

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1608** Session of  
1985

INTRODUCED BY PITTS, SIRIANNI, A. C. FOSTER, JR., MACKOWSKI,  
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AND BOWSER, JUNE 28, 1985

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 28, 1985

AN ACT

1 Amending the act of May 18, 1937 (P.L.665, No.176), entitled "An  
2 act relating to the performance of industrial work in homes;  
3 regulating, and in certain cases prohibiting, industrial  
4 homework; imposing duties, restrictions and liabilities on  
5 industrial home-workers and on persons, partnerships,  
6 associations and corporations, directly or indirectly  
7 furnishing materials and articles to home-workers for  
8 manufacture or work thereon; requiring permits and home-  
9 workers' certificates and prescribing the fees therefor;  
10 conferring powers and imposing duties on the Department of  
11 Labor and Industry; and prescribing penalties," changing the  
12 purpose of the act; further regulating the performance of  
13 industrial work in homes; and making editorial changes.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 Section 1. Sections 1, 11 and 13 of the act of May 18, 1937  
17 (P.L.665, No.176), known as the Industrial Homework Law, amended  
18 November 24, 1976 (P.L.1196, No.263), are amended to read:

19 Section 1. Legislative Purpose.--This State has long  
20 recognized that employment of men, women and children under  
21 conditions detrimental to health and general welfare results in  
22 injury, not only to the workers immediately affected, but also

1 to the public interest as a whole. This recognition has produced  
2 a broad program of regulatory legislation to conserve the public  
3 welfare. The continuance of an unregulated industrial homework  
4 system in this State runs counter to that program since it is  
5 usually accompanied by excessively low wages, long and irregular  
6 hours, and unsanitary or otherwise inadequate working quarters.  
7 In enacting this act, the Legislature [stated] states that  
8 unregulated industrial homework [was] is harmful to society as a  
9 whole, to the industrial homework work force, and to workers in  
10 factory industries forced to compete against the lower wages and  
11 less salutary working conditions characteristic of industrial  
12 homework. The Legislature [concluded] concludes that  
13 ["industrial homework must eventually be abolished."] industrial  
14 homework must be regulated. It is the aim of this act to achieve  
15 that goal, and eliminate the pernicious [influence] effects of  
16 industrial homework on the people of this State, by [abolishing]  
17 regulating industrial homework [except when it is engaged in by  
18 certain types of individuals unable to leave their homes to  
19 work, as hereinafter specified].

20 Section 11. Home-Worker's Certificate.--(a) Every person  
21 desiring to engage in industrial homework within this  
22 Commonwealth must procure from the department a home-worker's  
23 certificate, which shall be issued without cost and which shall  
24 be valid for a period of one year from the date of its issuance,  
25 unless sooner revoked or suspended by action of the department  
26 [or, under subsection (f) of this section, automatically].  
27 Application for such certificate shall be made in such form as  
28 the department may by regulation prescribe and must be remade  
29 each year. Such certificate shall be valid only for work  
30 performed by the applicant himself in his own home, and in

1 accordance with the provisions of this act.

2 (b) No home-worker's certificate shall be issued:--

3 (1) To any person under the age of sixteen years; or

4 (2) To any person known to be suffering from an infectious,  
5 contagious, or communicable disease, or known to be living in a  
6 home that is not clean, sanitary and free from infectious,  
7 contagious, or communicable diseases.

8 [(3) To any person, unless that person is unable to leave  
9 his home to work on account of:

10 (i) his own physical handicap, if that handicap has lasted  
11 for more than thirty consecutive days; or

12 (ii) his own illness, if that illness has lasted for more  
13 than thirty consecutive days; or

14 (iii) the necessity of caring for a member of his family who  
15 is ill or handicapped, if that illness and/or handicap and  
16 necessity has lasted for more than thirty consecutive days.]

17 (c) [It shall be the duty of each applicant for a home-  
18 worker's certificate to prove his eligibility for a certificate  
19 by presenting evidence of handicap or illness of himself or  
20 illness or handicap of a family member sufficient to prove to  
21 the department that he qualifies for a home-worker's certificate  
22 under one of the exceptions set forth in subsection (b)(3) of  
23 this section.] The department shall be empowered to require any  
24 applicant for a home-worker's certificate[, ] or any family  
25 member of any applicant for a home-worker's certificate [upon  
26 whose illness an applicant is relying in order to obtain a  
27 certificate,] to submit to a medical examination by a physician  
28 of the department's choosing in order to aid the department in  
29 making a decision on whether or not to issue a certificate.

30 (d) Whenever a physical examination by a physician is

1 necessary, in order for a person to qualify for or to retain a  
2 home-worker's certificate, if the person is working, or has been  
3 promised work on the condition that he obtain a home-worker's  
4 certificate, it shall be the duty of the employer,  
5 representative contractor, or contractor for which the person is  
6 working or by which the person has been promised work, to pay  
7 the cost of the physical examination.

8 (e) Every certificate shall contain the following  
9 information, in addition to any information which the department  
10 shall, by regulation, require:

11 (1) The home-worker's

12 (i) name,

13 (ii) address,

14 (iii) sex,

15 (iv) Social Security number,

16 (v) date of birth,

17 (vi) height,

18 (vii) weight,

19 (viii) eye color,

20 (ix) hair color; and

21 (2) The expiration date of the certificate[; and

22 (3) The basis of the home-worker's eligibility for a  
23 certificate, as set forth in subsection (b)(3) above.

24 (f) Upon the termination of the handicap, illness, or  
25 necessity of caring for a family member who is ill or  
26 handicapped which has qualified a person for a home-worker's  
27 certificate under subsection (b)(3) of this section, that  
28 person's certificate shall automatically be revoked].

29 (g) The department may revoke, or suspend any home-worker's  
30 certificate if it finds that the holder is performing industrial

1 homework contrary to the conditions under which the certificate  
2 was issued, or to any provision of this act, or has permitted  
3 any person not holding a valid home-worker's certificate to  
4 assist him in performing his industrial homework or has obtained  
5 the certificate through fraud or misrepresentation.

6 (h) The department shall keep records of the applications  
7 made and certificates issued under this section, and of all  
8 information contained thereon.

9 [(i) Notwithstanding any provisions of this act to the  
10 contrary, a special home-worker's certificate may be issued to a  
11 person who does not qualify for a certificate under subsections  
12 (b)(3) and (c) if the person meets the other qualifications of  
13 subsection (b) and if the person has been employed fulltime for  
14 a period of at least six months in the manufacture of shoes, and  
15 is unable to continue his factory employment, if the following  
16 conditions are met:

17 (1) The special certificate holder may perform homework only  
18 for an employer which operates a factory in which shoes are  
19 manufactured, and which does not have more than five percent of  
20 its employees engaged in the manufacture of shoes in industrial  
21 homework.

22 (2) The homework performed by the special certificate holder  
23 must be part of the manufacturing process of shoes.

24 (3) The special certificate holder must be paid the same  
25 wages and receive the same benefits as the employer pays or  
26 affords to employees in its factory who perform similar work.

27 (4) The employer must deliver and pick up all the materials  
28 used in or produced by homework at the home of the special  
29 certificate holder without charge to the home-worker.

30 (5) All machinery, equipment, and materials used in the

1 manufacture of goods by the special certificate holder must be  
2 supplied to the special certificate holder and maintained by the  
3 employer without charge to the home-worker.

4 A certificate issued under authority of this subsection shall bear  
5 a mark indicating that it permits its holder to engage in  
6 homework only in the shoe manufacturing industry. The provisions  
7 of this act shall govern the issuance and use of a special home-  
8 worker's certificate insofar as they do not conflict with this  
9 subsection. The use of a special home-worker's certificate in  
10 violation of this act shall automatically revoke the  
11 certificate.

12 (j) Notwithstanding any provisions of this act to the  
13 contrary, a special home-worker's certificate may be issued to a  
14 person who does not qualify for a certificate under subsections  
15 (b)(3) and (c) if the person meets the other qualifications of  
16 subsection (b), has been employed fulltime for a period of at  
17 least one month in the manufacture of brushes, is unable to  
18 continue his factory employment, and if the following conditions  
19 are met:

20 (1) The special certificate holder performs homework only  
21 for an employer operating a factory in which brushes are  
22 manufactured who does not have more than thirty per cent of its  
23 employes engaged in the manufacture of brushes in industrial  
24 homework.

25 (2) The homework performed by the special certificate holder  
26 is part of the process of manufacturing brushes.

27 (3) The employer delivers and picks up all the materials  
28 used in or produced by homework at the home of the special  
29 certificate holder without charge to the home-worker.

30 (4) All machinery, equipment, and materials used in the

1 manufacture of goods by the special certificate holder is  
2 supplied to the special certificate holder and maintained by the  
3 employer without charge to the home-worker.

4 A certificate issued pursuant to this subsection shall bear a  
5 mark indicating that it permits its holder to engage in homework  
6 only in the brush manufacturing industry. The provisions of this  
7 act shall govern the issuance and use of a special home-worker's  
8 certificate insofar as they do not conflict with this  
9 subsection. The use of a special home-worker's certificate in  
10 violation of this act shall automatically revoke the  
11 certificate.]

12 Section 13. Conditions of Manufacture.--Industrial homework  
13 on articles or materials manufactured for any person to whom an  
14 employer's permit has been issued shall be performed:--

15 (a) Only by a person possessing a valid home-worker's  
16 certificate.

17 (b) Only by persons over the age of sixteen years.

18 (c) Only by persons resident in the home in which the work  
19 is done.

20 (d) Only during such hours as may be fixed by law or  
21 regulation as permissible hours of labor in factories by persons  
22 of the same age [and sex] as the home-worker[; and].

23 (e) Only in a home that is clean and sanitary and free from  
24 any infectious, contagious, or communicable disease.

25 (f) Only [by persons who are incapable of leaving their  
26 homes to work because of one of the reasons stated in section  
27 11(b) (3).] for the same wages and the same benefits as the  
28 employer pays or affords to employees who perform similar work in  
29 the employer's factory.

30 (g) Only with manufacturing machinery, equipment and

1 materials supplied and maintained by the employer without charge  
2 to the home-worker.

3       Upon the issuance of an employer's permit to an employer, or  
4 representative contractor, or a contractor's permit to a  
5 contractor, such employer, representative contractor, or  
6 contractor, shall be deemed to have accepted responsibility for  
7 the observance of the conditions of manufacture specified by  
8 this section; and each of such conditions shall be deemed to be  
9 a condition of the employer's or contractor's permit to the same  
10 extent as though it were expressly set forth therein.

11       Section 2. This act shall take effect in 60 days.