

WAGE-HOUR COMPLIANCE GOOD IN CANNING INDUSTRY

Employees in plants canning fresh fruits and vegetables in all parts of the country are receiving more than a quarter of a million dollars in back wages, as the result of a vast educational and enforcement drive carried on during the 1941 canning season by the Wage and Hour Division, U. S. Department of Labor.

Inspections were made to determine the extent of compliance with the Fair Labor Standards Act in 2,808 canning plants which were subject to the statute.

Starting with plants canning fresh fruits and vegetables in Florida in June, the drive rolled northward slowly with the season, taking in all plants canning commodities of every kind. Inspectors were busy in California, Georgia, the Carolinas, and the remaining southern states. They observed tomato and berry packing along the Chesapeake's Eastern Shore, in New England. They inspected fruit and vegetable canneries in Michigan, milk plants in Illinois and Wisconsin, plants in the northwest, and finally they came back to the South to inspect sorghum syrup plants in Louisiana. In some sections, the campaign was delayed because of the inordinate drought, although in Texas heavy rains slowed up the ripening of citrus fruits and consequently delayed inspections there. The drive ended about the middle of October.

"Forcefully brought home to me as I examine reports from our inspectors on the drive," declared Thomas Holland, Administrator of the Wage and Hour Division, "is the tremendous size of the United States of America and the diversity of its climate. Normally, we think that when early fresh peas and beans and the like are available in our own communities, our people throughout the country are just as lucky. But Wage-Hour inspectors who investigated plants canning the first beans, for instance, in the South during June, were entering plants in the Northern states two months later, to find that early beans of the same varieties were just beginning to be processed."

Concerning the drive and its results, Mr. Holland said:

"We found perfect compliance with all the provisions of the Wage and Hour Law in about one in every three plants inspected. However, the great majority of violations discovered were in connection with the record-keeping requirements of the law, and only a few, comparatively speaking, were violations of the minimum wage and maximum hours provisions.

"But for the close cooperation extended the Division by trade associations and publications in the canning field, the picture might have looked considerably worse. These organizations, however, went to great pains and expense to acquaint the members of the industry with their responsibilities and their rights under the Fair Labor Standards Act. We are deeply appreciative, therefore, of their help."

The Wage and Hour Law requires the payment of not less than 30 cents an hour to all employees, except those specifically exempted by the Act itself, engaged in interstate commerce or in the production of goods for interstate commerce. It further requires that covered employees be paid for all time worked over 40 hours in any week at a rate of no less than time and a **half their regular rate of pay.**

To allow continuous operation at peak seasons without overtime cost, however, the law authorizes two exemption periods for the canning and first processing of perishable or seasonal fresh fruits and vegetables. Each exemption is for 14 workweeks during the calendar year. The first allows employees to be worked during the 14 exempt workweeks for an unlimited number of hours without the necessity of paying overtime compensation. The second exemption calls for payment of overtime for all hours worked in excess of 12 in any one day or in excess of 56 in any one week.

Wage-Hour inspectors found a certain amount of misunderstanding concerning these exemptions and many plants were operating, although innocently, in violation. But in only 28 cases altogether -- or about 1 percent of the 2,808 plants inspected -- were offenders taken to court. Most were civil cases in which the Division petitioned the courts to enjoin violations.

Throughout the country, canning operators paid or agreed to pay \$226,869 to 18,936 employees in restitution of back wages legally earned but unpaid. Most of this money was due employees in Georgia, South Carolina, and Florida, the total payable in that region being in excess of \$116,000 divided between 8,700 employees. Similar Wage-Hour drives have been conducted in other industries, including the production of lumber and leather goods. Every establishment in each field is inspected at approximately the same time to place them all on an even competitive basis, at least insofar as labor costs are concerned.

A complete tabulation of the canning drive results follows:

(Table attached)

## WAGE-HOUR LAW COMPLIANCE IN THE CANNING INDUSTRY, 1941

Region	Covered estab's inspected	In com- pliance	Establishments violating:			Etab's. pay- ing Back Wages	Payment of Back Wages ar- ranged for	Number of Emp.
			Min. Wage	Over- time	Record-Keeping and Other			
I (Me., N.H., Vt., Mass., R.I.)	141	63	15	33	70	26	\$11,203.34	676
II (N.Y., Conn., N.J.)	189	95	32	48	58	34	22,106.93	1148
III (Pa., Del.)	134	27	33	57	103	39	6,763.31	611
IV (Consolidated with other regions)								
V (Md., Va., W.Va.)	379	74	97	45	291	85	5,544.13	1562
(North Carolina)	16	1	5	8	11	2	3,705.35	112
VI (Consolidated with other regions)								
VII (Ga., S.C., Fla.)	456	91	161	141	287	175	116,326.60	8742
VIII (Miss., Ala.)	76	21	20	25	48	22	16,277.03	543
IX (Ky., Tenn.)	56	20	26	9	38	16	2,848.15	774
X (Mich., Ohio)	151	33	36	38	111	38	8,556.55	846
XI (Wis., Ill., Ind.)	281	150	37	35	110	61	3,711.14	1043
XII (Minn., N.Dak., S.Dak., Mont.)	23	5	10	13	12	11	2,764.99	112
XIII (Ia., Mo., Neb., Kans., Wyo., Colo.)	158	102	14	14	47	15	1,207.87	234
XIV (N.Mex., Okla., Ark., Tex., La.)	278	93	60	7	179	12	3,149.42	457
XV (Wash., Ore., Idaho, Calif., Nev., Utah, Ariz.)	470	71	56	168	197	178	22,704.19	2076
TOTAL	2,808	846	602	641	1,562	714	\$226,869.00	18,936