

RPTSS 2017
**International Conference on Research Paradigm Transformation
in Social Sciences**

**RUSSIAN LABOR PROTECTION LEGISLATION OF WOMEN
AND CHILDREN OF XIX CENTURY**

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Abstract

This article is devoted to the study of exploiting women and children labor in the factory and plant industry. In second half of the XIX century in Russia, the government policy on working issues (where child and women labor was concerned) were inconsistent, selective and vague in nature. The authors consider the measures which have been undertaken by the Government in the connection with the involvement of children and women labor into the sphere of industrial production. The study of problems of legislative regulation of women and children labor and factory supervision activities protecting the work of this category of workers were undertaken. The causes and characteristics are considered; qualitative and quantitative characteristics of the employment of children and women in the factory industry in Russia are given. Under the impact of the crisis of overproduction and increasing competition among entrepreneurs and public pressure, the government was forced to issue legislation regulating the women and children labor. On the base of various sources, circumstances of the content of publication laws regulating the children and women labor are analyzed in detail. The strong and weak causes of adopted legislation aimed at the protection of women and children are discussed and analyzed.

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Keywords: Factory industry, labor of children and women, factory inspection, labor legislative regulation, worker.



1. Introduction

In the pre-revolutionary Russia, workers were divided into three age groups: minors (under 15 years), teenagers (15-17 years), adults. One of the most important characteristics of the working class is the problem of the utilising labor of minors and women. With the abolition of serfdom, the village became more strongly involved in goods trading (barter); construction of the railroads promoted the population mobility. With the introduction of machine production, cheap labor of women, minors and teenagers began to be exploited more intensively in production. The number of minors in the industry in 1874 was equal to 10-15% of the total number of workers, among whom children between 10 - 12 years old made up to 25 - 40% (Shelymagin, 1947).

According to the inspection conducted in the industrial factory in Moscow province, in the early eighties of the XIX century, it has been observed that nearly two-thirds of all workers went to the factory at the age under 14 years old. Among them, the minors younger than 10-11 years old made up 33% of the total number of workers (Smolenskaya, 2012). The unlimited use of children's labor offered manufacturers the chance to keep the salary at a very low level. The salary of teenagers was 50%, and that of minors was less than 30% of the adults' earnings (Johnson, 1979). So, the salary in Moscow province in the cotton-spinning production for the adults was 12-25 kopeks a day, for the minors - 7-9 kopeks. In the glass factory, the salary for adults was 12-40 kopeks, for minors – 3-6 kopeks. Such ratio was characteristic throughout Russia.

The woman labor in the XVIII century was used periodically and in a limited amount. As K.A. Pazhitnov stated, in 1769, throughout all institutions of Russia, only 550 women or 1.2% of all workers (Pazhitnov, 1924) were engaged. A widespread utilization of women labor became possible only during the reform period connected with the introduction of machine production. There was discrimination in the salaries, despite the same duration of working hours and labor productivity. The earnings of a woman were almost twice less than the earnings of a man, especially in the textile, candy, rubber, tobacco enterprises and printing houses (Cruise, 1981). The total data on woman labor in the Russian industry for the 60-70s of the XIX century are absent. However the recent available materials prove that female labor was especially widely used in the light industry and the rates of engagement of women in the labor force grew very quickly.

At the end of the 1870s and at the beginning of the 1880s, in the industry of Petersburg and Moscow, women labor made up 15-17% of all labor force. Thus, the woman labor was most widely used in the textile, beet sugar, tobacco and match production industry. Therefore, the Petersburg textile industry consisted of woman by 42.6%, in Moscow – 21.2%. In the huge Russian-American rubber manufacture in Petersburg in 1881, women workers made up 45½% of the entire working structure (Kiryanov, Volin, 1989). The woman labor was broadly used in the fibrous substance production process - 36.8%, in chemical production -25%, and to a small extent, in metalworking - 2.5%. These fast rates of attraction of women and children labor to the production were caused due to the following conditions: first of all, the child and woman labor attracted businessmen because of the low cost and irresistence; secondly, the low wages of workers compelled other family members to go in for earnings.

2. Problem Statement

In the first two decades, after serfdom abolition, the use of wage labor was subjected to rigid exploitation in the absence of legislative regulations of these community relations. This position of workers enraged them and called for resistance. Workers' rebellions uncovered a gloomy side of the factory life, attracting general attention and calling for special inspections and fact-finding in the industrial life.

For investigation of the first massive strikes which swept around the country in the late 50s and early 60s of the XIX century, the government set up a number of special commissions. The first of them was set in 1859 for drafting rules on the supervision of factory enterprises, due to repeating accident occurrences with workers especially with minors, in handling dangerous machines or harmful chemicals. During the supervision of a number of industrial institutions of Petersburg, the commission found that there were complete absence of labor safety, sanitary conditions, 14 and even 17-hour workday, even night duties for children aged 10. Among the 8209 workers interviewed in production factories of paper industry, there were 616 children aged between 8 to 14 (or 7½%) (Smolenskaya, 2011).

The history of the 60-70s of the XIX century presents a number of attempts in the administrative sphere to prevent the use of labor of children younger than 12 years old and to limit working hours of minors in the factory work. But all these attempts due to the lack of a clear cut idea of regulation necessity of the relations among businessmen and workers broke down as a result of the resistance of manufacturers.

The more conservative part of the Russian bourgeoisie, prevailing in the Central district, opposed the development of the factory legislation. The enterprises, belonging to it, were technologically badly equipped, and the high productivity level was achieved at the expense of cruel exploitation of workers and the attraction of cheap labor, particularly, of children and women. Therefore, they also opposed government intervention in their relations with workers using the patriotic property arguments in the interests of domestic industry, etc. And there were faultless approaches of the Moscow industrialists to direct the government policies during this period to their desirable course.

3. Research Questions

Businessmen of more developed industrial regions (Peterbursky, Lodzinsky) petitioned for the restricted use of minor workers and even scheduled work for adult men. The main reason for it was the need to replace worker with machines which was more favorable due to the fact that there was shortage of labor and high salary levels in the Petersburg district. This resulted in diversification of the equipment production.

The second stage of reforming of the factory legislation fell to the 80s of the XIX century, which was an extremely inconducive period for the development of the national economy of Russia. The signs of approaching crises were already observed at the end of 1880 - early 1881. The agricultural crisis which had become acute since 1882 (during the period from 1880 to 1890, four bumper-crop years were followed by seven poor harvest years) and as a result, low solvency of peasants served as one of the major factors that caused deep and long industrial stagnation. In the event of the acute social and economic

contradictions slowing down further the development of the country, general public discontent and strike activities of workers, the government (with increasing repressions) was compelled to draft labor laws in the factory work.

4. Purpose of the Study

Due to the fast development of the industry and increasing mechanisation of production, the volume of child and woman labor increases. Besides, the introduction of mechanised production leads to a sharp increase in the working hours for all categories of the workers across the whole Russia which were from 12 to 15 hours a day. The longest hours were at the textile enterprises, food and mining industry. Meanwhile, the child labor was not reduced and was used along the adult labor for a lowered payment. This position of minor workers attracted the public attention (Zaytseva, Bugayenko, 2010). An observer of Domestic newsletter indicated that: "child labor is widely exploited at the factories and plants. There is no age limit for employment in our factories while in England the child labor is accepted in factories, if the child is not under 10 years old, in Germany and France - under 12 years old. Russian manufacturers never care to employ children at the age of 8, 7 and even 6".

By this time, in most European countries, children labor had been put in a strict and narrow framework. In England, the working day of children under 14 was limited to 6½ hours, and for teenagers (14-18 years) – to 10 hours. Besides, over Europe, the child night labor was forbidden, some exceptions were made (printing houses, glass plants and some branches of metal working). In Moscow province, small children worked at factories on equal terms with adults, i.e. for 15 and even 17 hours a day. They took part in night work on equal terms with adults. This state of affairs was not at all only at factories of Moscow province. It was widespread all over Russia.

Under the pressure of the public measures for protection and labor regulation for children, the government was compelled to take action. In May, 1881, N. H. Bunge was appointed to the post of the Minister of Finance and the legislative settlement of relations between businessmen and workers became one of the main and necessary conditions for successful development of the industry. In the memorandum program of 1880, in the section "Industrial Position Improvement, Processing and Trade" he stated with regret, "Russia has no laws regulating labor force, i.e. defining the minor age, allowed one to use in employment, working day duration and night duties" (Shelymagin, 1947).

5. Research Methods

The draft project provided the following: 1) the prohibition of labor of the child under 12, the Minister of Finance reserved the right to define those enterprises where the labor of the child from 10 to 12 years old could be permitted; 2) the prohibition of night labor for children from 12-14 years old in summer and a restriction to 8 hours a day; 3) restriction of daily work for 14-17 years old in summer up to 10 hours, night work - 6 hours; 4) the manufacturers were obliged to provide the opportunity to attend school at least 2 hours a day for minors and teenagers who had not graduated from grade one in primary school; 5) the introduction of factory inspection, the supervision of which should be implemented according to the law, the division of the main industrial regions into three districts (Petersburg, Moscow,

Vladimir) controlled by factory inspectors responsible to the chief inspector at the Department of trade and manufactures of the Ministry of Finance. It was supposed to implement the law from July 1, 1882.

Businessmen of the central industrial region protested. The draft law was discussed at the State Council joint departments' meetings on the 13th, 20th, 22nd of March and on April 4th, 1882, together with experts of Petersburg and Moscow businessmen. The participants of meetings made some concessions to Muscovites and the edition of the new bill was approved by Alexander III on June 1, 1882.

Hence, 23 years later, after the appearance of the first draft of labor regulation at factory, the first factory law "On Minor Workers at the Plants, Factories and Manufactures" (further – known as the June 1, 1882 law) was issued to regulate the minor workers and the establishment of factory inspection. According to the law: 1) children who had not reached the age of 12, were not allowed to work in industrial plants. 2) Children from the age of 12 to 15 were considered as minors, their work hours were limited to 8 hours a day (excluding time necessary for breakfast, dinner, rest and attending school). Moreover, working hours should not proceed more than 4 hours in a row. 3) Minors' night working between 9 o'clock in the evening and 5 o'clock in the morning as well as Sundays and holidays was forbidden. 4) In harmful productions, employment of minor workers under 15 years was forbidden. 5) Owners of institutions were assigned to give opportunity to minors, who had gotten national school certificates to attend school. For the implementation of this law, a special supervision which was an inspection factory body was created (Volodin, 2008).

6. Findings

In case of the exact implementation of Act 1 of the law, forbidding minor workers under 12 years old, Russia would have taken the first position in the child labor protection in Europe where minors were not allowed to work before achieving the following ages: 14 years old – in Switzerland and Austria, 13 years old – in France, 11 years old - in England, 10 years old - in Spain and Denmark, 9 years old – in Italy.

Despite all the "restrictions", the above-mentioned law and ambiguity practice of its application, the law adopted on June 1, 1882 brought in positive results. The total amount of child labor in production nevertheless decreased. The number of minors among workers for 1882-1885 in the Moscow factory district was reduced from 9.5 to 3.2%; in Vladimir - from 10.8 to 3%. According to estimates of inspectors in absolute figures, the number of the minor workers decreased in the Moscow district by 5500, and in Vladimir - by 4400 people. And as a whole all over Russia before adoption of the law labor, the share of minor workers employed on factories averaged up to 5%. According the data for 1887, the number of the minors considerably reduced the ratio of gender, and the age structure of workers was as follows: the number of adult men made up about 577834 or 73.2%, women - 184144 or 23%. All in all, the number of adult workers made up 761978 people or 96½%, minor male - 19033 or 2.4%, and female - 8311 or 1.1%; the total was only 27344 or 3½%. By the middle of the 90s, their percent fell to two and in the European part of Russia - even to 1.8%. From the total number of 1 079 093 workers, the level of minors (20 170 people) fell in the mid-nineties. Nevertheless, manufacturers tried to replace the minor workers with teenagers and women. The child labor restrictions forced manufacturers to introduce new techniques and the technologies, which increased labor productivity.

The use of female labor began to increase from the middle of the 1880s. In 1885, the ratio of female workers in the survey factory enterprises made up about 30%. In separate productions, they made up about a half of workers: paper industry production - 52.5%, clerical - 46.3%, cotton and woolen – 40%, bast production – 46½%, linencloth production – 49%, and in woolen fibre production almost only women worked (81.4%) (Nikolsky, 1916).

Contemporary writers wrote the following about female workers in industries: "The position of women workers at factories was extremely hard. They were compelled to work alongside men on equal basis for 15-17 hours a day. For example, while in England and Switzerland, women's night working was forbidden, in Russian factories women took part in night shifts on equal basis with men. In Switzerland the working mother had a lunch rest for 1½ o'clock, while others had an hour. The purpose of this privilege for the working mother was to allow her to take care for the child. The Russian working mother did not have any privileges, and in most cases had to feed the baby right there near the equipment, having only a few minutes off work". Pregnant women worked as long as they could; in case of inability to do so they were immediately paid off (Zaytseva, Bugayenko, 2010).

By the middle of the 1890s, the specific rate of female workers in the textile industry increased up to 40.1%; in 1900 it reached 44.3%. Among the total structure of workers in the factory industry, 1900 women made up 27%. On the whole the work of women, teenagers and minors in the factory production was widespread, and according to the data of 1897 with the registered total number of workers (488 000), women and minors made up 219 000 or about 45% (Glickman, 1984).

At the beginning of the 1880s, the overproduction crisis which began in Europe also affected Russia, and raised the issue of the need to quickly reduce production. The massive dismissal of workers increased the danger of labor movement; therefore, it was necessary to find other alternative way out of the current situation.

In the majority of Western European countries, the night labor of women and children had been forbidden by then. Women, under no circumstances were allowed to work at night and during days-off (Yanzhul, 1980).

The political situation after Morozovsky strike, unrests at the factories of Moscow and Vladimir provinces, the deep crisis phenomena in the industry forced the government to speed up with the publication of the labor law. On June 3, 1885, a law was published. Under this law from October 1 of the current year, at the cotton, linen and woolen factories, night duties for minors (15-17 years) and women was forbidden. The night period was defined, in accordance with the law, from 9 o'clock in the evening to 5 o'clock in the morning for minors. The introduction moment (October 1) was determined according to the general schedule in the central manufacture region. The custom of employing workers was during the two semi-annual terms: "at Holy Protection" and "at Easter". It was introduced as a temporary measure which was to last only three years.

The Minister of Finance was empowered to extend the law of 1885 to industries, but this was mentioned in the law itself. Gradually, between 1885 and 1897, all fibrous substances production processing was controlled by him: in 1886 the prohibition was extended to factories: the linen weaving, linen-spinning, mixing of fabrics. In 1895, it covered institutions engaged in processing of jute and hemp.

In 1897, silk was covered, and in 1898, it included some dangerous and harmful jobs at the phosphorus-match factories specified for minor workers.

In fact, the scope of the law was wider than it was assumed then because the text covered the majority of factory workers which were engaged in the processing of fibrous substances. By 1885, the number of women in the textile industry reached 35 to 40%.

In the late 80s and at the beginning of the 90s of the XIX century, the industrial crisis was replaced by new revival, and strike movement of workers weakened a bit. Using this opportunity, the businessmen took measures to revise and amend some of the articles of factory laws of the 80s. The demise of N. H. Bunge from the post of the Minister of Finance gave the manufacturers some hopes.

The attack of the bourgeoisie supported by the authorities was success. As a result, the Law of April 24, 1890 "On the change of resolutions on minor worker, teenagers and females at factories, plants and manufactures and the laws on working and training minors of craftsmanship institutions", in which the following norms about factory working of minors, teenagers and women can be determined: permission to extend the day work of children under 12, which were already engaged at the industrial enterprises; confirmation of the right to 6- hour work for minor workers from 12 to 15 years old. The law provided special rules for working in the glass production: not more than six hours a day of night work of teenagers and women was allowed; the law placed a ban on the employment of these persons before the expiration of the 12-hour period after completing the night duty. For other enterprises, the law implied that workers doing night duty could not work before 12 noon after the night work. The night duty work for minors and women was considered for specific branches of production (as night time duty was the time interval between 10 o'clock in the evening and 4 o'clock in the morning. This norm was extended to the enterprises of cotton, linen, woolen, linen-spinning, linen-sketching and mixing of fabrics), and the solution of issues was the prerogatives of provincial governors or ministerial measures, instead of legislative means; only in "especial valid cases". Besides, the chief factory inspector on the representations of the local factory inspectors could allow teenagers and women to work at factories, on Sundays and holidays anywhere where teenagers and women were engaged together with their family heads, i.e. almost everywhere".

The development and adoption of law of April 24, 1890, was a radical diversion from the whole direction of working legislatives. The articles, considered all the circumstances and applications, interests of enterprise owners acted more obviously and consistently during the period of 1882-1885. At the same time, it would be almost impossible to determine in any part of the article where changes had been made to the norms and rules which could be regarded as an additional concession to workers. Thus, the decision of the State Council approved by the tsar on April 24, 1890, replaced both laws of 1882 and 1885, uniting them into one, having changed the former norms in most important parts, curtailing the rights of minor workers and the women, which were established by earlier existing legislation.

This was a specific result on the legal policy of the last quarter of the XIX century on workers issues, which considered the law of April 24, 1890 as a counter-measure to former laws of minor workers and women applied in the industries of Russia (all the points were amended in favor of the manufacturers).

This conclusion confirms also the opinion of the columnist of the Russian Thought magazine: "The established removals give a broad range of employing women and teenagers and that this small part, according to word and letter of the law, will not allow night work for them. In most factory centers wives and daughter worked together with their heads of families; the amendment under the pretext of increasing orders can extend to the most part of year if the factory makes goods for Nizhegorod's trade fairs and the biggest southern Russian fairs. And those times, the increase could be 6-8 times a year, and therefore night duty work of women would have been allowed with small breaks during the whole year".

The new epoch of elaborating factory laws began during the period of Vitte S.Yu. who considered clauses of 1882-1886 as "visible monuments of fruitful legislative activity". Vitte S.Yu. sought to solve a complex problem in his economic policy: on the one hand, he wanted to provide stable opportunities for industrial development by preventing conflicts between workers and businessmen, arising in the economic sphere, as well as equal conditions for competition for industrialists. On the other hand, it was necessary to prevent emergence of class conflicts of political character. Retrospectively, Vitte S.Yu. tried to implement the factory legislation by using analogy of other states, in particular Germany, writing that they "met stern reactionary forces". He recognized that the delay in carrying out reforms was due to "a considerable occasional strain of relations between workers and manufacturers in Russia and to development and spreading among workers the extreme socialist views and sometimes revolutionary elements" (Kupriyanova, 1999).

The middle of the 1890s was characterized in Russia by a rising strike struggle of the factory proletariat. The main demand was the reduction of the working day from 12-14 to 10½ hours, timely salary payment, increase of quotations, etc. The authorities were compelled to grant economic concessions and to develop the law regulating the working day.

The new factory law "On the duration and allocation of working hours in the factory industrial institutions" was approved on June 2, 1897. The maximum working day duration was fixed - 11½ hours, and holidays and Saturdays 10 hours were established. Workers over 15 years old were considered as adults.

The duration of workers' work during the day in Russia, according to the law of 1897, should not exceed 11½ hours. Meanwhile in Germany, Austria and Switzerland, it was 11 hours, in France - 10 hours, in England at the cotton-mills it was 10 hours, and in other productions – it was 10½ hours. The night work time of women in Russia was limited to 10 hours, in France – to 7 hours. In England, Austria, Switzerland and Italy, the night working of women was forbidden. The working day of teenagers (15-17 years old) in Russia was limited to 11½ hours. In Holland, Switzerland and Austria it was 11; in other countries it was 10 hours. The working day of children (12-15 years) in Russia under the law should not exceed 8 hours, and while the two-shift working day was 9 hours. The night working was allowed in the glass production. In Italy, the working day of children was limited to 11 hours, in Austria it was 8 hours, in France - 10, in England - 6½, in Germany, Sweden, Norway - 6 hours. This year in most of the mentioned countries, the night working of children's category was forbidden (Kupriyanova, 1999).

Thus, with the adoption of law "On the duration and allocation of working hours in the factory industrial institutions", there was one of the major parties in the relations between businessmen and workers for whom the rules of law determined for the first time on legal basis the duration of working

hours. It was much lower than earlier existing ones at the Russian factories. The fulfillment of the law was of great importance to the workers' economic and social status since even compared with other countries the working day remained higher in those countries.

In the factory laws, there were no restrictions which facilitated the work of pregnant women. Only in the "Rules on storage and penalty funds expenditures" at the factories (published in December 4, 1890), it was specifically indicated that it is possible to give out social benefits to workers in the last period of pregnancy and free them from these penalty funds just two weeks before childbirth. Thus, the issues of payments of social benefits were not mandatory. It was established and left to the discretion of manufacturers. There had not been any protection for such factory workers as mothers in Russia until 1905. The governments of most of the European countries paid attention to this: in Switzerland (the law of April 23, 1977) working pregnant women were forbidden within 8 weeks and not less than 6 weeks after delivery; in Germany (clause 137 of industrial charter), in Norway (the law of June 27, 1992), in England (the law of August 17, 1901) working women within 4 weeks after the delivery were forbidden to work.

7. Conclusion

The drastic development of industry and the introduction of machines into production provided businessmen with the opportunity to use cheap labor of children intensively. In the first decade of the reform, there was 10-15% of child labor among the large industrial factory working centers. The laws became the basic acts regulating child labor: June 1, 1882, "About minors working at plants, factories and manufactories"; June 5, 1884, "About fines for violations of resolutions on minor labor at plants, factories and in craftsmanship institutions"; June 12, 1884, "About school training of minors, working in factories, at plants and manufactories, about their work duration and factory inspection"; April 24, 1890, "About resolution changes on working minors, teenagers and women at factories, plants and manufactories and extension of rules to labor and training of minors in craft institutions". The contents of the laws concerning child labor consisted of: 1) definition of age from which children could be drafted into work in industrial institutions, 2) the indication of their work duration which covered a daily period, 3) the restriction and mandatory prohibition of their work in dangerous and unhealthy productions, 4) the provision of their school education, 5) the establishment of responsibility of businessmen for violation, 6) the introduction of factory inspection for supervision of implementation of the laws.

The Socio-economic conditions of the second half of the XIX century and the beginning of the XX century compelled women to look for jobs in various places to earn their livings. The mechanical production development afforded the opportunity to use work of women in factories widely. Woman labor law in Russia before 1885 was never regulated. There was discriminatory salary, despite the similar working day duration and labor productivity the earnings of women were two times less than those of men. There were no laws protecting the pregnant woman worker, she worked before her childbirth, and even medical care at the time of delivery was not always provided. Young mothers did not get any privileges and they were discharged from the moment of leaving work. The factory administration usually allowed mother worker to feed the child only once during lunch break, quite often right in the work place.

The use of woman labor in harmful productions, the high duration of the working day, women labor at night, poor child care in connection with mother's employment, poor nutrition of both a child and a mother led to the higher mortality level of children of factory workers than the overall-Russia average: out of 100 born children of workers, 59-64 died (Cruise, 1981).

The above-mentioned allows us to conclude that engagement of women labor without some restrictions and protection, exhausted the worker and ruined her health, and not only of the woman, but also of her off-springs. The government did not consider facilitating the women labor in production. And furthermore the businessmen were completely ignoring the labor protection law of women workers, due to the fact there was surplus of workers. As a result of the crisis of overproduction and the increasing competition between businessmen, the acts regulating women labor were issued. The contents of the laws concerning women labor consisted of: 1) the prohibition of night working in some productions; 2) the establishment of their work duration. In the studied period of the factory legislation nothing was obtained to show that there was a legislative which restricted or facilitated work of a pregnant woman providing her with the rights to holidays, limiting women labor in harmful productions. At the discretion of manufacturers, social benefits from the penalty funds at factories could be granted to the pregnant workers in the last period of pregnancy and who had stopped work two weeks prior to childbirth. From 1901, according to reports of factory inspectors, the number of cases of granting payments to pregnant workers was 16910 and the average payment of each benefit was 3 rubles 85 kopeks. Most of the European countries noticed the need to protect the factory worker mothers. In Russia, there were no laws in that regard.

Besides, the result of the reaction which began in the legislation weakened the laws of 1882 and 1885 which transformed into the new law of April 24, 1890, meant to consolidate the original one, where the most important parts were eliminated.

The policy of the government on the working issue (where child and women labor was concerned) had some subjective factors which were determined. There was publication of the considered laws as a result of fast industrial development of Russia and result of conflicts of interests of three parties: government, businessmen and workers. The autocracy balanced between its own interests, i.e. the protection of public tranquility and peace in the state, interests of constantly intensifying pressure from the economically powerful bourgeoisie and the danger of social instability connected with the labor movement development. In this regard, the policy of the government on labor issues had been inconsistent, selective and vague in nature.

Acknowledgments

The work is realized in the framework of the Program of flagship university development on the base of Belgorod State Technological University named after V.G. Shoukhov.

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