

HOUSE No. 2369

House, No. 2338 as approved by the Governor.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twelve.

AN ACT

To establish a State Board of Labor and Industries.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. There is hereby established a state board of
2 labor and industries to be composed of five persons who
3 shall be appointed by the governor, with the advice and
4 consent of the council. The terms of office of the members
5 of the board shall be five years, except that when first ap-
6 pointed one of the members shall be appointed for four
7 years, one for three years, one for two years, and one for
8 one year, the member at that time appointed for five years
9 to be chairman. Thereafter a member shall be appointed
10 each year, for a term of five years. One member of the
11 board shall be an employer of labor, one a wage-earner,
12 one a physician or a sanitary engineer, and at least one
13 a woman. The governor, with the advice and consent
14 of the council, shall have power to fill by appointment for

15 the unexpired term any vacancy that may occur in the
16 board.

1 SECTION 2. There shall be a commissioner of labor, who
2 shall be appointed by the board. He shall serve for such
3 term as the board may determine, and may be removed at
4 any time by the board by vote of a majority of its mem-
5 bers. Upon such removal a statement of reasons therefor
6 shall be filed by the board with the governor. The com-
7 missioner of labor shall devote all his time to the affairs of
8 the board, under its direction.

1 SECTION 3. The salary of the chairman of the board
2 shall be fifteen hundred dollars a year, and the salaries of
3 each of the other members of the board shall be one thou-
4 sand dollars a year. The salary of the commissioner of labor
5 shall be determined by the board, and shall not be less than
6 five thousand nor more than seventy-five hundred dollars
7 a year. The board may incur other necessary expenses for
8 carrying out the provisions of this act, not exceeding the
9 annual appropriation therefor. It shall be provided with
10 offices in the state house or in some other suitable building
11 in the city of Boston, and elsewhere in the commonwealth
12 if approved by the governor and council.

1 SECTION 4. The board may investigate the conditions
2 existing in any line of industry carried on by inhabitants of
3 the commonwealth, and such investigations may be ex-
4 tended outside of the commonwealth to procure informa-
5 tion for the promotion of industrial development or the
6 improvement of industrial conditions. The board shall
7 receive all complaints concerning conditions existing in
8 any industry carried on by inhabitants of the common-
9 wealth, or concerning alleged violations of any laws enforced
10 under its direction, and shall thereupon make or direct

11 all needful and appropriate investigations and prosecutions.
12 It may employ experts or other necessary assistants to aid
13 in the performance of any duty imposed upon it by law.
14 It may make rules not inconsistent with existing law for
15 carrying out the provisions of this act.

1 SECTION 5. All powers and duties with reference to
2 the enforcement of laws relating to labor and the employ-
3 ment thereof, the inspection and licensing of buildings or
4 parts of buildings used for industrial purposes, the in-
5 spection and licensing of the workers therein and of all
6 other industrial employees within the commonwealth, the
7 enforcement of laws relating to the employment of women
8 and minors, and the institution of proceedings in prosecu-
9 tion of violations of any of the said laws, now conferred
10 or imposed by law upon the state board of health or state
11 inspectors of health, or upon the chief of the district police,
12 the inspectors of factories and public buildings of the dis-
13 trict police, or the inspection department of the district
14 police, or the deputy chief of the inspection department of
15 the district police, with the exception of such duties and
16 powers as are now imposed by law upon the chief inspector
17 of boilers or the boiler inspectors of the district police, and
18 with the further exception of such powers and duties as
19 relate to the inspection of buildings under erection, altera-
20 tion or repair, are hereby transferred to the state board of
21 labor and industries. Said board may delegate to such
22 commissioner, deputy commissioners or inspectors as are
23 under its direction such of the above powers as it may deem
24 necessary to carry out the provisions of this act.

25 Buildings used for industrial purposes under the meaning
26 of this act shall include factories, workshops, bakeries,
27 mechanical establishments, laundries, foundries, tenement-
28 house workrooms, all other buildings or parts of buildings
29 in which manufacturing is carried on, and mercantile es-

30 tablishments as defined in section seventeen of chapter
31 five hundred and fourteen of the acts of the year nineteen
32 hundred and nine.

1 SECTION 6. Nothing in this act shall be construed to
2 prevent the state inspectors of health from entering build-
3 ings used for industrial purposes when required by their duty
4 to protect the health of the community, especially as pre-
5 scribed by section three of chapter five hundred and thirty-
6 seven of the acts of the year nineteen hundred and seven,
7 except that the duty therein prescribed of informing them-
8 selves concerning the health of minors in factories is hereby
9 transferred to the state board of labor and industries. The
10 said board shall promptly report to the state board of health
11 all cases of disease in industrial establishments which may
12 affect the health of the community.

1 SECTION 7. The board may appoint not more than two
2 deputy commissioners of labor who shall be under the di-
3 rection of and responsible to, the commissioner. One of the
4 said deputies shall be especially qualified to supervise the
5 enforcement of laws under the jurisdiction of the board
6 which relate to the health of persons employed in buildings
7 used for industrial purposes and shall be charged with that
8 duty. Further division of powers and duties between the
9 deputy commissioners may be made by the board, which
10 shall also fix their salaries and terms of office with the
11 approval of the governor and council. The board shall
12 have power to remove a deputy commissioner from office
13 at any time by vote of a majority of its members.

1 SECTION 8. The board shall have power to appoint and
2 remove industrial health inspectors, industrial inspectors,
3 assistant industrial inspectors, and necessary clerical assist-
4 ants, subject to the laws of the commonwealth relating to

5 the appointment and removal of employees in the classi-
6 fied civil service. The total number of industrial health
7 inspectors, industrial inspectors and assistant industrial
8 inspectors shall not exceed twenty-four, of whom at least
9 four shall be women. The state civil service commissioners
10 shall prepare rules, subject to the approval of the governor
11 and council, for including in the classified service all indus-
12 trial health inspectors, industrial inspectors assistant in-
13 dustrial inspectors, and clerical assistants. These rules shall
14 provide that candidates for appointment shall pass an exam-
15 ination of a comprehensive and practical character based
16 upon the particular requirements of the kind of work to be
17 done: *provided*, that persons employed at the time when this
18 act takes effect as inspectors of factories and public buildings
19 in the inspection department of the district police and not re-
20 tained in said department, as provided in section twelve of
21 this act, shall be transferred without such special examina-
22 tion, and without regard to age, to serve as industrial
23 inspectors. Such transfer shall not affect any rights of
24 retirement with pension that shall have accrued at the date
25 when it is made, or would thereafter accrue to an inspector
26 so transferred, but all such rights shall be retained by any
27 inspector as if he had remained a district police officer.
28 Industrial health inspectors shall be persons admitted to
29 practice medicine in this commonwealth.

30 Inspectors and assistant inspectors shall be not over
31 forty-five years of age on the date of their first appointment,
32 but this age limit shall not apply to any reappointment.

33 Industrial health inspectors, industrial inspectors, and
34 assistant industrial inspectors shall devote their entire
35 time to the affairs of the board.

36 Each inspector shall, before entering upon his duties, be
37 sworn to the faithful performance thereof.

38 The salaries of the industrial health inspectors, industrial

39 inspectors and assistant industrial inspectors shall be de-
40 termined by the board with the approval of the governor
41 and council and shall be graded and of sufficient amount
42 to secure competent men and women for the service; *pro-*
43 *vided, however,* that the salaries of the industrial inspectors
44 shall be not less than fifteen hundred dollars a year, and
45 *provided, further,* that the amount expended by the board
46 in any year for such salaries shall not exceed the annual
47 appropriation therefor. All salaries provided for under this
48 act shall be paid out of the treasury of the commonwealth.

1 SECTION 9. The commissioner of labor may divide the
2 commonwealth into inspection districts, and may assign
3 the number of industrial health inspectors, industrial in-
4 spectors and assistant industrial inspectors thereto which
5 he deems necessary, all with the consent of the board. Any
6 order made by a deputy commissioner or inspector may be
7 amended, suspended or revoked by the commissioner of
8 labor or by the board, and any order made by the com-
9 missioner may be amended, suspended or revoked by the
10 board.

1 SECTION 10. Any inspector under the state board of
2 labor and industries who directly or indirectly receives a
3 reward, gift or gratuity on account of his official services,
4 shall be punished by a fine of not more than one hundred
5 dollars or by imprisonment for not more than three months;
6 and shall also be discharged from office.

1 SECTION 11. For the enforcement of any law within the
2 jurisdiction of the state board of labor and industries, in-
3 dustrial health inspectors, industrial inspectors and assistant
4 industrial inspectors shall possess the police powers granted
5 by existing law to members of the inspection department
6 of the district police.

1 SECTION 12. The office of inspector of factories and
2 public buildings in the inspection department of the dis-
3 trict police is hereby abolished. The inspectors of fac-
4 tories and public buildings who are, at the time of the pas-
5 sage of this act, serving as building inspectors, so-called,
6 shall remain members of the district police force with the
7 title of inspectors of buildings. The total number of such
8 inspectors shall be eighteen, and, upon the taking effect of
9 this act, the governor shall designate from among the in-
10 spectors of factories and public buildings who are at the
11 time of its passage serving as factory inspectors, so-called,
12 a sufficient number of such inspectors to remain members
13 of the district police and to serve as inspectors of buildings
14 to complete this number. The remaining inspectors of
15 factories and public buildings shall, upon the taking effect
16 of this act, be transferred to service under the state board of
17 labor and industries as provided in section eight of this act.
18 Inspectors of buildings shall have the powers and be
19 charged with the duties of the present inspectors of factories
20 and public buildings of the district police, except as other-
21 wise provided in this act.

1 SECTION 13. Copies of all reports concerning injuries
2 received by employees, which employers are required to
3 file with the industrial accident board under the pro-
4 visions of section eighteen of Part III of chapter seven
5 hundred and fifty-one of the acts of the year nineteen
6 hundred and eleven, shall be filed with the state board of
7 labor and industries.

8 Any employer who refuses or neglects to make the report
9 required by this section shall be punished by a fine of not
10 more than fifty dollars for each offence.

1 SECTION 14. The board shall annually, on or before the
2 first Wednesday in January, submit to the general court a

3 report containing a statement of the character and re-
4 sults of the work performed by it or under its direction
5 during the preceding year and of the expenditures for the
6 year, together with an estimate of the sum required for the
7 ensuing year and recommendations for such additional
8 legislation as the board shall deem necessary.

1 SECTION 15. All acts and parts of acts inconsistent
2 herewith are hereby repealed; but nothing in this act shall
3 be construed as affecting the duties of the bureau of sta-
4 tistics as defined by chapter three hundred and seventy-
5 one of the acts of the year nineteen hundred and nine.

1 SECTION 16. This act shall take effect on the first day
2 of June, nineteen hundred and thirteen, except that so much
3 of the act as provides for the appointment of the members
4 of the board and of the commissioner, deputy commissioners
5 and necessary clerical assistants shall take effect on the first
6 day of March, nineteen hundred and thirteen.

HOUSE OF REPRESENTATIVES, May 29, 1912.

Passed to be engrossed,

Sent up for concurrence.

JAMES W. KIMBALL, *Clerk.*

SENATE, May 29, 1912.

Passed to be engrossed.

In concurrence.

HENRY D. COOLIDGE, *Clerk.*