

Factories Acts, 1955--Email 1

[James Smith](#)

Sent: Thursday, May 17, 2012 11:43 AM

To: [Nuala NiMhuircheartaigh](#) [Maeve O'Rourke](#)

Attachments:

Dear Senator McAleese and Nuala,

I wanted to begin sending additional material from my work at the National Archives on the Factories Act, 1955 -- I have delayed forwarding material only because it is such a large archive and I want to avoid overwhelming you unnecessarily. The last batch of related materials I sent attached to emails dated 2/4/2012. A lot of that material referred to the Factories Inspectorate as it operated under the earlier legislation. But the 1955 Archive is equally rich.

My fundamental premise having examined the archival material is that Section 84 means that Magdalen Laundries, as Institutional Laundries not otherwise inspected by a Government Department (e.g., Industrial Schools with Laundries what were subject to inspection under the Industrial and Reformatory Schools legislation), were to be considered factories and therefore were subject to the provisions of the Factories Act. In other words, there as a statutory obligation to regulate and inspect Magdalene Laundries in accordance with the 1955 legislation. That is precisely what is indicated in the Dail Debate when the legislation was being drafted; that is what is underscored by Minister for Industry and Commerce Norton when he proclaimed, "Once you wash laundry in the institution not for the institution, then that is a factory." The Laundries are also covered, it seems to me, under the definition of Factories included in the legislation. And, of course, there is also a distinct section that addresses "Laundries" more generally (section 66). Finally, as forwarded already, the 1973 Statutory Instrument on the welfare of Laundry Workers, given that it is a product of the 1955 legislation, is also relevant in this context.

Moving on from that premise, a closer examination of the Factories Act, 1955 revealed a whole series of provisions that should have applied to the Magdalene Laundries but that don't seem to have been enforced. On the one hand, I was surprised that many provisions from the 1955 act were already in place under the earlier 1908-1920 Statutes (this is clearly evident in the Legislative Briefs for the later legislation which note when the sections are simply continuing established practice). On the other hand, I was fascinated by the extent of the apparatus that the 1955 legislation put in place, precisely to ensure that factories were safe and that worker's rights be protected.

The following list, while not complete, points to some of the relevant sections to consider in this context: Temperatures in factories (Sec. 12), Ventilation (13), Floors (15), Safety Devices (24), Cleaning of machinery by women and young persons (31), Steam Boilers (40), Protection of Eyes (59), Humid Factories (62), lifting excessive weights (67), notification of accidents (74), Inspections (93), Offences (100), Fines (101), Prosecution (110).

As I said above, there is a specific Section on Laundries (66) which re-enacts the provisions of the earlier 1920 legislation--presumably it is this section that required the 1973 SI?

And, of course, there is Section 84 that addresses Institutions, and under which Institutional Laundries not otherwise inspected by a Government Department are to be treated as Factories.

What is new in this legislation is the requirement that all young persons under the age of 18 be certified fit by a Certifying Doctor within 10 days of starting work (sec. 80)--the earlier legislation required this only for children under 16 in certain industries. The 1955 Act made it across the board. There were over 420 State-Certified Doctors fulfilling this function by the late 1960s--there is list in a file in the National Archives. The large amount of testimony from survivors who claim to have been working in the Laundries while only 12-18 begs the question as to whether they were ever certified fit by a state-appointed surgeon/doctor? And if not, why not?

I have copies of the Legislative Briefs for all these sections, and the Special Committee Briefs for all Amendments involving key sections--I won't send them on unless you would like to see them. In a couple of cases, these are helpful in clarifying the Minister's thinking at the time and laying out what each provision was for, how it replicated and/or introduced new elements from the earlier legislation, and how the Government responded to amendments within the Dail -- for example, the Trade Union TDs forced an amendment requiring that every factory have an employee-driven Safety Committee as a way to foster worker-self-representation ...Again, I doubt this Safety-Committee ever happened in the Magdalene Laundries? Of note, neither Section 84 nor Section 66 were controversial or involved much revision/amendment.

Finally, in the Factories Act, 1955 General File and the General Correspondence files in the National archives, there are copies of all the mandated Regulations attached to the legislation, all of the Statutory Instruments put in place because of the new legislation, copies of all the Safety Notices that were meant to appear in the entry way to every factory, Notices about Electricity, temperature, etc. And, I will forward a copy of the "General Register" that was meant to list all employees in every factory in the country, list all young persons inspected by Certifying Doctors, etc. to be kept for inspection by the Factories Inspectorate when they visited each factory (sorry the quality isn't great)

There was also a Handbook published in 1956 to aid Employers come to terms with what was now required under the new legislation and that summarized all the provisions and requirements of the Act. I will forward a copy of this also because it underscores that the State made an effort to ensure employers understand the implications of the act.

Again, please don't hesitate to request any further documentation to support any of the above.

Best

Jim

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