

For Release  
Saturday, March 10, 1945

ENFORCEMENT POLICY REGARDING HOMEWORKERS  
IN THE EMBROIDERY INDUSTRY ANNOUNCED

All embroidery firms will be expected to comply with the provisions of the Industry Wage Order restricting homework upon the date of the going down of the Supreme Court's mandate to the Circuit Court of Appeals, L. Metcalfe Walling, Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, announced today in a statement clarifying the Divisions' position with respect to the employment of homeworkers in the Embroideries Industry. However, firms giving reliable assurances of future compliance and in the light of all circumstances including past inspection history, will be given until April 15th to adjust.

Calling attention to the recent decision of the United States Supreme Court in Gemsco v. Walling and companion cases, Mr. Walling said:

"The decision of the Supreme Court in the Embroideries cases establishes beyond question the validity of the entire wage order for the Embroideries industry. The Court expressly upheld the terms and conditions of the order restricting the employment of homeworkers." These provisions stipulate that --

"No work in the Embroideries Industry, as defined herein, shall be done in or about a home, apartment, tenement, or room in a residential establishment . . . except by such persons as have obtained special home work certificates issued pursuant to applicable regulations of the Wage and Hour Division authorizing industrial home work by a worker who --

(1) (a) Is unable to adjust to factory work because of age or physical or mental disability; or

(b) Is unable to leave home because his presence is required to care for an invalid in the home; and

(2) (a) Was engaged in industrial home work in the Industry, as defined, prior to November 2, 1942 (except that if this requirement shall result in unusual hardship to the individual home worker it shall not be applied); or

(b) Is at any time engaged in such industrial home work under the supervision of a State Vocational Rehabilitation Agency or of a Sheltered Work Shop, as defined in Section 525.1, Part 525, Chapter V, Title 29, Code of Federal Regulations."

"The effective date of these provisions," Mr. Walling pointed out, "has long passed, and upon the going down of the mandate of the Supreme Court it will be the duty of all firms subject to the wage order to stop employing homeworkers excepting those workers who have obtained special certificates in accordance with the applicable regulations."

"The Divisions recognize," Mr. Walling continued, "that there will be firms in the industry which will require a further period to adjust their operations. Accordingly, contested court proceedings will not be brought on account of the employment of homeworkers prior to April 15, 1945, in the case of those firms

which, before April 1, 1945, give reliable assurances satisfactory to the local enforcement officials that they will not employ homeworkers at any time after April 15, 1945. The kind of assurances that will be accepted as satisfactory," Mr. Walling said, "will depend on all the circumstances including the previous inspection history of the firm."

The Divisions will commence normal inspection activity immediately upon the going down of the Supreme Court mandate and when the required assurances are not given, will take enforcement action in accordance with their established policies.