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## 5 Night Work Restrictions in Interwar Czechoslovakia (1918–1938)

Although occasional violations of the prohibition of night work were brought before the Czechoslovak Parliament, night work was a matter of peripheral importance in the political conflicts between the world wars. This raises the question of why we should choose to tackle a topic that seems to be quite marginal. Are we not making the very mistake that Jürgen Kocka warned against at the turn of the millennium? He suspected that the growing interest in the history of everyday life based on the cultural turn was moving away from the socially critical tasks of historiography, and noted a concern that upon a background of the accelerating globalisation of capitalism, historians will “fiddle while Rome is burning.”<sup>1</sup>

Although night work in interwar Czechoslovakia appears at first sight to be an unimportant theme, in an unimportant country, in my chapter I shall attempt to demonstrate the opposite. Czechoslovakia, which was established as an independent liberal parliamentary republic in 1918 upon the ruins of the Habsburg monarchy, inherited three-quarters of its industrial base, but only one-fifth of its territory and a quarter of its population. It thereby became an industrial superpower of Central Europe, which nevertheless lacked a sufficiently large market to sell its products. As a result, it was reliant upon exporting, which increased the vulnerability of the economy to the vicissitudes of the world market.<sup>2</sup> According to the calculations of historians of interwar Czechoslovakia based on GDP per capita, the advanced economic structure placed the country in a relatively high ranking – around 17th in the world.<sup>3</sup> This relatively

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1 Jürgen Kocka, “Loses, Gains and Opportunities: Social History Today,” *Journal of Social History* 37, no. 1 (2003): 23.

2 Zdeněk Jindra, “Výchozí ekonomické pozice Československa,” in *Acta Universitatis Carolinae – Philosophica et Historica* 3–4, *Studia Historica XLII* (Prague: Karolinum, 1995), 183–204; Václav Průcha, “Sociální a profesní struktura obyvatelstva v meziválečném Československu,” in *Československo 1918–1938*, ed. Jaroslav Valenta, Josef Harna and Emil Voráček (Praha: Historický ústav AV ČR, 1999), 378ff.

3 Eduard Kubů and Jaroslav Pátek, eds., *Mýtus a realita hospodářské vyspělosti Československa mezi světovými válkami* (Praha: Karolinum, 2000), 53.

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strong industrial base predetermined the nature of social conflicts, in which the question of regulation of working hours played an important role.

We can form a quite clear picture of the problems with the regulation of night work from the extant sources. The year 1883 saw the creation of an Austrian system of trade inspectorates, which, among other matters, were responsible for checking compliance with working hours. They issued detailed reports on their activities ranging from 1 to 200 pages each year, in which, as a rule, a number of pages were devoted to violations of the prohibition of night work. The inspectors had only supervisory powers. They were expected to recommend workable solutions to problems and to instruct employers. In the event of infringements, they were to contact the competent administrative authorities with criminal jurisdiction. In spite of the relatively small territorial scope of their districts and insufficient staff, the inspection system had already functioned very well in times of the Habsburg monarchy.

Although the inspectors were usually unable to check all the businesses at least once a year – this was exceptional – according to detailed statistics compiled by a historian Otto Urban, it is clear that they visited an average of 61.3% of businesses each year between 1901 and 1913.<sup>4</sup> Recurring inspections were not exceptional. They largely involved bakeries for their violations of the prohibition of night work. For example, in the Moravian town of Kroměříž, 81 inspections were completed in 71 bakeries in 1931. The same report from that year presents an extreme case in the environs of the town of Mladá Boleslav, where the inspectors had to intervene six times.<sup>5</sup> Another important information source is the Ministry of Social Welfare collection of documents in the National Archives, in which approximately ten boxes of writings relate to the agenda of night work. They contain authorisations of work in individual undertakings, complaints, plus documents from litigation. A third rather random source is the daily press and the professional literature of the time, though the information therein is more fragmented.

The chapter is divided into three main sections: the first section explores the background of the prohibition of the night work; the second section presents three examples of attitudes of the concerned actors and their conflicts with the regulations; and the final section deals with the effectiveness of surveillance by the state institutions.

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<sup>4</sup> Otto Urban, *Zprávy živnostenských inspektorů jako pramen hospodářských a sociálních dějin*, Acta Universitatis Carolinae, Phil. et Hist. 3, Studia historica 19, 1979, 100.

<sup>5</sup> *Zpráva o úřední činnosti živnostenských inspektorů v roce 1931* (Praha: Ministerstvo sociální péče, 1932), 49.

## 5.1 Night Work Ban: Legal and Social Background

The strong industrial base was not the only reason for the social conflicts. From the times of the Austrian monarchy, Czechoslovakia inherited a strong and well-organised socialist workers' movement, which ultimately, in the years 1917–1918, mostly adhered to other Czech political parties, whose programme at that time was to break up the monarchy and establish an independent state. Thanks to this situation, socialist parties (the Social Democrats and National Socialists) enjoyed a powerful position in the first Czechoslovak governments. This was aided also by a strong radical-left social atmosphere, which during this period held sway among a significant proportion of the population also in other European countries. In the first parliamentary elections, the socialist parties (Czechoslovak and German Social Democrats and Czechoslovak National Socialists) combined gained 44.9% of votes.<sup>6</sup> In addition, the level of trade union organisation was among the highest in the world. According to the statistics from 1923, Czechoslovakia ranked third in the world behind Germany and Austria, and was even almost 1% ahead of the traditional home of trade unionism – Great Britain.<sup>7</sup> However, its bargaining potential was limited by the high degree of fragmentation and the close linkage of individual trade union headquarters to political parties.<sup>8</sup>

A significant role was also played by the legacy of the developed social legislation of the Habsburg monarchy, even if this applied somewhat more to its western, Austrian part – including Czech lands – than to the regions ruled by Hungary – so the Slovak and Subcarpathian Ruthenian part of the newly formed state. As early as 1892 at the congress of the Second International, Viktor Adler, the leading figure of Austrian social democracy, who after decades of mistreatment of his party certainly had no reason to praise Austria, stated that his country together with Germany and Switzerland had the most advanced social legislation.<sup>9</sup> As early as 1885, Austria limited the night work of women. This was 30 years later than in England,

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<sup>6</sup> Josef Tomeš, *Slovník k politickým dějinám Československa 1918–1992* (Praha: nakl. Budka, 1994), 270–71.

<sup>7</sup> Albin Oberschall, *Odborové organizace zaměstnanecké v Republice československé – Statistická studie za léta 1913–1922* (Praha: Státní úřad statistický, 1924), 14.

<sup>8</sup> Peter Heumos, “Die Arbeiterschaft in der ersten Tschechoslowakischen Republik,” *Bohemia* 29, no. 1 (1988): 50–72.

<sup>9</sup> Quoted by Evelyn Kolm, “Die Anfänge der österreichischen Sozialversicherung im späten 19. Jahrhundert,” in *Glanz und Elend der altösterreichischen Bürokratie*, ed. Wolfgang Fritz (Wien, 2008), 57.

but still it was one of the first states in the world to do so.<sup>10</sup> Despite these circumstances, however, ratification of the international legal regulation of the night work of women was no easy matter. When the Berne Convention was signed in 1906, it was symbolically considered the “first chapter of an international labour code,” which was an arduous process.

The legal arrangement that then applied in Austria related only to factories, and it was not difficult to circumvent this law. A large number of economic activities were exempt from protection (agriculture, healthcare, domestic industry, crafts, entertainment, etc.).<sup>11</sup> Statistical surveys showed that even children were not spared night work, despite the legislative restrictions.<sup>12</sup> Within the framework of the Austrian parliament, there was an ever-present tension between the upper (House of Lords) and lower (House of Deputies) houses on the issue of the transposition of the Berne Convention into the internal state legislation.<sup>13</sup> Eventually a consensus was reached, and on February 21, 1911, the Imperial Council passed Act No. 65 on the prohibition of the night work of women in industrial enterprises. As its title indicates, this regulation was not even universal, since it related only to one part of the economic system – industry. After the outbreak of World War I, the effectiveness of the law was again suspended due to the expected shortage of labour.<sup>14</sup> During the war, the Austrian government was not sparing in its promises for social reforms, including a shortening of working hours or the extension of suffrage rights. However, within the conditions of an ever-more exhausted war economy, all were postponed until the end of the war.<sup>15</sup>

Immediately after the establishment of Czechoslovakia in October 1918, its first government was determined to intervene decisively in the regulation of

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**10** International Labour Office, eighty-ninth session, June 2001, information and reports on the application of conventions and recommendations, accessed December 1, 2020, <https://www.ilo.org/public/english/standards/re/m/ilc/ilc89/rep-iii1b-i.htm>.

**11** Ilse von Artl, *Die gewerbliche Nachtarbeit der Frauen in Österreich* (Wien [no publisher], 1902).

**12** Karl Hauck, *Die Nachtarbeit der Jugendlichen in der österreichischen Industrie* (Wien: Franz Deuticke, 1907).

**13** *Hlídkka (Měsíčník vědecký se zvláštním zřetelem k apologetice a filosofii)* 1911, 28, no. 2: 125–26.

**14** Holger H. Herwig, *The First World War: Germany and Austria-Hungary 1914–1918* (London: Bloomsbury Academic, 2014), 277.

**15** Birgitta Bader-Zaar, “Women’s Suffrage and War: World War I and Political Reform in a Comparative Perspective,” in *Suffrage, Gender and Citizenship: International Perspectives on Parliamentary Reforms*, ed. Irma Sulkinen et al. (Newcastle: Cambridge Scholars, 2009), 207–08.

working hours. On December 19, 1918, a law on eight hours of working time was announced. Its symbolic weight was no less important than its factual significance. Later, in 1925, Lev Winter, the first Czechoslovak Minister of Social Welfare, declared this law to be the “workers’ flag of the New World.”<sup>16</sup> The government coalition, which included socialist parties, needed to legitimise its position by means of legislation that contained traditional workers’ demands in order to weaken the general post-war wave of left-wing radicalism. Although the Austrian Trade Licensing Act of 1885 permitted a work shift of eleven hours, by the first years of the twentieth century such long working hours had become an exception. According to figures from 1907, more than half of the workers in Bohemia worked less than ten hours at a stretch, either under individual arrangements or collective agreements.<sup>17</sup>

In addition to the introduction of the general principle of an eight-hour work day and a 48-hour work week, the new post-war Act No. 91/1918 Coll. also contained detailed regulation of work leave and protection of specific groups of workers. Sections 8 and 9 were devoted to night work. Night work was authorised only for undertakings in continuous operation, in which the interruption of production was prevented for technical reasons.<sup>18</sup> For other establishments, the Minister for Social Welfare was empowered to allow a specific legal act to enable night work, either if it was in order to meet the needs of consumers or if perishable raw materials were used in production. If there was no dispensation laid down for a given sector in the law, an individual permit from the ministry was necessary. More precisely, this concerned: “iron, metallurgical, limestone, gypsum, magnesite and dolomitic, cement, brick, glass, wind and wind mills, malt houses and breweries; sugar production; drying chicory, beets, potatoes, vegetables and fruit; chemical industry; fat industry; production of gas for lighting, heating and propulsion; power plants.”<sup>19</sup> The exception included also seasonal works, health-care and the entertainment industry, where “the public interest or the regular need of the audience requires so.”<sup>20</sup>

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**16** *Mezinárodní sjezd sociální politiky v Praze 1924* (Praha: Sociální ústav, 1924), 73.

**17** Digitální repozitář Parlamentu České republiky. Stenografický záznam Národního shromáždění československého, 1918–1920, 11. schůze, čtvrtek 19. prosince, 1918, accessed December 1, 2020, <https://www.psp.cz/eknih/1918ns/ps/stenprot/011schuz/s011001.htm>.

**18** However, according to pre-war statistics, such manufacturing plants constituted only 3.2% in Austria. See Digitální repozitář Parlamentu České republiky.

**19** *Nařízení ministra sociální péče ve srozumění se zúčastněnými ministry ze dne 11. ledna 1919 č. 11/1919 Sb.*, čl. II.

**20** *Zákon ze dne 19. prosince 1918 o osmihodinové pracovní době č. 91/1918 Sb.*, § 8, odst. 2; *Nařízení ministra sociální péče ve srozumění se zúčastněnými ministry ze dne 11. ledna 1919 č. 11/1919 Sb.*, čl. IV.

Under no circumstances, men under 16 years of age were to perform night work between 10 p.m. and 5 a.m., and this applied also to women regardless of age. Women over the age of 18 could only work at night with a special permit from the ministry, and in addition, they could not perform any strenuous work.<sup>21</sup> These bans were one of the formatting issues of the International Labour Organization (ILO), and among the first conventions, it was issued since its official foundation in 1919.<sup>22</sup> They were ratified by the Czechoslovak parliament in 1920.<sup>23</sup>

## 5.2 The Restrictions of the Night Work in Practice

The ministry and the work inspectorates, which were supposed to ensure the compliance with the rules, firmly held that the mere economic loss of an undertaking due to the prohibition of night work did not constitute a sufficient public interest. Yet at the same time, the authorities made sure – especially in the first post-World War I years – that the strict application of the law would not lead to companies going out of business.<sup>24</sup> While the debate on the draft law in parliament was spirited, little attention was paid to the sections on night work. The proposed legislation, as previously mentioned in this chapter, was passed through the parliament without difficulty. None of the paragraphs proposed by the Social Political Committee of the House were rejected.<sup>25</sup> The law became effective on the 15th day after publication. For some groups of businesses, due to

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**21** *Zákon ze dne 19. prosince 1918 o osmihodinové pracovní době č. 91/1918 Sb.*, § 1, § 2, § 8, odst. 1.; *Nařízení ministra sociální péče ve srozumění se zúčastněnými ministry ze dne 11. ledna 1919 č. 11/1919 Sb.*, čl. II.

**22** See: *Anatomy of a Prohibition. ILO Standards in Relation to Night Work of Women in Industry* [online], quoted May 16, 2020, <https://www.ilo.org/public/english/standards/reim/ilc/ilc89/pdf/rep-iii-1b-c2.pdf>.

**23** *Convention concerning Employment of Women during the Night. 004 – Night Work (Women) Convention, 1919 (No. 4)* [online], quoted May 15, 2020, [https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:2099978954069::NO::P12100\\_SHOW\\_TEXT:Y](https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:2099978954069::NO::P12100_SHOW_TEXT:Y); *Convention concerning the Night Work of Young Persons Employed in Industry. Night Work of Young Persons (Industry) Convention, 1919 (No. 6)* [online], quoted May 15, 2020, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C006](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C006)

**24** National Archives Prague, coll.: Ministerstvo sociální péče [Ministry of Social Care], box no. 7.

**25** Quoted in: Digitální repozitář Parlamentu České republiky. Stenografický záznam Národního shromáždění československého, 1918–1920, 11. schůze, čtvrtek 19. prosince 1918, accessed December 1, 2020, <https://www.psp.cz/eknih/1918ns/ps/stenprot/011schuz/s011001.htm>.

the lack of raw materials, labour shortages or technical reasons, the minister was empowered to postpone the application of the law. He used this mandate several times during the course of 1919.

The introduction of an eight-hour work day was mainly opposed by the employers, represented by the Chambers of Commerce and Trade (CCT) as their pressure groups. Their most frequent argument was competitiveness. The young republic was among the first countries in the world to shorten working hours in this way. Therefore, as early as November 25, 1918, the Brno CCT lobbied the Ministry of Social Welfare to shorten working hours in Czechoslovakia only after this commitment had been accepted also by other states at an international conference. In its opposition to the regulation of working time – including the limitations on night work – this CCT also published a brochure in which it levelled criticism at the bill's shortcomings and expressed its anger at the fact that even the right-wing parties in parliament had ultimately voted in favour of the bill.<sup>26</sup>

The adoption of Act No. 91/1918 Coll. ultimately did not cause more serious frictions on the labour market. First, night work was a problem only for a small but often very vocal segment of employers, as we shall demonstrate. Secondly, economic factors played a role here because the employers avoided night work as far as possible since they had to pay for it.<sup>27</sup>

The extant sources allow us to reconstruct very well local conflicts in the workplace, which arose in connection with night work. They also enable us to understand the motivations of the actors involved and to trace their general strategies. The law prohibiting the night work of some groups of employees is only one side of the coin. The other side represents its application. The intuitive expectation that there are employers who force employees to work at night in order to maximise their profits does not hold true here. Nor is it always the workers who struggle against exploitation, and it is not always the state that can find an effective remedy. As the experience of the interwar years shows, what was much more effective in reducing night-time work was self-governing grassroots initiatives based on collective bargaining, rather than bureaucratic interventions based on administrative law.

The following sections investigate three examples of practising the night work ban and its impacts on the worker environment. The first example focuses on the male labour force and its motivations, on why male employees sabotaged the prohibition of night work and on numerous occasions joined forces

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<sup>26</sup> National Archives Prague, coll.: Ministerstvo sociální péče [Ministry of Social Care], box no. 7.

<sup>27</sup> *Zpráva o úřední činnosti živnostenských inspektorů v roce 1920* (Praha: Ministerstvo sociální péče, 1921), 91.

with their employers to oppose the inspectors who demanded adherence to the law within the relevant enterprise. The second example is devoted to employed women and their resistance to legal protection. The third example is devoted to business owners. The legal regulation of working hours became a welcome tool in the competitive struggle.

### 5.2.1 Why Did Men Protest Against the Ban on Night Work?

From the reports of inspectors it appears that workers' resistance to the limitations on working hours and the possibility of night work appeared mainly in the first years after the passing of the law. The arguments deployed by the workers were threefold: firstly, they referred to their low wages as a result of compliance with the law; secondly, they argued for the personal freedom which the law restricted; and thirdly, they referred to unfair competition from the self-employed and workers who, in addition to full-time jobs, worked the land after hours to raise the living standards of their families, in which they were not restricted by law. This, however, closed the circle, and the problem was again low wages. Thus, there were cases where the workers themselves prevented the inspectors from entering the company premises to check if the prohibition of night work was being violated.<sup>28</sup> Therefore, due to cases of synergies between employers and employees in the violation of the prohibition of night work, there were some non-exceptional cases between the wars where the inspectors proposed the imposition of fines on both sides of the employment relationship – employers and employees.

There was often a consensus between entrepreneurs and employees about the existence of night work, especially in cases where it had been an effective tool to increase low wages, resulting from low wage levels in a particular locality or sector. In such cases, workers routinely exerted pressure on their employers to be allowed to work at night, and when the inspectors discovered it, the night work was denied.<sup>29</sup> In 1920, an inspector from the Slovak city of Banská Bystrica stated that a workers' delegation had visited him. It demanded the right for workers to be allowed to work for more than eight hours based on the argument that "they have already had enough rest" and wanted higher incomes.<sup>30</sup> In 1922, we

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<sup>28</sup> *Zpráva o úřední činnosti živnostenských inspektorů v roce 1922* (Praha: Ministerstvo sociální péče, 1923), 143.

<sup>29</sup> *Zpráva o úřední činnosti živnostenských*, 137.

<sup>30</sup> *Zpráva o úřední činnosti živnostenských inspektorů v roce 1920* (Praha: Ministerstvo sociální péče, 1921), 82.



have a documented case of carpenters who simply refused to work on a building when they found that the employer had consistently adhered to the rules on working hours.<sup>31</sup>

The overstepping of the permitted working hours could also cause a conflict between the employed and unemployed. In 1922, some unemployed construction workers complained to the trade unions about the construction of a new factory and a residential housing development due to its breach of the law. Repeated checks showed that, in this case, the employers had given in to pressure from their workers and allowed them to work until the evening hours so that they could end the work on Friday and leave for the weekend to join their families.<sup>32</sup> The staff of the competent authorities, in the first years after the war, sometimes tended to meet such workers' demands, in contravention of the law. In 1922, in the city of Opava, the trade licensing office, on the initiative of the inspectors, sent a gendarme to investigate the situation on one construction site. When the construction workers assured him that they were working voluntarily, this explanation was accepted by the officer. It was only when the inspectors complained at the district office that remedial measures were taken.<sup>33</sup>

A case typical of the situation occurred in northern Bohemia in 1919, in the early days when the law came into force. The textile workers' unions complained about the widespread practice of illegal night work in spinning mills. The employers argued that the existing machinery must operate at night. A Liberec-based firm, Gustav Ehrlich, then decided to adjust the working hours and work two shifts between five in the morning and ten in the evening, in order to comply with the law while not losing economically.

After two weeks, however, as a result of the workers' resistance, it had to abandon the effort because the employees had refused to get up at 3 a.m. As this view was confirmed by workers from other factories, other businesses did not attempt to follow suit. The district commissioner took the employers' side, and even trade union officials themselves acknowledged that, in the current situation, night work in the spinning mills was necessary. At the same time, the trade union secretary stated that he still insisted that the law should be applied "so that companies would not grow accustomed to illegality."<sup>34</sup>

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<sup>31</sup> *Zpráva o úřední činnosti živnostenských inspektorů v roce 1922* (Praha: Ministerstvo sociální péče, 1923), 137.

<sup>32</sup> *Zpráva o úřední činnosti živnostenských*, 137.

<sup>33</sup> *Zpráva o úřední činnosti, živnostenských*, 138.

<sup>34</sup> National Archives Prague, coll.: Ministerstvo sociální péče [Ministry of Social Care], box no. 7.

## 5.2.2 Why Did Women Protest Against the Prohibition on Night Work?

The night work of women was forbidden generally in the work regulations of nineteenth-century Habsburg Austria, and more particularly after extensive amendments adopted in the 1880s (amendment to the Mining Act of June 21, 1884, and amendment to the Licensing Act of December 20, 1885). The law allowed the ministry to grant dispensations.<sup>35</sup> These were used in times of labour shortages, especially during World War I. After its end, a stricter regime returned. In the period immediately after the end of the war, before the men returned from the army, the authorities began to act more liberally in this regard. But when unemployment began to rise, stricter procedures were applied. Then, in 1919, the ILO convention banned the night work of women, and the convention was ratified by the Czechoslovak National Assembly in the subsequent year. Only official permission by the Ministry of Social Welfare legalised women's night work.

Between the wars, the tactics emerged that an employee acquired the legal status of a self-employed person and so was no longer covered by the protective provisions of labour law. In this way, in 1920, female porters at Prague railway stations and their employers escaped punishment when they acquired a business concession and started to carry out their work independently.<sup>36</sup> However, we can consider this case rather exceptional.

Far more frequent were situations where employers – often in cahoots with employees – tried to circumvent the prohibition of night work in some way. As a rule, they used the moral argument relating to social considerations, with reference to the misery of the women concerned. In the case of women also, we can find their primary motivation in their unsatisfactory living conditions and an endeavour to secure a higher income. The sources capturing the activity of the inspectors frequently mention cases of widows who had lost their men in the war, for whom night work provided an opportunity to supplement their income as the sole breadwinners. From the year 1920, we have an extant report from a certain sugar factory, where its management gave in to pressure from the workers, and despite the prohibition being already in place it continued to enable women to work at night without an official permit from the ministry. Social conditions served as the argument. Most of the women were single parents or widows of fallen soldiers, and their pauperisation was to be prevented in

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<sup>35</sup> Albín Bráf, “Dělnické zákony ochranné,” in *Ottův slovník naučný*, vol. 7 (Praha: J. Otto, 1893), 235–39.

<sup>36</sup> *Zpráva o úřední činnosti živnostenských inspektorů v roce 1920* (Praha: Ministerstvo sociální péče, 1921), 74.

this way. However, the Prague Inspectorate refused to accept such a plea.<sup>37</sup> There were also cases of open coercion of women into night work. In 1924, inspectors in an unspecified ceramics plant found that some women worked up to 16 hours a day. Some of them confessed that they had been forced to do this by a foreman who had threatened to sack them if they disobeyed and had even locked them in the workshops.<sup>38</sup>

However, the reports show little evidence of such oppression. On the contrary, social arguments for women's employment at night appeared even later in abundance, although the ministry and the inspectorates disregarded them entirely. A case in point occurred in 1919, when the Prague Ironworks sought a permit to employ women in the company's canteen to serve the workers during night hours. It put forward arguments invoking social conditions, referring to the fact that the canteen staff were widows of former employees or spouses of workers who, as a result of an accident, had become incapacitated, and that therefore the work of these wives and mothers was desirable with regard to the maintenance of families. The ministry complied with that request, but not on these grounds. In implementing regulations for the law, an exemption was granted to restaurants, which could also be applied to company canteens.<sup>39</sup>

At other times, the need for female night work ensued from the gender division of labour, in which tasks performed by women organically followed on from men's labour. Gender stereotypes about typical women's activities also played an important role here. The Printers' Committee, based in Prague, threatened the Ministry of Social Welfare in November 1919 that the strict application of the prohibition of women's night work would result in their dismissal if they were not allowed to perform menial work, such as packaging of newspapers or carrying them to the post office. In the document, the representatives of the committee argued as follows: "In Prague alone, this would involve around 700 women who would have to be fired, even though they have been practising the profession for more than thirty years. But experience teaches us that this work does not befit a man at all, and it is abundantly clear that none of the men would do the work."<sup>40</sup> The prevalence of stereotypes about male and female work is shown in the following case. In 1920,

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37 *Zpráva o úřední činnosti živnostenských inspektorů v roce 1921* (Praha: Ministerstvo sociální péče, 1922), 96.

38 *Zpráva o úřední činnosti živnostenských inspektorů v roce 1924* (Praha: Ministerstvo sociální péče, 1925), 144.

39 National Archives Prague, coll.: Ministerstvo sociální péče [Ministry of Social Care], box no. 7.

40 National Archives Prague, coll.: Ministerstvo sociální péče [Ministry of Social Care], box no. 7.

there were several sugar factories in which men worked legally at night. At the same time, women were employed at night illegally, mainly performing continuous cleaning of premises and cleaning of machines. Both employers and shop stewards told the inspectors that there was no other way. If the cleaning was not performed, the workers would not work. At the same time, the men would consider it beneath their dignity to do the cleaning and would refuse. However, the inspectorates did not accept this line of argument. In some sugar refineries, they actually stopped cleaning, and the employer simply forced the workers to continue to work. In a few rare cases, some men eventually deigned to carry out the “demeaning” tasks.<sup>41</sup>

In the inspectors’ reports, the picture of women in the workplace usually presents them as passive objects. Their employment is most often explained as being in the employer’s (philanthropic or egoistic) interests, and/or due to coercion of the male employees for their employment. Even so, women sometimes actively fought to be able to violate the prohibition of night work. In 1924, a conflict flared up in two unnamed furniture factories in the Užhorod district in Subcarpathian Ruthenia,<sup>42</sup> where women mounted resistance to an inspector. He subsequently stated, bitterly, “Using very vulgar expressions, the female workers complained about the law, which prevented them from working voluntarily for more than eight hours and from earning just enough to feed their families.” At the same time, he acknowledged that the main cause was poverty and low wages, which were much higher in the advanced industrial regions of Bohemia and Moravia than in Subcarpathian Ruthenia.<sup>43</sup>

The historian Melissa Feinberg, writing about the movement for feminine emancipation in Czechoslovakia in her book published in 2006, made an interesting observation by comparing it with the American debates in those days. Whereas in the US debates, the discourse of women’s individual rights was heard quite strongly, the Czechoslovak debates relating to the issue of the right to abortion, for example, were dominated by a collectivist discourse, dominated, as a rule, by the ideology of nationalism: the protection of women for the good of the nation, as the parents of the next generation.<sup>44</sup> A similar logic can

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<sup>41</sup> *Zpráva o úřední činnosti živnostenských inspektorů v roce 1920* (Praha: Ministerstvo sociální péče, 1921), 74.

<sup>42</sup> A most eastern part of the interwar Czechoslovakia and also the less industrial one. After World War II, it was annexed by the Soviet union, and today it forms a part of Ukraine.

<sup>43</sup> *Zpráva o úřední činnosti živnostenských inspektorů v roce 1924* (Praha: Ministerstvo sociální péče, 1925), 145.

<sup>44</sup> Melissa Feinberg, *Elusive Equality: Gender, Citizenship and the Limits of Democracy in Czechoslovakia 1918–1950* (Pittsburgh: University of Pittsburgh Press, 2006), 137.

be followed also in the case of night work. In 1931, when the trade union boss Josef Bílý railed fiercely against the night work of youth and women, he was not interested in individual rights, in the possibility of self-fulfilment or the right to leisure, but “in the interests of national health and the future of the state to protect our youth and especially future mothers.”<sup>45</sup>

### 5.2.3 Why Did Employers Protest Against the Prohibition of Night Work?

The issue of night work triggered conflicts between mass producers and small-scale manufacturers. Both sides used the law to advance their own economic interests. The mass producers most often argued that entrepreneurs without employees, who used only their family members, were not restricted by law and could work at night, which gave them an advantage.<sup>46</sup> Objectively speaking, this was undoubtedly true. However, the Supreme Administrative Court, which had to rule on this matter in 1929, did not affirm this interpretation. In the view of the court, the law protected only employees, and its application to employers, or to any self-employed person, was impossible. This key court tribunal therefore gave priority to personal freedom and freedom of enterprise above other values.<sup>47</sup> This interpretation was also adhered to in later legal practice, in which the court emphasised that protection by the law also did not relate to family members of the employer if they merely assisted and did not have the legal status of employees.<sup>48</sup>

Self-employed tradesmen and small-scale producers, with a few employees, spoke in turn about the technological advantages of mass production, which they could compete only with a greater working effort.<sup>49</sup> The inspectors sometimes vindicated the mass producers. In small businesses, there was a problem with the inspection, where inspectors could not easily enter the establishment. Moreover, given the different relationships between employers and employees in small-scale production, where there was usually a stronger personal bond between the two

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<sup>45</sup> Josef Bílý, *Sociální postavení učňů v živnostech* (Sobota, vol. 2, 1931), 100–01.

<sup>46</sup> National Archives Prague, coll.: Ministerstvo sociální péče [Ministry of Social Care], box no. 7.

<sup>47</sup> See Josef Václav Bohuslav, *Sbírka náleží Nejvyššího správního soudu ve věcech administrativních* 11, no. 8038 (1929–1930): 773–75.

<sup>48</sup> Bohuslav, *Sbírka náleží Nejvyššího* 15, no. 10,918: XXVIII.

<sup>49</sup> Bohuslav, *Sbírka náleží Nejvyššího*.

parties, workers usually helped employers to make violations of the law more widespread.<sup>50</sup> At the same time, as a rule, small-scale producers were not restricted by the institutions of shop stewards and work committees, and therefore they could more easily exert pressure on their employees, who complied in fear of losing their jobs. Major establishments had to be more cautious in relation to their observance of the prohibition of night work, because with a higher number of workers and the existence of self-governing defence institutions (shop stewards and work committees) it was more likely that inspectors would be notified.<sup>51</sup> Still, in a 1922 inspector's report, we find this statement: "We cannot withhold the truth that it is precisely in the retail sector that there is still much reluctance to obey the law, which many small-scale artisan producers continue to consider to be a necessary post-war evil, believing that it is their natural right to determine the length of working hours according to the needs of their trades, and that they are obliged to pay only for the work they have done."<sup>52</sup> However, even in the retail sector, the inspectors found a trend of improvement, but this was in part due to the economic crisis that affected Czechoslovakia as a result of a deflationary monetary policy that caused the fall of demand and consequently also the need of labour force anywhere.<sup>53</sup>

In such a situation, small-scale producers in urban centres managed to exploit the law to good advantage and willingly reported the factory competition to the inspectors. In this regard, a report from 1922 states somewhat facetiously: "The small business owners, being aware of the superiority of the technical equipment of the major manufacturers with whom they could hardly compete, defend the law, not so much in relation to the workers but rather as a prospect for their own businesses, that is to say, for selfish reasons, which can be best seen in the fact that many bakers, demanding that the law be observed by competitors, do not hesitate to violate it flagrantly in their own enterprises."<sup>54</sup>

In the battle between small businessmen and large industrial manufacturers, informing on one's competitors took place with surprisingly frequency. The night work in bakeries remained the most problematic in terms of violating

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50 *Zpráva o úřední činnosti živnostenských inspektorů v roce 1922* (Praha: Ministerstvo sociální péče, 1923), 154.

51 *Zpráva o úřední činnosti živnostenských inspektorů v roce 1921* (Praha: Ministerstvo sociální péče, 1922), 101.

52 *Zpráva o úřední činnosti živnostenských inspektorů v roce 1922* (Praha: Ministerstvo sociální péče, 1923), 132.

53 John M. Keynes, *A Tract on Monetary Reform* (London: Macmillan, 1923), 146–47.

54 *Zpráva o úřední činnosti živnostenských inspektorů v roce 1922* (Praha: Ministerstvo sociální péče, 1923), 144.

the prohibitions. A number of factors affected the behaviour of individual producers. The first was market distance. Those who supplied from villages to distant towns tried to compensate for the handicaps caused by the lost time by transporting pastries at night. This problem also dogged the large-scale bakeries which were located on the outskirts of towns.<sup>55</sup> Although the ministry believed that the problem with the bakeries would be defused when a compromise was worked out and the bakeries were permitted to operate at least preparatory work at night, this only added fuel to the fire and provoked new conflicts between the bakers and the inspectors over what did and did not constitute night work. Moreover, the bakers were often encouraged by public opinion, which was on their side.<sup>56</sup> The law banning the night work in bakeries, which was supposed to solve the issue, was enacted after World War II, in September 1946. However, it still allowed a large space of manoeuvre for the bakers, introducing many exceptions and enumerating them.<sup>57</sup> If we watch the commentary on this bill, we can see that the lawmaker tried to find a compromise between the needs of production and health protection.<sup>58</sup>

Perhaps also because of these conflicts, the ILO soon began to focus its attention on night work in bakeries. This problem afflicted not only Czechoslovakia. We can consider evidence for this to be provided by the fact that night work in bakeries became the subject of the sixth conference of the ILO, held in Geneva in 1924. In the international arena also, the antagonistic interests of employees and employers surfaced. Whereas the workers' representation demanded a legal arrangement in the form of an international treaty, employers requested the form of a mere recommendation. The first position, that is a convention, narrowly triumphed in the professional commission (19 votes for, 16 votes against). A similar conflict followed concerning the provision that night work would relate not only to employees but also to businessmen. Here too, the broader scope was upheld.<sup>59</sup> Upon the second reading of the convention that took place at the seventh conference of the ILO in 1925, the employers attempted to overturn this provision with

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55 *Zpráva o úřední činnosti živnostenských inspektorů v roce 1921* (Praha: Ministerstvo sociální péče, 1922), 109.

56 *Zpráva o úřední činnosti živnostenských inspektorů v roce 1921*, 110.

57 *Zákon ze dne 13. září 1946 o úpravě pracovní doby v pekárnách č. 177/1946 Sb.*, § 2, odst. 3, § 3. However, the same law simultaneously excluded the so-called preparatory work from that ban such as firing ovens or kneading dough, and allowed a wide range of exceptions, when the night work could be ordered.

58 Digitální repozitář Parlamentu České republiky. Ústavodárné národní shromáždění Československé republiky 1946–1948. Tisk č. 52, accessed December 1, 2020, [https://www.psp.cz/eknih/1946uns/tisky/t0052\\_00.htm](https://www.psp.cz/eknih/1946uns/tisky/t0052_00.htm).

59 Josef Skoch, *Mezinárodní organizace práce a Československo* (Praha: Lidová tiskárna A. Němec, 1928), 93–102.

the aid of proposals from the Belgian and British governments, but without success. After the convention had been ratified, the employers did not give up their fight. They called upon the International Labour Office to submit an inquiry via the United Nations to the International Court of Justice in the Hague as to whether the ILO also had the authority to regulate the legal relations of employers. According to the interpretation of the employers, this authority is related only to outlining the legal relations of employees.<sup>60</sup> The court rejected this interpretation, asserting the view that if the ILO regulates any type of labour for employees, it may regulate the same labour also for employers and other self-employed persons.<sup>61</sup> Only very few countries worldwide ratified this ILO convention no. 25 by the time of the outbreak of World War II, and they included none of the world's leading economies.<sup>62</sup> The convention was also not ratified by Czechoslovakia.<sup>63</sup>

### 5.3 Effectiveness of the Trade Inspection

With regard to the period before World War I, Urban stated that “lodging a complaint was generally considered to be a measure of last resort, and some inspectors were reluctant to take it expressly.” Therefore, in practice much depended on the interaction between a particular inspector and a particular employer.<sup>64</sup> We also have documented some regional differences in the conduct of individual inspectorates in the interwar period. For instance, in 1931 the inspectorate in Užhorod was very strict, and out of 25 requests for overtime it dismissed 22. On the contrary, in Moravian Kroměříž, out of 44 applications it dismissed only 18.<sup>65</sup> From our perspective, it is not easy to assess the degree of strictness in the supervision impartially. Most of the evaluation data come from the Ministry of Social Welfare and the inspectorates themselves. Both types of institutions had an

<sup>60</sup> Skoch, *Mezinárodní organizace práce*, 108.

<sup>61</sup> Skoch, *Mezinárodní organizace práce*, 109.

<sup>62</sup> Night work (bakeries) convention, 1925, no. 20, accessed December 20, 2020, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C020](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C020).

<sup>63</sup> Ratifications of Convention no. 20 – Night work (bakeries) convention, 1925, no. 20, accessed December 20, 2020, [https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300\\_P11300\\_INSTRUMENT\\_ID:312165](https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300_P11300_INSTRUMENT_ID:312165).

<sup>64</sup> Otto Urban, *Zprávy živnostenských inspektorů jako pramen hospodářských a sociálních dějin*, Acta Universitatis Carolinae, Phil. et Hist. 3, Studia historica 19, 1979, 102.

<sup>65</sup> *Zpráva o úřední činnosti živnostenských inspektorů v roce 1931* (Praha: Ministerstvo sociální péče, 1932), LX.



understandable interest in creating the most positive image of themselves. Therefore, in the materials studied, we will essentially find assurances as to how the ministry took into account the threat of dismissal of employees in the authorisation of night work, and how sensitively the inspectorates assessed individual cases.

From the materials examined, it appears that the strictness gradually increased. In the first post-war years, the supervisory authorities had been more moderate in view of the production difficulties arising from demobilisation and the periodic shortages of raw materials. In the case of punishments – most often in the form of fines – they were relatively lenient if not symbolic (usually in tens or hundreds of crowns). However, a report for 1922 states that the inspectorates had to start to conduct their business more rigorously because employers and workers abused their benevolence.<sup>66</sup>

In the checking of night work, it was not exceptional that entrepreneurs simply did not let the inspectors into the establishment. This happened even in cases where they had a gendarme or a police escort.<sup>67</sup> The risk of punishment for obstruction of an official function was less for entrepreneurs than the risk borne in the case that a widespread violation of the prohibition of night work was discovered. In the case of small producers who had placed their bakery in an enclosure (such as a courtyard), it was usual for them to delay the opening of the house in order to hide all evidence of the work carried out at night.<sup>68</sup> In a 1932 report, the inspectors stated denial of access as the greatest problem in their control activities.<sup>69</sup>

It appears from the published reports that the inspectorates generally chose moderate measures at first and stiffened the penalty when the offence was repeated. Initially, the punishment was usually a reprimand or a symbolic fine to the order of tens of crowns. In the case of chronic recidivists, the fines could amount to thousands.<sup>70</sup> In 1932, the inspectors recalled an exceptional case in Brno, where a baker repeatedly ignored the prohibition of night work and received a fine of CZK 9,500 (a yearly wage of an ordinary industrial male worker) without any impact on his activities. The inspectors agreed that fines were only

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<sup>66</sup> *Zpráva o úřední činnosti živnostenských inspektorů v roce 1922* (Praha: Ministerstvo sociální péče, 1923), 15.

<sup>67</sup> *Zpráva o úřední činnosti živnostenských inspektorů v roce 1933* (Praha: Ministerstvo sociální péče, 1934), 52.

<sup>68</sup> *Zpráva o úřední činnosti živnostenských inspektorů v roce 1922* (Praha: Ministerstvo sociální péče, 1923), 145.

<sup>69</sup> *Zpráva o úřední činnosti živnostenských inspektorů v roce 1932* (Praha: Ministerstvo sociální péče, 1933), 48.

<sup>70</sup> *Zpráva o úřední činnosti živnostenských inspektorů v roce 1933* (Praha: Ministerstvo sociální péče, 1935), 44.

effective if their amount could ruin a company and they could not be successfully rolled into production costs. An extreme form of the fight with official supervision within this context is documented from the Slovak town of Nitra from 1936. After repeated interventions by inspectors against the persistence of night work in bakeries, the bakers started an aggressive campaign in the professional press and then, as a protest, they ceased to bake white pastries for two weeks. They lodged a complaint with the provincial government and the Department of Commerce. In this conflicted situation, it was typical that, as a single and sufficient solution, they demanded that the fines imposed should be lower.<sup>71</sup> In the ministerial archives we have a relatively large number of individual applications for reductions of fines. The state administration proceeded very restrictively. Reductions of fines were only granted in very rare cases, where there were serious social reasons on the part of the offender. The full abolition of the penalty was only achieved in a few cases where the entrepreneur concerned had gone bankrupt in the meantime and the fine could no longer serve as a deterrent in future.<sup>72</sup>

In the 1930s, despite the Great Depression, a more aggressive approach can be seen on the part of the inspectorates. As a last resort, in the case of recidivists, a temporary ban on business operations began as a penalty. This ultimately proved to be the only functional instrument even in the case of the aforementioned Brno baker, who had not heeded the repeated impositions of fines. It was only when he was suspended from working for half a year by an official decision that he became willing to cooperate.<sup>73</sup>

However, the increased level of repression did not seem to solve the problems of non-observance of the prohibition of night work, stemming mainly from competitive struggle. We have a somewhat resigned statement from a 1936 report of the inspectors: “It seems that the resistance of the bakery owners against the prohibition of night work in the production of baked goods has not changed.” This was evidenced by the high number of denunciations that the inspectors had to address, although by that time 18 years had elapsed since the passing of the applicable law.<sup>74</sup>

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71 *Zpráva o úřední činnosti živnostenských inspektorů v roce 1936* (Praha: Ministerstvo sociální péče, 1938), 37.

72 National Archives Prague, coll.: Ministerstvo sociální péče [Ministry of Social Care], box no. 1834.

73 *Zpráva o úřední činnosti živnostenských inspektorů v roce 1932* (Praha: Ministerstvo sociální péče, 1933), 48.

74 *Zpráva o úřední činnosti živnostenských inspektorů v roce 1936* (Praha: Ministerstvo sociální péče, 1938), 37.

As confirmed by several reports from the inspectors in the 1930s, the pursuit of self-regulation through collective bargaining or civil philanthropic activities had proved more useful than imposing criminal sanctions. A report from 1931 presents the case of Mladá Boleslav in central Bohemia and Užhorod in Carpathian Ruthenia, where the hitherto high number of complaints was eliminated, thanks to cooperation between inspectorates, trade unions and employers' organisations. In these towns, the partners negotiated the voluntary control of bakeries by committees which consisted of master bakers and workers. However, such successes were the exception rather than the rule. In Brno, where there was already a similar committee by the end of the 1920s, it was disbanded owing to pressure from the employers in 1930 and was not restored. In Kroměříž in 1931, similar negotiations ended without a result.<sup>75</sup> On the contrary, in Moravian Ostrava in 1921, the bread producers filed a petition with the Ministry of Social Welfare to allow the production of pastries from 4 a.m. When the application was rejected, the bakers agreed with each other and subsequently with their workforce that the law would be universally respected. And indeed, no further complaints were made.<sup>76</sup>

The possibilities of a functional, consensual solution were by means of local government, in which the actors agreed upon the adherence to certain rules without state coercion. Similarly, a good experience was noted by inspectorates with special civil corps for the protection of working youth, which were formed on the initiative of the Ministry of Social Welfare after 1931 as an affiliated component of the trade inspectorates. They were focused mainly on the protection of apprentices. These civic activists gathered information about breaches of the law in the training of apprentices in enterprises, and then created incentives for inspectors to intervene. The Pilsen corps, in 1935, drew attention to 17 cases of night work. The formation of the corps was consistent with the tendency to expand the participation of citizens in the exercise of social protection of the population. Therefore, the inspectors' report from 1935 also acknowledged that in addition to these corps, the ministry had allowed an increase in the number of posts in the auxiliary service from 6 to 32. The employees in these positions were recruited mainly from the ranks of the workers, and largely focused their atten-

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<sup>75</sup> *Zpráva o úřední činnosti živnostenských inspektorů v roce 1931* (Praha: Ministerstvo sociální péče, 1932), LX.

<sup>76</sup> *Zpráva o úřední činnosti živnostenských inspektorů v roce 1921* (Praha: Ministerstvo sociální péče, 1922), 110.

tion on small-scale production, where the exercise of the inspectors' supervisory powers was harder than in mass production.<sup>77</sup>

## 5.4 Conclusion

In terms of general statistics, night work in interwar Czechoslovakia was a marginal phenomenon. For example, if we consider the data from 1934, the violation of working hours affected only 0.3% of employees. Most of the cases involved night work, and the overwhelming majority of those impacted by the stricter legislation always comprised women (84.9% in that year, while men accounted for only 15.1%).<sup>78</sup> Of course, we can assume that the identified cases accounted for only the tip of the iceberg, and the practice of working hours violations was far more widespread. Also from the press of that time, in which minimal attention was paid to the issue, we can conclude that society did not view night work as a serious problem. The historical study of this topic is, in my opinion, interesting for another reason. Firstly, attitudes towards night work open the door to an understanding of what people then considered normal, and how, for example, they defined the limits of individual liberty or assessed the gender characteristics of certain work activities. Secondly, the study of the theme is fascinating in view of a comparison with today's practice, as some tactical practices remain constant in the capitalist economy: the typical use of the argument of competitiveness, or voluntary cooperation of employees with employers against the regulations if both sides consider such procedures to be mutually economically advantageous. And thirdly, the topic points to an enduring tension between the principles of technocracy and democracy, where protective measures often have to be introduced against the will of those for whose benefit they are intended.

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<sup>77</sup> *Zpráva o úřední činnosti živnostenských inspektorů v roce 1935* (Praha: Ministerstvo sociální péče, 1937), 116–17.

<sup>78</sup> *Zpráva o úřední činnosti živnostenských inspektorů v roce 1934* (Praha: Ministerstvo sociální péče, 1935), 60.