

Legislative History for Connecticut Act

HB 676	< PA 404 >	SCAN	1953
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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Labor

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SEN. SADEN: Anyone else opposed? If not, hearing is closed.

S.B. 359 ✓ AN ACT CONCERNING DISCRIMINATION IN EMPLOYMENT ON ACCOUNT OF SEX (Sen Murphy)

H.B. 676 ✓ AN ACT CONCERNING DISCRIMINATION IN EMPLOYMENT ON ACCOUNT OF SEX (Quimby)

SEN. SADEN: Anyone in favor of this bill?

SEN. FOLEY: I also wish to go on record for S.B. 359, discrimination on account of sex. Being in a little hurry, I would prefer to have this taken up by some speakers who are here for that purposes, so I want to be recorded in favor of that.

REP. QUIMBY: I am very much in favor of H.B. 676 which I introduced. I believe you had some hearing on it on Tuesday. I don't want to be repetitious with this at all. Perhaps I could make you acquainted with the fact that the original bill as it stands in 1951 is actually what section 1 is here without the parentheses. The point of this particular bill is to strengthen one we already have. In fact a group of people said, when you go up we want you to get equal pay for equal work for women. I said, "It's no use, it's already passed. That's O.K." It seems it isn't. One reason I am very sure is on the very same day you were going to have the first hearing you had the departmental regulations act which talked about fair wage rates for adult males and another fair wages rates for women and minors. I really don't think it is firmly in the minds of the people in the State government that women and men are to get the same pay for the same work. This bill which we have here, and there's been quite a little work put on it, means to strengthen the bill. Suppose your Commissioner is satisfied that women are getting the same pay for the same work. This bill will just take care of some action when perhaps a woman does not get it. He has a right to go in and inspect apyrolls, and not only the right, if you will notice in section 4, he has a duty to do it, when he's in there, to find out if the operations which are done by men or women are the same comparably. That is defined in Section 3. Discrimination is defined in section 2. So I really think this helps the statute as it stands now on the books. It gives an employee, a woman, a chance to go into court and fight to get what her rights are, same amount of money, same amount of work. She doesn't seem to have it, particularly in the statute it says now, that the Commissioner may bring it to court if there is a complaint. Why should women have to complain in order to get their rights? You have given them to them. Let's have it in the books, they may come up at any time and get their rights and not have to complain about it. Also, I think of particular interest, is section 6 where the woman

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may not be discriminated against or discharged if she is being a witness in any case of this type or if she has made a complaint. I really think this helps our bill as we already have it. I won't say anything more about it. If you have any questions after other people have spoken for it I will be glad to answer them.

SEN. SADEN: Just one question. You start off in section 1 with the word "solely" in parentheses. Does that indicate in your mind that is to be eliminated?

REP. QUIMBY: Yes.

SEN. SADEN: And the following two long sentences are to be eliminated?

REP. QUIMBY: Right.

SEN. SADEN: Otherwise everything else is new from section 2 on?

REP. QUIMBY: That's right. They are taking the place of -

SEN. SADEN: I think underlining the other sections would perhaps have been some help to distinguish it. I get it clear now.

REP. QUIMBY: There is a misprint. The word "allows" in the middle of section 5. It should be "allow" instead of an s on it.

MR. TYLER: We have many female workers who are the wage earner for a large family. Do you think that should be taken into consideration?

REP. QUIMBY: It would be very good to get something which would apply to either men or women in special cases of that type, but I would want to be sure you protected both men or women who was the heavy wage earner. Then sex wouldn't make any difference.

REP. LANG, Windsor: In keeping with the decision of the Democratic Caucus today, I have been asked to appear on behalf of the Democratic members of the House, not to take up your time of having members appear to speak for them in behalf of these two bills. In behalf of the question asked by the gentleman here, we believe where the woman performs the equal labor, equal type of work the man performs, she is entitled to the equal pay, with no respect as to the responsibilities because we are concerned here with the work done, the reward for the type of work done and we believe where a woman performs exactly the same type of work equally as well as the man she is entitled to the same reward the man is entitled to. On behalf of the Democratic members of the House, we are in favor.

REP. O'SHEA: I am in favor of H.B. 676. I just want to say

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that I certainly think that anyone that does a man's job is entitled to man's pay. During World War I, I did a man's job and got a miserable wage for it. Now things have gotten a little better, women have come this far, they can vote, they work and they work hard when they are working, and they are entitled to get a good wage when they do.

MRS. WILBERT SNOW, Middletown, Representative of the State Federation of Democratic Women's Club: We are proud of the fact the State of Connecticut has accepted the principle of equal pay for equal work of both sexes. The original law two years ago, of which I have a copy, is very brief, just a mere paragraph, and therefore is necessarily somewhat vague on certain points. This new bill is an attempt as the speaker said to clarify and strengthen the whole law, and it tries to define discrimination as a difference in pay for comparable work. Well, even that of course isn't full proof and the Commissioner of Labor will have to struggle with that definition of what is comparable work in whatever case is brought up to him, but section 4 of this bill should be I think a help to him in that because it gives him and his agents complete freedom to investigate. They will be sent to the factory on complaint of a worker and they can talk not only with the employer in front of him, but into the back of the shop, look over the work and the machines and talk with the employees, look at the payrolls, and in that way arrive at a decision as to whether one person is doing work comparable to another who may be receiving higher wages. And then this other section which allows the woman to initiate action in a case. That is a last resort and they can't get redress for grievances in any other way. If a woman had to sue her employer alone she wouldn't have the courage or the money to do it, but this bill provides that the woman may join in a group and sue as a group, and that way they wouldn't lack the courage and the money. This final section I'm not quite sure about. It raises the fine for violation of this Act from \$100 to \$200 and adds the threat of a jail sentence. I believe that labor relations are human relations and when an employee asks his employer or her employer for an adjustment of wages it perhaps isn't the best of wisdom to go armed with a big stick of a threat of a jail sentence. It may only antagonize. I may not be right about that, but if it is possible for reservation on the last section I would say our organization is fully in favor of all other sections of this bill. We believe it clarifies and strengthens the original law, and we hope the Committee will approve it.

HELEN FITZPATRICK, Manchester: I am in favor of H.B. 676. I have been employed in the war industry during the war. As you know, our record during the war was one of the

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highest in the country. Well, we never received equal pay for equal work at that time. Also, in the executive branch, you will find out we have many qualified women by-passed by men who don't have the qualifications. I know of a woman employed in one of our concerns who was by-passed continuously. Finally she changed her employment, went to Boston and received a raise three times what she had been receiving, and is now executive of one of the branches there. Also I know of a woman engineer who was continuously by-passed. If she were a man she would rank the highest in the United States. She had to give up employment and today is running a factory of her own. I think that's what we're fighting for today, for equal work, work we do as well if not better than the men. That's why I'm in favor of this bill.

MRS. MARY REILLY: President, State Federation Democratic Womens Clubs: I just want to say the Federation numbers about 3,000 women, and we are all much in favor of the passage of H.B. 676. ✓ Thank you.

MARGARET DRISCOLL, State C.I.O. Council: I don't want to elaborate points already made, but I do think it probably would help the Committee to have this article which I have here on this subject, which is a pretty comprehensive review of that kind of legislation. It points out the need for some of the things incorporated in this bill, the need for definitions, the need for enforcement provisions, two kinds, one giving the Commissioner power to inspect payrolls and whatever power he needs to find out the facts; and two, giving the employee the right to get redress in the courts if he feels he is being discriminated against. As far as the penalty provision is concerned, the experience I had as a prosecutor on some minimum wage violations indicated to me unless you make your penalties sufficiently severe they mean nothing to the employer, and practically in no case that I can conceive of would a judge put an employer in jail, but I think if you have a sufficiently strong potential penalty in the act you might get some observance. I will be glad to leave this with the Committee, but I should like to have it returned.

MR. WARNER, Third Selectman, Town of Salisbury: I remember 25 years ago in our town when women didn't even expect to get the same pay. Now I hope the near future will bring them the same pay.

SEN. SADEN: Anyone else in favor? Anyone opposed?

MR. HENRY KING, Naugatuck Valley: I believe in paying for ability. It's ability that counts. I don't believe this General Assembly or any other group can insure uniformity in rates of pay between males or females.

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do nothing but that and make a good living out of it, engineering concerns, and to say that the Labor Commissioner or his inspectors could do it just isn't so. It can't be done. They are not qualified, not capable, they can't spend the time necessary to time the job, to determine just what goes into it. That's going on all along. Another thing, after our engineers come in and make these studies and determine and slot the jobs in certain labor grades, saying this is comparable and that, even then we have disputes and arguments and some even go to arbitration to determine whether or not they have correctly classified a particular job. Well, it isn't easy. It's really difficult. As soon as you throw that word comparable in there you have opened up the situation to unbounded friction, to a situation in which there is no answer that could be determined by the Labor Department or by the courts. It's a situation that we try to take care of, that is being taken care of by trying to slot the jobs exactly where they belong, regardless of men or women. If they work on the same job they get the same pay. If a female replaces a male and doesn't get the same pay then it is discrimination? Well, when you replace an executive, for example, by another executive, they don't usually start at the same pay as the individual who left it. It may be within the same pay scale, and that's proper and correct to start at the proper level, regardless of whether it is man or woman. There's no problem to that, no objection to that, but when you say you've got to give them the same pay because they took a job and are now in it and inexperienced, it takes a while to reach the top of the level of the salary for a particular job, even between men or women. If you have a woman replace a woman she doesn't get the same pay necessarily when she starts out. We have tried, and I think that the evidence would indicate there's been little enough complaint about the method in which we, at least the manufacturers have tried to operate in conjunction with equal pay for equal work, so that this type of bill, well, I don't think you would do anybody any good.

SEN. SADEN: May I ask one question? Assuming a woman could do the same job with the same scale as the man, would you have any objection to paying her the same wage?

MR. WATERHOUSE: We do now, but you can't put that in the statute, not patterned as it is now.

SEN. SADEN: You would have no objection?

MR. WATERHOUSE: No.

SEN. SADEN: This bill doesn't provide for equal scale.

MR. WATERHOUSE: It uses the word comparable.

SEN. SADEN: Assuming that all those factors are there, you

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have the same operation, the same scale -

MR. WATERHOUSE: In the same quantity and quality and so forth. They do the same job, absolutely, and on piece work, same piece rate also. They get it anyway.

SEN. SADEN: Anyone else in opposition?

MR. W. A. DOWER, Hartford Chamber of Commerce: We did not appear in opposition to the original bill. We were given to understand it would merge ultimately, but we would object to the substitution of the word comparable to the word equal. There is no connotation of identity in the word comparable. Could I ask the Committee's indulgence to say a word, just one sentence, on the bill with regard to discrimination in connection with age. I had to get to another hearing and back. We are hearing these bills because it is so hard to set up statutory standards that will take any of these cases that are within the discrimination and those that are mere happenstance, especially in connection with this bill which places the burden so much on the employer. I wouldn't have taken the time except that the previous witnesses have all been industrial. There is substantial amount of employment in Connecticut that isn't industrial.

COMM. EGAN: I am not in opposition, but I think I ought to say a word on this bill because at the present time we have the law in the statutes. May I say I have discussed in Washington with the administrators of the other states in this country and we have discussed this problem and I haven't yet found a solution how to do a better job. At the present time, under present policy and statutes, if an employer is in violation of discrimination against sex, and it doesn't make any difference which sex, that man is subject to penalty. My trouble has been in the past there have been union agreements with the wrong language. It said in the agreement the female shall receive 5¢ or 10¢ or 16¢ an hour less than the male, and I have called that to the attention of the employer and to correct it at once, and we scrutinize agreements between the unions and employers to see that be inserted in the agreement the clause that would permit that. We have inspectors. We inspect payrolls of employers to find out and watch that one particularly. We have discovered violations and have seen to it they have been corrected at once. Pertaining to the Wage Boards, I told you the statutes provide the same hearing, establishes minimum wage rates under the wage boards, they have to write it up under the statute as to males and females. If the legislature wants to correct that I would be happy about it. We have found in the dyeing and cleaning industry they paid men doing the same work less money than they paid women, and we have told them and injected this statute which said they had to pay the same wages and they complied. We have made the statement again and

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again, and I make it again, if any labor leader or employer or any other person knows of any violation in the State of Connecticut, where either woman or man isn't getting the same wages for the same job, will they please report it. The thing that disturbs me is this "comparable character". In our department we have people who analyze jobs. We have to have a number of people who make the comparison of jobs to take care of employment service, classifications, so that we have some experience in that. I'm telling you that is a problem. I would like to know what they are driving at by "comparable" jobs. Is a milling machine operation same as a drill press operation? Is an assembling job on a watch the same as an assembling job on a boiler? I have some practical knowledge as far as industry is concerned as to what are comparable jobs, and the imagination of some people who think their jobs are comparable to others, well, we have that in the state service, let alone in private industry. If I've got to take and inspect every job to see whether or not that particular job is comparable to some other job in some other part of the factory I hope if you pass the bill you will see sufficient appropriation is provided for the Labor Department to do that kind of job. We are today depending on complaints. As soon as we find a complaint we see to it that it is corrected at once. I haven't any objections to the bill because the things which are provided in the bill are things we do except for that word "comparable". What is comparable? And if Margaret Connors or anyone else advocating this legislation can explain it to me and show it to our experts and our department we will be glad to know it, if it isn't what we are doing at the present time.

SEN. SADEN: Thank you very much. Anyone else want to comment on this bill? Hearing is closed.

(Sen. Ward)

S.B. 463 ✓ AN ACT CONCERNING REPORTS OF OCCUPATIONAL DISEASES.

MARGARET DRISCOLL: This bill does two things. It permits the use of reports which are sent by physicians who find out that people are suffering from occupational disease and who send the reports to the State Health Department, permits the use of these reports in workmen's compensation cases against employers of persons who have died of such diseases. Also the use of the records of the Health Department which have resulted from investigating the positions which make for occupational diseases in factories in workmen's compensation cases. Now the first part, the physicians' reports, we can see where there ought to be some provision made to have the names anonymous. They ought to be blanked out maybe for use in compensation cases, but you can see where it might be of a lot of value if you had one person you were representing in a factory where another person had died of the same disease. This person claimed she had to quit despite

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JULY-1953

THE CLERK: Favorable report of the Committee on Fish and Game on House Bill 628, An Act concerning the Legal Length of Pickeral.

THE PRESIDENT: Table for the Calendar.

THE CLERK: Favorable report of the Committee on Labor - House Bill 676
An Act concerning Discrimination in Employment on Account of Sex.

THE PRESIDENT: Table for the Calendar.

THE CLERK: Favorable report of the Committee on Labor, Substitute for House Bill 679, An Act concerning Hours of Labor of Women and Minors in Certain Establishments.

THE PRESIDENT: Table for the Calendar.

THE CLERK: Favorable report of the Committee on Fish and Game, House Bill 857, An Act concerning Jacklighting for Deer.

THE PRESIDENT: Table for the Calendar.

THE CLERK: Favorable report of the Committee on Fish and Game, House Bill 859, An Act concerning Prohibition of the Indiscriminate Carrying of Loaded Shotguns and Rifles in Vehicles in the Interest of Public Safety.

THE PRESIDENT: Table for the Calendar.

THE CLERK: Favorable report of the Committee on Liquor Control, Substitute for House Bill 944, An Act concerning the Sales of Liquor to Persons whose age is questioned.

THE PRESIDENT: Table for the Calendar.

THE CLERK: Favorable report of the Committee on Judiciary, House Bill 1576
An Act concerning Admission to Places of Public Entertainment and Amusement.

THE PRESIDENT: Table for the Calendar.

THE CLERK: Favorable report of the Committee on Public Health and Safety on House Bill 226, An Act concerning the Practice of Hypertrichology.

THE PRESIDENT: Table for the calendar.

the bill, the bill was passed without discussion)

THE CLERK: Cal. 1560. HB 628 An Act concerning the legal length of Pickerel. Favorable report of the Committee on Fish and Game File 1044.

(Upon motion of Senator Ryan of the 31st district for acceptance of the committee's favorable report and passage of the bill, the bill was passed)

SENATOR RYAN: This will reduce the legal length of pickerel from 15" to 14".

THE CLERK: Cal. 1559 HB 382. An Act concerning providing a closed season for striped bass. Favorable report of the Committee on Fish and Game. File 1051.

(Upon motion of Senator Ryan of the 31st this bill was passed, retaining its place on the Calendar)

THE CLERK: Cal. 1561. Sub. for HB 676. An Act concerning discrimination in employment on account of sex. Favorable report of the Committee on Labor. File 1045.

(Upon motion of Senator Saden of the 22nd for adoption of an amendment offered, the amendment was adopted)

(Upon motion of Senator Saden of the 22nd district for acceptance of the committee's favorable report and passage of the bill as amended, the bill was passed as amended)

SENATOR SADEN: This bill will eliminate discrimination in employment solely on the basis of sex.

THE CLERK: Cal. 1563. HB 857. An Act concerning jacklighting for deer. Favorable report of the Committee on Fish and Game. File 1049.

(Upon motion of Senator Ryan of the 31st district for acceptance of the committee's favorable report and passage

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VAS

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I move acceptance of the committee's favorable report and passage of the bill.

THE SPEAKER:

Will you remark?

MR. GRAB (Canterbury):

This bill permits the taking of pickerel at fourteen inches instead of sixteen. I hope the bill passes.

MR. DEMPSEY (Putnam):

Mr. Speaker, I couldn't let him get away with this one. In this bill we say without unavoidable injury. Of course that's to the pickerel. Nothing mentioned about the water, so I guess the sweet water and the salt water differ. We have just taken care of the bass up to sixteen inches and the pickerel are down to fourteen inches, and may I repeat, God help the poor fish.

THE SPEAKER:

Question is on acceptance of the committee's favorable report and passage of the bill. Those in favor signify by saying aye. Opposed? The bill is passed. ✓

THE CLERK:

Favorable report of the committee on Labor on Substitute for House Bill No. 676, "An Act concerning Discrimination in Employment on Account of Sex", Calendar No. 1625, File No. 1045.

MRS. TYLER (Coventry):

Mr. Speaker, I move acceptance of the committee's favorable report and passage of the bill.

THE SPEAKER:

Will you remark?

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VAS

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MRS. TYLER (Coventry):

Yes. I am afraid there have been so many remarks. The last I heard was how proper it was that this bill which was based on sex should be brought forth by the committee on labor.

THE SPEAKER:

Will you remark further?

MR. COHEN (Ellington):

I am in favor of it.

MRS. TYLER (Coventry):

This strengthens the legislation protecting women workers. In the first section it clarifies discrimination. It clarifies it to the extent of protecting the employer to a greater extent. In section 2 it gives the Labor Commissioner, it authorizes him to not act just on a complaint but to investigate himself, not to investigate himself but to investigate conditions. I am afraid the humor in the House has been too contagious. In section 3 and 4 they are merely clarification of violations of the act. It is a good bill. I hope it passes.

THE SPEAKER:

Question is on acceptance of the committee's favorable report and passage of the bill. Those in favor signify by saying aye. Opposed? The bill is passed.

THE CLERK:

Favorable report of the committee on Labor on Substitute for House Bill No. 676, "An Act concerning Hours of Labor of Women and Minors in Certain Establishments", Calendar No. 1626, File No. 1043.

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AGM

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State of Connecticut will be furnishing milk from herds free from Brucellosis. Brucellosis is a disease in cattle causing undulant fever in human beings. This is not a continuing bill, it is merely to have the State of Connecticut study and report so that herds will be free from brucellosis and its dangers.

THE SPEAKER:

Question is on passage of the bill. Those in favor will say "aye"; opposed? The bill is passed.

MR. HAMM (SIMSBURY):

I move for suspension of the rules for immediate transmission of this bill to the Senate.

THE SPEAKER:

Question is on suspension of the rules. Those in favor will say "aye"; opposed? Rules are suspended.

Question now is upon immediate transmittal to the Senate. Those in favor will say "aye"; opposed? The bill is transmitted.

THE CLERK:

Business from the Senate. Disagreeing Action on House Bill 676 "An Act concerning Discrimination in Employment on Account of Sex". Passed in the House May 22, passed in the Senate May 25 as amended by Senate Amendment, Schedule A. File No. 1045.

MR. COHEN (ELLINGTON):

I move suspension of the rules so that we may reconsider this measure.

THE SPEAKER:

Question is on reconsideration. Those in favor will say "aye";

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opposed? Reconsideration is ordered.

Question now is upon suspension of the rules. Those in favor will signify by saying "aye"; opposed? Rules are suspended.

MR. COHEN (ELLINGTON):

Will the Clerk read the amendment, please?

THE CLERK:

To House Bill 676 file 1045: In Section 3, line 17, after the period, add the following: "No action shall be brought or any prosecution instituted for any violation of this act unless within one year after the commission of the act complained of".

MR. COHEN (ELLINGTON):

This was originally in the act but was inadvertently bracketed out in the printing. I move acceptance of the Committee's favorable report and passage of the bill as amended by Schedule A.

THE SPEAKER:

Question is on acceptance of the Amendment. Those in favor will signify by saying "aye"; opposed? The amendment is adopted.

Question now is upon acceptance of the Committee's favorable report and passage of the bill as amended. Those in favor will say "aye"; opposed? The bill is passed as amended.

THE CLERK:

Favorable report of the Committee on Judiciary on Senate Joint Resolution 176 "Resolution appointing George L. Harvey Deputy Judge of the City Court of Shelton."

MR. PRUYN (COLEBROOK):

I move suspension of the rules for the immediate consideration.