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NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

**INSULATED CONTAINER
MANUFACTURING INDUSTRY**

AS SUBMITTED ON AUGUST 24, 1933

REGISTRY No. 1629—1—03

**The Code for the Insulated Container Manufacturing Industry
in its present form merely reflects the proposal of the above-mentioned
industry, and none of the provisions contained therein are
to be regarded as having received the approval of
the National Recovery Administration
as applying to this industry**



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NATIONAL INDUSTRIAL RECOVERY CODE

AS PRESENTED BY THE INSULATED CONTAINER ASSOCIATION

I

This Code is set up for the purpose of increasing employment, establishing fair and adequate wages, effecting necessary reduction of hours, improving standards of labor, and eliminating unfair trade practices, to the end of rehabilitating the insulated container industry and enabling it to cooperate to the fullest extent in putting into effect the provision of the National Industrial Recovery Act.

II

The term "employer" as used herein shall include every person promoting, or actively engaged in, the manufacture or assembling for sale of the products of the insulated container manufacturing industry. The term "effective date" as used herein is defined to be the eleventh day after this Code shall have been approved by the President of the United States.

III

As required by Section 7 (a) of Title I of the National Industrial Recovery Act, the following provisions are conditions of this Code:

"(1) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; (2) that no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and (3) that employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President."

IV

(a) On and after the effective date employers shall not employ any person under the age of 16 years.

(b) On and after the effective date the minimum wage that shall be paid by any employer to any employee engaged in the processing of products of the insulated-container manufacturing industry and in labor operations directly incident thereto shall be 40 cents per

hour, unless the rate per hour for the same class of labor on July 15, 1929, was less than 40 cents, in which case the rate per hour shall be not less than the rate per hour paid on July 15, 1929, *And provided also* that in no event shall the rate per hour be less than 30 cents per hour: *And provided further*, That casual and incidental labor and learners may be paid not less than 80 percent of such minimum wage, but the total amount paid to such casual and incidental labor and learners shall not exceed in any calendar month 5 percent of the total wages paid to all process labor by such employer.

(c) On and after the effective date the minimum wage that shall be paid by any employer to all other employees, except commission sales people shall be at the rate of \$15.00 per week in any city of 500,000 population, or in the immediate trade area of such city; or \$14.50 per week in any city of between 250,000 and 500,000 population, or in the immediate trade area of such city; or \$14.00 per week in any city of between 2,500 and 250,000 population, or in the immediate trade area of such city; and in towns of less than 2,500 population employers shall increase all wages by not less than 20 percent: *Provided*, That this shall not require wages in excess of \$12.00 per week: *And provided further, however*, That office boys or girls, learners, and casual employees may be paid not less than 80 percent of such minimum wage, but the total amount paid to such office boys or girls, learners, and casual employees shall not exceed in any calendar month 5 percent of the total amount paid by such employer to all employees covered by the provisions of this paragraph (c).

V

EMPLOYERS SHALL NOT OPERATE ON A SCHEDULE OF HOURS

(a) On and after the effective date, for persons engaged in the processing of products of the insulated container-manufacturing industry, and in labor operations incident thereto, in excess of 40 hours per week.

(b) For all other employees, except executive, administrative, and supervisory employees and traveling salesmen, and watchmen, in excess of 40 hours per week: *Provided, however*, That the limitations in these paragraphs (a and b) shall not apply if seasonal or peak demand results in an unusual and temporary burden on production; in such cases no employees shall be permitted to work more than an aggregate of 144 hours per year in excess of the limitations hereinbefore provided, *And Provided further*, That such limitations shall not apply in cases of emergency.

VI

(a) It is clearly understood that nothing in this Code shall impair in any particular the constitutional rights of the employer to protect his business and property from the unlawful activities of others.

(b) It is clearly understood that nothing in this Code shall impair in any particular the Constitutional rights of the employee and employer to bargain individually or collectively as may be mutually

satisfactory to them; nor impair the joint right of employee and employer to operate an open shop.

(c) Nothing in this Code is to impair the Constitutional rights of employers of freedom in the selection, retention, and advancement of employees.

(d) Nothing in this Code shall authorize any change in the maximum hours of labor, minimum rates of pay or other conditions of employment specified in this Code, without the agreement of a truly representative association or group of trade or industry, or subdivision thereof, to which this Code applies.

VII

The Insulated Container Association is hereby designated as the agency for administering, supervising, and promoting the performance of the provisions of this Code by the members of the insulated container manufacturing industry.

With a view to keeping the President of the United States and the Administrator informed as to the observance or nonobservance of this Code, and as to whether the insulated container manufacturing industry is taking appropriate steps to effectuate in all respects the declared policy of the National Industrial Recovery Act, each employer shall prepare and file with the Executive Secretary of the Insulated Container Association at such times and in such manner as may be prescribed by the Executive Committee, statistics of plant capacity, volume of production, volume of sales in units and dollars, number of persons employed, wage rates, earnings, hours of work, costs, prices quoted, prices received, contracts made, and such other similar statistical data as the Executive Committee of the Insulated Container Association may from time to time require.

Except as otherwise provided in the National Industrial Recovery Act all statistical data filed in accordance with the provisions of this Article shall be confidential and the data of one employer shall not be revealed to any other employer. For the purpose of administering or enforcing the provisions of this Code, the duly authorized representatives of the Executive Committee of the Insulated Container Association shall have access to any and all statistical data that may be furnished in accordance with the provisions of this Code.

VIII

Any manufacturer of insulated containers may participate in this Code and in any revisions or additions thereto and receive the benefits thereof by accepting the proper pro rata share of the cost and responsibility of creating and administering it, by becoming a member of the Insulated Container Association and subscribing to its Code.

IX

Every employer shall use an accounting system which conforms to the principles of and is at least as detailed and complete as the uniform and standard method of accounting and costing as prepared by the Insulated Container Association.

X

No employer shall sell or exchange any product of his manufacture at a price or upon such terms or conditions that will result in the customer paying for the goods received less than the average industry cost for a product of like design and quality, determined in accordance with the uniform and standard method of costing hereinabove prescribed: *Provided, however,* That dropped lines, seconds, or inventories which must be converted into cash to meet emergency needs may be disposed of in such manner and on such terms and conditions as the supervisory agent may approve and as are necessary to move such product into buyers' hands: *And provided further,* That selling below average industry cost in order to meet existing foreign competition on products of equivalent design, character, quality, or specifications shall not be deemed a violation of this Article. If formal complaint is made that the provisions of this Article have been violated by any manufacturer, the Executive Secretary may investigate the facts and to that end may cause such audit to be made as may be deemed necessary.

XI

Within ten days after this Code becomes effective, each manufacturer shall file with the Executive Secretary a net price list, or price list and discount sheet, as the case may be, individually prepared by him showing his current minimum net prices, or prices and maximum discounts, terms of payment, and freight or other allowances, and the Executive Secretary shall immediately send copies thereof to all known manufacturers of similar products who are subscribers to this Code and are members of the Insulated Container Association. Revised price lists with or without discount sheets may be filed from time to time thereafter with the Executive Secretary by any manufacturer to become effective ten days from the date of such file. Copies thereof, with notice of the effective date specified shall be immediately sent by the Executive Secretary to all other member manufacturers of similar products who thereupon may file, if they so desire, revisions of their price list or discount sheet which shall become effective upon the date when the revised price list or discount sheet first filed shall go into effect.

No employer shall sell directly or indirectly by any means, trick, device, or subterfuge whatsoever, any product of the industry covered by the provisions of this Article at a price lower or at discounts greater or on more favorable terms of payment than those provided in his current price lists and discount sheets.

XII

The President may from time to time cancel or modify any order, approval, license, rule, or regulation issued under Title I of the National Industrial Recovery Act.

XIII

Such of the provisions of this Code as are not required by the National Industrial Recovery Act to be included herein may, with

the approval of the President of the United States, be modified or eliminated as changed circumstances or experiences may indicate. This Code is intended to be a basic code, and study of the trade practices of the insulated container manufacturing industry will be continued by the Executive Committee of the Insulated Container Association with the intention of submitting from time to time additions to this Code applicable to all employers in the insulated container manufacturing industry and supplemental Codes applicable to one or more branches of subdivisions or product classifications of the insulated container industry, such supplemental Codes, however, to conform to and be consistent with the provisions of this Code as now constituted or hereafter changed.

XIV

If any employer of labor in the insulated container manufacturing industry is also an employer of labor in any other industry, the provisions of this Code shall apply to and affect only that part of his business which is included in the insulated container manufacturing industry.

XV

It is agreed that this code of fair competition does not cover the manufacture of glass blanks or "pistons", which is an essential though minor part of this industry, it being understood that those manufacturers of the Insulated Container Association who are engaged in the manufacture of such component parts will join an appropriate association within the glass industry to which this product conforms, adopt the code agreed upon by that industry and abide by its provisions.

The above is a true copy of the code of fair competition submitted by the Insulated Container Association, Norwich, Connecticut.

A. R. PAYSON, *President.*



