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U. S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
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DRIVE FOR FULL WAGE-HOUR COMPLIANCE IN CANNING INDUSTRY BEGINS

A nation-wide drive for full compliance by the canning industry with the requirements of the Wage and Hour Law will get under way tomorrow. While two exemptions each lasting 14 weeks relieve this industry from the 40-hour week requirement, there has been no relaxation of the requirement that at least 30 cents an hour be paid and that the child labor provisions of the Act be fully complied with, General Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor, pointed out in announcing the campaign.

"The drive is starting in the South," General Fleming said, "and will roll northward with the fresh fruit and vegetable season. Some 400 inspectors will be assigned to this drive when it is in full swing. Every canning plant in the country, large or small, will be visited by one of these inspectors, and our legal staff is prepared to go into court whenever wilful or flagrant violations of the Fair Labor Standards Act are found."

The industry was warned last fall to "put its house in order," because such a drive would be conducted during this canning season, the Administrator said.

Trade associations in the industry and trade publications have cooperated with the Division in publicizing the warning that this drive would be made.

"The drive will be both educational and punitive in nature," said General Fleming. "Our inspectors will carry forward our program of instruction in the provisions of the law, but their primary job will be to search out violations in covered plants. We are not going to crack down on the employer who makes some minor mistake when he is sincerely trying to obey the law, but we do intend to see that every canner of fresh fruits and vegetables is in complete compliance with the Act."

Describing the campaign plans, the Wage-Hour Administrator added, "The first action will be up to our regional headquarters at Atlanta, Dallas, Birmingham, and (8345)

San Francisco. Our staffs in California and the southern states know thoroughly, county by county, the establishments they will cover. The inspectors have been given special instructions during the past several weeks, and are well aware of the problems they must cope with in investigating this seasonal industry."

The Wage and Hour Law generally applies to all employers engaged in interstate commerce or the production of goods for commerce. Covered employees must be paid not less than 30 cents an hour, and not less than time and a half their regular rate for all hours over 40.

"Canners and packers of fresh fruits and vegetables are granted two exemptions from the overtime provisions of the Wage and Hour Law, however," General Fleming said. "Each is for a period of 14 weeks, thus allowing plenty of chance to handle the intermittent peak loads that are common in plants processing perishable commodities."

The Administrator said that the first exemption period permits employees to work as many hours as necessary or desirable without overtime payment. At least the minimum wage rate must be paid, however. The second exemption allows a 12-hour day and a 56-hour week; hours worked beyond these limits must be paid for at not less than time and one-half the regular hourly rate. Careful attention will be paid to compliance with, or violation of, these exemption regulations, General Fleming said.

"Also," he added, "the Fair Labor Standards Act exempts from both the wage and hour provisions any employee working within the 'area of production' who is engaged in handling, preparing, and packing, fresh fruits and vegetables in their raw or natural state for market."

If a canning establishment has more than ten employees, it is not within the "area of production." To be under the exemption, such an establishment must also receive all of its raw materials from farms in the general vicinity.

"There is no longer any fixed mileage radius governing the term, 'area of production,'" the Administrator said.

"We will use as many as we need to finish the job within 90 days -- probably 350 or 400 when the season gets into full swing."

The Wage and Hour Division will have assistance in its canning drive. The Fair Labor Standards Act outlaws the employment of oppressive child labor in interstate commerce. The child labor provisions are enforced by the Children's Bureau of the U. S. Department of Labor, and, said General Fleming, "the Children's Bureau is correlating its canning drive with ours. Their inspectors also will be busy from Florida and Texas and Maine to California."

The shipment or delivery for shipment of canned goods in commerce is forbidden if, within 30 days prior to the removal of such goods from a cannery, minors below 16 years of age were employed, or suffered or permitted to work, in or about the cannery in which such goods were produced. Miss Katharine F. Lenroot, Chief of the Children's Bureau has explained that the canning of fruits and vegetables is not agriculture within the meaning of the act and so is not within the partial exemption provided by section 13(c), except in those cases where such work is done by minors for a farmer or on a farm in conjunction with farming operations.

The Wage and Hour Law requires employers to keep certain simple records for each employee, showing such information as hours worked, rates of pay and overtime compensation.

"The very fact that an employer's records are complete will be taken as one evidence of good faith by our inspectors. Many smaller canners keep 'hip-pocket records' -- they keep all their employment data in 10-cent notebooks which they carry with them. We have no objection to this, so long as they are complete. But since all canners of fresh fruit and vegetables know what is expected of them, we will not allow the few 'gyperators' in the industry to get by with incomplete wage-hour records."

General Fleming stressed the value of previous drives in other industries. "They have had a very healthy effect," he declared. "When every employer in an industry knows his responsibilities under the Fair Labor Standards Act, and meets them, he himself benefits because competition in his own industry is on a more even basis."

Drives have been carried on in about a dozen industries, including lumber, textiles, and shoes.