

WORKING CONDITIONS: AN EMBEDDED HISTORICAL PROSPECTIVE

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Absztrakt

MUNKAKÖRÜLMÉNYEK: EGY TÖRTÉNELEMBE ÁGYAZOTT NÉZŐPONT

A jelen tanulmány a munkahelyi körülményekre, és annak történelmi szakaszaira, magyarázataira fókuszál. Alapvetően kijelenthetjük, hogy vannak bizonyos kifejezések, amelyek talán világosnak tűnnek a „modern” világ számára, mivel eredetileg nem igazán használták őket vagy jelentéktelennek tűntek. Az egyik ilyen kifejezés volt „munkahelyi körülmények” is, amely mára már kiérdemelte, hogy komolyan vegyék.

Kulcsszavak: munkahelyi körülmények, környezet, jogok

Diszciplínák: jog, történelem, szociológia

Abstract

This study will focus on the different historical “stages” and “understanding” of working conditions. Basically, one can argue that there are certain expressions, which may seem very clear for the “modern” world, although originally these expressions either did not exist or were doomed to be irrelevant. One of these expressions is “working conditions”, which has earned its place to be taken seriously.

Keywords: working conditions, environment, rights

Disciplines: Law, History, Sociology

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Workers revolt

When one intends to define “working condition”, it is easy to find several definitions, one of them is: “The conditions in which an individual or staff works, including but not limited to such things as amenities, physical environment, stress and noise levels, degree of safety or danger, and the like.” (NET1) Although the definition of the phrase itself has not changed profoundly, the social, legal and cultural understanding of it can be seen as a totally different “system.” Also, the role of the state has been altered time after time by the increasing demand of (almost all) societies of the world. When we discuss collective attempts of workers to (metaphorically and literally) “fight” for their rights, basically, one can only go back only as far as the 19th century, since 1824 workers had been allowed to join together in unions. Most of these unions were relatively small and frail. Although one of their aims was to make sure employers paid reasonable wages, they also tried to prevent other people from working in their particular trade. As a result the working classes still found it difficult to step up and act collectively.

The situation was even worse, since determined employers could still quite easily defeat strikers who refused to work until their payment was improved, and often did so with brutality and aggression. Employers were to use soldiers as well. These soldiers were sometimes deployed to force people back to work or dis-

integrate meetings (McDowall, 2006, 134-138).

But ten years later an influential event took place, which might have left some traces in the course of history. In 1834 there was an event of great importance in trade union history. Six farm workers in the Dorset village of Tolpuddle joined together, promising to be loyal to their “union”. Their employer succeeded in finding a law by which they could be punished. A judge had been specially appointed by the government to find the six men guilty and this he did. As a result of this judgment, in London 30,000 workers and radicals gathered to ask the government to pardon the “Tolpuddle Martyrs”. The government was afraid of seeming weak and did not do so until the “martyrs” had completed part of their punishment. It was a (second) bad mistake. Tolpuddle became a symbol of employers’ cruelty and of the working classes’ need to defend them through trade union strength. The radicals and workers were greatly helped in their efforts by the introduction of a cheap postage system in 1840. This enabled them to organize themselves across the country far better than before. For one penny a letter could be sent to anyone, anywhere in Britain (McDowall, 2006, 134-138).

People's Charter (1838)

Working together for the first time unions, workers and radicals put forward a People's Charter in 1838. The Charter

demanded rights that are now accepted by everyone:

- the vote for all adults; the right for a man without property of his own to be an MP;
- voting in secret (so that people could not be forced to vote for their landlord or his party);
- payment for MPs. and an election every year (which everyone today recognises as impractical) (McDowall, 2006, 134-138).

But, in spite of their united efforts, all of these demands were refused by the House of Commons. The "Chartists" were not united for long. They were divided between those ready to use violence and those who believed in change by lawful means only. Many did not like the idea of women getting the vote as well, partly because they believed it would make it harder to obtain voting rights for all men (Rowe, 1967).

Unfortunately, this Charter was quietly forgotten, though riots and political meetings still went on debating. For instance, in 1839 fourteen men were killed by soldiers in a riot in Newport, Wales and many others sent to one of Britain's colonies as prisoners.

Chartist movement (Hovell, 1925)

The government's severe actions showed how much it feared that the poor might take power, and establish a republic. The government was rescued to some extent by the skill of Robert Peel, the

Prime Minister of the time. Peel believed that changes should be made slowly but steadily. He could use the enhanced economic conditions in the 1840s to weaken the Chartist movement, which slowly died. In 1846 he abolished the unpopular Corn Law of 1815, which had kept the price of corn higher than needed. Not only had this made life tough for those with little money, but it had brought their employers, the growing class of industrialists, into conflict with the landlord class (McDowall, 2006, 134-138) (Paz, 2014).

These industrialists neither wished to pay higher wages, nor employ an underfed workforce. In this way, Peel's decision to repeal the Corn Law was a sign of the way power was passing out of the hands of the eighteenth-century gentry class. These had kept their power in the early years of the nineteenth century. But now power decisively passed into the hands of the growing number of industrialists and traders. Besides hunger, crime was the mark of poverty. Peel had turned his attention to this problem already, by establishing a regular police force for London in 1829. At first people had ridiculed his blue-uniformed men in their top hats. But during the next thirty years almost every other town and county started to form its own police force. The new police forces soon proved themselves successful, as much crime was pushed out of the larger cities, then out of towns and then out of the countryside. Peel was able to show that certainty of punishment was

far more effective than cruelty of punishment. One can only speculate what could have happened to the right of workers without the Second World War, but the War changed everything, even in the United Kingdom, but I agree with David McDowall who argues that “Britain's success in avoiding the storm of revolution in Europe in 1848 was admired almost everywhere. European monarchs wished they were as safe on their thrones as the British queen seemed to be. And liberals and revolutionaries wished they could act as freely as radicals in Britain were able to do. Britain had been a political model in the eighteenth century, but with the War of Independence in America and revolution in France interest in liberalism and democracy turned to these two countries. Now it moved back to Britain, as a model both of industrial success and of free constitutional government. For much of the nineteenth century Britain was the envy of the world” (McDowall, 2006, 134-138).

Working Conditions and the Industrial Revolution

Simply, the working conditions were dreadful during the Industrial Revolution. As factories were being built, businesses were in need of more and more workers. As a matter of fact, with a long line of people willing to work, employers could set wages as low as they intended because people were ready to do work as long as they got paid.

People worked fourteen to sixteen hours a day for six days a week. However, the majority were unskilled workers, who only received about \$8-\$10 dollars a week, working at approximately 10 cents an hour. Skilled workers earned a little more, but not significantly more (NET2, Crafts, 1992). Women and child labor both were even less valued, since women received one-third or sometimes one-half the pay that men received and, children earned even less. Owners, who were only concerned with making a (high) profit, were satisfied because labor cost less (Hopkins, 1982; Voth, 2003).

As far as the places of work were concerned, factories were not the best places to work, the environment and conditions were, to modern standards, outrageous and shameful. The only light present was the sunlight that came through the windows. Machines spit out smoke and in some factories, workers came out covered in black soot by the end of the day. There were a plethora of machines with not many safety precautions. This resulted in many accidents. The workers only received a break for lunch and a break for dinner (NET2, Lucas, 2002).

Even more difficult for anyone to grasp the acceptance of child labor as well and to realize that children were paid less than 10 cents an hour for fourteen hour days of work. They were used for simpler, unskilled jobs. Many children had physical deformities because of the lack of exercise and sunlight. That is why no-one disagrees on the fact that the use of children as labor

for such long hours with little pay led to the formation of labor unions.(Antras, Voth, 2003)

The day arrived when Labor Unions were formed because workers ultimately wanted to put a halt to long hours with little pay. Their demands were simply to be paid more and to get fairer treatment. Workers did not want children to work in factories because of the danger involved. Labor unions organized strikes and protests.

However, as more immigrants came to the United States, more workers became available. These workers were willing to work, even if others were not because of unfair treatment. This lessened the effect of the labor unions since businesses had no shortage of workers. This is why most labor unions were unsuccessful at the time. After the Second World War many issues were brought up in connection with universal human right, including working conditions as well. The horrors of the War did not leave a complex issue, such as working condition, untouched.

Working Conditions in the European Union

One of the main areas covered by European Union labour law is working conditions. This includes provisions on working time, part-time, and fixed-term work, temporary workers, and the posting of workers. All of these areas can be seen as keys to ensuring high levels of employment and social protection throughout the EU. In line with its Treaty,

the EU defines minimum requirements at European level in the field of working conditions. The Treaty gives the European social partners a special role in the preparation of labour law initiatives at EU level. The Commission encourages/supports the social partners to conclude agreements in this field. The Commission can also put forward legislative proposals to the Council and the Parliament. However, in spite of all the “encouragement” by the EU, I might add that harmonization attempts can go only as far as minimum requirements, since I do firmly believe that this issue itself profoundly culturally-historically rooted, as I have already attempted to highlight some groundbreaking historic moments (Kirk, 2010). The EU’s work on the main issues affecting working conditions is the following (NET3):

- Individual Employment Conditions
- Fixed-Term Work
- Part-Time Work
- Temporary Agency Workers
- Health and Safety in Fixed-term and Temporary Employment
- Young People at Work
- Working Time Directive
- Sectoral Working Time
- Posting of Workers
- Employer Insolvency
- Transfer of Undertakings
- Undeclared work

As we can see, many changes have happened since the first workers’ (so-

called) union, and the complexity of the issues connected revealed themselves, but solutions may not have been presented for each and every-one of them. One of the solution based approaches seems to have come in the form of a foundation, namely, European Foundation for Living and Working Conditions. The Fundamental Law of Hungary, Article XII, stipulates that “(1) Everyone shall have the right to freely choose his or her work, occupation and to engage in entrepreneurial activities. Everyone shall be obliged to contribute to the enrichment of the community through his or her work, in accordance with his or her abilities and possibilities” (Szilner, 2012a, 9). It ensures the rights on a (very) general level in order to ascertain that obligation of the democratic state of Hungary. “(2) Hungary shall strive to create the conditions ensuring that everyone who is able and willing to work has the opportunity to do so” (Szilner, 2012a, 9). As an obligation, the second section of Article XII is not very promising, since it only states that “Hungary shall strive to create the conditions...”, which does not really mean a clear-cut declaration of taking an obligation, it only designates a promise to attempt to provide some. The Hungarian Act I of 2012 on the Labor Code also describes the commitment of Hungary as a member state of the European Union, it can be found in Article 3, designated as Interpretation principles, In Section 5 the Labor Codes stipulates “(1) The provisions of this Act shall be interpreted in

accordance with the legislation of Hungary and the European Union” (Szilner, 2012b, 4).

European Foundation for Living and Working Conditions

It is important to note that regulations are of general application, binding in their entirety, and directly applicable in all member states without the need for individual member states to enact these domestically. Thus, Regulation (EEC) No 1365/75 setting up the European Foundation for the improvement of living and working conditions is binding in its entirety and shall be directly applicable in all member states without the need for individual member states to enact it domestically. The regulation creates the European Foundation for the Improvement of Living and Working Conditions (Eurofound – NET4). Eurofound is intended to contribute to better living and working conditions in countries. It carries out its role in partnership with governments, employers, trade unions and the EU institutions (such as the Commission, the Parliament, the Council and the European Economic and Social Committee).

Eurofound's main objectives (NET4, NET5):

- monitor trends and developments in the living and working conditions, industrial relations and structural change (e.g. change due to the introduction of new technologies) in the EU economy;

- provide opinions and advice to social policy-makers and stakeholders in the areas of living and working conditions;
- spread knowledge and organise debates and exchanges with representatives of civil society and social partners.
- Eurofound is also involved in activities, such as research and communication activities, which are basically connected to research management and information and communication actions in the fields of
- living conditions of EU citizens such as work-family life balance, public welfare services and pathways to integration into employment;
- working conditions including the organisation of work, working times, flexibility and changes in working conditions throughout EU;
- industrial relations, including industrial change and the restructuring of companies, worker participation in decision-making and industrial relations on an EU scale.

Eurofound fosters the exchange of information and best practices between/among universities, administrations and economic and social organizations. It also aids in the process of organizing courses, conferences and seminars and participates in studies. And, in addition, it provides and makes available data and opinions emerging from independent and comparative research to governments,

employers, trade unions and the European Commission. As I have already mentioned, due to its embedded complexity of the issue of working condition, the European Union could only set minimum standards, and these standards and as well as their applications need re-examinations time after time. It is also true in the case of Eurofound as well, therefore, Eurofound reviews its strategy and the orientation of its work in a rolling programme every four year. A new 4-year strategic programme was adopted for the 2013-2016 period. Eurofound's strategic objective for this new 4-year work programme is to provide high-quality, timely and policy-relevant knowledge in 4 main areas:

1. increasing labour market participation and combating unemployment by creating jobs, improving labour market functioning and promoting integration;
2. improving working conditions and making work sustainable throughout people lifetime;
3. developing industrial relations to ensure equitable and productive solutions in a changing policy context;
4. improving standards of living and promoting social cohesion in the face of economic disparities and social inequalities.

Under the scope of this program, Eurofound provides facts and figures, analyzes trends and policies in the EU countries. Also, there is a (long) list of specific relevant themes needed to be defined with specific priority actions/activities.

Co-operation, Organization and functioning

As far as the co-operation, organisation and functioning of Eurofound are concerned; it cooperates with specific academic institutes or universities in EU countries and at international level as well. It also crucial to mention that Eurofound has a close working relation to the European Agency for Safety and Health at Work, and, the Foundation strongly co-operates as well with social partners at EU level such as ETUC (the European Trade Union Confederation) and BUSINESS-EUROPE (the European employers' organisation). The Foundation is located in Ireland (Dublin), and it has a Governing Board which represents the social partners and national governments of all EU countries, as well as the European Commission (NET5). The seriousness of the program can be valued by the institutions established by Foundation because it has two institutions for the purpose of observation:

- the European Monitoring Centre on Change (EMCC) which analyses and anticipates change in the world of industry and business with a view to supporting economical and social progress in the day-to-day for people life;
- the European Observatory of Working Life (EurWORK) which centralises all Eurofound's resources on working conditions and industrial relations.

As we have seen, the Foundation was established 42 years ago in 1975, and it has had a lasting contribution to the planning and design of better living and working conditions. Of course, the Act itself, Regulation (EEC) No 1365/75 of the Council of 26 May 1975 on the creation of a European Foundation for the improvement of living and working conditions (OJ L 139, 30.5.1975, pp. 1–4), has had successive amendments and corrections, and they have been incorporated into the original text. But, still, this organization has contributed remarkably to the betterment of living and working conditions.

Conclusion

Though the definition of the phrase itself has stayed (basically) the same, as we have highlighted, the social, legal and cultural understanding of it have gone through serious modification. The workers revolt can no longer be seen as an act against the state in general, and many institutions, such as Eurofound, are devoted to the cause of the improvement of the working conditions. Also, the role of the state has been altered time after time by the increasing demand of (almost all) societies of the world. The (historically) needed intervention has been fortified by the regulation of the European Union as well, but, as my paper attempted to present, this process may be able to go on forever as a result of the changing nature and understanding of the phrase “working conditions.”

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