A FEMINIST CONCEPTION OF INJURIOUS WORKING CONDITIONS:
THE BIRTH OF OCCUPATIONAL HEALTH AND SAFETY LEGISLATION

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This essay is dedicated to Barb Byers, President of the Saskatchewan Federation of Labour, and Jacquie Griffiths, Chair of its Occupational Health and Safety Committee. Their sensibility and voice inspired by the richness and integrity of the feminist tradition takes human suffering seriously and its relief as an end for which to live.

The women’s tradition touches and guides a fresh response and perseverance to their achievements which have already left an impression on others full of significance and consequence.

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Introduction

In 1970, the United States Senate passed the *Occupational Safety and Health Act (OSHA)*.\(^1\) This legislation represented a radical departure from the former factory acts that were rarely enforced in the United States.\(^2\) The discussions leading up to the act, signed into law on December 29, 1970, reveal that occupational disease in the United States was at epidemic levels.\(^3\)

In 1971, the New Democratic Party was elected in the province of Saskatchewan. Soon after the election, a new *Occupational Health and Safety Act*\(^4\) was introduced into the legislature, modeled on *OSHA* (1970) but with major differences. The key difference was in giving workers rights to participate in joint health and safety committees so as to monitor their workplaces and refuse unusually dangerous work. This, in fact, was an admission that the varied and diverse occupational health and safety professionals and experts were, in part, unable to deal with growing worker illnesses in Canada. The Saskatchewan act became a “beacon” for other Canadian jurisdictions. By 1981, all 12 Canadian jurisdictions had some form of worker rights to know, participate and refuse dangerous work.\(^5\)

It soon became evident, in the province of Saskatchewan, that women trade unionists played the leading role in the formation of the joint health and safety committees in their respective workplaces. While this, in part, reflected the change in composition of the workforce in terms of gender, women, nonetheless, took the initiative in male-dominated industries as well. This phenomenon is consistent and coherent with the longstanding feminist tradition of research and political mobilization around day-to-day working conditions. This activity was singularly significant when it came to child labour and injuries and illnesses suffered by both men and women workers.

Of course, women were active in the building of unions as well. During the early decades of this century they organized the Women’s Trade Union League.\(^6\) No legitimate history of the working class in the U.S. during the first two decades can ignore the role of Rose Schneiderman, organizer for the International Ladies’ Garment Workers Union.\(^7\) Or, Mother Jones in the 1930s who was referred to as the “most dangerous woman in the world.” But women were involved in protest movements from 1811 to 1816 against machinery uprooting and displacing workers in England which threatened their family’s employment. We historically refer to this as the Luddite Movement.\(^8\) Twenty-five years later women were active in the Chartist Movement (1834-48) which sought higher wages and better working conditions through the passage of factory legislation and many other reforms, especially universal suffrage, the abolition of the property qualifications for Members of Parliament, and a *People’s Charter* which became the Manifesto for a nation-wide movement.\(^9\)

This reformist movement triggered the formation of trade unions and opposition to the new factory discipline, long hours of work, child labour and unhealthy and dangerous working conditions. Dorothy Thompson’s scholarly study of the Chartist Movement further states:

Well over a hundred female radical associations have been recorded in the first few years of the movement, and there is strong evidence of independent activity by women in centres where no separate organization seems to have existed. In Halifax, for example . . . the women were prominent in the social and political activity of the radicals.\(^10\)
Thompson documents their organizing of a female Anti-Poor Law Association against laws which repealed the protective legislation for the poor in place since the passage of the Elizabethan Poor Laws of 1603. The Factory Acts evolved from these poor laws which were the legal basis for regulating factories and workhouses. The first such legislation was the Health and Morals of Apprentices, 1802, followed by the Factory Act of 1819 stipulating nine years as the minimum age for the employment of children and also limiting their working hours; but it did not apply to all textile factories. It established a precedent, although it was a weak and feeble act.

Women actively agitated against the poor laws and the factory reforms. Thompson adds:

Women in the Chartist movement, then, were important particularly between 1838 and 1843. Their presence emphasizes the community base of the movement, and it is difficult to conceive Chartism without their participation. They set up many separate organizations, and a considerable amount of organizing, speaking and demonstrating was done by these women.

The agitation of women at a time when public activity by women was frowned upon did not deter or lessen their resolve and political activities in behalf of children in factories, mines and mills. Their efforts persisted throughout the century, even though they were without the vote. Reform of working conditions was not only evident in England but also in the United States.

The same pattern can be found in Canada. For instance, Bettina Bradbury’s study of the family economy and work in Montreal in 1871 was important in providing evidence on low wages for workers. Margaret McCallum reported on female factory workers in New Brunswick. The National Council of Women in Ontario at the turn of the century studied and reported on the working conditions of women in shops and factories. These are not merely isolated incidents of women active in the reform of working conditions but a general condition. This situation deserves deeper analysis since the tradition of women investigating and politicizing child labour and unhealthy and dangerous working conditions was an essential factor in the passage of the United States’ Occupational Safety and Health Act (OSHA) in 1970. OSHA was a radical departure from the earlier factory acts and became the model for Canadian health and safety legislation throughout the decade of the 1970s.

Workplace health and safety legislation, unlike the Trade Union Acts, is embedded in the history of the varied women’s movements during this century, beginning with the social work movement. While public policy is said to be gender neutral, the influence of feminist thinking and political activity remains, nonetheless, enormously significant in workplace health and safety reforms.

The Social Work Movement and Factory Reform

During the latter half of the 19th century women in the United States and Canada were barred from the professions and a university education, except in the case of a small number of women’s colleges. Some middle class women, however, sought an active public life in serving those less fortunate. They became active in ameliorating the negative effects of industrialism and urban impoverishment and organized to bring about legislative changes at all levels of government administration. Their political base was the organization of settlement houses in slum areas of America’s large urban centres. These settlement houses located in America’s growing slums
provided health care, proper hygiene, sanitation removal and other such services for families in the urban tenements and slums.\textsuperscript{18}

Women working in the settlement houses researched the relationship between living conditions and working conditions. They saw first-hand the effects of homework and child labour, and the bitter consequences for women working long hours in the retail trades and sweat shops in the major urban centres such as New York City, Boston, Chicago, San Francisco, Philadelphia and other smaller cities throughout the United States. The women who managed these settlement houses maintained a loose network of communication and organization in order to act politically at the national level, and they held national conventions in order to develop a political agenda for social and industrial reforms.

The settlement movement aligned itself with the labour movement and other radical movements. They remained tenacious in their support for social reform by investigating the evil effects of industrial society. They made their studies known in newspapers and popular journals as well as for state and federal politicians. They became competent public speakers, held rallies, and met with legislators on behalf of changes to improve both living and working conditions. Their efforts were most vigorous in aiding working women and children. Allen F. Davis’ study of the settlements and the progressive movement (1890-1914) states that “settlement workers helped to organize the National Child Labor Committee and the National Women’s Trade Union League. They conducted investigations, lobbied for bills, and organized committees.”\textsuperscript{19}

Davis states that their efforts in Chicago, for instance, played a major role in the passage of the \textit{Illinois Factory Act} of 1893 which provided for factory inspection and prohibited the night-time employment of children under 14 years of age.\textsuperscript{20} Further, their studies during the first two decades of this century were of enormous influence in the creation and passage of social legislation pertaining to aspects of unsanitary factory conditions, hours of work—especially for women, and later for state Workers’ Compensation laws in New Jersey, Michigan, New York and Massachusetts.\textsuperscript{21}

These studies speak to the dignity of flesh and blood human beings, not labour-saving devices, profit, capital accumulation or economic considerations. They also provided a devastating critique of managerial and corporate claims to justify authority based upon their use of morally neutral facts about economic “progress” and their insidious reliance upon paid experts and professionals who reinforce their class position. This meant the subservience and accepted obedience to this authority and reliance upon “economic laws” which promoted economic considerations as the dominant virtues; and should we ignore these economic considerations and “laws,” we do so at our peril. The social work investigations took issue with the social science research and of the role used by managers and the business class to defend authoritarian control of the whole of the work environment. They rejected “fact” as morally neutral, and they bridged fact and values methodologically in their research as well as the gap between “experiment” and “experience.” While they too presented statistics on behalf of legislative and social reforms, they primarily relied upon the “narrative” describing how workers and their families, the poor, the unemployed, the injured and those made ill in work were actually experiencing the brutal effects of existing policies and practices.\textsuperscript{22} Their studies put forth a competing conception of rationality and justice
and sought to introduce an ethical dimension in the regulation of working conditions and in the redefining of the role of professionals and experts.

They were also deeply involved in influencing laws affecting immigrants and labour’s right to organize, while rejecting the distortions of scientism and the mechanistic-materialistic American industrial machine-like “world” which drowns out the groans of the suffering. They recovered the voice of the oppressed and forged ahead by action and informed reflection.

The movement played a prominent role in shaping the political agenda of the Progressive Party in 1912 and used this political platform to educate American society. It was this movement and the efforts of social workers which, more than any other organization or group, brought reforms to the day-to-day working conditions of ordinary workers. It is out of this movement and historical tradition of women’s activation for social justice stemming back to the Chartist movement in Britain that led to the reform of factory acts, the passage of Workers’ Compensation, and the enactment of the Occupational Safety and Health Act (OSHA) in 1970.

With the professionalization of social work in the 1930s, the “movement” began to subside, but its purposes and aims remained alive through the efforts of the Secretary of Labour during the Roosevelt New Deal period, Francis Perkins. Francis Perkins was Secretary of Labour from 1933-45. She was the most influential Secretary of Labour in the world at that time. Prior to her appointment, she was part of the social work movement and became Industrial Commissioner for the State of New York before being appointed Secretary of Labour at the national level. The tradition went underground during the McCarthy Cold War years of the 1950s and emerged again in the 1960s, inspired by the environmental movement and the seminal work The Silent Spring by Rachel Carson. The extraordinary work of the settlement movement can be understood by briefly examining the biographies of some of these women who were deeply involved in bringing about legislative reforms of working conditions.

**Jane Addams (1860-1935)**

After a visit to Toynbee Hall in the slums of London’s East End in 1888, Jane Addams established the first settlement house in Chicago, Illinois for the impoverished working people and urban poor. Throughout her years at Hull House, Jane Addams invited other women to live and work there. These women knew that those who were in a situation of oppression were not aided by theory. Poor people die sooner! The studies of these women were filled with interviews and descriptions of the actual work being done and its injurious aspects to health and safety, as well as of the living conditions in America’s slums. Their accounts did not consist of isolated theoretical explanations, but of the work as it exists in reality and how it is experienced.

They recognized it was the failure of judges to understand how workers actually experienced their working environment. Florence Kelley desperately asked whether “judges know nothing of the injury to health suffered by girls and women working over time until late at night or on all-night shifts, with no possibility of undisturbed sleep by day?” Kelley was a resident at Hull House active in bringing about reforms of child labour and of both social and industrial conditions.
Alice Hamilton was also a resident at Hull House. She became the first industrial hygienist in North America and made significant investigations of the lead industry. She publicized the fact that American factories had higher morbidity and mortality rates than their European counterparts. In 1908, she was appointed to the Illinois Commission on Occupational Diseases and served in the Federal Department of Labour under another former resident of Hull House, Francis Perkins.

Julia Lathrop who also lived in Hull House and was named by President Taft in 1912 as head of a newly-formed Children’s Bureau. These women learned their work and the problems of social legislation by direct contact with the actual conditions of the poor and workers. Their investigations were testimonies of human misery and suffering, keeping alive a particular tradition embedded in the varied historical women’s movement. And it is this tradition which chronicles factory legislative history beginning with the Elizabethan Poor Laws (1603).

Their research exposed a whole sordid and miserable record of long hours of work in rotten and filthy workplaces injurious to the health and safety and morals of men, women and children. Their political activation became part of the legal defence of the reduction of hours of work and the improvement of worker health and safety. It was they who researched the famous “Brandeis Brief” on hours of work of women in 1907 presented to the Oregon court. Although much of their legislative efforts were deemed unconstitutional by the Supreme Court of the United States, they continued tirelessly to educate the public and seek reforms on the state level. Their work provided the much-needed scientific, medical and social evidence for state labour laws pertaining to injurious and unhealthy working conditions. William O. Douglas, long-time liberal member of the Supreme Court in the United States, said that “it was through the efforts of Hull House that some of your basic factory legislation was passed.”

Jane Addams was both critical and supportive of the American Federation of Labour. For her the very existence of trade unions was a critique of society indifferent to economic security and the well-being of its citizens. She believed that all workers should be in some union or association representing their trade or interests in regard to competition.

Update

It is estimated that there were 39,300 work fatalities in the United States in 1993. Also, more than 8 million work-related injuries occurred in that same period; 240,000 of them resulted in permanent disability; 40,000 to 70,000 deaths could be attributed to occupational disease each year. There are 350,000 additional non-fatal occupational illness cases each year.

In 1994, the annual cost of work-related accidents in Canada is estimated at over $4 billion in direct costs and over $20 billion in indirect costs. Meanwhile, less than 2 percent of journals used or recommended by faculty instructing Human Resource Management mention occupational health and safety in a substantive manner.

At the same time, there has been a growth of child labour and poverty both in the United States and in Canada. And “an estimated 250 million children under age 15 work worldwide, about half of them full-time and many of them in dangerous or demeaning conditions in mines, factories or as household help.” In the United States, there has been a growth of sweat shops and it is “es-
Estimated that in New York City alone, there are nearly 8,000 shops employing as many as 150,000 immigrant workers whose conditions fit the description of 1930 industrial sweat shops—workplaces violating health, safety, wage and child labour laws.”

This situation appears to be worsening with the North American Free Trade Agreement (NAFTA). The separation of fact and values and the role of managerial experts seems as dominant today as it was to Jane Addams and Florence Kelley and the social work movement during the early decades of this century. For instance, in 1992 a mine explosion at the Westray Mine in Nova Scotia killed 26 men.

A Westray supervisor said it wasn’t his job to report safety violations in the killer coal mine, then admitted Monday that he covered them up. J. Dooley told a provincial inquiry his job description didn’t require him to report to Nova Scotia safety inspectors.

We are still faced with the separation between fact and values. The role of professionals and experts as the ultimate arbiter in conflicts between labour and management pertaining to working conditions is even more evident today than it was in the past. This approach undermines workers’ actual experiences and therefore their meaningful involvement in identifying work hazards and finding solutions.

**Florence Kelley, Crusader against Child Labour**

Florence Kelley, a leader in the settlement movement and organizer for social reform of factory conditions was appointed Chief Inspector of Factories for Illinois in July 1893. She was the only woman to head a state factory inspection department until the appointment of Francis Perkins by Governor Alfred E. Smith in the State of New York in 1926. Perkins’ life work was influenced by Florence Kelley. It should be noted, however, that the first factory inspectors in Norway and Sweden during the late 19th century were women.

In 1904, Kelley formed the National Child Labour Committee which led to the creation of the Federal Children’s Bureau in 1912. A major function of this Bureau was to point out dangerous occupations and accidents suffered by children. It was headed by Julia Lathrop an associate of Jane Addams. Florence Kelley’s reports as Chief Inspector of Factories were described as

> so moving and human . . . , so full of indignant satire, so honest in their relentless description of conditions as they really existed, with no attempt to cover up or conceal the evils with which the state must deal.

Her biographer states:

> It is readily understandable that in her new position, Florence Kelley’s experience and her own deep maternal instincts predisposed her to give a prominent place for the enforcement of the child labour sections of the new law. . . . An example of her reporting of intolerable conditions in the stockyards is as follows:

> ‘Some of the children are boys who cut up the animals as soon as the hide is removed, little butchers working directly in the slaughter house, at the most revolting part of the labour performed in the stockyards. These children stand, ankle deep, in water used for flooding the floor for the purpose of carrying off blood and refuse into the drains; they breathe air so sickening that a man not accustomed to it can stay in the plant but a few minutes; and the work is the most brutalizing that can be devised.’
Consistent with the reformist tradition, she states: ‘FIRST OF ALL, SUCH CONDITIONS WERE UN-
NECESSARY, PREVENTABLE.’[43] [Emphasis added]

‘Nor is there any excuse for the existence of such surroundings. With the facilities for ventilation and de-
odorizing that are readily available, this passage way could be made inoffensive. Meanwhile the em-
ployment of any human beings in such a place is an outrage and should be summarily stopped. That the
law confers upon the inspectors’ no power to stop it.’[44]

Kelley found and documented similar unhealthy, degrading, and dangerous conditions for boys
in the glass factories. She revealed what had been concealed about child labour, documented
homework, sweat shops, industrial accidents and diseases, and vigorously advocated industrial
hygiene, reduction of the hours of work, and no compromise with the “economic trade-offs” that
justified brutal and inhuman conditions for children, as well as for men and women.[45]

Other women in the settlement houses throughout the United States exchanged stories and sup-
ported one another in their political activism at all levels of government for factory reforms.
Their investigations revealed the simple lack of common decency regarding living and working
conditions. Their efforts directly led to the passage of the child labour amendment in the United
States in 1924, which began the on-going and continuous reform that is part of the history of
child labour in the United States.

**Update: The Sky is So Beautiful, Why So Much Cruelty?**

Presently, women in Canada still make garments for less than minimum wage in sweat shops.
This problem has become rampant not only in Canada but throughout all the developing coun-
tries as well. Child poverty is a major issue in Canada. The Child Poverty Campaign in Canada
in 1996 reported that child poverty levels have grown by 46 percent since 1989. Studies confirm
the crisis of declining living standards for working families. Meanwhile the rich get richer and
the poor get poorer! The report *Crossroads for Canada: A Time to Invest in Children and Fami-
lies* notes that “Canada has one of the worst records of financial support for working families
with children among industrialized countries within the OECD.” Although Canada is ranked
only second to the United States in comparative national wealth, it is number 12 amongst liberal
industrial economies in regard to basic child benefit support. That means that “1.2 million chil-
dren live in poverty” in one of the richest countries in the world.

**Crystal Eastman: From Reform to Socialist Revolution**[46]

In 1909 “the Pittsburgh Survey” was published documenting the extent of industrial disease, in-
jury and social waste in one of America’s great industrial centres. Part of the study was Crystal
Eastman’s investigation of 500 worker fatalities which included steel manufacturing, railroading,
mining and other industries in the Pittsburgh area. Her study exposed the widely-held view that
“95 percent of the accidents are due to the carelessness of the men.”[47]

Crystal Eastman’s method of investigation exposed the dominant myth of “worker carelessness”
or “worker proneness” which prevailed at the time—and still does—although to a lesser extent.
Her chapter, “Work Accidents and the Law,” was an enormously important contribution in sup-
port of the movement for the passage of Workers’ Compensation legislation in New York, New
Jersey, Michigan and Wisconsin. Afterwards, other states began to pass legislation. A National
Workers’ Compensation law was passed during the New Deal because of the efforts of the Secretary of Labour, Francis Perkins.

Eastman, Jane Addams, Florence Kelley, Alice Hamilton, Julia Lathrop, and Francis Perkins were all part of a women’s reform network which included such pioneers as Lillian Wald who founded the Henry Street Settlement House on the lower east side of New York. This settlement house not only offered refuge for many immigrant women, but helped organize many into local unions of the International Ladies Garment Workers Union and organized the boycott of exploitative retail merchants. These women maintained a social and political network that provided an important complement to the collective bargaining regime in defining working conditions in terms of standing long hours, noise levels, thermal conditions, exposure to toxic substances, improper ventilation, lighting and the “physical, mental and social” conditions as defined by Canadian occupational health and safety legislation.

General Acceptance of Suffering for the “Greater Good”

We have yet to speak of the actual working conditions experienced by workers for which the women mobilized opposition and sought legislative reforms. Examples are found in the varied state investigations and provincial inquiries in Canada. There are of course many books written of particular health and safety tragedies in the United States and Canada. We shall merely give the reader general not isolated examples of the hours of work, for instance, prior to the First World War in the United States. The conditions were no different in Canada.

The 1909 Census of Manufacturers showed that for all industries in the United States covering over six-and-one-half million wage earners, 76 percent were employed in establishments operating over 54-60 hours a week inclusive . . . and approximately four percent of those operating 72 hours over a week.

The hours of labour per week in 1914 for women workers in hosiery and underwear averaged 54.1; for knitters, 54.9; for weavers, 55.8; and for spinners, 56.9. Long hours took its toll on their health. Industrial disease and poverty were beginning to be documented, especially their relationship. For instance:

An unemployment survey made by the Metropolitan Life Insurance Company in conjunction with the Bureau of Labor Statistics of the Federal Government, during 1915, and covering over a million wage workers in selected cities of the United States developed the fact that eleven percent of the unemployed was caused by sickness or accident disability. Over one percent (1.2) of all wage earners canvassed were found to be unable to retain their employment on account of illness.

A more detailed survey of 34,490 persons in the families surveyed found 798 (2.3 percent) were sick. Lauk and Sydenstreicher suggest that as a result of available studies at that time workers were the “human scrap heap of industry.”

Accidents were already acknowledged as the major cause of loss in working time. It was conservatively estimated that there were 25,000 fatalities in 1913, and “the number of injuries involving a disability of more than four weeks . . . at approximately 700,000.” It was acknowledged that occupational accident hazards were more hazardous than the occupations of a soldier.

The conditions for children were especially brutal. Karl Marx earlier stated that child labour was “the coining of children’s blood into capital.” In 1910 there were 1,990,225 children between the
ages of 10 and 15 who were gainfully employed. Of all children employed, 895,946 were less than 14 years of age, and almost 17,000 boys under 16 were working in the dangerous coal and iron ore mines and quarries, of which 2,200 were between the ages of 10 and 13.  

Children were sacrificed to a stubborn and ignorant obedience to economic “laws.” Politicians then, as in the case today, maintained that to ignore such economic laws is to be in peril. No doubt, this primitive utterance echoes a time of scarcity when life and death itself was a matter of securing food and shelter each day. The evil consequences of an economic society were apparent then, as it is today.

Low family income was supplemented by children.

The larger the family, as a general rule, the larger were the contributions from wage-earning children. It was shown that the father reaches the limit of his earning opportunity early in the family life, and that the children, if family income is to be increased sufficiently to maintain a minimum standard of decent living as they reach adolescence, must go to work.

In those industries where women and children were employed, “it was found that the family was dependent upon them for a considerable proportion of its income.” This situation was not an isolated but general condition, yet the popular media, academic community, the judicial system, and politicians at all levels of government were totally ignorant of the magnitude of human suffering in industry and in the social sphere throughout the United States. This was not an economic or legal issue but a moral one.

The appalling and dangerous conditions of employment for children during the 19th century has been documented and published. For instance, J.L. and Barbara Hammond detail the working conditions of children in mills, mines and chimneys in England during the 19th century. Their accounts of testimony before Peel’s committee, for example, on child labour in 1860 reveals the enormity of suffering of the children and their parents. The following quotation is only illustrative of the conditions of children in mills ignored in England for many decades thereafter, and continued unregulated in the United States and in Canada during the early part of the 20th century.

When once children had become wage earners, their working life differed little from that of the apprentices. . . . They entered the mill gates at 5 or 6 A.M., they left them (at earliest) at 7 or 8 P.M., Saturdays included. All this time they were shut up in temperatures varying from 75 to 85. The only respite during the fourteen or fifteen hours’ confinement was afforded by meal hours, at most half an hour for breakfast and an hour for dinner. But regular meal hours were privileges for adults only: to the children for three or four days a week they meant merely a change of work; instead of tending a machine that was running, they cleaned a machine that was standing still, snatching and swallowing their food as best they could in the midst of dust and flue. Children soon lost all relish for meals eaten in the factory. The flue used to choke their lungs. When spitting failed to expel it, emetics were freely given.

The work on which these children were engaged was often described as light and easy, in fact almost as an amusement, requiring attention but not exertion. Three-fourths of the children were “piecers”—that is, engaged in joining together or piecing the threads broken in the various roving spinning machines. Others were employed in sweeping the waste cotton, or removing and replacing bobbins. . . .

The fourteen or fifteen hours’ confinement for six days a week were the “regular” hours: in busy times hours were elastic and sometimes stretched to a length that seems almost incredible. Work from 3 A.M.
to 10 P.M. was not unknown; at Mr Varley’s mill, all through the summer, they worked from 3:30 A.M.
to 9:30 P.M. At the mill, aptly called “Hell Bay,” for two months at a time, they not only worked regu-
larly from 5 A.M. to 9 P.M., but for two nights each week worked all through the night as well. The more
humane employers contented themselves when busy with a spell of sixteen hours (5 A.M. to 9 P.M.).

It was physically impossible to keep such a system working at all except by the driving power of terror.
The overseers who gave evidence before Sadler’s Committee did not deny that their methods were brutal.
They said that they had either to exact the full quota of work, or to be dismissed, and in these circum-
stances pity was a luxury that men with families depending upon them could not allow themselves. The
punishments for arriving late in the morning had to be made cruel enough to overcome the temptation to
tired children to take more than three or four hours in bed. One witness before Sadler’s Committee had
known a child, who had reached home at eleven o’clock one night, get up at two o’clock next morning in
panic and limp to the mill gate. In some mills scarcely an hour passed in the long day without the sound
of beating and cries of pain. Fathers beat their own children to save them from a worse beating by other
 overseers. In the afternoon the strain grew so severe that the heavy iron stick known as the billy-roller
was in constant use, and, even then, it happened not infrequently that a small child, as he dozed, tumbled
into the machine beside him to be mangled for life, or, if he were fortunate, to find a longer Lethe than his
stolen sleep. In one mill indeed, where the owner, a Mr. Gott, had forbidden the use of anything but a fer-
ule, some of the slubbers tried to keep the children awake, when they worked from 5 in the morning to 9
at night, by encouraging them to sing hymns. As the evening wore on the pain and fatigue and tension on
the mind became insupportable. Children would implore any one who came near to tell them how many
hours there were still before them. A witness told Sadler’s Committee that his child, a boy of six, would
say to him, ‘Father, what o’clock is it?’ I have said perhaps it is seven o’clock. ‘Oh, is it two hours to nine
o’clock? I cannot bear it.’

The Hammonds stated that the children who suffered most were the apprentices from the work-
houses. “These lads are made to go where other men will not let their own children go. If they
will not do it, they will take them to the magistrate, who will commit them to prison.”

The historical knowledge about the physical and moral degradation of working conditions in
England was well documented. In 1910 the U.S. Bureau of Labor finally began a study of the
working conditions of women and child wage-earners and also found similar unjust abuses and
circumstances as revealed by the earlier British inquiries. The U.S. study was published in 1913
and was basically ignored. Florence Kelley and her associates acknowledged that it was purely
out of economic interest that employers hired children, and that U.S. laws on both the federal and
state levels protected the right of employers to hire them.

The Canadian Parliament undertook its own study of working conditions as early as 1882 and
again in 1885. Canadian historian, Greg Kealey, stated that the commissioners investigating the
rapid growth of industrialism in Canada

reported shock and indignation at child labor, the employment of women, and inadequate sanitary and
safety facilities. . . . Factory acts were introduced at nearly every session of the Federal Parliament in the
80’s (1880s) to control the worst excesses of modern industry, but no legislation was enacted.

The Canadian government refrained from enactment of protective legislation to ensure minimum
standards of common decency because of the “infringement of provincial constitutional jurisdic-
tion.” The same argument prevailed in the United States. Employers argued in the U.S. that the
14th amendment of the Constitution protected them from federal statutes regulating hours of
work for women and children. The 14th amendment was used on behalf of property rights over
human rights unless the “public health” was in danger. The New Deal under the Roosevelt Ad-
administration (1933-45) successfully challenged this view after Roosevelt threatened to add members to the Supreme Court in order to change the direction of the court’s thinking.

Francis Perkins: The Middle Years

The efforts to reform working conditions continued with Francis Perkins throughout the decade of the 1930s until 1945. The poor, unemployed, children and workers have appreciably benefited from her efforts embedded in the feminist tradition embracing a class perspective. Perkins was an ardent crusader for civilizing factory conditions. Her biography represents a remarkable achievement in the reform of factory life and of working conditions.

In 1909, she became Secretary of the New York City Consumers’ League and worked on sanitary regulations for bakeries, fire prevention techniques in factories, and the League’s “54 Hour Bill” to prohibit women of any age and boys under 18 from working in factories more than 54 hours a week. In 1912, she was appointed to the Committee on Safety of the City of New York and undertook an investigation of tenement homework. And in 1912 an impressive group of women testified before the Commission about tenement homework. They were:

- Dr. F. Josephine Baker, Director of Child Hygiene in the Department of Health
- Lillian D. Wald, Director of Nurses’ Settlement (Henry Street Settlement House)
- Rose Schneiderman for the Women’s Trade Union League
- Pauline Goldmark for the New York City Consumers’ League
- Florence Kelley for the National Consumers’ League
- Francis Perkins for the Committee on Safety

Their contribution cannot be under-estimated in humanizing work. The women’s tradition represented the high moral ground and hope for the possibilities of an alternative way of organizing social and industrial life.

In 1918, Francis Perkins was a member of the New York State’s Industrial Commission where she became involved in the state’s Workers’ Compensation legislation passed in 1910. In 1920 she was active in administering this law as a Commissioner. She reorganized the factory inspection division so as to enforce standards which had been both corrupt and lax. Throughout the 1920s, Perkins was a national spokesperson for worker health and safety. In 1924 she was responsible for introducing a child labour amendment, and in 1926 the Governor appointed her as Chair of the state’s Industrial Board. She was later appointed by Governor Roosevelt, who later became President in 1933, to Industrial Commissioner. It was the highest public position held by any woman in the United States at that time.

As Industrial Commissioner for the State of New York in 1929, Perkins was head of the State’s Department of Labour and responsible for regulating hazardous industries and industrial life for workers. New York State became a leader in industrial regulations and codes regulating factory life. She was the highest official in the United States in that capacity, a position that came to her naturally because of an already-established tradition embedded in the social work movement.

On March 30, 1930, New York State announced a Committee on Stabilization of Industry for the Prevention of Unemployment. The first state to do so, and Francis Perkins was responsible for this effort and program policy. The purpose was to identify the problems of unemployment and to recommend solutions to alleviate the growing problem. She reorganized the state’s public employment offices which sought to place workers in jobs while the job market continued to de-
cline. It was the early stage of the depression in the United States. In 1930, her report recommended a form of unemployment insurance.

In 1933, she was appointed by the newly-elected President of the United States, Franklin D. Roosevelt, to the position of Secretary of Labour. She was the first woman to be in the Federal Cabinet. Until that time, the Department of Labour founded in 1913 had few powers and was relatively insignificant regarding industrial relations and labour law. During the New Deal, Francis Perkins’ commitment to social legislation was specific to the issues of factory reforms, particularly health, safety and hours of work, and to the passage of child labour laws prohibiting children from certain work and reducing hours.72

Because of her background, “in the winter of 1934 she had an unemployment insurance bill drafted in the Labour Department.”73 A Committee of Cabinet was set up to develop both unemployment insurance and old age pension programs. She was Chair of that Committee. President Roosevelt stated in appointing her Chair, “You care about this thing. You believe in it. Therefore you will put your back to it more than anyone else, and you will drive it through.”74

She wanted the Committee to recommend a compulsory health insurance scheme, but it was rejected primarily because of strong opposition of the medical profession and the American Medical Association.75 She held this view prior to her appointment as Secretary of Labour. Initially, Samuel Gompers, President of the American Federation of Labour, did not support unemployment insurance in 1930 as promoted by Perkins when Industrial Commissioner of the State of New York. Gompers believed that “unemployment solved by private industry without State interference” was preferable.76 Perkins remained steadfast in the need for legislation not only for unemployment insurance, minimum wage, old age pension and health insurance (which was rejected by the Roosevelt regime), but also for the right of workers to organize into unions of their own choosing.

She personally studied unemployment compensation in England in 1931. Only Wisconsin adopted a plan in 1932. During her tenure as Secretary of Labour, the idea of unemployment insurance moved from an industry-sponsored plan to a state program and then to the national level. Perkins was able to oversee the efforts of the Consumers’ League and settlement movement which fought for a national plan. Her experience at the state level enabled her to bring forth an unemployment insurance plan at the national level.

She had publicly spoke out for Keynesian economic policies and unemployment insurance, as we now understand it, as the depression deepened. As Secretary of Labour she introduced minimum wage legislation, and the Fair Labour Standards Act in 1938 which contained many of the provisions long advocated by the settlement movement. Perkins provided statistics and surveys to the states to enable them to act in the reform of working conditions and industrial life. Some have rightly called her the “Mother of Social Security” in the United States.

She was the last spokesperson, in that position, of a public policy conscious of the link between fact and values and the connection between working and living conditions. The good of the human community and worker solidarity is, and has been, alien to the liberal public policy-making tradition that mediates worker health and safety with economic considerations.
In 1945, she resigned as Secretary of Labour primarily because of the attack upon her by the House Un-American Activities Committee (HUAC). This Committee was symbolic of all those efforts to set aside the advancement of the New Deal and the “welfare state” by recalling the inquisition of the past against Communists and liberals who supported social welfare. The HUAC singled out Francis Perkins, and the United States was into the burning times all over again.

**Francis Perkins and the Cold War**

Francis Perkins was called before the House on Un-American Activities Committee which had only one purpose—to discredit her ideas and especially those waiting to be born such as medicare. The House Un-American Activities Committee stopped the thrust of progressive social legislation which began with the early women’s movement at the turn of the century. Although Perkins remained flawless in her character and her noble purpose, the return to a labour policy shaped by racism, sexism and class distinctions became dominant.

Later, Senator Joseph McCarthy brought all those evils into a concentrated form which also included xenophobia and anti-Semitism in his attempt to suppress and, if possible, to destroy any remnant of radical alternative social and political views from that of American Conservative orthodoxy—a self-defined anti-democratic social order.

American anti-communism was virulent. It also aimed its poison on America’s historic progressive movements and advocates of social legislation and reform in society. Its efforts to discredit Francis Perkins particularly was by no means an oversight, for she refused to interfere in the 1934 Pacific Coast Maritime strike and to deport its leader Harry Bridges. The strike revealed the class bias of Roosevelt’s administration, especially Secretary of State Cordell Hull and Attorney General Cummings, as well as the Director of the *National Industrial Recovery Act (NIRA)*, Hugh Johnston. Francis Perkins disassociated herself from the conservative right-wing elements of the Roosevelt administration. She continued to speak out for social reforms and social justice, including the passage of the *National Labour Relations Act (Wagner Act)*, which, in 1935, gave workers the right to belong to unions of their own choosing with specific prohibitions against management interfering with these rights.

Nonetheless, the right-wing anti-communist fervour had been growing in the United States and Perkins was unable to escape the wrath of this growing political inquisition which slowly strangled thoughtful, reformist and liberal policies with their advocates. She, however, continued to question an economic system that produced a depression and widespread misery among a large portion of the population. She remained confident in her moral outrage and opposition to “totalitarian” orthodoxy and conformity. But she was unable to escape the ever-present shadow of those dark times which can only be characterized as disgraceful and cruel to ordinary working men and women in the economic realm. Industry has continued to remain hierarchical and dictatorial, dominated by an economic elite which fears and despises democracy not only in the economic realm but in civil society itself.

**Update**

The Cold War period forced the reformist movement associated with Hull House—Jane Addams, Florence Kelley, Alice Hamilton, Lillian Wald, Crystal Eastman, the Women’s Trade Un-
ion League, Rose Schneiderman and many other women spokespersons for social justice underground. Perkins, nonetheless, remained hopeful that “social justice was possible in a great industrial community.”

She died in 1965 unaware of the extent of de-industrialization, deskilling and the creation of junk jobs, increasing worker insecurity, long hours for some, under-employment for others, and issues associated with privatization, globalization, economic free zones, and now the proposed Multi-lateral Agreement on Investment (MAI)—all problems that were not manifest during Perkins’ latter years. Today, in Canada, we bear witness to the general deterioration of working conditions without resistance by provincial law-makers who are complicit in the cheapening of labour and weakening of unions. The further weakening of worker solidarity threatens both working and living conditions.

Today, the legacy of the Cold War and “McCarthyism” has turned against workers and labour unions.

In the United States today, corporate profits are up 174 percent and CEOs’ salaries up 200 percent while worker wages are down. And all of this during America’s “period of prosperity.” For whom? The average American worker works more hours for less with little or no security, and in Canada there is continuing existence of widespread unemployment, layoffs and plant closings. Moreover, health and safety problems remain pervasive, with Canada continuing to have one of the highest rates of work injuries and fatalities recorded by advanced industrial economies.

Meanwhile the wage gap between men and women continues to widen, and in 1993 the median income for all Canadian tax filers was down 3.2 percent to $18,000. Fourteen-and-six-tenths percent of Canadians continue to live below the poverty line, a figure that peaked at 16 percent in 1992. Income and inequality increased in all provinces regardless of whether the provincial government be Tory, Liberal or New Democratic.

Rachel Carson—The Environmental Movement in the 1960s

The publication of the Silent Spring by Rachel Carson in 1962 was the catalyst in the recrudescence of activist feminist political thinking in the United States. The Silent Spring spurred the Kennedy administration to set up environmental regulatory bodies, and it soon became evident that industrial disease was of epidemic proportions. The environmental movement also allied with other women’s organizations against indiscriminate prescription of drugs particularly to women, such as thalidomide. Also, women’s groups concerned with the effects of low-level radiation on the fetus joined with the emerging environmental movement. This movement opened up a “space” for political thinking and the possibilities of reform. But the United States never regained a truly political space so that politics and the will of the people would determine the future rather than an economic elite. The United States continued to evolve irrevocably toward becoming an economistic society. Nonetheless, the environmental movement in the 1960s brought back some of the social reformist traditions, which were again suppressed during the 1970s and Reagan years. Today, the neo-liberal or neo-conservative agenda seeks to globalize and extend the shadow of an economic non-democratic social order to other cultures and nations.

Scientific Rationality and Cruelty

How is it that public policy-makers in England, Canada, and the United States could not hear the groans of the suffering children and their parents at work and in their tenement flats? Yet, these groans were clearly audible on the moon! The suffering continues. This question deserves seri-
ous attention in regard to the feebleness of all public policy instruments: standard setting, joint health and safety committees; the legislative rights of workers to know, participate and refuse dangerous work; enforcement and compliance; prosecutions; and Workers’ Compensation as an economic incentive for employers. Official statistics of accident frequency and severity rates in all three countries are a disgrace. And the policy of *bricolage* or tinkering by the whole of the occupational health and safety establishment represents a shrinking of empathy evidenced by their indifference to the magnitude of the problem and human suffering. One must question a morality which allows statistics, empirical studies and the scientific method to be used in a way that shapes our present thinking about occupational health and safety and disregards the link between working and living conditions.

**Some Provisional Thoughts**

*Power as Violence*  

The experiences of workers—men, women and children—are basically ignored by the various and diverse professionals who shape our thinking about the work environment and the regulators of occupational health and safety. The statute and regulations act as a “technology” producing expected behaviour of workers by limiting discourse regarding hazards and risks. The “technology” and policies become, at the same time, synonymous with reason and “scientific rationality.”

The professionals and experts guided by this method and way of knowing relate to workers as “objects” of their “scientific” or empirical investigations, not as flesh and blood human beings and subjects. The technical rules, standards and principles perversely undermine worker experiences. This objectification of workers does violence to both their bodies and spirit.

*Scientific Rationality as an Alien Form of Rationality*  

The scientific rationality in practice differentiates, ranks and sorts workers, hazards and risks contra to worker experiences. And it acts as an alien form of rationality and intrusion which arbitrates between worker experience and economic considerations—considerations which always win. The reason or rationality—which is procedural and instrumental—is embedded in our social reality and represents a particular analytic and historical configuration of reason. This epistemology or way of knowing is a bloodless abstraction. It is at the core of our knowledge and our processes of knowing and the forming of consciousness. As a mode of knowing, it deforms the idea of community, family and solidarity. In fact, every way of knowing tends to become an ethic and way of living so that there is a link between epistemology and life.

The scientific discourse limits worker conversations to a method or to a calculable, empirical, experimental and objective way of knowing. Truth is a method! The implications for workers subject to this way of knowing disconnects them from their “prejudice,” that is, how they pre-judge based upon past experiences and how they make sense of occurrences and make meaning of being-in-the-world. It reduces common sense to mere opinion or preference rather than the making sense of experiences, and of how lived experiences may point to hidden dangers before they occur. All “accidents” in occupational health and safety are waiting to happen.

Modern rationality or the neo-Kantian epistemological way of knowing embedded in the scientific discourse results in a particular cruelty for those already suffering because it also discon-
nects them from the perpetrator. After an accident or illness the employee deals directly with a claims officer of the Compensation Board. The employer has no legal obligation thereafter. It is rare that there is an expression of any moral obligation or an acceptance of any responsibility.

On December 2, 1984 a Union Carbide gas leak of methyl-isocyanate in Bhopal, India killed over 3,500 people living around the plant and possibly ten thousand men, women and children permanently injured and made blind. Union Carbide has yet to say they are sorry. Nor has the Westray coal company in Nova Scotia, Canada made a statement to this effect after 26 men were killed in a 1992 explosion. In the Bhopal case, Union Carbide initially stated that the reason for the disaster was the failure of Indian technicians to properly monitor safety requirements. This initial racist response was similar to that of Westray who accused workers for contributing to the disaster. There is no necessity of satisfying the victim or their families. There is rarely contact by the employer with the injured or ill to discuss their grief and the possibility of moral compensation or remorse or forgiveness. They are covered by Workers’ Compensation insurance which is a statutory bar to a worker suit and acts as a disincentive for employers to invest in workplace health and safety.

Consequently, there is no correction of the wrong because there is no accountability or reparations according to the victims’ terms. If this were not the case, there would be far more likelihood that the cause of the accident would be corrected. Companies tend to remain in denial and are likely to continue to do harm rather than being responsible and responsible by asking for pardon or forgiveness. After all, legal rules do not enforce moral laws not to do harm.

**In An Economistic Society the Political Sphere is the Sphere of Worker Domination**

The sympathetic indifference of “society” for the suffering of workers—adult or child—in dangerous trades or working long hours suggests that the category of the “social” is not neutral, on the contrary, it represents the ideology of not only a dominant class, but a “rationality” that has won over another intellectual tradition—labour’s historical tradition. In an economistic society, what dominates our thinking about occupational health and safety is Workers’ Compensation. Today, occupational health and safety is driven by Workers’ Compensation costs rather than by prevention.

Our language reinforces this understanding. For instance, “accident” has come to mean something like an earthquake, a tornado or a flood where no person is to blame. Yet, during the early period of the industrial revolution, workers and their organization did not ask for “compensation” but for the integrity of their bodies. They did not want to be made ill at any cost. The liberal response to that protest was coherent with the growing market ideology which manifested itself in a public policy that has come to evolve into Workers’ Compensation. “Accident” then represents the triumph of a “language” which put limits on occupational health and safety reform by setting up boundaries of rational conversation pertaining to a healthy and safe workplace.

The worker testimony in the Royal Commission preceding the Factory Acts of 1830s reveals clearly that workers were unprepared to trade off economic gains for their health. They also knew that factories were unhealthy places. They were well aware of the crowded conditions and epidemic. They did not want to leave the countryside for industrial and urban development made possibly by steam.
After long years of brutal treatment to suppress worker defiance and resistance, a system of compensation was superimposed over the protests of working people throughout Great Britain. In effect, the physicians began to define occupational health problems, and the factory inspectorate began to define working conditions from the point of view of safety. Both the medical profession and the inspectorate clouded the real concerns of workers regarding their health and safety during the early period of the Industrial Revolution. Public policy created an inspectorate to visit the mines, mills and factories which were at first seen as government spies on workers. Only afterwards, did the inspectorate realize the terrible conditions causing harm to workers and thereafter promoted appropriate forms of regulation and control of working conditions. Over time, the initial language expressed by workers regarding working conditions became lost in the writings of academics, public health officials and experts. It is this development that has evolved to the present day.

The initial role of physicians in determining industrial disease without regard to the actual experiences of workers during the early Industrial Revolution, and then the use of statistics as a social indicator of the situation pertaining to workplace health and safety and frequency and severity rates published annually by Workers’ Compensation Boards, has evolved with the first introduction of the medical factory inspector in the early 1830s in Great Britain. Our reliance on varied professionals and experts reflects their biases in terms of class, race and gender. Occupational health and safety social constructions ignore the actual experiences of workers. We should also note that no statistics were gathered regarding public health or workplace health and safety matters prior to the 1830s. And it was during the 1830s that we witnessed the triumph of utilitarianism, the acceptance of market values, and the factory system as a virtue because of its efficiency which became synonymous with “progress” itself. The formation of the “short time committees” during the latter 1830s and 1840s, which sought the reduction of hours of work were well aware of the “evils” of the factory system and capitalism. Nonetheless, the early “short time committees” to reduce the hours of work became representative of how the reform of working conditions was to be achieved, if at all. Thereafter, the ongoing and continuous passage of amendments to the Factory Acts and the shortening of the workday became symbolic of workplace health and safety political reforms. Workers thereafter lost their “voice” in saying “no” to harmful working conditions. The word “accident” relieved employers from suit and compensation for fatalities, illness and injuries consistent with the triumph of a market ideology deflecting workers and their organizations from prevention. The 1830s was the point at which our contemporary understanding and practice of occupational health and safety became realized.

The outcome of an ethical utilitarianism, liberalism and the market is the imposition of a certain language which, over time, was adopted as the language of rationality itself. The legal framework forced this social reconstruction which had the effect of silencing alternative world views and lived-experiences. The workers became more and more objectified coherent with this epistemological way of knowing. And the role of “science” became the way of mediating between economic considerations and workers’ experiences pertaining to health and safety. Thus, when “accidents” are reported as an event, the public discourse is about the problematic which has come to be defined by varied and diverse professionals and experts shaping our thinking about the work environment. The workers and unions are only marginally part of this discourse. The official discourse is by inspectors, medical officers, industrial hygienists, toxicologists, industrial
engineers, industrial and behavioural toxicologists and psychologists. And here “power” is invested in the “official” language which may or may not be relevant to the worker or workers who are suffering. Worker discourse is silenced, and workers are subjected to a cost-benefit analysis and trade-off. All this is consistent with a utilitarian ethic which does not purport to disclose the good, but as a method for resolving moral goods—the greatest good for the greatest number or the greatest happiness for the greatest number.

By the end of the 19th century, the fight by workers and their economic and political organizations was all but lost to the compensation model and the forcing of workers and their organizations to speak a language of rationality and scientific discourse so that they became strangers within their own language. This was accompanied by the loss of a tradition as preserver of their language and experiences. This increased the distance between what they say and what they do. Greek antiquity strived, on the other hand, for a form of life in the sense of a morally and intellectually intelligible world. They referred to this as paideia. But liberal public policy-making separates fact from value and relativizes ethical action.

Foucault asserts that the development of the human sciences is not a disinterested search for knowledge but presents us with a knowledge permeated by power relations so that power produces knowledge and they directly imply one another. Thus, power is exercised rather than possessed. It is exercised by those dominated and oppressed because it permeates every aspect of social life. That includes what we refer to as the category of the “social” or when we refer to “norms.” This reference gives us the mistaken notion of neutrality or a space that can be filled with workers’ political objectives should they get their act together and organize and mobilize for political action.

According to Honneth, Foucault’s concept of “norm” represents a general expression for the “goal of that method of power that assumes not oppressive functions but, rather, reproductive ones.” Honneth goes on to say:

>Techniques of power of this kind...do not aim at suppressing, directly or indirectly the objectives of the strategic opponent’s action. Their purpose is to routinize the modes of behaviour of the social opponent through constant disciplining and, through that, to allow them to solidify. Foucault calls every kind of such conduct fixed by compulsion a ‘normalized’ conduct.

These procedures and routinization of employee behaviour of the “body” by discipline is a violence to the employee’s sense of worth, self-esteem and dignity. But “reason” makes it acceptable.

Thus, with the development of the early Factory Acts in the 1830s we, at the same time, created the varied and diverse professionals that shape our thinking about workplace health and safety. Initially, it was the medical profession that defined industrial illness. This situation still exists. For instance, the medical community today essentially decides whether a disease is “work-related.” Their judgement is critical for enabling workers to collect Workers’ Compensation benefits. In the case of carpal tunnel syndrome (CTS), “the opinion of one prominent medical authority proved to be extremely influential in retarding this recognition.” Dr. George S. Phalen published a series of articles beginning in 1950 which drew attention to carpal tunnel syndrome as basically non-work-related.
Phalen’s position, which proved highly influential for three decades, was based on his judgement about the ‘type of work’ that could potentially involve strenuous use of hands, combined with his perception that essentially only the men in his series (but not the women) performed this type of work.  

Allard E. Dembe in his study of carpal tunnel syndrome states:

Thus a seemingly medical and scientific judgement about disease causation was based on a social perspective that regarded males performing work in heavy industry to be the type of patients who could be judged legitimately to engage in strenuous use of hands.  

As a result of the influence of Dr. Phalen, women workers were denied compensation for carpal tunnel syndrome, which was an enormous and growing problem during the years between 1950 and 1980. We can also add to the conception of social factors affecting work-related disorders, the role of sexism and racism as well. Drs. Mergler and Messing state that they have often seen science used as a higher value to justify cruelty to humans. . . . [and] that the further the workers are from scientists in social class, race, and sex, the more easily their needs can be ignored. Many occupational health scientists appear to us to feel as distant from their subjects as they would if they were working on rats. . . . what passes for scientific rigor among researchers may in fact be as much a symptom of racism, sexism or class bias. . . . And that ability to accept the biases of the dominant culture in occupational health is a bonafide occupational qualification for a career in research.  

The dominant sexist, racist, and class discriminatory bias of Canadian culture affects the amount of money, for instance, set aside for occupational health research for women. It is negligible!

The Labour and Women’s Movement: Overlapping Fragmented Traditions

The history of working class organizations and the women’s movement is a living tradition of interpretation and re-interpretation. They are fragmented traditions making reference to a particular authority which is the binding of a community or the basis of solidarity among workers and the basis of responsibility as well. We see the absence of such an authority and lack of responsibility in Canada when it comes to Aboriginal people, for instance. The loss of tradition accounts for the loss of “movement” of labour becoming truncated from a past. Without a past, there is no future, and tradition bridges the gap between past and future in the present.

In this regard, Hannah Arendt states:

The moment we begin to talk and think about authority, after all one of the central concepts of political thought, it is as though we were caught in a maze of abstractions, metaphors, and figures of speech in which everything can be taken and mistaken for something else, because we have no reality, either in history or in everyday experience, to which we can unanimously appeal.  

Hans-Georg Gadamer states that “true historical thinking must take account of its own historicality.” And we can never be outside a tradition.

These traditions, and when overlapping, provide the ethical know-how, or phroneisis. It did for both Florence Kelley and Francis Perkins. Their tradition and phroneisis provided their vision to enable them to see what the actual working conditions of women, men and children demanded. There are no just actions independent of what the situation requires. The historical tradition pro-
vided them with moral and ethical convictions and their pre-judging (prejudice) the cruelty, for instance, of child labour. Paul Ricoeur talks about the “recovery” of a tradition so as not to fall out of history and one’s intellectual, cultural and moral tradition. This “recovery” may require reconstructing the stories or narratives of one’s past so as to recapture the silenced “voices” which have been forgotten and overwhelmed or over-run by those of the dominant ideology. Here a critical method of scholarship examines the pre-assumptions and presuppositions of the dominant rationality and ideology. For instance, Marxists critically investigate the materialist conditions, Freudians ask questions of the unconscious.

Both Kelley and Perkins were committed to “unmasking” the law and the whole of the legal, political and corporate establishment, especially the economists, experts, professionals and academics who legitimized a social order condemning poverty and suffering and gender, race and class discrimination. They were oppositionary to a dominant tradition where economic virtues and technology are a part of a utilitarian ethic embracing science as a method of truth, and an epistemology which does not explain how workers actually experience their working conditions, or children the long hours at work, and the hardships of living conditions in urban slums. The truth of the matter is that worker experiences and their making sense of their work environment is subsumed by “scientific” certainty which does violence to the truthing process of their questioning their actual working conditions. Occupational health and safety professionals structure this reality.

Jurgen Habermas, while critical of Gadamer’s understanding of tradition, nonetheless agrees that the scientific discourse is the dominant ideology shaping liberal public policy-making. Particular empirical methodologies establish a normative framework so that political questions are reduced to problems of technical control, and the “public sphere” of debate and discussion concerning social goals is eroded and subjected to instrumental reasoning and the scientization of politics. This approach is not independent of power for Michel Foucault.

Karl Polanyi, in his seminal work *The Great Transformation*, documents the early attempts by the newly-emerging manufacturing class in England to create our modern understanding of employee. This Foucauldian categorization of sorting and ranking wage earners sought to uproot and displace them from places where they had tradition and reputation. Parents and grandparents were buried in these places, while the new understanding of “mobility” forced the newly-emerging working class from the countryside into newly-created cities now possible because of steam. These workers did not want to become “strangers in a strange land” and be subject to epidemic. They resisted! The “Luddites” were families who defied a new technological and political order which not only undermined their sense of community and caring relationships, but subjected men and women to brutal factory and living conditions. The Luddites were categorized as “outlaws.”

The commodification of workers was resisted for well over 100 years. Ultimately, the creation of a labour market, which had terrible consequences for flesh and blood human beings, triumphed and we created a new category “worker” and a new understanding of employer having no responsibility whatsoever to the worker. This development became coherent with reason and our present-day understanding of the market co-extensive with technical advances and co-existent with science, individualism, liberty and freedom. The social implications of a self-regulating
market reduced flesh and blood men and women to “labour.” Two organizing principles, according to Polanyi, then emerged. One organizing principle was articulated by the liberal economists of the Enlightenment. The other was a collectivism articulated by trade unionists, socialists and Marxists. In effect, we have a “double movement.”

The self-regulating market imposed by the state and fashioned by “liberal” governments and a laissez-faire ideology was vigorously resisted by workers and their labour organizations. These events are part of labour’s historical tradition which survives today in a fragmented form. This by no means suggests that every wrong-doing or hardship—personal or social—stems back to the origins of the labour market and the commodification of labour. Rather, we are reminded that history presents us with a manifestation and a concealment. Any history is from a point of view which is both revealing and concealing. Ricoeur makes it clear for us that history by definition must be “ambiguous” and always open to interpretation. The history of workers and women reveal a particular character of suffering inflicted by a powerful ideology and the violent character of the state in enforcing its findings. This is the dark side of the Enlightenment!

Dominant ideology is accompanied by a language that legitimizes it and becomes the “normal” way of thinking. The labour side of the “double movement” articulated structures of compassion and caring and taking others seriously by promoting caring institutions, loving relationships and friendships. These were understood to be part of a collective and communal tradition. For instance, this “movement” fought against the 1880 Workers’ Compensation Act because it replaced the “box clubs” set up by each trade to provide for its members who were ill or injured regardless if it was work-related or not. The monies were collected from working members. They opposed physicians and “outsiders,” rather than fellow-workers, determining whether there should be compensation. They saw the “box clubs” as benevolence and available to members because of caring. Parliament passed the Compensation scheme declaring it a new “right” for workers. And workers and unions today in the United States and Canada politically seek to extend their legal rights without memory of their historical pre-given rights embedded in a communal, collective and caring tradition.

This helps explain the situation regarding occupational health and safety today both in Canada and in the United States, and why worker attention has become pre-occupied with economic compensation and security needs met by collective bargaining—a market instrument. While the economic and security needs are of enormous importance in a liberal market economy, occupational health and safety reforms require pre-market values given to solidarity and community. After all, knowledge about working conditions require an unrestrained and unlimited give-and-take discussion by workers of suspected hazards and risks in their workplaces. I repeat, all occupational health and safety knowledge is communal. It takes many eyes, many ears, and many discussions and arguments to identify risks and to find solutions. This is the basis of a politics of a work environment.

Nonetheless, an understandable fear of insecurity and the unknown terrifies workers of mobility and unemployment. This results in their health and safety being sacrificed. This is just another example of how workers are hostages of a particular political economy. The concern with security tends to close down future possibilities by demanding that politics provide insurance for the future. Thus, economic “laws” become the basis of a secure future and the present-day emer-
gence of an economistic society. Still, possibilities for reform of the workplace exist only in the trade union tradition, and not outside this tradition, and more particularly, jointly with the overlapping women’s traditions regarding economic concerns. This is the historical significance of the social work and settlement movement, and particularly the remarkable efforts of Jane Adams, Florence Kelley, Alice Hamilton, Crystal Eastman and Francis Perkins, to name only a few of the many women whose particular “fragmented” tradition is in large measure responsible for occupational health and safety legislation in North America.

Francis Perkins and Florence Kelley were clearly embedded in the women’s movement of their time and in the feminist tradition. Florence Kelley was a socialist. Intellectually she identified with the Marxist tradition and her class analysis lent a particular kind of focus to the issues of child labour, poverty, and deplorable working conditions. She lived without a moment of hesitation or doubt about the evil indifference to suffering and the legal system which, in part, condoned it.

On the other hand, Francis Perkins was embedded in a particular fragment of the Christian tradition which inspired her work and motivated her to do something about social injustice. Her life’s motto was “Be ye steadfast” (Corinthians). Both women were part of a tradition of heretical healers sharing a certain affinity with paganism itself, in the sense that one finds their roots in the earth and sees one’s existence as an earthly existence. They, of course, are part of the tradition that remembers the evil *Hammer of Witches* (1486), a guide book to recognize the demoniacs in the witch hunts lasting for 200 years. Perkins and Christian women reformers had a communal understanding of Christianity which identified with the more radical sayings of Jesus, especially in regard to wealth, the poor and women. In England it might be Methodism which exhorted the middle class to be in solidarity with the lower classes, or Thomas More’s *Utopia* written in 1516 and its humanist approach pointing to compulsory and universal education, complete equality of the sexes, abolition of private property and a shorter working day. This writing and tradition influenced the poor laws and inspired industrial reforms combined with the socialist movement of Robert Owen. Here we see how an aspect or fragment of Christianity overlaps the socialism of Florence Kelley, Jacob Riis, Dean Howells, Lincoln Steffens, Edward Bellamy, and the social gospel movement.

The socialist or Christian reform movement resides both in the feminist and labour tradition. In recent times, we see its manifestation in the historical resistance by Karen Silkwood who, in 1974, gave the Atomic Energy Commission in the United States a detailed list of safety violations at the Kerr-McGee plutonium plant in Oklahoma City. Three months later she was killed in a car accident on the way to meet a reporter of the *New York Times* in order to expose both the government and employer cover-ups.

In Saskatchewan, Connie Greenwood sought to bring about the first criminal prosecution of an employer for occupational health and safety violations which killed her 19-year old son, Jason, on March 7, 1989. After her own investigation of the matter, she inspired others to get the regulatory agency to criminally prosecute a negligent employer. In the civil trial, the employer was fined $7,000 which was the largest fine against an employer under the provincial *Occupational Health and Safety Act* in the history of the province at that time. The government, however, refused to proceed with a criminal prosecution—the ultimate sanction and prohibition.
natural it is to forget the central point pertaining to the actions of Karen Silkwood or Connie Greenwood or the many other “whistle-blowers” who are soon forgotten.

The Canadian film *Margaret’s Museum* attempts to deal with just this theme. Margaret loses both her father and her husband because of their work in the Nova Scotia coal mines. She opens up a museum, a small one, showing their black lungs. This is not a museum of the dead past but a living museum so that we may consciously come to grips with the horrors of unsafe and unhealthy working conditions. Connie Greenwood in Saskatchewan for years sought to have people grasp and understand the meaning of occupational health and safety. Her courage against the anti-democratic realism of working life in an economic society is also a revelation for all those who wish to see a light in the shadow of public policy. The fragmented tradition of the women’s movement concerned with occupational health and safety is in right moral order.

**Conclusion: The Enlightenment and the Limited Containment of Suffering**

During the first three decades of this century the women committed to the betterment of working conditions, prohibition of child labour and child hunger, workers’ compensation for injury and illness, reduction of working hours, and protection for youth and women workers protested against the most brutal conditions existing in a market political economy.

The widespread suffering they revealed and politicized had been concealed by an ideology which insidiously claimed that America was the richest and most successful democratic nation in the world. This ideology points exclusively to a “utopian” future. But there is no future without a past. The dominant classical economic orientation became rational thinking during a time when more and more people were becoming “superfluous.” At the same time, the human condition characterized by suffering became evident right from the beginning of this century with Turkish genocidal policies against Armenians, and the successive waves of genocides against Aboriginal and third world peoples which continues today. Also, we were confronted with two world wars, the Holocaust, and the dropping of atomic bombs on civilians in Nagasaki and Hiroshima. The latter part of this century was characterized by the cold war, the Viet Nam War and colonial and anti-imperialist struggles. Throughout, American society was fraught with vicious racism, class discrimination, nativism, anti-Semitism and cultural genocide of First Nation peoples. The annihilation of cultures and tribes was continuous throughout the world.

Liberalism’s economic, cultural and political elites articulated a social construction of capitalism coherent with freedom, liberty, tolerance, justice, technical advancement and scientific rationality. Scientists became bewildered by the spirit of industrialization and technology, and academics withdrew into ivory towers of introspection—half sleeping, half thinking. A treacherous and perfidious McCarthyism all but buried the great ideas of western culture so that there was and is today no progress in life, but desolation, sterility and a cold intellectualism. Fully stupefied economists preach that there is only one possible equality—and that is equality of the lowest. And politicians of all major political parties in North America rarely, if at all, declare that improving the economic lives of poor people and their educational opportunities is directly related to lowering crime rates.

The participation of the poor, the unemployed or the injured in the life of the community is ignored because labour policy does not concern itself at all with the promotion nor significance of
social solidarity, community nor group identity as the true test of the value of labour policy. Economic “laws” take on privileged status justified by tendentious statistics which has transformed any notion of a *polis*—a political space—to an economic society. This paradigmatic shift has pushed aside both labour’s and the women’s tradition into the margins and shadows of social policy so that the less fortunate are not given an empathetic hearing. This is the crowning evidence of the insidious consequences of the transformation of a political social order to an economic society.

The efforts of Jane Addams, Florence Kelley, Alice Hamilton, Lillian Wald, Rose Schneiderman, Francis Perkins, Karen Silkwood, Connie Greenwood and many other courageous and dedicated women remain frustrated by the judicial rulings of the higher courts on both the state, provincial and federal level, but who tirelessly continue recounting *their* stories, which suggests that liberalism and the Enlightenment merely were a continuation of the “dark ages” for ordinary workers in a different way. The very successes of the Enlightenment project itself has resulted in the suffering.

The efforts of the social work movement and parts of the women’s movement to “light the cave” of modern industrial societies through social public policy discloses a contemporary human condition reminiscent of the pre-Enlightenment witch-hunts. Modern suffering is merely a trade-off for the promise of a vision of “progress” or a mechanistic and materialistic future. The political experiences of these women reformers represent the possibility of ameliorating suffering, degradation and humiliation for those marginalized and for the worst-off.

They point to the fact that harmful and hazardous working conditions become known to us both by knowledge and experience. And here they mean the common sense experiences of ordinary workers. It is the common sense experiences of workers which give meaning to occupational health and safety and the work environment. These experiences take on significance and relevance especially in the work environment when workers have a space to talk about the effects of their working conditions both at work and at home; in other words, to bridge the gap between working and living conditions. After all, it takes many eyes, many ears and many discussions for workers to become conscious and aware of hazards in their work environment. This knowledge of the potential and actual dangers is derived communally with fellow workers in particular workspaces. The recognition and conscious awareness of potential and actual hazards and risks require a space where workers can freely discuss work environment matters without pre-assumptions or preconditions.

Occupational health diseases and injuries are professionally revealed as social constructions. The most graphic illustration of this is carpal tunnel syndrome (CTS). Workers in the United States suffering from CTS have long been denied compensation because a single medical specialist “believed” that only blue collar manual workers doing heavy lifting were subject to this painful condition, without regard to the fact that most of his patients suffering CTS were women.

What seems necessary in workspaces is a *polis*, a space where there is no “conversation stoppers.” Here workers openly discuss their experiences and feelings and moods which inform them. This is the condition for the possibility of political action and the saying of “no” to dan-
gerous conditions. This is the negation of negative working conditions. It is a moral response to
the objectification of workers, their superfluity and commodification. Aristotle referred to such a
space as the *polis*.

The work of social reformers cannot help but remind us of essential neo-Aristotelean philosophi-
cal concepts: *paideia*: living a morally intelligible and moral life; *phroneisis*: judgements based
on knowledge and experience; and *polis*: a space where there is a conversation without preas-
sumptions and preconditions. These concepts have great relevance today if we are to understand
and effectively deal with workplace health and safety matters. The science of occupational health
and safety requires both empirical knowledge and the common sense experience of workers. To-
gether they arouse interest and awareness in the good and the bad of the working environment.
Worker consciousness and expression of this requires a particular space for collective and comm-
unal discussion. Incremental improvements by regulatory agencies without any consideration
of an alternative paradigm are dismissive of existing worker-suffering and further “tightens the
noose”\(^\text{113}\) so that the trajectory of existing policies marginalizes the sufferer, colonizes con-
sciousness, and bureaucratizes the mind.

The women’s tradition gave way to an ongoing historical interpretive activity which other
women cultivated. They acted against *status quo* policies as if policy-makers were drugged and
oblivious to the human condition. They acted for life and the integrity of both body and mind.
They bridged the false dualism that inhibited thinking about the actual experiences of workers
and introduced a definition of working conditions which now exists in all occupational health
and safety statutes in Canada—“the physical, mental and social” well-being of workers. They
were not overwhelmed or immobilized by the privileged status given to economic “law.” On the
contrary, they opposed mediation of economic considerations with worker health and safety.
Their “voice” introduced an ethical judgement into our conversation and *praxis* about working
conditions. Their noble and oppositionary tradition committed to a cause larger than themselves
gave birth to workplace health and safety legislation and policies and regulations during the first
half of this century and later led to the *Occupational Safety and Health Act* in the United States
in 1970.

Their unpopular investigations, political activity, and whistle-blowing kept alive a tradition in-
spiring hope and the condition of possibility for action against a capitalist corporate elite hun-
grily devouring whatever stands in their greedy path. It is a tradition in which the labour move-
ment is also embedded. During these dark and dangerous times both “movements” must be more
and more in harmony. There must be one *polis* for both.

Provocateurs, oppressors, all those who in some way injure others, are guilty, not only for the evil they
commit, but also of the perversion into which they lead the spirit of the offended. (Alesandro Manzoni)
Endnotes


10. Ibid., p.134.

11. Ibid.

12. 1802. 42 Geo. III, C.73. *The Health and Morals of Apprentices Act*, 1802. (Repealed 1878). The passage of this act by a Parliament advocating laissez-faire individualism and property rights was based on the assumption that both women and children were not moral agents and need protection.


16. Ibid., p.15.

17. Ibid., p.22.


19. Ibid., p.123.

20. Ibid., p.125.


28. Goldmark, Josephine, *Impatient Crusader: Florence Kelley’s Life Story*, Urbana, IL: University of Illinois Press, 1953, pp.147-48. Kelley was extremely dismayed when the Supreme Court of Illinois declared invalid an eight hour law for women. The law was struck down by the court’s interpretation of the fourteenth amendment of the Constitution which protected commerce and property. Alice Hamilton referred to Kelley as the “Valkure of the working class.”

29. Hamilton, Alice, *Exploring the Dangerous Trades*, Boston: Little Brown and Company, 1943 and Barbara Scherman (ed.), *Alice Hamilton: A Life in Letters*, A Commonwealth Fund Book, Harvard University Press, 1984. This book, based on Hamilton’s correspondence, further reveals that her work as the first American industrial hygienist was without official or industry support, nor had she had any sponsorship throughout most of her remarkable career. Her studies on lead and mercury poisoning had an enormous impact in the long-run reform of industrial public policy and industrial toxicology.


31. Goldmark, J., *Op.cit.* chapter 14, “More Conflicts in the Courts,” pp.160-79. This chapter reveals the blind and callous insensitivity of the courts to the suffering of women and children in the economic sphere. The courts throughout the 1890s and well into this century would only interfere with property and business if there was a threat to the public health. This is what social workers were able to show through their investigations.


“It was not until 1938, with the passage of the *Fair Labor Standards Act*, that the federal government established, and then only by indirection, its constitutional authority to legislate on child labor problems. Organized labor supported this legislation, to be sure, but it seems highly doubtful that such support derived from a basic interest in child labour as such.” (p.340)

Walker refers to this support as a departure of the AFL’s goal of voluntarism. That is “trade unions should stick as far as possible to the economic field, and should not seek to secure by legislation or at the hands of government what they could accomplish by their own initiative and activities.” Quoted from Louis S. Reed, *The Labor Philosophy of Samuel Gompers*, Port Washington, New York, 1930, p.118.

Left wing trade unions, however, cannot be ignored in their opposition to the inequities of a market economy and dangerous and unhealthful working conditions. Florence Kelley was an avowed socialist, although committed to reform by way of social legislation. Rose Schneiderman had her doubts, however, about the efficacy of re-
formism, while Mary Harris Jones—known as Mother Jones—shared her political orientation with Elizabeth Gurley Flynn and the Industrial Workers of the World, and later with the American Communist Party. The social work reformists were quite content to work for the formation of the Progressive Party in 1912 and for its presidential candidate, Theodore Roosevelt.

41. Martin, G., *Op.cit.*, p.52. When Perkins was a student at Mount Holyoke College for Women, Florence Kelley rarely missing an opportunity to speak about child labour and tenement sweat shops, had an enormous influence on many women students. Perkins said the following at the eulogy of Kelley:

She was willing to go into these little far corners where a handful of girls were students and tell them about the program which she was evolving for industrial and human and social justice. And that influence she had over a whole generation was of extreme significance. She took a whole group of young people, formless in their aspirations, and molded their aspirations for social justice into some definite purpose, into a program that had meaning and that had experience and that had practicality back of it. (p.230)

43. Ibid.
44. Ibid., p.40.
46. This description of Crystal Eastman is used by Blanche Wiesen Cook to categorize Eastman’s writings on work accidents, labour and socialism in *Crystal Eastman On Women and Revolution*, New York: Oxford University Press, 1978.


53. Ibid., p.316.
54. Ibid.
55. Ibid., p.317.
56. Ibid., p.193.
57. Ibid., p.194.
58. Ibid., p.25.
59. Ibid., p.253.
60. Ibid., p.257.


62. Ibid., pp.158-60.


66. Ibid., p.ix.
68. Ibid., p.114.
69. Ibid.
70. Ibid., pp.149150.
71. Ibid., p.195.
72. Ibid., p.216.
73. Ibid., p.341.
74. Ibid., p.343.
75. Ibid., p.547.
76. Ibid., p.225. See footnote 33 for the AFL’s position on child labour.

78. Martin, *op.cit.*, Ch.24.


81. I understand this to be the understanding of both Hannah Arendt and Michel Foucault. This understanding of "power" is the basis of courage for Paul Tillich. See his *Courage To Be*, New Haven: Yale University Press, 1952.


84. This observation was made known to me by Dr. M. Poellet, University of Saskatchewan, St. Thomas More.


87. Ibid., Vol. I.

88. Ibid.


91. Ibid., p.166.


93. Ibid., p.17.

94. Ibid., p.18.

95. Ibid., p.19.


100. Dr. Michael Poellet’s discussion of Paul Ricoeur’s “hermeneutics of retrieval” critically examines the scientific method and investigation of historic events and the “regulative ideal” associated with Jürgen Habermas. Dr. Poellet is reflective of experience. This is the basis, according to Gadamer, of an authoritative view, rather than
authoritarian understanding. It is also an argument against “fundamentalism.” St. Thomas More, University of Saskatchewan, 1995.


103. Ibid., p.132.


105. Ibid., pp.165-328.

106. Ibid., p.179.


