

# Enforcing the Minimum Wage

## Experience of the Manitoba Board Shows Need of Flexibility in Administration—The Commission Method Far the Best

By J. W. MacMILLAN (Article III.)

There is one other matter which emerged during the first fifteen months activity of the Manitoba Minimum Wage Board which needs to be told in order to complete the story. It is the matter of the enforcement and administration of the regulations enacted by the Board.

Everyone knows how frequently good legislation is nullified by lack of enforcement, and how often it is rendered irksome and unpopular by the wrong kind of enforcement. These regulations had to face the test of practice. Would they be obeyed? Or, being obeyed, would they prove satisfactory for the purpose back of them? And, further, would the same harmony and co-operation which had been attained and employed in framing them continue after they had gone into effect as the laws to govern the industries concerned?

The Act creating the Board provided that the administration of the regulations should be done by the Board, with the assistance of the Provincial Bureau of Labor. It proved an effective partnership, for the Bureau had been enforcing regulations somewhat similar for some years, and supplied the practical experience which the Board lacked. Without the willing and sympathetic assistance of the corps of inspectors and inspectresses of the Bureau these new orders, affecting wages, hours and conditions of labor, could not have gotten off to anything like such a good start. Thus the procedure came to be that the Bureau did the work of enforcement, under the supervision of the Board.

### Must Be Flexible.

Labor legislation has this characteristic to an unusual degree that it must be flexible. The industrial arena is one which lives, and grows and changes. An iron regulation, rigidly imposed on all industrial establishments, without variation or modification, would sometimes prove a strait-jacket, and hinder the legitimate activity and progress of business. Foreseeing this, in each set of regulations had been included the notice that the Board was ready to grant a modification of any regulation at any time when it was convinced that it should do so.

The Act which established the Board was passed with the intention of doing justice to a certain class of workers. As it happened, however, it accomplished another end of great importance. It set an example of the right method of bringing the authority of the State into the industrial realm. Manitoba did not invent the plan it used. Several of the States, as Wisconsin and New York, had been using it for years, and it had also been employed by the Government of the Dominion for the oversight of the railways. But it was new in Canada to this extent, that it was the first instance of administration of labor laws by means of a commission. And that is the wise and effective way of making and enforcing labor laws.

### Where a Commission is Needed.

There are three ways in which a legislature may proceed in the regulation of industry. First, it may write its will exhaustively upon the statute book, including all the minutiae of detail required for the information and guidance of the industries. Second, it may legislate in general terms, leaving the particular orders to its corps of inspectors. Third, it may lay down principles in the law, and appoint a commission for their interpretation and enforcement. The third way is, I think, the right way.

The first way is not often attempted. It makes the laws exceedingly long and involved. It makes any alterations of these laws difficult; for a legislature meets only once a year, and then each amendment has to run the gauntlet of committee meetings, the elaborate arguments of the interested parties or their lawyers, and the several readings and debates in the house. This is like driving a motor car through crowded streets by means of a lever fifty feet long attached to the steering gear.

The second way, and one in much more general use, is to commit to expert employees of the government the task of defining the laws and enforcing them. It is greatly to the credit of the inspectors in the several Bureaus of Labor in Canada, where they are commonly called upon to use their own judgment in ordering costly changes or additions in plants, that none of them, so far as I know, has ever been so much as suspected of taking a bribe from an employer of labor. In Manitoba the entire staff of the Bureau of Labor was as far above suspicion as Caesar's wife. Nevertheless this system of law enforcement does allow for more temptation than is desirable. It puts an amount of responsibility upon the inspector which should be borne by shoulders having a higher position in the government. Besides, it is impossible but that one inspector will differ from another, and the divergent personal equations may make trouble. A third difficulty is that it does not allow of the employer concerned having the opportunity of presenting his case, when he is unwilling to carry out any order, which he thinks is his due.

### Slower But More Efficient.

The third way, which is the commission method, is a little slower and a little more expensive than the others, but it is worth the difference. It provides that the particularizing of the principles laid down in the law shall be done by a commission after consultation with the persons interested. A conference may be held, and it is best, when the matter is one of general application, that a public hearing be duly advertised and held, when anyone who wishes may state his mind.

Suppose the question is one of factory lighting. It will be found that there are almost infinite varieties in the way in which factories are lighted. The prevailing tendency nowadays is not to be niggardly with light. Some employers will flood their workrooms with brilliant light, so that every corner is vividly illumined, and think that thus they have done the wisest thing. Others, with equal desire to reach the best results, will shroud the room in gloom except where a shaded lamp pours a jet of radiance like a searchlight upon the work in the hands of each operative. And between these two extreme lies many degrees and sorts of different lighting. Now, there are books written by college-bred physicists on the art of factory lighting. The candle power, the diffusion of the light, the angle and color of it, and many other items of knowledge lie within the four corners of a proper lighting code. The inspector reads such books. So do the employers. Each of them achieves the zeal of newly found knowledge, and each is unwilling to admit that he is wrong. The thing to do is to bring them together, along with others interested, and with the testimony of experts of high standing, if necessary, and get the code determined.

### Can Use Discretion.

Or, again, and this is an instance of what happened in Manitoba, a firm complains that it cannot possibly obey a certain regulation. It is required, by this regulation, that not more than one-fourth of its employees shall be under eighteen years of age. It is a wise regulation, and the firm in question does not dispute its wisdom. But it cannot get the adult workers it requires. There is scarcity of workers everywhere just at this time. The force at work, gathered together before the limiting regulation was thought of, is about one-half under eighteen. True, most of them are at least sixteen. Some of them have been at the trade long enough to have gained facility in it, with increase of wages, and the prospect of continuing at it profitably for years. I take it that no single official, carrying out laws made by an authority higher than his own, would venture to permit their being even temporarily disregarded. But the commission which made this law is in a securer position. It becomes convinced that the application is reasonable and grants a permit exempting the firm for a period of three months. If, after three months, the commission is convinced that the firm had done its best to secure the needed proportion of adult workers and has been unable to do so, it may extend the permit. Or, it may modify the permit, and set the proportion at another figure for a certain time.

In that way the State, through its commission, is always ready to help a deserving establishment. It is always in session, potentially, and can take up an emergent matter at short notice. And the fact that it shows consideration for the misfortunes and mishaps of an employer helps to smooth out the wrinkles in industry even though it may not grant the desired concession.

There is likely to be much more labor legislation passed during the next year or two in Canada than has been passed in all preceding time. In each of the matters which will be dealt with, mother's allowances, unemployment insurance, health insurance, minimum wages, maximum hours, or what not, the carrying out of the laws is of equal importance with the enactment of them. A careful study of the experience of those countries which have employed the commission form of administration will, in my opinion, ratify and confirm the confidence in it which the members of the Minimum Wage Board of Manitoba acquired.

### New Style Business Card.

The American Chamber of Commerce in London says Great Britain is interested in the decision of the recent International Trade Conference at Atlantic City to set up a business league of nations with a central body composed of representatives from the National Chamber of Commerce of each country.

Interest among British chambers and some of the larger chambers in the United States had already been stimulated by the new card of business introduction recently devised, by the American Chamber of Commerce in London and looked upon as the natural precursor to a union of chambers throughout the world.

The card of introduction is in duplicate. One-half is carried by the member. The other half, containing his identifying signature, his banking reference, and confirmed by his bank and local chamber, is posted by his chamber to the organization to which he is being introduced.

The general use of this method of accrediting a member in any part of the world naturally suggested a co-operative plan of unifying the services of chambers of commerce throughout the world so that they would be the first place to which the traveler would go to be accredited to the business and banking interests of any community.