

ADDRESSING THE CHALLENGES AND OPPORTUNITIES OF THE LABOUR FORCE: PAST AND PRESENT

FROM THE HISTORY OF EMPLOYMENT LAW IN ROMANIA: ELABORATION, ADOPTION AND IMPLEMENTATION OF LAW ON CHILDREN'S AND WOMEN'S LABOR IN INDUSTRIAL AND MINING ESTABLISHMENTS FROM 1906

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Abstract: Law on children's and women's labor in industrial and mining establishments from 1906 was an important step on the way of modernizing labor relations and of protecting safety and security of women and young employees in the workplace. This paper presents the elaboration, adoption and implementation of the 1906 law in the socio-economic and political context of that time, presenting its pros and cons. The author makes also a series of observations concerning the evolution of labour relations, especially about the working conditions of minors and women in the Romanian industry, before and after the adoption of the law. To better illustrate the impact of this law's stipulations, the author makes a comparison between the previous laws, the Law on children's and women's labour in industrial and mining establishments from 1906 and the provisions of the laws that have regulated subsequently working conditions for women and children, especially "Nenițescu Law" of 1912.

Keywords: minor, work, industry, apprentice, enterprise.

Adoption and implementation of labour protection rules are subject to an evolutionary process in which social relations and economic development are key modifying factors. If at the end of the nineteenth century legal norms were quite unclear or missing, beginning with the twentieth century they began to take shape.

An important step to modernize Romanian society in the early twentieth century was the Law on the protection of minors and women working in industrial and mining establishments from 1906, designed to ensure human working conditions and a better standard of living in these branches of industry.

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Developed in late 1905 and early next year, the law of February 1906 was in accordance with the needs of the era, and is part of a package of laws that contained provisions on the limitation of working time, ensuring the right to rest and the protection of work safety such as: Sanitary Law from 1885, Regulation on unwholesome industry from 1894, the Law from March 6, 1897, Law on Sunday rest from 1910 and the Law on organizing crafts, credit and workers' insurance from 1912¹.

Law on children's and women's labour in industrial and mining establishments from 1906 represents a watershed in the evolution of employment relationships, marking the transition from one century to another. As the Regulation on unwholesome industries from 1894, this law set the minimum employment age to 12 years for industry employees. For work in dangerous and unwholesome conditions, as for night work, the minimum age was 15 years for boys and 17 years for girls.

Adoption of this law was imposed as a result of the use of a large number of women and minors in work which constituted a workforce much cheaper than men workers and, in many cases, more appropriate for the performing of certain activities.

The beginning of the XXth century is characterized by the general development of the industry and by increasing the driving force as a result of the introduction of the machines in all industries. The era of consolidation and extension of the machines' industry in Romania, between the war of independence and the First World War, imposed a continuing increase in the number of women and minors employed in the most diverse industries. Representative for the extension of women's and minors' work is the industrial survey from 1901-1902, which shows that, of the total of workers of 32,473 from the large processing industry, 6,617 were women and 2,196 children² aged between 12 and 16 years old³. Another statistics of the 1911-1912 shows the presence of a number of 9,299 women⁴, 2,797 children up to 15 years and 10,034 young between 16 and 20 years of age in industrial units, railways and careers⁵.

The use of women's and children's work in the industry was very advantageous for employers and the State, but had many drawbacks for employees in these categories because, for a work almost equal as effort and duration with those of workers men, women and children received, as a rule, a much smaller salary. Thus, in 1912 women employed in large industry received between 1-2 lei per day, while men received between 2-3 and 4-5 lei per day for equal work⁶. A particular situation was that of the apprentices who had to execute also other ancillary activities whose duration, added to the normal working time, grew till had

¹ Cezar Avram, Roxana Radu, *Evoluția istorică a reglementărilor privind relațiile de muncă în România*, in "Arhivele Olteniei", New Series, no. 22, 2008, pp. 185-186.

² Of the 2,196 children, 688 were girls under 16 years, included also in the total of 6,617 women.

³ *Ancheta industrială din 1901-1902*, vol. I (Industria mare), Bucharest, 1903, pp. 114-115.

⁴ *Anuarul statistic al României*, Bucharest, 1912, p. 384.

⁵ C. D. Staicovici, *Statistica anuală a României 1911*, Bucharest, 1912, p. 22.

⁶ *Anuarul statistic al României*, Bucharest, 1912, p. 385.

exceeded a total of 12 hours a day⁷. The Law on trades (“Misir law”) from 1902 has regulated in detail the apprenticeship, establishing that a young person may be apprentice at the age of 12 years⁸. Widely used in Romanian industry, the apprentices had a very tough situation, the duration of apprenticeship, between 3 and 5 years, increasing the degree of exploitation of these occupational categories⁹.

Labour costs, which affected the interests of the state and employers, and, in particular, the rise of the workers’ protest against the abusive, arbitrary use of women’s and children’s labour were the determining causes, at the end of the XIXth century, of the attempt to regulate the regime of work of these workers. The first laws that included stipulations governing the duration of working hours have been the Law on the organization of the health service (June 1874), Regulation on unwholesome industry (1875) and Sanitary Law (1885), the last two referring to the regulation of children’s labour for the purpose of preventing the children under 12 years of age from working. Through the Regulation on unwholesome industry from 1875 it was established that, for children and women, both in small workshops and factories, in quarries, at construction sites, daily work could not begin before 5 a.m. and could last no later than 8.30 p. m. For the major worker though, which “is the master of the time and type of his work” (art. 12), law did not set any kind of measure to limit the working time, this being still obligated to accept conditions imposed by the employer.

There followed a few sporadic and incomplete provisions, relating to the situation of women and children employed in industry, contained in various documents with regulatory nature¹⁰, a legislating attempt, more complete, of this aspect being the Regulation for unwholesome industries from 1894¹¹. Among other things, the regulation provided that the working hours for children between 12-14 years of age may not exceed six hours per day, women and minors under 14 years of age could not provide work during the night and in the day of celebration, and children under 12 years of age could not be employed as wage earners. By the Law of 6 March 1897, Sunday rest was established to a half day from 12 to evening – for workers and

⁷ *Amintiri ale lui Iancu Zaharescu*, Archive of the Central Committee of the Romanian Communist Party, fund no. 5, file 1171, f.1.

⁸ Subsequently, the apprenticeship contract was governed by the Law on trades, credit and social security from 1912.

⁹ D. D. Rusu, *Din istoricul legislației muncii în România. Legea din February 1906*, in I. Arhip, C. Cloșcă, C. Florea, M. Humnic, C. Iconomu, A. Karețchi (coord.), *Cercetări istorice*, Iași, 1970, p. 232.

¹⁰ Regulation for the organization and administration of State’s Printing House and the Official Gazette, decreed on 1 June 1873, in Ioan M. Bujoreanu, *Colecțiune de legiurile României*, vol. III, Bucharest, 1885, pp. 748-753; Order of the City Hall from February 1891 addressed to the craftsmen, street vendors and “other retailers” who use apprentices, in “Munca” no. 1, 24 February 1891, p. 3; Regulation for granting the right to search for and exploit oil on state estates from January 1893, in the “Official Gazette” no. 240 of 29 January (10 February) 1893, p. 6884; Regulation on Mining Law from 1895, in the “Official Gazette” no. 31 from 10/22 May 1895, p. 1030.

¹¹ Published in the “Official Gazette” no. 138 of 24 September (6 October) 1894, p. 4771.

apprentices in urban areas and up to 12 in the afternoon – for those from rural areas¹². Subsequently, the problem of child labour has made the object of the Law on trades from 1902¹³, which established a working schedule of 6 hours for “pupils” aged between 12-14 years and of 8 hours for those aged between 14-16 years.

In the absence of constant concern on the part of the State and employers for the fate of workers and in the absence of any means of coercion, these laws were deprived of effect because they did not provide any penalty to ensure the effective implementation of the provisions of labour protection¹⁴. Thus, before the adoption of the Law on children’s and women’s labour in industrial and mining establishments from 1906, the beginnings of regulating the protection of workers’ healthcare, contained in the Law on trades in 1902 and in other normative acts “were so little applicable that we can consider non-existent”¹⁵. Forced to work in the industrial enterprises in order to earn a living¹⁶, women and children had the most difficult situation, being subjected to “the most inhuman arbitration and to the most miserable treatment”¹⁷. The extensive use of the work of women and minors in the industry affected also the category of workers men, the number of people left without a job being still growing. This state of fact has resulted in increasing workers’ protest actions to demand the improvement of working conditions and limiting the use of minors and female workers in industry.

In order to attract the support of the “working class”, the Social Democratic Party of Romania (PSDMR) included in its programme of 1893, part II, two requirements: “children under 14 years of age are not accepted at work” and “women’s work regulation”¹⁸, while the second Congress of the PSDMR in 1894 adopted a motion to that effect¹⁹. In an article from 1899 entitled “To women”, the journal “Lumea nouă” addressed an appeal to working women to join men in the struggle to improve their material and political situation²⁰.

¹² Later, the Law on Sunday rest from 1910 has regulated these matters in more detail.

¹³ Published in the “Official Gazette” no. 266 of 5 (18) March 1902, f. 10488-10489.

¹⁴ In connection with the breaking of stipulations of 1894 Regulation, see State Archives Galați, Galați City Hall, file 125/1894, f.1 și file 75/1899, f. 1, 8; “Lumea nouă” no. 329 of 20 October 1895, p. 1.

¹⁵ M. Armașu, *Protecția legală a muncitorilor*, in “România muncitoare” no. 39 of 27 November 1905. See also “Meseriașul Brăilei” no. 1 and no. 3 from 1 and 17 January 1906; N. Petrescu-Comnen, *Studiu asupra intervenției statului între capital și muncă*, Bucharest, 1910, pp. 21-22.

¹⁶ See “Explanatory Memorandum” to the Law on children’s and women’s labour, Central Historical Archives, the Romanian Senate fund, file 8820, f. 8; “Debates of the Chamber of Deputies”, no. 16, the meeting on 15 December 1905, p. 191; “Debates of the Senate”, the meeting on 17 January 1906, p. 235.

¹⁷ I. Robu, *Reglementarea muncii copiilor și femeilor*, in “România muncitoare” no. 38 of 20 November 1905, p. 1. See also “România muncitoare” no. 30 of 25 September 1905 and no. 31 of 2 October 1905.

¹⁸ *Documente din istoria mișcării muncitorești din România 1893-1900*, Bucharest, Politics Publishing, 1969, p. 58.

¹⁹ *Ibidem*, pp. 238-239.

²⁰ “Lumea nouă” no. 16 of 24 October 1899, p. 1 (*Către femei*); *Ibidem*, no. 17 of 31 October 1899, p. 2 (*Rolul femeii în lupta noastră*).

Workers' protest movements has intensified the more at the turn of two centuries, the more the opposition of employers to improve the working conditions and the recognition of the right to strike has been manifested through the ban, even if not outright, of this right. The Mining Law of 1895 stipulated the loss of pension rights of the "worker which will be proved that forced another worker to participate in the strike, or prevented the work of those who will not be involved in the strike" (Article 130). Law on trades ("Misir Law") from 1902 established the obligation of the workers and employers of the same trade to group together and form a corporation, under the slogan "community of interests". By imposing this obligation it was intended that the workers "may not be able to see their interests hostile to the ones of employers and remain in bondage and in darkness before" (I.C. Frimu)²¹.

Halfway through the first decade of the XXth century, trade unions intensified their fight to acquire labor protection legislation²², which has hastened the elaboration of the law. Government representatives could not ignore the interests of employers, which is why the Law on the protection of children's and women's work in industrial and mining establishments from 1906 had a class character, a truncated content and a limited application field. To overcome the suspicions of workers, the law was presented as a measure to improve the situation of workers with "insufficient forces" (referring to women and children – our note), which had been imposed to a "work beyond their strength" in the establishments with "vitiating atmosphere"²³. Besides the intention to stop protest movements, the Conservative Party, whose representatives were in government at the time, aimed, pretending to be guided by democratic principles²⁴, to ensure a certain "popularity" of the political groups in front of the voters giving them extra force when moving in opposition. In a statement made at the beginning of 1906 in Parliament, Prime Minister Gh. Grigore Cantacuzino, claiming to have been influenced by the "more liberal ideas of France", said that to save itself from destruction, the Conservative Party should be placed on "the strong and healthy foundation of love and trust of the electorate", "must sink its roots within the nation"²⁵. Restrictive measures for

²¹ Florin Negoită, *Istoria statului și dreptului românesc*, Bucharest, Fundația "România de Măine" Publishing, 2005, p. 264.

²² "România muncitoare" no. 30 of 25 September 1905; *Ibidem*, no. 31 of 2 October 1905; *Ibidem*, no. 39 of 27 November 1905; Ecaterina Arbore, *Influența industriilor asupra sănătății lucrătorilor*, Bucharest, 1907, p. 38.

²³ See "Explanatory Memorandum" to the Law on children's and women's labour, Central Historical Archives, the Romanian Senate fund, file 8820, f. 8; "Debates of the Chamber of Deputies", no. 16, the meeting on 15 December 1905, p. 191; "Debates of the Senate", the meeting on 17 January 1906, p. 235.

²⁴ See the answer of the Prime Minister Gh. Grigore Cantacuzino to the interpellation made of P.P. Carp, in "Debates of the Chamber of Deputies", the meeting on 13 January 1906, pp. 360-361; C. Gane, *P.P. Carp și rolul său în istoria politică a țării*, vol. II, Bucharest, Universul Publishing, 1936, p. 326.

²⁵ "Debates of the Chamber of Deputies", the meeting on 13 January 1906, p. 360.

employers that were to be adopted has affected only slightly the conservative group, whose main interests were related to agriculture; also the imperfections of law could have been attributed to the liberals “who did not care for the fate of workers in the industry”.

In addition to internal factor, a decisive role in the adoption of the 1906 law played also the international situation, characterized by workers’ fighting for decent work conditions. The model who inspired the Romanian lawmakers was the French law on minors and women from 2 November 1892 and the laws of other European countries²⁶ which were, in terms of employment age, on a middle line²⁷. Although Romania has not ratified the International Convention on the prohibition of night work for women, adopted at the International Congress for the protection of labour in Berne in 1905²⁸, however, the prohibition of night work for children are to be found in the Law on the protection of children’s and women’s work in industrial and mining establishments in 1906.

On 15 December 1905 the project of law on children’s and women’s labor, drawn up by the Ministry of agriculture, industry, commerce and domains, Ion Lahovari, was brought before the Chamber of Deputies, with the intention to be voted before the end of the year²⁹. Although the draft is adopted on the same day, by unanimous vote³⁰, the Senate debates were postponed to January 1906 following the intervention of the industrial bourgeoisie through the “Union of Industrialists” from Romania³¹ who wanted to defend their interests harmed by draft’s provisions. The Senate discussions were held on January 17, 1906 and had as object the amendments of the “Union of Industrialists”. In a modified form defavourable for workers, the project was adopted in the Senate on the same day, unanimously³². On January 21, the draft is voted on by the Chamber of Deputies, being adopted with only two votes against³³. The literature considered that the law “was adopted in a state of indifference, synonymous with irresponsibility”, revealing the disinterest of the Romanian bourgeoisie and landowners to improve the situation of the working class³⁴.

²⁶ See “Tablou de comparație ale legislațiunilor străine”, attached to the “Explanatory Memorandum” to the Law on children’s and women’s labour, Central Historical Archives, the Romanian Senate fund, file 8820, f. 9-10.

²⁷ The minimum age of employment varied from one country to another: nine years (one country); 10 years (5 countries), 12 years (3 countries); 14 years (one country). The duration of working time varied between 6-12 hours, the one of 6-8 hours being predominant. *Ibidem*.

²⁸ Marco I. Barasch, *Legislația internațională a muncii*, Bucharest, 1929, p. 33.

²⁹ “Debates of the Chamber of Deputies”, no. 16, the meeting on 15 December 1905, p. 191.

³⁰ *Ibidem*.

³¹ “Debates of the Chamber of Deputies”, the meeting on 17 January 1906, p. 239; “Economia națională” no. 1 of January 1906, p. 53.

³² “Debates of the Chamber of Deputies”, the meeting on 17 January 1906, pp. 239-245.

³³ “Debates of the Chamber of Deputies”, the meeting on 21 January 1906, p. 417.

³⁴ D. R. Ioanițescu, *Istoricul legislațiunii muncii în România*, Bucharest, 1919, p. 30; “Adevărul” no. 5899 of 19 January 1906, p. 2.

Promulgated by the Royal Decree of 11 February 1906³⁵, law on children's and women's labor in industrial and mining establishments has had its pros and cons. Thus, article 1 fixed the minimum age of employment to 12 years. The law also provided that minors could not be used "to dangerous and unhealthy jobs, even if this work is not executed in industrial establishments, mines and quarries" (article 1), prohibiting child labor during the night (article 5) and establishing a period of 8 hours of work, although had not explicitly stated age categories to which these provisions were applicable (on the basis of the interpretation of the law it was clear that the targets were girls under 17 and boys under 15). Article 7 provided an opportunity to "give 10 hours for children aged between 13 and 15 years of age in certain industries". Employment of minors was to be made on the basis of an employment booklet, with the aim of their record-keeping, and of a medical certificate proving that they are suited for work (article 2). Employers that were using children under 15 were required to declare annually their number (article 3) and to compose an interior regulation that was supposed to be "endorsed by the Mayor of the commune and displayed" (article 18). After childbirth, women were entitled to an unpaid leave of 3-4 weeks, keeping their place of work (article 6). The duration of work performed by women varied between 10 to 11 hours (article 7), and the weekly rest period was of one day (article 16). The law of 1906 took over some of the provisions of the law on trades (from 1902) regarding the relations between employers and pupils (articles 9-11), providing for a number of measures relating to law enforcement and sanctioning violations of its provisions (articles 17-23).

Comprising 24 articles, the law also presented numerous drawbacks, certain provisions constituting even a regression in relation to previous laws, especially regarding the work of women and apprentices who were still in a very difficult situation. Unlike the Regulation on unwholesome industries from 1894 that prohibited women to work during the night, the 1906 law had prohibited night work only for boys under 15 and girls under 17 years (article 5). While the Regulation has granted a break for women and minors after 4 hours of work performance, the 1906 law regulated the granting of such breaks only after 6 hours of uninterrupted work. If in case of minors aged between 12-15 years working time was limited to 8 hours, in some industries this duration could be extended to 10 hours. For women, the maximum working time was of 10 hours and could extend up to 11 hours on a special permission (article 7). One issue that remained undecided was the issue concerning categories of enterprises entering in the field of law application. Following the amendments, the term "workshop", which appeared originally in the title was replaced by the one of "establishment", during Senate

³⁵ "Official Gazette" no. 258 of 22 February (7 March) 1906, p. 9050-9051. Law and its implementing regulations were also published in "România muncitoare" no. 33-35 of October 1906; C. Hamangiu, *Codul general al României*, vol. III, Bucharest, Bookshop Leon Alcalay Publishing, pp. 3624, 4155.

debates Lahovari stating that the law applies to “big industry”³⁶ but without specifying what enterprises fit into this category. This legislative vagueness has determined many factory owners to oppose the application of the law motivating that it would be viewed only large enterprises with a motive power of 50 H.P. or with at least 50 workers, other corporations falling under the provisions of 1902 law³⁷. Other disadvantages for workers introduced into the content of the law at the request of the “Union of Industrialists” were limiting opportunities for control over law enforcement (article 19), the extension of sanctions for law violations over the parents of minors employed (article 20), the possibility of circumventing the provisions of the law by applying the legal exceptions, the lack of provisions on wages, social security benefits, field of application. With all its shortcomings and deficiencies, the law in 1906 represented an important step towards recognition by the state of the necessity of “legal protection of workers”³⁸ being “the only law that contains the kernel of a good principle (establishing working hours – our note) but it is unenforceable because of the way (lawyers’ way) it was drafted and the lack of a serious control”³⁹.

The progress made through law enforcement, starting with December 15, 1906⁴⁰ were aimed only the conditions of employment of minors, keeping their evidence and drawing up functioning regulations by enterprises using underage employees. These were issues emphasized in a circular of the Ministry of Agriculture, Industry, Trade and Domains of February 1907⁴¹ addressed to the town halls and aiming at law enforcement. In the same circular it was stated that: “Although the law came into force (...), until now the Ministry has not received any notice by which to prove that the law was sufficiently brought to the attention of the working class, which leads us to believe she has not received great publicity”⁴².

Authorities’ care for the application of 1906 law was limited to formal issues⁴³. These issues, however, were not meaningless because even if the ministerial authorities has permanently checked the conditions of the existence of

³⁶ “Debates of the Chamber of Deputies”, the meeting on 17 January 1906, p. 239.

³⁷ Archive of the Ministry of Machine Building Industry, fund of Ministry of Industry and Trade, file no. 35/1910, f. 19.

³⁸ I. N. Armașu, *Protecția legală a muncitorilor*, in “România muncitoare” no. 39 of 27 November 1905, p. 1; I. Robu, *Reglementarea muncii copiilor și femeilor*, in “România muncitoare” no. 38 of 20 November 1905, p. 1.

³⁹ Ion Mișu, *Legislația muncii. Reglementarea orelor de muncă*, in “România muncitoare” no. 58 of 4 December 1908.

⁴⁰ According to the circular of application and article 22 of the Law. See State Archives Galați, Galați City Hall fund, file no. 9/1907, f. 1.

⁴¹ State Archives Iași, Iași City Hall fund, file no. 257/1907, f. 3-4; State Archives Galați, Galați City Hall fund, file no. 9/1907, f. 1; State Archives Brăila, Brăila City Hall fund, file no. 38/1910.

⁴² *Ibidem*.

⁴³ For example, in 1907 Galați City Hall issued 104 employment booklets and 233 booklets in 1908, a number equal to the demands made. State Archives Galați, Galați City Hall fund, file no. 9/1907 și 9/1908.

employment booklets and medical certificates to the employment of minors, and keeping their records, there were many patrons who evaded these formalities⁴⁴. But excessive formalism has harmed the situation of minors as doctors were writing the same things on all certificates “is healthy, well developed and able to work in the factory ...”⁴⁵, without taking into account the real state of health or the school situation of minors⁴⁶.

Neither the provisions of article 18 of the law on drafting internal regulations did not have the results expected by workers. Internal regulations drawn up by employers between 1907-1908 and subjected to approval by municipalities include clauses on working hours, wages, insurance, labour of women and children, but in many cases these clauses provide harsher conditions than those stipulated by law. For example, minors aged between 12-15 years had a program of work between 8-19 hours, with breaks between 9-9.30, 12-14 and 16-16.30. Women and minors over 15 years had a program from 7-19, with breaks between 8-8.30, 12-13, 16-16.30⁴⁷. In practice, these provisions granting the statutory rest breaks with a duration between 2-3 hours were not observed, from the archive data resulting that “minors under 15, some even under 11 years, were working since 7 a.m. to 7 p.m., with a break of maximum one hour in the noon”⁴⁸. Other evidence proves that industrial enterprises in Bucharest, Craiova, Galați, Bacău, Piatra Neamț, Ploiești, Iași, Botoșani, Buzău, Sinaia used women and children performing work between ten and a half hours and twelve hours daily⁴⁹.

Limited application of the law on child labor and women in industrial and mining establishments was closely linked to the interests of industrial owners, supported by Liberals’ government which had replaced, meanwhile, the conservative government. The circumvention of the law stipulations was favored, as we mentioned above, by the vagueness of the provisions on the scope of the law, by invoking the exceptions and by other government decisions. Only in 1908 were promulgated 11 royal decrees relating to working time for women in industry,

⁴⁴ Repeatedly during the years 1907 and 1908, the Ministry of Agriculture has asked to the town halls to ensure that factories that used children’s work have procured employment booklets. See State Archives Iași, Iași City Hall fund, file no. 257/1907, f. 16 – address from October 1907; State Archives Galați, Galați City Hall fund, file no. 9/1907.

⁴⁵ State Archives Galați, Galați City Hall fund, file no. 9/1907 and 9/1908.

⁴⁶ State Archives Iași, Iași City Hall fund, file no. 257/1907, f. 43-44 and file no. 281/1908; State Archives Galați, Galați City Hall fund, file no. 16/1911 and 18/1912.

⁴⁷ State Archives Iași, Iași City Hall fund, file no. 257/1907, f. 9-10, 14-15, 20, 22, 27, 35; State Archives Ploiești, “Steaua Română” (correspondence), file no. 3/1908, f. 7-12; State Archives Galați, Galați City Hall fund, file no. 9/1907.

⁴⁸ State Archives Iași, Iași City Hall fund, file no. 257/1907, f. 17.

⁴⁹ Archive of the Ministry of Machine Building Industry, fund of Ministry of Industry and Trade, file no. 33/1910, f. 23, 26, no. 34/1910, f. 2, 3, no. 35/1910, f. 2; no. 37/1910, f. 2; no. 38/1910, f. 2, no. 41/1910, f. 2, no. 43/1910, f. 2 and no. 45/1910, f. 2. See also “România muncitoare” no. 58 of 4 December 1908, no. 57 of 23 September 1910, no. 67 of 23 October 1910, no. 37 of 15 July 1910.

which granted exemptions from the law for 11 large industrial enterprises with hundreds of working women⁵⁰.

Statistical data and archival documents indicate that four years after the entry into force of the law, the situation of women and children who were working in industrial enterprises had hardly improved compared with the one previous to the adoption of law. The reports drawn up by the industry Inspectorate during 1909-1910, empowered by the Ministry of Industry and Trade of 1906 with the supervision of law's application show numerous law violations and abuses committed in industrial enterprises from different cities⁵¹, which consist of prolongation of working hours for women and children (between 10 and a half hours and 12 hours daily), not granting daily rest breaks, employment of minors without respecting the rules stipulated by law, the lack of internal regulations, employers' abusive behavior etc.⁵².

The worst was that the authorities have tolerated this situation, allowing breaches or non-application of the law, as noted N. Petrescu-Comnen: "In various visits undertaken by us without any official capacity, we found that industrial establishments in the country are rare where children of seven, eight or nine years are not working together with adults, indiscriminately, 13 or 14 hours. With regard to women's work, law dispositions remained from the very beginning almost entirely a dead letter; and yet, we searched in vain to find a single report of contravention concluded by any of the competent authorities; as far as we know, no court in the country has ever judged a trial of offenses against the law"⁵³. In a report from 1910, even a representative of the authorities, Dr. C. Gh. Orleanu, chief doctor of the capital and chairman of the Hygiene Council, was "finding an unfortunate state of affairs (...) namely that in most factories in our city (Bucharest – our note) are employed many apprentices, mainly children aged between 11 to 14 years, which would be nothing if it were employed to work according to their age but, unfortunately, they are used for tasks that often go beyond their powers; as yet it would not be so bad if, in addition, they would not be forced to work a number of

⁵⁰ Among these enterprises were the Cotton Industry, Wool Weavers, Spinning knitwear, "Dorobanțul" Factory from Ploiești etc. See Central Historical Archives, Presidency of the Council of Ministers fund, file no. 12/1908, f. 34-37 and file no. 13/1908, f. 19, 33-37; Ion Mișu, *Legislația muncii. Reglementarea orelor de muncă*, in "România muncitoare" no. 58 of 4 December 1908.

⁵¹ Among enterprises which did not respect the law of 1906 could be found: C.I. Zane Chocolate Factory, "Vulcan" Car Factory, "Titan" Factory and "Triumful" Meat Cannery from; Wool Weavers of D. Kasper and the one belonging to Iohan Fleicher from Craiova; W. Lupu Factory and Factory of nails and wire "Vestfalia" from Galați; "Doamna" Knitwear Factory and the Wool Factory belonging to Moris Stich from Piatra Neamț; "Coroana" Cannery from Ploiești; Knitwear Factory Radu Purcel from Buzău; Knitwear Factory from Botoșani; Factory of wooden boxes from Sinaia etc. See Archive of the Ministry of Machine Building Industry, fund of Ministry of Industry and Trade, files no. 33-49/1910.

⁵² *Ibidem*.

⁵³ N. Petrescu-Comnen, *Studiu asupra intervenției statului între capital și muncă*, Bucharest, 1910, pp. 23-24.

hours too great for them although there is in force a law and a regulation on child labor in factories”⁵⁴.

Trade unions have welcomed the government’s efforts on the development and adoption of the law⁵⁵, but later showed reservations about the effectiveness of its implementation taking into account that the legislative power belonged to the dominant social classes⁵⁶. Representatives of the working class demanded both workers and authorities to act to enforce the law of 1906 in all sectors of activity and improve its content. In a statement to the Parliament at the beginning of 1906, trade unions demanded to the legislative power body “that the law on employment of women and children to be improved and applied not only in large industry, but also in the small industry, transport, trade, etc.”⁵⁷. The trade union conference in August 1906 criticized the formal character of all legislation of “work protection” in force on that date, and underlined the need for appropriate regulations concerning the use of child labor in industry. Among the proposals submitted to the Conference were prohibiting the employment of children under 14 years and limiting working hours to 6 hours for minors aged between 14-18 years⁵⁸. These measures formed a part of the strikes’ claims erupted during 1907 in Bucharest, Galați and other industrial centers of the country.

Between 1908 and 1910, the fight for changing and applying the law on the work of women and minors echoed in political party programs. The economic part of the Program of the Social Democratic Party of Romania, voted at the Congress of reconstitution from 1910, demanded: “The absolute prohibition of employment of children under 14 years. Laws on the protection of underage apprentices and workers. Vocational education available through schools or free courses. Absolute prohibition of women’s and children’s work in harmful industries (...). Equal pay for equal work for workers of both sexes”⁵⁹.

Since 1912 – the year of the promulgation of the law on trades and workers’ insurances – the validity of the law on child’s and women’s labor in industrial and mining establishments from 1906 was put into discussion⁶⁰. The actions and events organized by trade unions in support of improving the situation of women and

⁵⁴ Dr. C. Gh. Orleanu, *Raportul general asupra igienei, stărei sanitare precum și asupra mersului serviciului sanitar al capitalei pe anul 1910*, Bucharest, 1911, pp. 124-125.

⁵⁵ I. Robu, *Reglementarea muncii femeilor și copiilor*, in “România muncitoare” no. 38 of 20 November 1905, p. 1; I. N. Armașu, *Protecția legală a muncitorilor*, in “România muncitoare” no. 39 of 27 November 1905, p. 1.

⁵⁶ M. Gh. Bujor, *Burghezia legiferează*, in “România muncitoare” no. 41 of 11 December 1905, p. 1.

⁵⁷ Archive of the Institute of Historical and Socio-Political Studies, M.M. quote, 1910, doc. 9, inv. 2063.

⁵⁸ *Rezoluția privitoare la legislația muncii*, adopted by the Conference of Trade Unions in 1906, in “România muncitoare” no. 25-26 of 20-27 August 1906.

⁵⁹ *Programul Partidului Social-Democrat din România*, Bucharest, 1910, pp. 19-20.

⁶⁰ Archive of the Ministry of Machine Building Industry, fund of Ministry of Industry and Trade, file no. 12/1912, f. 1-16.

minors in the industry have continued. At the Congress of Socialist Party and of trade unions in June 1912 it was adopted a motion on the law of 1906 through which:

“We protest against the non-implementation of the 1906 law regulating the work of women and children in factories and workshops, law which has become obsolete soon after its voting, and needs to be implemented immediately”⁶¹.

Similar revendications appeared in numerous memoirs and manifestos⁶², reports and newspaper articles from the workers press between years 1914-1915⁶³. At the trade union congress in January 1914, in a report entitled “Protecting women’s and children’s work” show that “Both laws, Lahovari’s law and that of trades (Law on trades of 1912 - our note) are faulty and incomplete in comparison to the laws today into force in foreign countries. But even these legal dispositions do not apply”⁶⁴. Based on the conclusions of this report, the Congress adopted a resolution on “Women’s and Children’s Labour”. The resolution stated that: “Given that, with the growing development of large industry increases also the exploitation of children and women in factories and workshops (...), trade unions’ Congress decides that, pending the amendment of existing laws, the organizations of workers have to put pressure on employers to rigorously apply existing provisions at least”⁶⁵. It is also required to act in order to obtain the following claims: prohibition of night work for women, publishing the industries perilous for women, regulating the working day of 8 hours, prohibition of employment of children under 14, establishing a program of 6 hours per day for working minors aged between 14-18 years, compulsory education in schools for children under 14 years, hygienic measures in workshops where working women and children⁶⁶.

Law for organizing crafts, credit and workers’ insurances of 1912 (“Nenițescu Law”), considered in the literature “a real labor code, both by its history, the general field of application and by regulating its institutions”⁶⁷, made a series of references to the situation of women and children employed, which was equivalent to the repeal of the 1906 law⁶⁸. Since neither the provisions of this law

⁶¹ *Documente din istoria mișcării muncitorești din România, 1910-1915*, Bucharest, Politics Publishing, 1968, p. 371.

⁶² The call from May 1, 1913, entitled “Către muncitorii capitalei”, in “Documente din mișcarea muncitorească 1872-1916”, IInd edition, Bucharest, 1947, p. 525; “Memoriu în privința legii meseriilor”, in “România muncitoare” no. 1 of 3 January 1913.

⁶³ *Presa muncitorească și socialistă*, vol. II (1900-1921), Part I (1900-1907), Bucharest, Politics Publishing, 1966, pp. 308, 335-336.

⁶⁴ Ecaterina Arbore, *Ocotirea muncii femeilor și copiilor*, in “Documente din istoria mișcării muncitorești din România, 1910-1915”, Bucharest, Politics Publishing, 1968, pp. 621-638.

⁶⁵ *Ibidem*, pp. 663-664.

⁶⁶ *Ibidem*.

⁶⁷ Costel Gilcă, *Noi teorii în dreptul muncii*, Bucharest, Rosetti International Publishing, 2012, p. 75.

⁶⁸ Virgil Madgearu, *Ocotirea muncitorilor în România*, Bucharest, Flacăra Publishing, 1915, pp. 33-34.

were not very clear and explicit, discussions continued in the years 1912-1916, within the Ministry of Industry, on the validity of the law of 1906. When asked by the Ministry of Industry and Trade on the state of the 1906 law, Directorate of the Large Industry of that Ministry replied in September 1915 that only Article 4 should remain in force⁶⁹. In an address to the same ministry in September 1916, the Central house of trades considered that “law of 1906 (...) has no longer any reason to be applied”⁷⁰.

“Nenițescu Law” from 1912 brought a number of new elements compared with the previous regulations: acquiring the ability to work from the age of 16, provided that the minor had shown “good behavior and diligence to craft” (article 4); requiring that each worker have a work card and the obligation of Guilds Committee to keep a register of apprentices and journeymen (article 28); regulating apprenticeship contract (articles 21-23, 39, 48-49); regulation probationary period (article 33); setting a daily rest breaks of at least one hour (article 37); obligation of the employer to pay wages direct to minors older than 16 years old (article 47); women’s right to a maternity leave of six weeks without losing work (article 63). Regarding working time, this varied by age and sex of workers as follows: for minors between 11-15 years – 8 hours / day; for minors aged between 15-18 years – 10 hours / day; for women – 11 hours / day (article 36). “Nenițescu Law” of 1912 was the first normative act relating to the regulation of night work, even if only for apprentices: “Apprentices boys younger than 15 years and apprentices girls younger than 17 years cannot be used in night work, namely: from 1 October to 31 March, from 8 p.m. to 6 a.m.; and from 1 April to 30 September, from 8 p.m. to 5 a.m.” (article 38).

Given that these regulations continued to be ignored and violated by employers, the situation of women and minors employed in industrial enterprises continued to be problematic, object of the demands of workers’ organizations after World War I⁷¹. Only in 1928 it will be adopted a new regulation – The law on the protection of women’s and children’s work and on working time from 1928⁷².

In the state of development of the Romanian society in the interwar period,

⁶⁹ Archive of the Ministry of Machine Building Industry, fund of Ministry of Industry and Trade, file no. 12/1912, f. 13-14.

⁷⁰ *Ibidem*, f. 16.

⁷¹ The Resolution on “labor legislation” adopted at the Regional Congress of Socialist and Trade Union Organizations in Moldova in July 1, 1918, in “Documente din istoria mișcării muncitorești din România, 1916-1921”, Bucharest, Politics Publishing, 1966, pp. 95-96.

⁷² Cezar Avram, Roxana Radu, *op. cit.*, p. 187.

