

The French Minimum Wage Act of 1915

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As in most other countries the movement in France in favour of a legal minimum wage is comparatively recent. Since the early years of this century a campaign has been conducted with varying intensity to put an end to the disgraceful conditions in which it was alleged that homework, especially in the clothing trade, was carried on. In 1905 the *Ministre du Travail* instituted an inquiry into the condition of homeworkers. The first of the five volumes dealing with the lingerie trade appeared in 1907,¹ and was followed by the other four in 1909 and 1911, while those dealing with artificial flowers and the shoe trades appeared in 1913 and 1914 respectively. Certainly the conditions disclosed were disquieting. In the lingerie trade 60 per cent. of the workers who replied to the inquiry were getting less than 16 centimes per hour (1.6 francs for a 10-hour day), while in some departments the conditions were even worse, in Allier, Cher, and Loir and Cher, 80 per cent. of the workers receiving less than 10 centimes an hour, and in isolated districts the proportion of workers receiving only 5 centimes an hour was as high as 60 per cent. (e.g., Commentry). Nor were conditions much better in the artificial flower trade. Here the position was complicated by systematic short time during part of the year and excessively long hours in the "season." In Lyons 48 per cent. of the workers worked 11 to 16 hours a day: in Paris, 38 per cent. worked 11 to 18 hours.

In the light of these disclosures it is not surprising that the movement for reform should have advanced rapidly after 1910. In 1909, the year in which the first British Trade Boards Act was passed, Count de Mun attempted to introduce legislation to fix minimum wages in homework trades, and the matter was considered by the *Conseil Supérieur du Travail*. The result of the deliberations of the Permanent Committee was embodied in the *Honoré Report* of 1910. The committee was not unfriendly to the idea of the minimum wage, but desired to limit much more closely than de Mun the scope of the suggested legislation. De Mun returned to the charge in June, 1910, making use of the report of the inquiry into lingerie conditions and urging the passage of a Bill to set up professional committees to fix minimum wages for all industries employing homeworkers.

¹ *Enquête sur le travail à domicile dans la lingerie. Ministère du Travail et de la Prévoyance sociale.* Paris. 1907.

The Bill seems to have been well drafted, but nothing was done, and later in the same month Monsieur Engerand introduced a Bill which merely insisted upon the keeping of records of wages paid, such records to be open to inspection. Meanwhile the Honoré Report was being considered and on November 3rd, 1911, the Government adopted the project recommended by the Conseil Supérieur du Travail. Further delays ensued, and it was not until November 13th, 1913, that the Bill was passed by the Chamber of Deputies. A Commission was appointed by the Senate to consider it and its recommendations were embodied in the excellent report under the name of Monsieur J. Morel on March 30th, 1914. While agreeing with the Chamber of Deputies' Bill in principle, several administrative amendments were suggested. In particular, the functions of the wages committees were more clearly defined. The Bill finally became law on July 10th, 1915.

It should be noted that the struggle for the minimum wage was not carried on in Parliament alone. In 1911 the Committee of the International Institute for the Diffusion of Social Experiments had decided to agitate in France, Germany, and Austria for the regulation of homework. To further this object Monsieur R. Broda published, in 1912, a small book dealing with the experience of England, Australia, and Canada, and suggesting similar legislation for France.¹ The campaign was also assisted by the publication of ponderous volumes by Messieurs Boyval² and Raynaud³ dealing with other aspects of the problem. Public interest in the matter was shown by the formation of various Consumers' Leagues, and an attempt was even made by Monsieur Lefebure, a Paris lace manufacturer, to secure agreement among employers for the payment of better wages.

The Act of 1915⁴ applies only to women workers, though men, who receive less than the minimum fixed for women, may claim such minimum before the Conseil de Prud'hommes or a Juge de Paix (33m).⁵ In the first instance the Act only affected homeworkers engaged in the manufacture of clothing, hats, shoes, lingerie of all kinds, embroidery, lace, feathers, artificial flowers, and all other work relating to clothing (33). Its operation was considerably restricted by a decision of the Court of Cassation in June, 1918, limiting its applicability to persons engaged in making articles enumerated in section 33, *which were ultimately intended for clothing*.

Fortunately, under section 33m, it was possible, on the recommendation of the Conseil Supérieur du Travail, and by means of a public administrative regulation, to extend the scope of the Act. A

¹ R. Broda, *La Fixation légale des salaires*. 1912.

² P. Boyval, *La Lutte contre le sweating system*. 1912.

³ B. Raynaud, *Vers le Salaire Minimum*. 1913.

⁴ *Loi du 10 Juillet, 1915, portant modification des titres III et V du Livre Premier du Code du Travail et de la Prévoyance sociale*.

⁵ The figures in brackets refer to the relevant sections of the Act.

report¹ was recently presented to the President by the Conseil urging an extension, first, to all lace sewing, embroidery, etc., whatever the destination of the work, and, second, to certain accessory articles of clothing and certain knitted goods, medals, small jewellery and rosaries.

A Decree of August 10th, 1922, carried out all these recommendations, except that work on finishing meshed cloth (*tissus à mailles*) was excluded when the worker was employed directly and without intermediary by the employer himself. For it was argued that such work was part of the trade concerned and not homework proper.² An unsuccessful attempt to extend the provisions of the Act to workers in workshops was made in June, 1917, by Monsieur Chassaing. The Bill was sent to the Conseil du Travail and nothing more seems to have been heard of it.³

The authorities charged with the fixing of rates were, in the first place, intended to be the Conseils du Travail set up under the Act of July 17th, 1908.⁴ In fact, only three such councils existed, none of which dealt with the clothing trade.⁵ In their absence the authority was to be a Comité de Salaires, to be set up in the chief town of each department (33*f*). These committees were to consist of the senior Juge de Paix, and two to four workers engaged in the trade, though not necessarily homeworkers, and the same number of employers. The term of appointment was three years. The Prefects have the duty of summoning the committees and of determining the number of members, who are actually chosen by the assembled presidents and vice-presidents of the local Conseil de Prud'hommes and, failing these, by the President of the Civil Tribunal. The Conseils de Prud'hommes, as reorganized by the Acts of 1907 and 1908, are set up for industrial towns, and consist of as many trade sections as are required. Each is composed of two employers and two workers with a president chosen alternately from either side. They deal with trade disputes, wages and dismissal claims, and combine the functions of a court of arbitration with those of a summary court of jurisdiction.

It is the duty of the Comité de Salaires to fix the hourly rate which is to be paid for the various kinds of homework carried on in the district, and the Act lays down very carefully the matters to be taken into consideration by the Comité when making a decision. According to section 33*e* the wage fixed must be equal to the wage customarily paid in the district to workers of average ability engaged on similar work in factories and workshops. Where only homework exists

¹ *Bulletin du Ministère du Travail*, September, 1922.

² Circular of the Ministre du Travail, September 11th, 1922.

³ *Doc. parl.*, no. 3485, J.O., p. 893.

⁴ These may be appointed by the Council of State on the request of persons interested or by official initiative, in any locality for particular trades to study the interests of the trade and give expert advice.

⁵ *Rapport Morel, Senat*, 1914. *Session Ordinaire, Doc. Parl.*, no. 207.

in the district, the committees must take as a basis the wage paid for similar work in the same, or neighbouring, district. Where such comparisons cannot be made, it is provided that the basis shall be the average daily wage paid in the district to workers "non spécialisées, allant en journée chez autrui pour des fins diverses, travaux de ménage, de couture, de ravaudage, de blanchissage, etc."¹

In addition to the *Comités de Salaires*, section 33g of the Act gives the Prefect power to set up *Comités d'Expertise* for the various branches of trade or for various localities. These consist of two women workers and two employers in the trade concerned, and are presided over by the local *Juge de Paix*. Here, again, the members are chosen by the assembled sectional officers of the *Conseil de Prud'hommes*. After the *Comité de Salaires* has fixed the daily wage to be paid in the district, it is the duty of the Committee of Experts to discover the length of time necessary to make various articles in order that piece rates may be fixed which will allow the ordinary worker to earn the minimum hourly or weekly rate. The Committees of Experts need only function at the request of the Government, the probiviral courts, or a trade association, but, if they wish, they may, on their own initiative, draw up the necessary tables showing the time taken to make various articles. In this somewhat difficult task they are entitled to receive assistance from various quarters. They have access, for instance, to the schedules of wages and piece rates in the clothing trade in various districts, which have been drawn up from time to time, as a result of the Decree of August, 1899, relating to the making of military garments,² and the Ministerial Circular of July 24th, 1915, instructs inspectors to attend the committee and give advice when requested. It is a further duty of the committee to give advice and information to the judicial authorities, when workers sue for the fixing of a rate applicable to themselves.

The decision as to the minimum wage is to be published by the Prefect and is to become effective after three months unless an appeal is lodged. Appeals which are not settled by agreement are decided by a Central Commission sitting at the Ministry of Labour (33h). This is composed of two members of the Wages Committee concerned (one representing the employers and the other the employed), two representatives of the trade in question, and the permanent members of the Commission. The latter consist of two members elected from the probiviral courts for a term of three years and one member of the Court of Cassation, nominated by the Court, who acts as President. In practice, appeals to the Central Commission have been few. Up to October 1st, 1920, the Court had given only thirty-six decisions.³ The general tendency seems to have been

¹ Words of M. Jean Morel, quoted in the Ministerial Circular of July 24th, 1915.

² Circular of January 12th, 1917.

³ *Bulletin du Ministère du Travail*, October, 1920.

to obtain a settlement either by reconsideration or by employing the inspectors as conciliators. The proceedings of the Commission seem to be marked by considerable delay. Thus on July 10th, 1917, it issued a decision upon a rate first fixed by the Committee of Haute Loire on July 4th, 1916; on December 8th, 1916, it decided a rate fixed by the Saône and Loire Committee in March of that year, while a rate for lacemaking, which had been originally fixed in Haute Savoie in June, 1916, was not put into operation until November, 1917, when the Commission decided that the rate should be 2.60 francs per ten-hour day, instead of 3 francs, in spite of a steady rise in the cost of living during the interval. Apparently the functions of the Commission are not unlimited, for it has itself stated that it has no power to determine whether workers for whom rates are fixed are, in fact, homeworkers within the meaning of the Act,¹ or whether a Committee of Experts has been properly constituted.² To avoid deliberate delays by abuse of the machinery of appeal, a Ministerial Circular of September 3rd, 1917, has laid it down that the decision of the Commission is final and that no further three months period for appeals will be allowed.

By October, 1920, *Comités de Salaires* had been set up in all departments except Aisne and Ardennes, while there were 297 Committees of Experts in existence. The setting up of the committees did not, however, proceed as quickly as might have been wished, as is shown by a number of Ministerial Circulars reminding Prefects of their duties under the Act. In July, 1915, the Minister directed a circular to all Prefects and divisional Inspectors of Labour, setting out in the most lucid manner the objects and provisions of the Act and urging the immediate setting up of the necessary committees, and the matter is again referred to by circulars in September and October of that year. In February, 1916, we find the Minister again sending urgent instructions, and complaining that the delay in fixing rates in certain departments is leading to the displacement of labour, and as late as 1920 we find complaints that in many cases the Committee of Experts is not yet functioning.

Enforcement of the Act is entrusted to the Inspectors of Labour and, to facilitate investigation, employers must keep a register of work given out, together with the name and address of the worker and the rate of wages paid, while the notice setting out the legal rate must be posted where the work is given out (33*b*). The extent to which infractions of the Act have been discovered, and the amount of inspection carried out, can be seen from the following table, which has been compiled from the annual reports on the Act published in the *Bulletin du Ministère du Travail*.

¹ *Bulletin*, October, 1917.

² Decisions of the Commission, April 15th, 1918, and March 9th, 1916.

Year.	No. of firms affected.	No. of workers affected.	No. of visits paid including revisits.	Not sending notice or keeping register (s. 33 <i>a</i>).	Failure to post notice of rates (s. 33 <i>b</i>).	Failure to enter price or keep books correctly (s. 33 <i>c</i>).	Paying a wage different from that stated (s. 33 <i>c</i>).
1916	5,053	208,318	7,515	95	55	2,017	614
1917	6,196	215,218	4,510	165	21	350	21
1918	5,072	160,902	3,472	270	21	1,008	36
1919	5,796	128,481	1,846	14	9	643	107

Differing in these respects from the British system, the work of inspectors is completed when they have secured the observance of sections 33*a*, *b*, and *c*, relating to the keeping of records and the posting of notices, and where underpayment is discovered they can merely inform the employer of his obligations.¹ The obtaining of redress is left to the workers themselves. The balance of wages due is recoverable if claimed within fifteen days, except when the Committee of Experts has not fixed a time for making an article, when, after the complaint of a worker others may claim any time after the underpayment. The principle of leaving it to the worker to claim arrears seems to be very unsatisfactory, especially in a group of trades where the majority of workers are women scattered over wide areas. The chances of intimidation seem great, and it can only be said in extenuation that this method is consistent with the French view of legal rights. In France it is the right of the worker to claim the minimum wage; in Great Britain it is the duty of the employer not to pay less. At first, attempts were made by the trade unions to take up cases for their members, and claim arrears, but a decision of the Court of Cassation² made it clear that unions could only take up a case to procure an award (i.e., to obtain a statement that a certain wage should be paid) in favour of a particular worker, but could not take proceedings to recover the wage due. Contraventions of sections 33*a*, *b*, and *c*, are punishable, before a Tribunal of Simple Police, by a fine of 5 to 15 francs, while in respect of each person underpaid the fine may be as much as 500 francs. Second infractions render offenders liable to heavier fines, culminating in a total of 3,000 francs.

Such are the institutions called into being by the Act of 1915, in order to remedy the unsatisfactory conditions prevailing in the homework industries. It remains to inquire how far they have effected their purpose.

In the first place, it must be noted that the aim of the legislature was definitely limited. Its object was merely to bring the wages

¹ Circular, July 24th, 1915.

² Baillie and Company Case, April 19th, 1918.

paid for homework up to the level of those paid in factories or workshops, and no attempt was made to question the adequacy of the latter. It is here that the French minimum wage legislation differs most widely from the British and Australasian, where the aim has been a much wider one, and, in the case of Australia, is definitely a "living wage." In France all attempts to interpret more liberally the functions of the Wages Committees have been disallowed on appeal to the Central Commission. In order more firmly to impress this narrow basis upon the committees the Minister of Labour, in a circular of January 12th, 1917, pointed out that the "customary wage" of the district "devra servir de base unique, abstraction faite de toute autre considération à la détermination du salaire minimum que doit gagner une ouvrière travaillant à domicile pour une journée de dix heures," while the Commission Centrale on April 26th and 27th, 1917, ruled that the law gives no power to a departmental committee, nor to itself, to determine whether the wage is sufficient or insufficient, taking into consideration *le salaire vital*. In spite of this the Seine Department in October, 1917, decided to add to the minimum which it had established a percentage corresponding to the daily price of 1 franc for 10 hours to compensate for the increased cost of living,¹ while the Haute Savoie Committee avoided the difficulty by declaring that as the "customary wage" had depreciated on account of the increased cost of living, it would raise the wages it had fixed to correspond.² It was not, however, able to maintain that the current rate for hosiery was at that level, and as a result the rate for that branch of the trade was lowered on appeal to the Commission. Such attempts were, however, comparatively rare, and, as will be seen below, the general rule was for the committees to be very slow in revising a rate. It must also be pointed out that this strict limitation of the basis of the wage was not always in the employers' favour. The decisions of the Commission that the ability of an employer to compete with other firms on account of transport costs is not a matter to be taken into account,³ and that the rates paid in neighbouring districts are not to be considered,⁴ are cases in point.

The problem of the "ordinary worker" does not appear to have presented much difficulty, the circular of January 12th, 1917, suggesting the definition in the Berthod Report, "L'ouvrière qui n'a pas de talent spéciale lui donnant droit à une rétribution supérieure, mais celui de l'ouvrière ordinaire exécutant communément les divers travaux de la profession," following an earlier circular addressed to the divisional inspectors in 1916. When estimating the effect of the Wages Committees on the wage level, we must bear in mind the

¹ *Tarifs de Salaires et Conventions pendant la Guerre, 1914-18*. Paris, 1921.

² Decision of December 12th, 1916.

³ Appeal against the Haute Savoie decision, February 11th, 1918.

⁴ Decision of July 7th, 1919.

fact that the clothing trade was flourishing during the period under review on account of the heavy military demands and, in so far as goods for the army were supplied, came within the provisions of the Decree of 1899. In practice many special price schedules were drawn up which rendered the decisions of the Wages Committees largely inoperative. It must also be remembered that prices were steadily rising during the period under consideration.

The Act of 1915 had provided for a revision of the rates every three years at least, but it is clear from the Ministerial Circulars that it was hoped that the period would be more frequent, and if the committees were to be an effective force they should obviously have been ready to adjust wage rates to the changing economic conditions. Yet by the end of 1918 as many as forty departmental committees had made only one decision, while as late as 1920 it was reported that there were still fourteen committees which had not revised the legal rate since it was first fixed, and this in spite of repeated circulars from the Minister pointing out the dangers of transference of labour as a result of the passivity of the committees. Even when notifying the extension of the Act, the Minister in a circular dated September 11th, 1922, took the opportunity again to request the Prefects to summon committees for the revision of rates, especially if more than three years had elapsed since the last meeting.

As a result we find in 1920 minimum hourly rates as low as 18c. (hand lingerie in Corrèze), or 1.75c. (embroidery in Puy de Dôme, cap making in Rhône, etc.), while the normal legal hourly wage varied between 20 and 60 centimes, although in certain districts rates as high as 1.25 francs an hour were fixed. The higher rates, however, were usually found in the more thickly populated districts or in the neighbourhood of manufacturing areas,¹ and it is here that the committees meet most frequently for the revision of rates. The inelasticity of the rates fixed has in a few instances been compensated either by agreements made outside the committees between employers and trade unions, or as a result of the schedules of wages drawn up for workers engaged in the manufacture of military clothing. The report on Wage Scales and Agreements, published by the Ministère du Travail in 1921,² shows that considerable adjustment was made during the war, both as a result of the introduction of the *semaine anglaise* and in order to allow wages to keep pace with the rising cost of living. Unfortunately most of these schedules and agreements applied only to workers *en atelier*, and in the three volumes of the report it is only possible to find twelve districts,³

¹ e.g., the highest rates are found in the following districts: Seine, Orléans, St. Etienne, Marseilles, Saône et Loire, Oise.

² See note 1 on page 242.

³ i.e., Bouches du Rhône, Drôme, Gard, Gironde, Ille et Vilaine (Rennes), Indre et Loire, Loir et Cher, Loire, Loire Inférieure, Morbihan, Rhône (Lyons), Savoie.

excluding the Paris area, in which the agreement or wage scale applies specifically to homeworkers.

From such facts as are available it seems possible to conclude that the French minimum wage system has not proved a striking success, though the recent extension of the Act to new trades tends to weaken this judgment. With few exceptions the Wages Committees have not been remarkable for initiative, and have needed to be stirred from the inactivity into which they fell after fixing the original minimum wage, by frequent Ministerial Circulars. A system whereby it is possible for a wage to remain fixed for as long as three years is unsatisfactory in normal times. In periods of rising prices and rapidly changing economic conditions it is useless as a means of rectifying the abuses which existed in the homework trades before the passage of the Act of 1915. It is at present impossible to use the French experiment as an argument for or against the legal minimum wage. The real test of the "success" of the experiment will come when prices begin to fall and unemployment in France becomes a real problem. Meanwhile one can only say that the French minimum wage law is neither sufficiently well administered, nor sufficiently bold in conception, to have much influence on wages in the low-paid homework industries.