having charge of or responsible for any work involving a risk or danger to employees or to the public must use every device, care and precaution it is practicable to use for the protection and safety of life and limb. It is the duty of all such persons to see that such precautions are complied with, and for any failure in this respect the delinquent person is punishable in a criminal action. If any loss of life is occasioned on account of the violation of the act by any of such persons, the widow of the person so killed, his lineal heirs or adopted father, or the husband, mother or father, as the case may be, shall have a right of action without any limit as to the amount of damages that may be recovered.

The manager, superintendent, foreman or other person having control of the work, or operation, or any part thereof, is held to be the agent of the employer in all suits for damages for death or injury suffered by an employee. In such actions the negligence of a fellow servant is not a defense where the injury was caused or contributed to by any of the following causes:

Any defect in the structure, materials or machinery which the employer or his agent could have known by the use of ordinary care, the negligence of any person held to be the agent of the employer under the act, the incompetence or negligence of any person directing the particular work in which the employee was engaged at the time of the injury, the incompetence or negligence of any person whose orders the employee was bound to obey causing the injury, the act of any fellow servant done in obedience to the rules or orders given by the employer or his agent. The contributory negligence of the person injured is not a defense, but may be taken into account by the jury in fixing the amount of damages.—Laws of 1911, Chapter 3.

Note.—The Supreme Court has held that an employer cannot escape liability under this act by setting up the common law defense that the employee assumed the risks of his employment by voluntarily continuing to work for an employer who fails to comply with the act. Dorn v. Clarke-Woodward Drug Co., 65 Ore 516.

Workmen's Compensation Act

The administration of the Workmen's Compensation Act is entrusted to the Industrial Accident Commission, consisting of three commissioners appointed by the Governor. The commission may require reports from employers of all accidents, the amounts paid as wages and it may prescribe forms of pay-rolls.

Any employer may elect whether or not he will take the benefits and be subject to the obligation prescribed in the act. Any workman whose employer is subject to the provisions of the act is entitled to the benefits, and subject to the obligations in the act, unless he gives his employer written notice to the contrary. If the workman is under the age of 16 years, election must be made by his parent or guardian. Any employer engaged in a hazardous occupation who declines to accept the provisions of the act is liable for injuries or death of his workmen, which is occasioned by his negligence or wrongful act, and in any action brought to recover damages on account thereof, the fellow servant rule, the doctrine of contributory negligence and the assumption of risk do not constitute a defense. Any employer or workman who has elected not to accept the benefits of the act may change his decision by filing written notice to that effect.

Every employer accepting the benefits of the act is required to retain from the moneys earned by each of his workmen subject to the act, the sum of one cent a day for each day or part of a day such workman shall be employed, which money the employer is required to remit to the commission, together with an additional sum, depending upon the hazard of the employer's business. The moneys so received, together with appropriations by the State, constitute the Industrial Accident Fund.

If any workman subject to the act and in the service of an employer also subject to the act shall sustain a personal injury by accident arising out of and in the course of his employment caused by violent or external means, he or his beneficiary shall receive a compensation according to the following schedule:

(a) Where death results:

1. To the widow or widower, \$30.00 per month during life or until remarriage, and \$50.00 per month for each child until it arrives at the age of 16 years. The total allowances not to exceed \$50.00 per month. Upon remarriage of the widow, she receives \$300.00, and no more, but allowances for children continue.
2. If the deceased leaves no wife or husband each child receives \$15.00 per month until it arrives at the age of 16 years, the total amount not to exceed \$50.00 per month to such children.
3. If the deceased leaves no widow, widower or child under the age of 16 years, those dependent upon him receive

ceive fifty per cent of the average monthly support actually received by such dependent from the deceased the total to all dependents not to exceed \$30.00 per month. The allowances to dependents cease upon attaining the age of 16 years or when the necessity creating a dependency ceases. If the deceased is under the age of 21 years his parents receive \$25.00 per month until he would have arrived at the age of 21 years; thereafter payments are as provided in first clause of this paragraph.

4. If a surviving spouse receiving monthly payments dies, the sums such spouse would have received are paid to his children until they arrive at the age 16 years. The total monthly payments not to exceed the sum of \$50.00. In all cases of death, the burial expenses are paid, not exceeding \$100.00 in any case.

(b) Where permanent total disability results: (Permanent total disability means the loss of both arms, or one leg and one arm, total loss of eye-sight, paralysis, or other conditions permanently incapacitating the workman from performing any work at any gainful occupation.)

1. If unmarried the workman receives \$30.00 per month.

2. If the workman has a wife or invalid husband, \$35.00 per month; if the husband is not an invalid, \$30.00 per month.

3. If the workman has a child or children, he shall receive \$6.00 extra for each such child until it shall arrive at the age of 16 years the total monthly payment not to exceed \$50.00.

(c) If the injured workman dies during the period of total disability, leaving a widow, invalid widower, or child under the age of 16 years, such widow or widower shall receive \$30.00 per month until death or re-marriage, in addition to \$6.00 per month for each child under age of 16 years until such child arrives at the age of 16 years; if such child is without father or mother it shall receive \$15.00 per month until it becomes 16 years of age. The total combined monthly payment under this paragraph can not exceed \$50.00.

(d) When the total disability is only temporary the schedule of payments contained in paragraphs one, two and three of subdivision (b) shall apply so long as the total disability shall continue, increased 50 per cent for the first six months of such continuance, but in no case can the monthly payment exceed 60 per cent of the monthly wage received by the workman at the time of the injury.

(e) When the disability is partial only and is temporary, workmen may receive for a period not exceeding two years, that proportion which his earning power at any kind of work bears to that existing at the time of the injury.

(f) Permanent partial disability means the loss of either one arm, one hand, one foot, loss of hearing in one or both ears, loss of one eye, one or more fingers, any dislocation where ligaments are severed, or any other injury known in surgery to be permanent partial disability. Where permanent partial disability results, the workman receives \$25.00 per month for the following periods:

Loss of an arm, 96 months.
Loss of hand at wrist, 76 months.
Loss of leg at and above knee joint, 88 months.
Loss of foot at or above ankle, 64 months.
Complete loss of hearing, 96 months.
Loss of hearing in one ear, 48 months, or \$900.00 in a lump sum.
Loss of sight in one eye, 48 months, or \$850.00 in a lump sum.
Loss of thumb, 24 months, or \$600.00 in a lump sum.
Loss of first finger, 16 months, or \$350.00 in a lump sum.
Loss of second finger, 9 months, or \$200.00 in a lump sum.
Loss of third finger, 8 months, or \$175.00 in a lump sum.
Loss of fourth finger, 6 months, or \$150.00 in a lump sum.
Loss of big toe, 10 months, or \$250.00 in a lump sum.
Loss of any other toe, 4 months or \$100.00 in a lump sum.

In all other cases of permanent partial disability the compensation shall bear such relation to the period stated as the disability bears to those produced by the injuries named and payments may be made for proportionate periods not exceeding 96 months; in all cases where the period does not exceed 12 months, but in none other, the workman is entitled to a lump sum equal to the present value of such monthly payment as computed at an interest rate of four per cent per annum.

Mothers' Pension Law

Every woman who has one or more children under the age of 16 years, dependent wholly on her labor, and whose husband is either dead or an inmate of some state institution, or is wholly incapacitated from work, is entitled to receive from the public moneys of the county in which she and her children reside, the sum of \$10.00 per month for one child and \$7.50 per month for each additional child, said amount not to exceed \$40 per month.

This relief is granted on certain conditions, among which are that a child for whose benefit relief is granted must be living with the mother and it must be for the child's welfare that it remain with its mother. The relief is granted only when it will enable the mother to remain home with her children, except during working hours prescribed by the court; the mother must be a suitable person to bring up the child and if she is improvident or negligent in the spending of the money, the same is paid to some other person for the use and support of the mother and child. The mother must have resided in the county one year and in the state three years before making an application. When the presence of an incapacitated husband in the family is a menace to the welfare of the mother and child the court may require him to be removed from the home and cared for elsewhere. The provisions of the act do not apply to any child which has property sufficient for its support and the relief granted must be necessary to save the child from neglect.

The allowance mentioned ceases upon the marriage of the mother or upon the child obtaining the age of 16 years.

It is a misdemeanor for any one to fraudulently attempt to obtain or obtain any allowance for relief under the act. All moneys granted under the act are exempt from attachment and execution. The juvenile court or other similar court in each county has jurisdiction of the matters under this law and applications should be made to such court for relief.—Laws 1913 Chap. 42, as amended by Chap. 90 Laws 1915.

Accidents on Railroads

Every railroad corporation in this state is liable in damages for any injury sustained by an employee which results from the wrongful act or neglect of any superior employee or officer of such corporation, or of any employee of such corporation having the right to control the services of the employee by whom he is injured; or when such injury is caused by the wrongful act or neglect of a co-employee engaged in another department of labor, or on another train of cars or who operates any switch, signal point or locomotive engine, or who is charged with dispatching trains or transmitting orders (L. O. L., Sec. 6946.)

Knowledge by an employee of the unsafe condition of any machinery appliances, or structure of such railroad corporation will not of itself bar a recovery for any injury or death caused thereby. (L. O. L., Sec. 6946.) Such employee should notify the manager at once of such defect.

Any contract or agreement expressed or implied, made by any such employee to waive the above rights or any part thereof is null and void. (L. O. L., Sec. 6946.)

Shelter at Repair Stations

All railroad companies are required to provide shelter for their employees at every terminal or other point where five or more men are regularly employed in constructing or repairing railroad car equipment.—Laws 1911, Chap. 39.

Hours of Labor

In Mills and Factories

No person can be employed at the regular wage in any mill, factory or manufacturing establishment in this state more than ten hours in one day except watchmen and employees when engaged in making necessary repairs, or in the case of emergency where life or property is in imminent danger. But employees may work overtime not to exceed three hours in any one day if they are paid for such overtime at the rate of one and one-half the regular wage.—Laws 1913, Chap. 102.

Labor on Public Works

In work being done for the state, county, school districts, municipal corporations or subdivisions it is unlawful to employ any laborer more than eight hours in one day, or 48 hours in one week, except in cases of necessity, emergency or where public policy absolutely requires it, and in such cases such laborer must be paid double wages for all overtime. This provision does not apply to State institutions and departments.—Laws of 1913, Chap. 61, as amended by Laws 1915, Chap. 165.

Child Labor

No child under fourteen (14) years of age is allowed to work in a factory, workshop, mercantile establishment, store, business office, restaurant, bakery, hotel or apartment house.

No child under fifteen (15) years of age is allowed to work during the school term unless he has graduated from the grammar grades.

No child under sixteen (16) years of age is allowed to work in the telegraph, telephone or public passenger service.

No child under eighteen (18) years of age is allowed to operate elevators. (L. O. L., Sec. 5062.)

No child under sixteen (16) years of age is allowed to work after 6 p. m. nor before 7 a. m.

No child under eighteen (18) years of age is allowed to work in the telegraph, telephone or public messenger service between the hours of 10 p. m. and 5 a. m.

No child under eighteen (18) years of age is allowed to operate logging engines.

No child under sixteen (16) years of age can be employed at any labor specified above unless he has secured an Age and Schooling Certificate (working permit) from the Child Labor Commission.

No child under sixteen (16) years of age is allowed to work as signal boy in a logging camp.

During summer vacation the Child Labor Commission may issue vacation permits to children between the ages of twelve and fourteen, for any work that does not affect the health or morals of the child.

Both employer and parents are subject to arrest and prosecution for violation of the provisions of the Child Labor Law.

Further information can be had by writing Secretary Child Labor Commission, Mrs. M. R. Trumbull, 2501 Third St., Portland, Oregon.

Employment of Women

Females are not permitted to be employed in any manufacturing, mechanical, or mercantile establishment or office, or by any express or transportation company in this state more than ten hours during one day, or more than 60 hours in one week. (L. O. L., Sec. 5037.)

Women employed in any of the above establishments must be provided with suitable seats and permitted to use the same when they are not at work. (L. O. L., Sec. 5038.)

Earnings of married women not subject to liabilities of husband. A wife may receive wages for her personal labor and maintain action therefor in her own name.—See Attachment of Wages.

Industrial Welfare Commission's Rulings

(Effective September 1, 1916)
Under authority conferred by Chapter 62, Laws of 1913, as amended by Chap. 35, Laws of 1915, the Industrial Welfare commission has formulated the rulings given below in condensed

form, which rulings have the effect of law.

Employers' Records

Every person who employs women or minors shall keep a record containing the following information concerning each of such employees: 1, name; 2, address; 3, age—adult, minor (if a minor give exact age); 4, single—married; 5, date of employment; 6, wage at which employed; 7, length

* No provision of these rulings applies to agricultural labor, domestic service, teaching or nursing.

Minors

1. No person shall employ any minor girl in any occupation in the state of Oregon more than nine hours in one day and in no case more than fifty hours in one week.

2. No person shall employ any minor boy in the state or Oregon for more than ten hours in any one day.

3. No person shall employ any minor boy or minor girl under sixteen years of age, in the state of Oregon more than eight hours in any one day.

4. No person shall employ any minor girl or minor boy in the state of Oregon more than six days in one calendar week.

5. No person shall employ any minor girl for more than six hours of continuous labor between the hours of 7:00 a. m. and 6:00 p. m., without a rest period of at least forty-five minutes.

6. No person shall employ any minor girl in any occupation in the state of Oregon after the hour of 6:00 o'clock p. m. on any day.

7. No person shall employ any minor boy or minor girl in any occupation in the state of Oregon at a weekly wage rate less than \$6.00 except as arranged by the commission in the case of apprentices.

Hours of Labor

1. No person shall employ any woman in any occupation in the state of Oregon more than fifty-four hours in any one week except in fruit and vegetable canneries, where women may be employed for sixty hours a week.

2. No person shall employ any woman in the state of Oregon more than nine hours in any day except in offices, woolen mills and fruit and vegetable canning, packing and preserving establishments, where women may be employed not to exceed ten hours in any one day.

3. No person shall employ any woman in any office establishment in the city of Portland for more than fifty-one hours in any one week.

4. No person shall employ any woman in a mercantile establishment in the city of Portland more than eight hours and twenty minutes in one day nor for more than fifty hours in one week.

Rest Periods

1. No person shall employ any woman in any occupation in the state of Oregon for more than six hours of continuous labor without a rest period of at least forty-five minutes.

2. No person shall employ any woman in the state of Oregon, in any manufacturing or laundry establishment later than 8:30 o'clock p. m.

3. No person shall employ any woman in the city of Portland in a mercantile establishment other than in a confectionery store or a cigar stand in a hotel, later than 6:00 o'clock p. m., nor in the state of Oregon, outside of the city of Portland, with the same exceptions, later than 8:30 o'clock p. m.

4. No person shall employ any woman or minor girl in the state of Oregon in two successive days with-

out an interval of nine hours rest between such days.

5. No woman or minor girl in the state of Oregon who has been employed by one employer in any occupation in one day shall accept employment later in the same day from any other employer for more time than will make the combined hours of employment for such day exceed nine hours.

6. No person shall employ any woman in the state of Oregon in any occupation, except in telegraph and public housekeeping establishments, and except in telephone establishments, outside of the city of Portland, more than six days in any one calendar week; in telephone establishments, outside of the city of Portland, no person shall employ any woman for more than fourteen consecutive days without one full day of rest and one day of not more than six hours of labor.

7. No person shall employ any woman in a telegraph establishment in the state of Oregon for seven consecutive days without allowing one day during which the hours of employment shall not exceed six hours.

Wages

1. No person shall employ any experienced woman paid by time rates of payment in any occupation in the state of Oregon, outside of the city of Portland, at a weekly wage rate of less than \$8.25.

2. No person shall employ any experienced woman, paid by time rates of payment in any occupation, in the city of Portland, at a weekly wage rate of less than \$8.64.

3. No person shall employ any experienced woman in any mercantile

establishment in the city of Portland at a weekly wage rate of less than \$9.25.

4. No person shall employ any experienced woman in the city of Portland in any office at a monthly wage rate of less than \$40.00.

5. The average weekly wage rate for all women employed at piece rates in any manufacturing or laundry establishment in the state of Oregon, outside of the city of Portland, shall be not less than \$8.25 and in the city of Portland, not less than \$8.64, and at least seventy-five per cent of such employees shall be paid not less than said minimum wage, and not more than twenty-five per cent of such employees shall be paid less than said minimum wage; provided, however, that after any woman or girl has been employed at prevailing piece rates for three weeks, she shall then be paid not less than \$6.00 a week, even if the amount earned at piece rates be less than that sum. In determining such average wage a period of not less than sixty days shall be taken as a basis.

6. When lodging and board, or either of them, is furnished by any employer to any woman or minor girl employed in any occupation, as part payment of the wages of such woman or minor girl, not more than \$1.40 per week for lodging and not more than \$2.80 per week for board shall be deducted by such employer from the weekly wage of such woman or minor girl. Board shall be considered to be twenty-one meals in each week. A fraction of a week's lodging or board shall be computed upon the above basis.

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