

**LABOR LAWS OF
NEW
YORK STATE, 1913**

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Labor laws of New York State, 1913 by James M. Lynch

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JAMES M. LYNCH

**LABOR LAWS OF
NEW
YORK STATE, 1913**

NEW YORK STATE DEPARTMENT OF LABOR

LABOR LAWS

OF

NEW YORK STATE

1913

PRINTED IN ADVANCE FROM THE THIRTEENTH ANNUAL
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JAMES M. LYNCH
COMMISSIONER

UNIVERSITY OF
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INTRODUCTORY NOTE.

In this compilation are included all the laws in force concerning labor with amendments to and including 1913. Of first importance, of course, is the general Labor Law, but in addition to that statute there is a large number of laws which also directly or indirectly affect labor and these are given, classified by subjects, following the general Labor Law. The texts are given as in the Consolidated Laws of 1909 and 1910, or as since amended. References are given to all such amendments. For references to the sources, both original acts and amendments, of the various provisions as enacted in the Consolidated Laws, see a similar compilation in the Annual Report of the Commissioner of Labor for 1909 (Appendix VI).

In notes are given cross references to laws, and references to court decisions or opinions of the Attorney-General construing the laws. The latter may be found in the reports of the Attorney-General or in the reports of the Commissioner of Labor for the years indicated.

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THE LABOR LAW.

CHAPTER 36 OF THE LAWS OF 1909, CONSTITUTING CHAPTER THIRTY-ONE OF THE CONSOLIDATED LAWS, AS AMENDED.

LABOR LAW.

- Article 1. Short title; definitions (§§ 1-2).
2. General provisions (§§ 3-22).
3. Department of labor (§§ 40-49).
3-A. Industrial board (§§ 50-52).
4. Bureau of inspection (§§ 53-61).
5. Bureau of statistics and information (§§ 62-65).
6. Factories (§§ 69-90-a).
7. Tenement-made articles (§§ 100-100).
8. Bakeries and confectioneries (§§ 110-117).
9. Mines, tunnels and quarries and their inspection (§§ 119-130).
10. Bureau of mediation and arbitration (§§ 140-148).
11. Bureau of industries and immigration (§§ 151-150-a).
12. Employment of women and children in mercantile establishments (§§ 160-173).
13. Convict-made goods and duties of commissioner of labor relative thereto (§§ 190-195).
14. Employer's liability (§§ 200-212).
14-a. Workmen's compensation in certain dangerous employments (§§ 215-219-g). [*Unconstitutional.*]
15. Employment of children in street trades (§§ 220-227).
16. Laws repealed; when to take effect (§§ 240-241).

ARTICLE 1.

Short Title; Definitions.

- Section 1. Short title.
2. Definitions.

§ 1. Short title.—This chapter shall be known as the "Labor Law."

§ 2. Definitions.—Employee. The term "employee," when used in this chapter, means a mechanic, workingman or laborer who works for another for hire.

Employer. The term "employer," when used in this chapter, means the person employing any such mechanic, workingman or laborer, whether the owner, proprietor, agent, superintendent, foreman or other subordinate.

Factory; work for a factory. The term "factory," when used in this chapter, shall be construed to include any mill, workshop, or other manufacturing or business establishment and all buildings, sheds, structures or other places used for or in connection therewith, where one or more persons are employed at labor, except power houses, barns, storage houses, sheds and other structures used in connection with railroad purposes, other than construction or repair shops, subject to the jurisdiction of the public service

commission under article three of the public service commissions law. Work shall be deemed to be done for a factory within the meaning of this chapter whenever it is done at any place, upon the work of a factory or upon any of the materials entering into the product of the factory, whether under contract or arrangement with any person in charge of or connected with such factory directly or indirectly through the instrumentality of one or more contractors or other third persons.

Factory building. The term "factory building," when used in this chapter, means any building, shed or structure which, or any part of which, is occupied by or used for a factory.

Mercantile establishment. The term "mercantile establishment," when used in this chapter, means any place where goods, wares or merchandise are offered for sale.

Tenement house. The term "tenement house," when used in this chapter, means any house or building, or portion thereof, which is either rented, leased, let or hired out, to be occupied, or is occupied in whole or in part as the home or residence of three families or more living independently of each other and doing their cooking upon the premises, and includes apartment houses, flat houses and all other houses so occupied, and for the purposes of this chapter shall be construed to include any building on the same lot with any such tenement house and which is used for any of the purposes specified in section one hundred of this chapter.

Whenever, in this chapter, authority is conferred upon the commissioner of labor, it shall also be deemed to include his deputies or a deputy acting under his direction. [*As am'd by L. 1913, ch. 519.*]

"Tenant factory" is defined in § 94, *post*. The definition of "tenement house" here differs slightly from that in the Tenement House Law, ch. 61 of the Consolidated Laws, § 2.

The term "employer" includes the officers, agents and employees of municipalities (opinion of Attorney-General, September 23, 1913).

Gas and electric light plants, whether privately or municipally owned, and power houses, other than those used in connection with railroads, are "factories," but water works pumping stations are not (opinion of Attorney-General, September 29, 1913).

Departments, maintained in department stores, clothing stores and millinery shops in which articles are made, are factories (opinion of Attorney-General, May 23, 1913.)

A commercial ice house using machinery, etc., is a "factory": *Rabe v. Consol. Ice Co.*, 151 U. S. C. C. A. 535 (1902). Bakeries and confectioneries are "factories": see § 111, *post*; also laundries, § 92, *post*.

A tugboat is not a "business establishment" within the meaning of the definition of a factory: *Shannahan v. Empire Engineering Corporation*, 204 N. Y. 543.