

August 23, 1949.

HON. HARRY C. HARPER,  
*Commissioner of Labor and Industry,*  
State House,  
Trenton, N. J.

## FORMAL OPINION—1949. No. 88.

MY DEAR COMMISSIONER:

In answer to your request for a legal opinion concerning the applicability of R. S. 34:6-120 et seq., popularly known as the Industrial Home Work Law, to the occupation of addressing envelopes and letterheads by a typist in her own home, please be advised that it is our opinion that said law has no such applicability.

Industrial home work and industrial pursuits are very broad expressions. Recourse must be had to the specific statute under consideration in order to glean from its history, scope and terminology the purpose of the Legislature in enacting it and the mischief sought to be overcome.

Historically, we find a long, unsavory period in our social development prior to the enactment of such laws as the Wage and Hour Law, Child Labor Law, and others all designed to alleviate the unscrupulous practices to which a large segment of industrial workers were subjected and to safeguard the health and life of the general public.

The purpose of the Industrial Home Work Law as stated in R. S. 34:6-136.1 is:

“(a) The Legislature has long recognized, through laws regulating the employment of men, women and children, that working conditions detrimental to health and welfare result in injury not only to the workers immediately affected but to the public interest as a whole. Now the Legislature finds that industrial home work runs counter to, and tends to defeat, the purpose of these laws because it is performed at excessively low wages for long and irregular hours, under insanitary and otherwise unhealthful working conditions, in constant competition with factory production and free from effective regulation; that these factors result in (1) serious danger to the health, efficiency and general well-being of homeworkers, (2) the breakdown of standards of employment for factory workers in this State, (3) rendering more difficult the enforcement of laws governing the standards of employment for such factory workers, (4) unfair competition between employers in factory production and employers utilizing industrial homework, and (5) detriment to the consumer and the public welfare.”

Succinctly stated the Industrial Home Work Law sought to abolish what had come to be known as “Sweatshops” or plants whose employees were overworked and underpaid, and who were required to work to an extent hardly endurable. Work was “farmed out” to be done in homes where sanitary conditions left much to be desired, and where the aged, infirm and in many instances incurably ill persons worked long hours on materials which eventually found their way to the ultimate consumer in the form of wearing apparel or worse still, toys for children.

Likewise the purpose of the Minimum Wage Act is “to enable a minimum wage scale or code to be adopted and to be put into effect as regards any “sweat-

shop occupation" defined as an industry, trade, business or occupation in which persons are gainfully employed, which pays to its employees an unfair and oppressive scale of wages (*Swiss Cleaners Ins. vs. Danaher*, C. of L. of comm. 165 S. W. 2 701).

It is worthy of note that the Minimum Wage Law of New Jersey does not cover clerical or office workers.

We come now to the terminology used by the Legislature and we find that throughout, it is directed to manufacturing of goods. An article cannot be designated "Manufactured" unless and until it is made into new or different articles, having a distinctive name, character and use.

In the ordinarily understood meaning of the term, a "clerical worker" is one whose occupation is the opposite of manual or factory work.

It must be recognized that the enactment of the Industrial Home Work Law was to protect the health and welfare, both physical and economic, of factory operatives as a means better to secure public safety. Obviously, the Legislature had in mind, labor engaged in the manufacture of some material product as distinguished from the employment of those engaged in clerical or professional pursuits.

It would be contrary to the manifest purpose of the Legislature to extend the meaning of the phrase "Industrial Home Work" to include the peculiarly clerical operation of addressing envelopes.

Very truly yours,

THEODORE D. PARSONS,  
*Attorney General.*

By: GRACE J. FORD,  
*Ass't Deputy Attorney General.*

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AUGUST 29, 1949.

DR. DANIEL BERGSMA,  
*Commissioner of Health,*  
State House,  
Trenton, N. J.

FORMAL OPINION—1949. No. 89.

DEAR SIR:

This will acknowledge receipt of your letter of August 22nd relating to water supplies at trailer camps, tourist cabin colonies and other developments consisting of small shacks or cottages. You request an opinion as to whether the water supplies above mentioned constitute public supplies within the purview of the public health statutes.

The memorandum furnished me shows that in this State there are several trailer camps in which there are more than twenty trailers and some camps consisting of forty to fifty trailers. There are also developments consisting of small shacks or cottages of one or two rooms each where water is supplied by the owner of the ground upon which they are located.