

NOTAS HISTÓRICAS Y GEOGRÁFICAS

Artículos

Supervisión y control de la observancia de la ley de fábrica en las tierras ucranianas del Imperio Ruso (1884–1917)

Supervision and control over factory law compliance in Ukrainian lands within the Russian Empire (1884–1917)

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Resumen

En el artículo se examina el proceso de surgimiento y formación del instituto de supervisión y control sobre la observancia de la legislación de trabajo en el Imperio Ruso, la extensión del alcance de la ley de fábrica a las provincias ucranianas, que formaban parte de los distritos fabriles de Kyiv y Járkiv, en el marco de los cuatro períodos cronológicos. El límite inferior es 1884, en que se amplía el ámbito de la inspección estrictamente especializada para la supervisión de menores en tierras ucranianas, y el límite superior es 1917, cuando el imperio dejó de existir como resultado de la Revolución de Febrero. Siendo creada como un organismo

altamente especializado para supervisar la observancia de la ley sobre trabajadores menores de edad, la inspección fabril se ha ido convirtiendo gradualmente en un organismo de supervisión general, asumiendo las funciones de inspección tanto legal, como técnica. El propósito de este trabajo es estudiar los principios organizativos y legales que determinaban las tendencias y efectividad de la supervisión y control de la observancia de la legislación fabril, teniendo en cuenta la práctica de supervisión y control en tierras étnicas ucranianas que formaban parte del Imperio Ruso. El procesamiento de informes consolidados de los inspectores de fábricas y la utilización de

los materiales de archivo, algunos de los cuales se introdujeron por primera vez en circulación científica, brindaron la oportunidad de determinar los detalles de la implementación de actividades de control y supervisión en los distritos de fábricas de Kyiv y Járkiv.

Palabras Clave: legislación fabril, principio organizativo y legal, función; inspección de fábrica.

Abstract

The article deals with the emergence and formation of the institute for supervision and control over the observance of factory law in the Russian Empire, the extension of factory law to the Ukrainian provinces, which were a part of the Kyiv and Kharkiv factory districts, within four chronological periods. The lower limit is 1884, which extends the narrowly specialized inspection for the supervision over the minors up to Ukrainian lands, and the upper limit is 1917 when the Russian Empire ceased its existence due

to the February Revolution. Having started as a highly specialized body for supervising the observance of the legislation regarding minor workers, the factory inspection gradually turned into a body of general supervision, taking over the functions of both legal and technical inspection. The purpose of this work is to study the organizational and legal principles that determine the trends and effectiveness of the bodies of supervision and control over compliance with factory law, taking into account the practice of supervision and control in ethnic Ukrainian lands, which were a part of the Russian Empire. The processing of consolidated reports by factory inspectors and the archival materials, some of which were first introduced into scientific circulation, provided an opportunity to determine the specifics for the implementation of control and supervision activities in the Kyiv and Kharkiv factory districts.

Keywords: factory law, organizational and legal principle, function; factory inspection.

1. INTRODUCTION

Among the organizational and legal forms of supervision and control in the field of labor, the central place was occupied by the factory inspection. The first experience of creating such an inspection in England (1833) was accepted and implemented adapted to intrastate, conditions in a number of countries, including the Russian Empire. At the end of the 19th and the beginning of the 20th century, the Russian Empire included 85% of Ukrainian ethnic lands. The idea to introduce an inspection was a result of an awareness of the need for an institutional mechanism to ensure compliance with factory legislation. The latter, in turn, reflecting the usual embodiment of liberal ideology with the recognition of

the need for significant positivist influence of the state on labor and capital relations, served as a “measure for nations’ development”¹.

This article studies the process of emergence and establishment of the institute for supervision and control over compliance with factory law in the Russian Empire, an extension of factory law to the Ukrainian provinces, which were a part of Kyiv and Kharkiv factory districts, within four conditionally selected stages. The lower limit is 1884, which extends the scope of the narrowly specialized inspection for the supervision of minors to Ukrainian lands, and the upper limit is 1917 when the Russian Empire ceased its existence due to the February Revolution. Having started as a highly specialized body for supervising the observance of the legislation regarding minor workers, the factory inspection gradually turned into a body of general supervision, taking over the functions of both legal and technical inspection. During the study period, the place of factory inspection in the system of supervisory and control bodies changed from a state body subordinated to the Ministry of Finance of the Russian Empire to a body of double subordination, when the factory inspection formally remained under the Ministry of Finance of the Russian Empire (the Ministry of Trade and Industry of the Russian Empire since 1905), but local factory inspectors were subordinate to the provincial administration. The separation of the stages for the reorganization of supervision and control in the imperial period provided an opportunity to focus on changes in the organizational and legal status of factory inspection and find out how these changes affected the effectiveness of control and supervision. There were studied the consolidated reports of factory inspectors and archival materials², some of them were first introduced into scientific circulation and provided an opportunity to determine the specifics for the implementation of control and supervision activities in Kyiv and Kharkiv factory districts.

2. Periodization for supervision and control bodies’ functioning

The legal system of Ukraine, whose lands in the late nineteenth century were a part of the Russian (85 %) and Austro-Hungarian empires (15 %)³, was at the stage of “legal

¹ Yañez Andrade, Juan Carlos, “Antecedentes y evolución histórica de la legislación social de Chile entre 1906 y 1924”, *Revista de estudios histórico-jurídicos*, XXI (1999): 203–210.

² Fund 574 “Office of the Senior Factory Inspector of Kyiv Province” of the Central State Historical Archives of Ukraine in Kyiv; Fund 575 “Office of the District Factory Inspector of Kyiv District” of the Central State Historical Archives of Ukraine in Kyiv; Fund 922 of the Kharkiv Region State Archive “Office of the Senior Factory Inspector of Kharkiv Province”.

³ Y. Gritsak, *Ukrainian social democracy and Ukrainian national power in 1917–1920*, <http://library.fes.de/pdf-files/bueros/ukraine/15654.pdf> (Accessed December 16, 2022).

centralization and neutralization of conditions for the development of national law”⁴. At the same time, legal practices and traditions have left their mark on law enforcement practice. The legal thought of scholars developed at that time, showing, among other things, attention to the substantiation of legal understanding concepts, distinguishing between police and rule of law, the social nature of law, serving as a “...key to understanding the laws, nature, and trends of law that don’t disappear with the change of socio-economic formations and undergo transformational changes in the development of the statehood”⁵.

Thus, it turned out that the decisive role in the adoption of the first factory laws belonged to the economist and financier N. K. Bunge, who from 1881 to 1886 was Minister of Finance for the Russian Empire⁶. Prior to his appointment as a minister, N. K. Bunge was engaged in scientific and teaching activities. While lecturing on police law at the Imperial University of St. Vladimir (Kyiv), he also paid attention to the development of factory legislation in the West. The scientist identified three systems of supervision of the manufacturing industry, where such supervision was introduced in the first place: (1) the French, which was characterized by supervision by commissions of manufacturers who worked for free; (2) English, supervised by remunerated special officials – inspectors; (3) Prussian, where supervision was carried out by mayors, local police and school mentors⁷. Reflecting on what the state policy on labor should be, N. K. Bunge farsightedly remarked: “...both the situation of the working class and the movement caused by socialism brought the need to combat social ills by negative and positive means”⁸. Therefore, being liberal and at the same time under the influence of the “Social Policy Union” of Germany, N. K. Bunge considered one of the tasks to develop factory legislation, taking the English system as a model⁹. However, V O. Goltsev’s preface to the work of the commission published in 1880, created on the initiative of Moscow Governor-General

⁴ M. Miroschnyenko, “Genesis of the legal system of Ukraine: theoretical and methodological aspect” (Doctor of Science thesis, Law, Open International University of Human Development “Ukraine”, Kyiv, 2012), 188.

⁵ I. Zhigalkin, “The system of principles of labor law in the minds of the formation of the legal doctrine of Ukraine”, (Doctor of Science thesis, Law, Volodymyr Dahl East Ukrainian National University, Sievierodonetsk, 2016), 137.

⁶ V. O. Gorbik, “Bunge Mykola Khristianovich”, in Encyclopedia of the History of Ukraine, Vol. I, (Kyiv: V-vo “Naukova dumka”, 2003), http://www.history.org.ua/?termin=Bunge_M. (Accessed December 16, 2022).

⁷ N. Bunge, Police law. Introduction to Public Improvement. Vol. I. The course taught at St. Vladimir University, (Kyiv: in the university printing house, 1873), 260.

⁸ N. Bunge, Police law..., 276.

⁹ T. Zhyla, “Theoretical foundations of the social direction of economic thought in Ukraine in the research of M. Bunge”, Investment: practice and experience, XVIII (2009): 32.

V. A. Dolgoruky to study the experience of foreign factory legislation, noted the successful experience of organizing state supervision in Germany¹⁰. Such a discrepancy involuntarily showed different approaches to the development of factory laws draft, which manifested themselves in the contradictory nature of commissions' work convened to prepare draft factory acts in the period from 1859 to 1879. However, on the initiative and with the direct participation of Finance Minister M. H. Bunge, the first factory laws were adopted, which, among other things, laid down an organizational and legal framework for supervising compliance with the law.

It is advisable to identify the stages of their operation to study the system and status of the relevant bodies and the peculiarities of their activities in Ukraine within the Kyiv and Kharkiv factory districts. The factory inspection development periodization in the Russian Empire was addressed by such historians and jurists as D.A. Vasiliev¹¹, A.Yu. Volodin¹², R.R. Mustafin¹³, and V.A. Shavin¹⁴. The scientists followed the criteria determined by the research objectives. To achieve the goals of our study, we will periodize the functioning of supervisory and control bodies due to the changes in their organizational and legal status, taking into account the extension of the relevant law to Ukrainian lands.

The first stage (05. 06. 1884 – 03. 06. 1886) – was an extension of the narrowly specialized inspection for the supervision of minors to the Ukrainian lands, which were part of the Russian Empire. On June 1, 1882, there was adopted the Law “On Minors Working in Factories and Manufactures”, which provided for the establishment of an inspectorate to

¹⁰ V.A. Goltsev, editor, Proceedings of the commission established by G. Moscow Governor-General, Prince V. A. Dolgoruky, to inspect factories and plants in Moscow: Germany, France, Austria-Hungary, Switzerland, Denmark, Sweden and Norway, Holland, the United States of North America. Foreign factory law (Moscow: Typ. of Vedomosti of the Moscow City Police, 1880), Vol. II.

¹¹ D. A. Vasiliev, “Factory law of Russia in the late 19th – early 20th centuries” (PhD. Thesis, Law, Academy of Labor and Social Relations, Moscow, 2001).

¹² A. Yu. Volodin, “Factory Inspection in Russia (1882–1914): state institution, personnel, intermediary activity” (Dissertation abstract, History, Moscow State University, 2006), 23.

¹³ R. R. Mustafin, “Formation and implementation of factory law in the Russian Empire (1880s – October 1917)”. (Dissertation abstract, Law, Federal State Autonomous Educational Institution of Higher Education National Research University Higher School of Economics, 2017), 18.

¹⁴ V. A. Shavin, “Organizational and legal forms of supervision and control over compliance with labor legislation in the second half of the 19th century – the end of the 80s. 20th century (historical and legal research)”. (Dissertation abstract, Law, N. I. Lobachevsky State University of Nizhny Novgorod, Nizhny Novgorod, 2009), 16–18.

supervise the implementation of its instructions¹⁵. This law came into force on May 1, 1884, and the staff of factory inspectors was approved on June 12, 1884. Initially, the activities of the factory inspection in Ukraine did not extend, as the newly created body included only three inspectors under the Ministry of Finance of the Russian Empire to provide activities in Vladimir, Moscow, and St. Petersburg provinces. The activities of the specialized (for the supervision of minors) inspection were regulated by the “Instruction to the ranks of the factory inspectorate for supervision of the implementation of the decree on minors working in factories and manufactories” since December 19, 1884¹⁶.

The scope of the Inspectorate for the Supervision of Minors was extended to nine factory districts by the Law “On the penalty for violations of regulations on the work of minors in factories, manufactories, and craft establishments” since June 5, 1884, Kharkiv and Kyiv factory districts territorially included part of the Ukrainian provinces. At that time Kyiv factory district was headed by I.O. Novitsky, and the Kharkiv factory district was headed by V. V. Sviatlovsky¹⁷.

Supervision over minors since remained one of the leading areas of factory inspection, although not effective enough. Thus, the senior factory inspector of the Kharkiv province reported an increase in the number of underage males from 59 to 257, and females – from 6 to 165 during 1911–1912. When hiring minors teenagers without metrics, the senior factory inspector took the initiative, first, to abolish or reduce the amount of the stamp duty by legislating it to facilitate obtaining records directly from metric books¹⁸; secondly, to require the board of institutions to keep metrics or extracts from church books in the office¹⁹.

The second stage (03. 06. 1886 – 14. 03. 1894) – the transformation of the inspectorate for minors’ occupations supervision into the actual factory inspection and it’s getting the status of a state body for general supervision. The law “Hiring of workers in factories, plants, manufactories and relations between factory owners and workers” since June 3, 1886, and the second part of this law – “Rules for supervision over factory establishments, relations between factory owners and workers” provided for the gradual

¹⁵ The highest approved Opinion of the State Council “On minors working in factories, factories and manufactories”(6 January 1882), in Complete Collection of Laws of the Russian Empire, II, n. 931, (St. Petersburg, 1886).

¹⁶ Rules on the supervision of factories in the industry and on the mutual relations of manufacturers and workers, n. I-II (St. Petersburg, 1898), 28–54.

¹⁷ N. Biloshitska, “Historical and legal bases of formation and development of the factory inspection of the Kyiv district in the second half of the XIX century”, Journal of Ukrainian History, XXXIII (2016): 14.

¹⁸ Kharkiv Region State Archive, fund 922, description 1, case 117, sheet 174.

¹⁹ Kharkiv Region State Archive, fund 922, description 1, case 117, sheet 3.

expansion which was to be completed in 1912. The supervision of factory inspection extended to the relationship between factory owners and workers to comply with the rules defining their mutual rights and responsibilities, which in turn meant expanding supervision over factory law²⁰. At the same time, it should be taken into account that the laws and supervision of the factory inspection applied only to factories and plants. With the absence of a clear delineation in the laws of the factory concept and craft institution, the practice of inspections and local Presence in factory and mining affairs was extremely diverse. At that time, factory establishments were obliged to select guild certificates for industrial taxation, ie establishments with more than 16 workers or using mechanical engines with fewer employees. After the introduction of the Law on June 8, 1898, a new state industrial taxation eliminated the difference in the collection of tax between artisans and factories, such a rule lost its significance. As a result, the Main Office for Factory and Mining Affairs decided to focus on the norm of 20 workers, regardless of whether a mechanical engine is used. Thus, in 1901, 3 institutions (24 workers) in the Kyiv factory district and 43 institutions (697 workers) in the Kharkiv factory district were taken off supervision²¹.

From 1886, factory inspectors began to be a part of the Provincial Premises for Factory Presence (since 1899, for Factory and Mining Presences).

The third stage (14. 03. 1894 – 30. 05. 1903) – is the transformation of factory inspection into a body of both legal and technical inspection. This stage was marked by a series of reforms for supervisory and control bodies, which demonstrated a sequence of such changes: the extension of factory inspection supervision to mining enterprises; further expansion for general supervision over the place; elimination of the position of Chief Factory Inspector; introduction of positions of senior factory inspectors; liquidation and renewal of the district system; establishment of the Main Factory Presence; introduction of positions of factory auditors within the Ministry of Finance of the Russian Empire and their subsequent liquidation; introduction of the district factory inspection.

The relative independence of the factory inspectorate, ensured by the position of Chief Factory Inspector, and weak control over district inspectors led to its reorganization. According to the law adopted on March 14, 1894, “Transformation of factory inspectorate institutions and the positions of provincial mechanics and extension of supervision over factory industry establishments and relations between factory owners and workers”, the occupation such as Chief Factory Inspector was liquidated. Factory inspection submitted to the Department of Trade and Industry of the Ministry of Finance of the Russian Empire.

²⁰ A. M. Lushnikov & M. V. Lushnikova, Labor protection and labor control (supervision): a scientific and practical manual, (Moscow: Avenue, 2015), 27.

²¹ A. M. Lushnikov & M. V. Lushnikova, Labor protection..., 27.

There was a division into provinces instead of factory districts. With this, the functions of general supervision were expanded additionally to 13 provinces, including Volyn, Kyiv, Kharkiv, and Kherson provinces²².

The Institute of Provincial Mechanics, which existed since December 1843, was abolished. Instead, the relevant positions were filled by the factory inspection staff. Due to the need for technical supervision, the factory inspections spent less time on legal inspections. The factory auditor E. M. Dementiev noted a decrease in the number of factories under the supervision of the inspection and, conversely, an increase in the number of steam boilers to be inspected²³.

“Order to the officials of factory inspection”, approved jointly by the Minister of the Interior and the Minister of Education on June 11, 1894, replaced the “Order to the officials of the factory inspection to supervise the implementation of decrees on minors working in factories and manufactories” since December 19, 1884²⁴. The Order prescribed detailed guidance for an Inspector: in case of a violation that threatens the “life, health and morals of workers”, he had to explain to the head of the institution on measures to eliminate the identified deficiencies by entering information in a special book and inform the senior inspector to prove the information to the Presence of Factory Affairs. That should have been accompanied by an analysis of mandatory regulations and proposals for new ones to prevent similar situations in the future. From the procedure prescribed in the Order, it was possible to conclude the purpose of the supervision itself – to eliminate the shortcomings of the law by administrative precedent. However, according to the new version of the “Order of Factory Inspectorate” in 1900, the inspector in similar situations had to notify the provincial administration, as well as local police to apply measures to protect “external order and personal safety”. This showed a change in the normative level of the inspection’s

²² The highest approved Opinion of the State Council “On the transformation of the factory inspectorate and the posts of provincial mechanics and on the dissemination of the Rules on the supervision of the establishments of the factory industry and on the mutual relations of manufacturers and workers” (14 March 1894), in Collection of laws and orders of the government, issued under the governing Senate, n. 3 (31 March 1894), art. 358.

²³ Summary report of factory inspectors for 1904 / Ministry of Trade and Industry. Industry department (St. Petersburg: Printing house V. O. Kirshbaum, house of the Ministry of Finance, on Palace Square, 1907), V.

²⁴ Rules on the supervision of factory establishments and on the mutual relations of manufacturers and workers, n. III (St. Petersburg 1902), 42–78.

focus not on labor protection, but on law enforcement²⁵, which only confirmed the trend of gradual transformation of factory inspection into factory police.

The law of March 14, 1894, abolished the district system, after which a senior factory inspector was appointed for each province, who was subordinate to the district inspectors. In the most industrialized provinces (Volyn, Katerynoslav, Kyiv, Podil, Kharkiv, Kherson) the senior inspector was not able to carry out direct supervision over enterprises and therefore did not have a separate station (in other provinces the senior inspector also had the duties of district inspector)²⁶.

The law “Some changes in the Charter for Industry and the approval of the Regulations for the Chief of Factory and Mining Affairs and the presence of additional staff of the Department of Trade and Manufactories, Factory Inspectorate and District Factory Inspectorate” since June 7, 1899, there was established a new collegial body – the Main Presence for Factory and Mining Affairs, which testified, first, to the intention to unify the precedent administrative practice. Secondly, the Main Presence was obliged to unite the three-tier system of government (precinct – province – district) after the renewal of the district system by that law and the introduction of the district inspection²⁷. There were established six factory districts. Kyiv factory district included Kyiv, Bessarabia, Volyn, Minsk, Mogilev, Podil, Poltava, Tavriya, Kherson, and Chernihiv provinces. Kharkiv and Ekaterinoslav provinces were included in the Kharkiv factory district.

The updated structure of the factory inspection allowed it to function in a coordinated manner and act in a timely manner, starting with district inspectors and ending with regional inspectors. However, some autonomy of the factory inspection caused dissatisfaction, sparking a debate over maintaining its functioning under the leadership of the Ministry of Finance or handing it over to the Ministry of the Interior, which initiated the next phase of its reform²⁸.

The fourth stage (30. 05. 1903 – 03. 03. 1917) – Legislative completion for the system of double subordination: the factory inspection formally remained under the Ministry of Finance of the Russian Empire (since 1905 – the Ministry of Trade and Industry of the Russian Empire), but local factory officials subordinated to the provincial administration.

²⁵ A. Yu. Volodin, “Works and days of a factory inspector in Russia”, *Economic History. Review*, XIII (2007): 25.

²⁶ Summary report of factory inspectors for 1901 / Ministry of Trade and Industry. Industry department (St. Petersburg: Printing house V. O. Kirshbaum, house of the Ministry of Finance, on Palace Square, 1903).

²⁷ A. Yu. Volodin, *Factory Inspection in Russia (1882–1914): state institution, personnel, intermediary activity...* 19.

²⁸ A. Yu. Volodin, “Works and days of a factory inspector in Russia”... 17.

According to this model, the decisions of the Main Presence were passed to local presences and factory inspection officials – through the Ministry of Finance (since 1905 – Minister of Trade and Industry), and to the provincial authorities and police officials – through the Ministry of Internal Affairs (art. 132 of the Charter of Industrial Labor). The Minister of the Interior and the Minister of Trade and Industry had the power to agree on the application of general rules for the relationship between the factory inspection and the governor (paragraph 2 of art. 30 of the Charter of Industrial Labor). The appointment to the positions of factory inspectors and their distribution by areas was carried out in agreement with the governor (paragraph 4 of art. 30 of the Charter of Industrial Labor).

The law of May 30, 1903 “The order and limits of the subordination of factory inspection officials to the heads of the provinces and on some changes in its internal organization” factory inspectors in the field subordinated to the governors on issues related to “proper improvement and order in factories”. The governor had the right to require factory inspectors to provide reports, overturn inspectors’ decisions that violated the “law and public order”, and refer the case to the local Presence. If we place in turn the information that according to the new version of the “Order to the officials of factory inspection” of 1900 was to be reported by local factory inspectors to the governors about the “cases of riots, strikes or violations of the law with a clear threat of the order disturbance”; “...non-compliance with the rules of installation of steam boilers, as well as conditions of work that threaten the lives and health of workers”²⁹. In this way, a hierarchy of values was traced: first the order, and then the life and health of the workers³⁰. Although there were, of course, other reasons for gathering the information. Thus, in a separate circular dated September 13, 1911, the senior factory inspector of Kharkiv province informed the inspectors about the need to fulfill the governor’s order to check the implementation of the meeting decisions on the availability of inspection reports by the Sanitary Commission³¹.

The consequences of the dual subordination of factory inspection were aptly underlined by Kyiv District Factory Inspector O. A. Mikulin: “with the de facto transformation of district inspectors into auditors, the possibility of actually combining the actions of inspectors in adjacent provinces was abolished – inspectors were forced to comply with governors’ demands with the risk to be transferred to another province in case

²⁹ Rules on the supervision of factory establishments and on the mutual relations of manufacturers and workers...

³⁰ A. Yu. Volodin, Works and days of a factory inspector in Russia... 24.

³¹ Kharkiv Region State Archive, fund 922, description 1, case 100, sheet 3.

of disobedience”³². The inability to conduct inspection activities in a coordinated manner hurt its effectiveness.

Factory inspectors were supervised by the Provincial (Regional) Presence of Factory and Mining Affairs. The latter were collegial bodies, which included local officials and representatives of industrialists. Thus, the Presence on Factory and Mining Affairs of Kharkiv Province included: Chairman – Chief of the Province M. K. Katerynych, Senior Factory Inspector O. N. Opatsky, Vice-Governor I. I. Sterligov, District Court Prosecutor M. O. Volchansky, head of the provincial gendarmerie O. M. Rykovsky, district mining engineer K. L. Abraam, representatives of the factory owners: director of Kharkiv refinery plant, engineer P. P. Mamchev, owner of Mechanical Plant, mechanical engineer P. K. Trepks, director of the management company Ch. G. Bleks³³.

As a result, the so-called “police” direction of factory inspection was intensified. “Factory inspection was in fact transformed into factory police”, commented Yu. S. Witte on the legislative changes and their consequences³⁴. The activity itself, under the condition of double subordination, became ineffective.

Thus, during the fourth stage of supervisory and control bodies functioning, the legislative completion of the formation of the institute of factory inspection as a body of legal and technical supervision was being completed. The system of supervisory and control bodies was incorporated in the “Charter of Industrial Labor” (Statute of Industrial Labor) of 1913. By Article 2 of the Statute, the supervision of the observance of proper landscaping at factories and plants was entrusted to the local provincial authorities with the assistance of the following bodies: (1) provincial or regional presence in factory and mining affairs; (2) presence in mining affairs; (3) presence in oil affairs; (4) factory inspectors; (5) district engineers and their assistants; (6) mining officials and the mining police station; (7) ranks of the general police³⁵. This legislative interpretation of the system for supervision did not distinguish between its general and departmental varieties, although such supervision was carried out³⁶.

³² A. A. Mikulin, *Factory Inspection in Russia. 1882–1906* (Kyiv: Printing house S.V. Kulzhenko, 1906), 161.

³³ Kharkiv Region State Archive, fund 922, description 1, case 107, sheet 1.

³⁴ S. Yu. Witte, *Selected Memoirs, 1849–1911* (Moscow: Thought, 1991), 491.

³⁵ V. Groman, compiler, *Industrial Labor Statute: with rules and orders issued on the basis of these articles, with explanations to them of the Governing Senate and administrative regulations, appendices and indexes, alphabetical subject and comparative article by article* (Petrograd: Publication of the Legal book warehouse “PRAVO”, 1915).

³⁶ A. M. Lushnikov & M. V. Lushnikova, *Labor protection...*, 27.

3. Organizational and legal principles of supervision and control over compliance with factory law

An important issue is to determine the principles that underlie the activities of factory inspection, reflecting its content, nature, and features. Legality is one of the principles that were the basis of organizational and legal support for supervision and control in the field of labor. The essence of this principle was aptly stated by one of the factory inspectors S. Gvozdev: “No matter how imperfect our laws are, no matter how they are explained by various circulars, the strength of a factory inspector is that it is based on the law”³⁷. At the same time, S. Gvozdev, not welcoming the subordination of local factories to governors, stressed: “...when, due to the rule of all sorts of exceptional provisions, the law seemed to cease to exist and governors became unlimited administrators of the fate of the commoner, the inspector’s feet lost their balance and inspector’s position became very shaky”³⁸. Despite all the shortcomings of the inspection, especially after 1903, it should be acknowledged that in the absence of trade unions, public control, and the right to strike, the factory inspection was essentially the only law enforcement mechanism that enforced legality in workers and entrepreneurs³⁹.

F. I. Karpov saw the basic organizational principle of factory inspection in the fact that it should be a state body formed by persons who are not members of any of the parties, which was to ensure the impartiality of its activities⁴⁰. This principle was later transformed into the principle of a single civil service, which became the international standard for the functioning of labor inspections.

The principle of combining appointment and electability in the formation of supervisory and control bodies. Thus, representatives from the following ministries were appointed by the corresponding minister as members of the Main Presence: military, justice, public education. Members from the Main Department of Land Management and Agriculture were appointed by the respective managers. Instead, members-representatives from industrialists were elected with further approval by the Minister of Trade and Industry (art. 1 of the Charter of Industrial Labor)⁴¹.

³⁷ S. Gvozdev, Notes of a Factory Inspector. From observations and practice in the period 1894–1908 (Moscow; Leningrad: Gosizdat, 1925), 226.

³⁸ S. Gvozdev, Notes of a Factory Inspector..., 226.

³⁹ A. Yu. Volodin, Works and days of a factory inspector in Russia..., 23.

⁴⁰ F. I. Karpov, Labor Inspection (Factory Inspection) and protection of workers in the West, P. I (St. Petersburg: Urban typography 1905), 11.

⁴¹ V. Groman, compiler, Industrial Labor Statute: with rules...

The members of industrialists in the Provincial (regional) presences were elected by advisory bodies on trade and manufacturing industry, and in those areas where such were absent – the chairman of the Presence with further approval of candidates for Minister of Trade and Industry for three years (art. 19 of the Charter of Industrial Labor).

The principle of combining collegiality and unity is in the structure of supervisory and control bodies and the procedure for their decision-making. At the meetings of the Main Presence cases were solved by a majority of votes, and in case of equality – the vote of preference was given to the chairman (art. 1 of the “Charter of Industrial Labor”). In this case, the decisions of the Main Presence were subject to approval by the Minister of Trade and Industry or the Minister of the Interior, depending on its content (art. 1 of the Charter of Industrial Labor).

The principle of professionalism was reflected in the requirements for the availability of the defined professionalism at the legislative level of professional training. Thus, the positions of district factory inspectors were to be replaced by persons who graduated from higher, mostly technical, educational institutions (art. 30 of the Charter of Industrial Labor). Similar requirements were applied to candidates for the positions of factory inspectors, but only in the case of their involvement in the technical supervision and supervision of rural craft schools (art. 33 of the Charter of Industrial Labor). Such people were tested by a special commission set up at the Industry Department of the Ministry of Trade and Industry of the Russian Empire to carry out a program approved by the relevant minister on August 16, 1914⁴².

Thus, the supervision over compliance with factory law, organized by a system specially created by the state bodies, primarily factory inspection, was based on a system of principles underlying their activities. The latter determines the functions of supervisory and control bodies.

4. Functions of supervision and control over observance of factory law

In the literature the functions of the jurisdiction in general and factory inspection, in particular, are debatable. On the one hand, the function is understood as an appointment of a particular body, on the other hand – a set of actions or activities. Thus, in the 1963 encyclopedic dictionary, factory inspection was defined as “...the apparatus entrusted with the function of supervising and compliance with factory law”⁴³. F. I Karpov, analyzing the

⁴² V. Groman, compiler, *Industrial Labor Statute: with rules...*

⁴³ A. I. Denisov, head editor, *Labor Law: Encyclopedic Dictionary*, II ed. (Moscow: Soviet Encyclopedia, 1963), 531.

status of factory inspections, singled out one of its functions – “supervision over the implementation of mutual relations between employers and workers arising from the contract, as well as from the legal definitions”⁴⁴, while emphasizing that this function has appeared at the latest in comparison with the function of labor protection of minors and women, as well as with the function of protection for life, health and moral condition of workers.

Scientist-administrator M. M. Belyavsky defined the functions of factory inspection: (1) control over factory affairs; (2) promoting the practical implementation of workers’ protection regulations; (3) development of labor protection laws⁴⁵.

There are several functions characteristic of factory inspection. However, its ratio changed during the imperial period, due to the reform of the body under the influence of a number of objective and subjective factors.

When establishing a specialized inspection for supervision over minors, the main function was punitive (repressive), which concerned the application of measures for legal responsibility. The violation of labor legislation provided for workers, manufacturers, and their managers’ disciplinary, administrative, and criminal liability. The main punishment was fines imposed by the judiciary and the presence in factory and mining cases. The factory inspectors upheld the charges in court. Thus, in 1887, the factory inspection of Kyiv district opened several cases accusing the manufacturers of glass factories in Volyn province of violating the law on minors, three of them were considered in court on November 4 and 7. As the newspaper “Kievlyanin” reported, describing the course of cases, the manufacturers were fined by the decision of the magistrate. The accusation in all these cases was personally supported by the inspector of the Kyiv factory district, I. O. Novitsky⁴⁶.

The funds from fines levied on workers (art. 152 of the Statute of Industry) were to be used for their needs in the form of disability benefits, in connection with pregnancy, burial, in case of death, damage to property (the rules issued on December 4, 1890, by the Ministry of Finance of the Russian Empire). The amount of the fine, according to the Ministry of Finance, was 0.25 % of the salary. At the same time, the size of wages differed significantly in different provinces of the Russian Empire. As for the Ukrainian lands, the highest salary in 1900 was in the industrialized Kharkiv factory district and Ekaterinoslav

⁴⁴ F. I. Karpov, *Labor Inspection...*, 9–10.

⁴⁵ N. N. Belyavsky, *Police law (Administrative law)*. Lecture notes (Petrograd: Printing house of T-va “Ekaterinographic Printing Business”, 1915), 375.

⁴⁶ V. S. Shandra, compiler, *Workers’ movement in Ukraine. 1885–1894: a collection of documents and materials*, (Kyiv: Scientific thought, 1990), 135.

province. The lowest level of wages was in the Kyiv factory district because the Volyn and Podil provinces were part of it. They were dominated by the sugar industry. The work in this area was seasonal so the workers were paid for only two or three months⁴⁷.

The function of supervision was, first, to ensure that the factory inspectorate monitored the compliance of manufacturers and workers with the rules that defined their responsibilities and the relationship between them. Secondly, the function of supervision was used in the implementation of narrowly specialized types of supervision over the implementation of regulations on the employment of minors and supervision over the implementation of rules on the distribution and duration of working time (paragraphs 1, 5, 13 of art. 34 of the Statute of Industry).

The activities of the factory inspection for monitoring the implementation of laws were closely connected with the supervision of the implementation of "...the inevitable formalities in this case, without which the implementation of the basic requirements of the law would be extremely difficult, and often impossible"⁴⁸. As the factory auditor E. M. Dementiev summed up in a report for 1901, the lion's share of violations of the law by the heads of supervised institutions was "formal", which concerned violations of internal regulations, tables of penalties, rates of work, and more. Formal violations included improper dismissal of workers. In general, such violations amounted to 68.1 %. The second place in terms of their number was occupied by violations of the rules on the protection of life, health, and moral condition of workers, ie violations of mandatory regulations (9.7 %). There was almost the same number of violations of wages, namely their detention, non-payment or incorrect accrual, and illegal deductions from wages (8.1 %). The number of offenses regarding the duration and distribution of working time was also significant (6.3 %)⁴⁹. The ratio between formal and other violations of the law remained virtually the same in 1902 (68.1 % to 31.6 %)⁵⁰. In a report for 1911–1912, the senior factory inspector of Kharkiv province summed up: "most of the violations of the law in the reporting year, as in previous years, belong to the category of violations of a formal nature"⁵¹.

⁴⁷ Summary report of factory inspectors for the second half of 1900 / Ministry of Trade and Industry. Industry department (St. Petersburg: Printing house V. O. Kirshbaum, house of the Ministry of Finance, on Palace Square, 1902), IV–V.

⁴⁸ Summary report of factory inspectors for the second half of 1900..., IV.

⁴⁹ Summary report of factory inspectors for 1901..., XVI.

⁵⁰ Summary report of factory inspectors for 1902 / Ministry of Trade and Industry. Industry department. (St. Petersburg: Printing house V. O. Kirshbaum, house of the Ministry of Finance, on Palace Square, 1904), XXII.

⁵¹ Kharkiv Region State Archive, fund 922, description 1, case 117, sheet 173 back.

The preventive (conciliatory, mediatory) function was determined by the powers vested in the inspectorate to review complaints and take measures to prevent conflicts between workers and manufacturers. The Ministry of Finance of the Russian Empire constantly drew attention to the need for such a function by inspectors. Thus, in the Circular to Local Presences of October 12, 1898, it was necessary for manufacturers to pay downtime to workers who did not happen through their fault, in accordance with art. 96 and paragraph 8 of art. 104 of the Industrial Statute. First, this issue could be so painful for industrialists, and secondly, the lack of a written procedure in the Industry Statute, the Circular suggested that factory inspectors "...persuade manufacturers and workers to a peaceful agreement and thus eliminate...misunderstanding". In case of failure to reach an agreement, the case was to be sent to court⁵². In a report for 1911–1912, the senior factory inspector of Kharkiv province stated: "the intermediary activity of the inspection... is not declining. The only exception is mediation during strikes when workers rarely resort to inspection assistance"⁵³. The growth of the conciliation function was also associated with the enactment on January 1, 1903, of the Law "On Remuneration of Workers Victims of Accidents", which imposed on inspectors the duty of mediation between entrepreneurs and victims⁵⁴.

Workers' and facility managers' complaints were common grounds for inspection visits. At the same time, workers' complaints were both individual and collective. The complaint was a statement of violation of statutory rights, which should be distinguished from the request – a statement of mutual misunderstanding, which was not regulated by law⁵⁵. According to the "Report of Factory Inspectors for 1901", they received 8992 individual complaints and 871 collective ones⁵⁶. Their ratio – about 10 to 1 – showed a tendency to reconcile the interests of workers in the protection of their rights and the use of collective forms of protection. Reports from factory inspectors confirm the fact that 56.4 % of individual workers' complaints (5057 out of 8992) were satisfied (in whole or in part), while the satisfaction of collective complaints (in whole or in part) was more effective – 613 out of 871, which was 70.4 %. This testified, first, to the implementation of the mediation function of the factory inspection, which was accompanied by the function of further control over violations of the law. Second, such forms of inspection activities were

⁵² Central State Historical Archives of Ukraine in Kyiv, fund 574, description 1, case 1, sheet 98.

⁵³ Kharkiv Region State Archive, fund 922, description 1, case 117, sheet 173.

⁵⁴ Summary report of factory inspectors for 1905, St. Petersburg / Ministry of Trade and Industry. Industry department. (St. Petersburg: Printing house V. O. Kirshbaum, house of the Ministry of Finance, on Palace Square, 1908), VIII.

⁵⁵ A. Yu. Volodin, *Factory Inspection in Russia (1882–1914)* ..., 18.

⁵⁶ Summary report of factory inspectors for the second half of 1900..., III.

aimed at preventing workers' strikes. However, some of the unresolved conflicts still turned into strikes as more effective collective forms of protection of workers' rights.

Many inspectors in this situation have raised the question of the need for arbitration, which would make peace treaties binding. In 1902, thanks to the latter, according to factory inspectors, 33 strikes were prevented in the Kharkiv factory district and 6 in the Kyiv factory district. At the same time, in 1902 the largest number of strikes in the Russian Empire was recorded in Kyiv and Kharkiv districts, which took place mainly in small factories and witnessed the growth of collective forms of protection of workers' rights and interests⁵⁷.

The administrative function was to draw up reports on breaches of mandatory law for further referral to presences or court. The table below (Tabl. 1), compiled from the Factory Inspectors' Report for the Second Half of 1900⁵⁸, shows a low percentage of protocols drawn up for violations of the law by factory managers, indicating low supervision and control.

The violation	Kyiv factory district		Kharkiv factory district		Total for the Russian Empire	
	Number of detected violations	Number of violations for which drawn up a protocol	Number of detected violations	Number of violations for which drawn up a protocol	Number of detected violations	Number of violations for which drawn up a protocol
Delay the workers' passports for long period (art. 89, 91 of the Charter on industry)	50	–	96	–	323	5
Incorrect dismissal of workers before the end of the employment period or illegal warning for an indefinite period (art. 94, 95, 104 of the Charter on industry)	145	–	96	–	841	6
Non-payment of wages (art. 97, 98 of the Charter on industry)	60	–	71	–	403	10
Reduction of workers' earnings before the end of the employment period or illegal warning in the case of indefinite	15	–	24	–	177	4

⁵⁷ Summary report of factory inspectors for 1902..., XX.

⁵⁸ Summary report of factory inspectors for 1901...

employment (art. 96 of the Charter on industry)						
Delay in issuing salary (art. 97, and clause 3 of art. 137 of the Charter on industry)	74	–	73	–	405	9
Calculation by coupons (art. 99 of the Charter on industry)	2	1	–	–	7	2
Calculation with conventional signs, goods, etc. (art. 99 of the Charter on industry)	5	–	5	2	44	13
Collection of fees for hospital assistance (clause 1 of art. 102 of the Charter on industry)	7	–	–	–	13	–
Collection of fees for lighting workshops and use of means of production (clause 2, 3 of art. 102 of the Charter on industry)	2	–	–	–	13	–
Other cases of illegal collection of wages for what should be provided to workers free of charge	–	–	2	–	23	–
Issuance of food products and goods to workers at prices that do not correspond to the approved prices (art. 141 of the Charter on industry)	1	–	–	–	27	5
Deductions from the salaries that are not allowed by law or carried out in excess of the established amount (art. 100, 101, 136 of the Charter on industry)	35	–	31	–	193	10
Imposition of fines for reasons not provided for in the report cards (art. 143 of the Charter on industry)	14	–	7	–	88	3
Imposition of fines in a higher amount than provided for in the report cards (art. 147 of the Charter on industry)	13	–	8	1	95	5
Withholding of fines collected from employees in favor of the institution, non-crediting of	8	–	3	1	56	8

funds from fines to penalty capital (art. 152 of the Charter on industry)						
Other violations of the rules on deduction from workers (art. 148, 150, 152 of the Charter on industry)	6	–	8	1	66	8
Forced overtime work (Rules of September 20, 1897)	23	1	11	–	135	3
Lack of accounting for overtime work and failure to notify by inspectors (Rules of September 20, 1897)	119	3	64	1	443	12
Improper accounting of overtime work and untimely notification by inspectors (Rules of September 20, 1897)	62	1	27	–	240	4
Other violations of the rules on the duration and distribution of working time (Rules of September 20, 1897)	66	5	42	–	258	15
Work of minors under 12 years of age (art. 108 of the Charter on industry)	6	1	9	1	41	4
Execution by minors (from 12 to 15 years old) of work prohibited for them (art. 111 of the Charter on industry)	11	–	2	–	30	5
Execution by minors (from 12 to 15 years old) of work with a duration exceeding the duration established by law (art. 109, 110 of the Charter on industry)	21	3	27	1	152	15
Women and teenagers at night work in industries where such work is prohibited (art. 122, 123 of the Charter on industry)	–	–	6	–	13	1

Table 1. Violation of the laws by factory managers (2nd half of 1900)⁵⁹

⁵⁹ Compiled due to: Summary report of factory inspectors for the second half of 1900..., 34–37.

The small percentage of reported violations was due to the usual rule of bringing managers to justice only in extreme cases, using methods such as warnings and explanations with entries in the book of remarks. This, in turn, was due to the lack of statutory liability for a number of violations, or the fact that inspectors were not empowered to conduct such cases. Some cases could be initiated only on the lawsuits of the workers in court⁶⁰.

It should also be borne in mind that the peculiarity of the statistics of violations of the law at the time was to record the types of violations regardless of the number of employees concerned. This approach of the legislator obviously went against the need to ensure the private interests of each worker and testified to the primary goal of the need to protect “proper order and improvement” in the implementation of a police state. In other cases, inspectors remarked and warned in a specially developed book⁶¹.

In some places, there was a situation when a factory inspector, having written a report on the accident, leaving it closed for review in order to receive a reward from the board of the institution. This practice caused a sharply negative attitude of the senior factory inspector of Kherson province I. Popov. In a Circular dated March 16, 1901, № 958 explained that the protocol drawn up and certified by signatures was an official document, the further consideration of which should be carried out “in accordance with the law and could not depend on the discretion of the factory inspector to stop the case initiated by its protocol”⁶². I. Popov managed to single out the essence of supervision, namely: to reveal the fact of violation of the law, to record it, and to transfer it to the authorized bodies for decision-making.

The administrative function was determined by the implementation of “administrative actions” on the application of rules issued by the Main Presence and mandatory resolutions of provincial (regional) Presences (paragraph 6 of art. 34 of the Industrial Labor Statute), including consideration and approval of internal regulations, tables, schedules, etc. Thus, on October 12, 1897, the senior factory inspector of Kherson province I. Popov issued a Circular order № 4120 for the heads of industrial institutions in connection with the enactment of the “Rules on the duration and distribution of working time in the factory industry” to coordinate the latter with rules of procedure, submitted for approval in triplicate⁶³.

⁶⁰ Summary report of factory inspectors for 1902..., XXIII.

⁶¹ Summary report of factory inspectors for 1901...

⁶² Central State Historical Archives of Ukraine in Kyiv, Fund 575, Description 1, Case 17, Sheet 60.

⁶³ Central State Historical Archives of Ukraine in Kyiv, Fund 575, Description 1, Case 17, sheet 6.

The guardianship function was manifested in the reliance of the factory inspection on the establishment of special schools for primary education by minors (paragraph 2 of art. 34 of the Industrial Labor Statute).

The function of technical supervision became decisive in the activities of the inspection after the adoption of the Law of March 14, 1894. The factory inspection supervised the implementation of the rules on steam boilers (paragraph 11 of art. 34 of the Industrial Labor Statute).

Normative function. The Chief of Factory and Mining Presence was authorized to issue orders, instructions, and rules for the development of existing legislation on supervision over the observance of “proper order and improvement” (paragraph 1 of art. 125 of the Industrial Labor Statute). The Provincial (regional) Presence was entrusted with the issuance of mandatory resolutions aimed at the development and application of local conditions or specific cases of rules issued by the Main Presence (paragraph 1 of art. 24 of the Industrial Labor Statute).

Factory inspectors were involved, albeit indirectly, in drafting bills. Thus, in March 1916, the Department of Industry of the Ministry of Trade and Industry appealed to the district factory inspectors to gather information to prepare proposals for the development of a project to recover for late payment of wages. The formal reason for the preparation of “punitive decrees”, according to the minister, was the inscription of the Emperor “I pay serious attention to this issue” on the report of the Governor of Tver in 1916. The latter focused on the lack of appropriate sanctions as the most common basis for complaints and strikes. Factory inspectors were required to prepare information on the following list of issues: (1) how frequent in practice are cases of delayed payment of wages to workers by manufacturers; (2) whether this is the reason for the biggest misunderstandings between workers and employers; (3) whether there is a need for “punitive articles” and which ones; (4) whether workers are provided with timely wages by the provisions of art. 55 of the Statute of Industrial Labor. Relevant information was to be prepared by local factory inspectors for the last three years⁶⁴.

In particular, the Acting Senior Factory Inspector of Kharkiv Province responded to the request: (1) cases of late payment of wages by manufacturers are the most common; (2) such facts give rise to workers’ dissatisfaction, which, however, seldom escalates into strikes and is suspended by partial settlements; (3) art. 55 of the Industrial Labor Statute “...hardly ever applied in practice... Factory Inspection has no such cases. Workers do not understand the complex construction of this article... In addition, workers generally avoid going to court in general...”; (4) the introduction of opportunities for workers to expedite

⁶⁴ Kharkiv Region State Archive, fund 922, description 1, case 172, sheet 12.

the recovery of wages from the employer, or the encouragement of manufacturers by establishing a “special punitive article” to ensure the rights of workers⁶⁵. The senior factory inspector accompanied his conclusions with statistics on workers’ complaints of non-payment of wages (Tabl. 2).

Year	Number of complaints of non-payment and delayed wages	
	Single	Collective
1913	52	294
1914	37	248
1915	23	77
Total	112	619

Table 2. Number of complaints of non-payment and delay of wages in Kharkiv province for 1913–1915⁶⁶

The information-analytical function was determined by the need to collect, verify and compile statistical data on the state of industrial institutions (paragraph 13 of art. 34 of the Industrial Labor Statute). Thus, the reports of factory inspectors were processed by the factory auditor E. M. Dementiev and serve to this day and they are perhaps the most meaningful source of information for factory inspection. In particular, the table below, compiled from summary reports for 10 years, illustrates data on the number of factory inspectors, and the number of stations and institutions that came under the supervision of the Kyiv and Kharkiv factory districts (Tabl. 3).

District	Number of stations	District inspectors		Number of establishments		Percentage of institutions visited
		at the beginning of the reporting period	at the end of the reporting period	Subject to inspection supervision at the beginning of the reporting period	visited by inspectors	
2nd half the year of 1900						
Kyiv district	38	36	38	3038	1473	48,5
Kharkiv district	34	33	33	2751	1350	49,1

⁶⁵ Kharkiv Region State Archive, fund 922, description 1, case 172, sheet 13 back.

⁶⁶ Compiled due to: Kharkiv Region State Archive, fund 922, description 1, case 172, sheet 13-13 back.

<i>Total in Kyiv and Kharkiv districts</i>	72 (*33,5%)	69 (*34%)	71 (*33,3%)	5789 (*32,2%)	2823 (*31%)	48,8 (*96,3%)
<i>Total for the Russian Empire</i>	215	203	213	17977	9120	50,7
The 1901 year						
Kyiv district	38	38	38	3075	2214	72,0
Kharkiv district	36	28	28	2841	1824	64,0
<i>Total in Kyiv and Kharkiv districts</i>	74 (*33%)	66 (*32,2%)	66 (*30,8%)	5916 (*32,4%)	4038 (*31,5 %)	68 (*97,1 %)
<i>Total for the Russian Empire</i>	224	205	214	18279	12813	70,0
The 1902 year						
Kyiv district	38	35	37	3126	2304	73,7
Kharkiv district	40	40	39	2183	1955	69,5
<i>Total in Kyiv and Kharkiv districts</i>	78 (*33,8 %)	75 (*31,9%)	76 (*34,4%)	5309 (*29,8%)	4259 (*33,3%)	71,6 (*99,9%)
<i>Total for the Russian Empire</i>	231	235	221	17819	12782	71,7
The 1903 year						
Kyiv district	38	37	38	2983	2351	78,7
Kharkiv district	40	39	39	2453	1989	81,0
<i>Total in Kyiv and Kharkiv districts</i>	78 (*34,2%)	76 (*33,9%)	77 (*34,4%)	5436 (*33,6%)	4340 (*34,6%)	79,9 (*107,1%)
<i>Total for the Russian Empire</i>	228	218	224	16173	12526	74,6
The 1904 year						
Kyiv district	38	38	36	2772	2143	77,3
Kharkiv district	45	43	45	2245	1898	84,5
<i>Total in Kyiv and Kharkiv districts</i>	83 (*35,6%)	81 (*35,5%)	81 (*36%)	5017 (*32,6%)	4041 (*35,6%)	80,9 (*109,6%)
<i>Total for the Russian Empire</i>	233	228	225	15375	11340	73,8
The 1905 year						
Kyiv district	38	38	38	2756	1986	72,0
Kharkiv district	43	43	42	2244	1658	73,8
<i>Total in Kyiv and Kharkiv districts</i>	81 (*35%)	81 (*35,8%)	80 (*35,9%)	5000 (*34,2%)	3644 (*34,5%)	72,9 (*104%)
<i>Total for the Russian Empire</i>	231	226	223	14615	10561	70,1
The 1906 year						
Kyiv district	38	38	38	2790	2128	76,2
Kharkiv district	43	42	42	2116	1689	77,8

<i>Total in Kyiv and Kharkiv districts</i>	81 (*35,1%)	80 (*35,7%)	80 (*35,4%)	4906 (*34,4%)	3817 (*36,1%)	77 (*106,6%)
<i>Total for the Russian Empire</i>	231	224	226	14247	10569	72,0
The 1907 year						
Kyiv district	38	36	36	2750	2118	77,0
Kharkiv district	46	42	43	2103	1846	87,7
<i>Total in Kyiv and Kharkiv districts</i>	84 (*35,7 %)	78 (*34,9%)	79 (*35,6%)	4853 (*34,5%)	3964 (*35,5%)	82,4 (*106,6%)
<i>Total for the Russian Empire</i>	235	223	222	14048	11173	77,3
The 1909 year						
Kyiv district	38	38	38	2763	2219	80,3
Kharkiv district	45	42	44	2585	1863	72,0
<i>Total in Kyiv and Kharkiv districts</i>	83 (*36,1%)	80 (*36,9 %)	82 (*36,4%)	5348 (*35,9%)	4082 (*33,9%)	76,2 (*96,5%)
<i>Total for the Russian Empire</i>	230	217	225	14904	12046	79,0
The 1912 year						
Kyiv district	38	38	38	3185	2717	85,3
Kharkiv district	45	43	42	3034	2308	76,1
<i>Total in Kyiv and Kharkiv districts</i>	83 (*35,8 %)	81 (*35,8 %)	80 (*35,7 %)	6219 (*35,8 %)	5025 (*35,5%)	80,7 (*98,9%)
<i>Total for the Russian Empire</i>	232	226	224	17 356	14156	81,6

Note: * as a percentage of the total for the Russian Empire

** The average percentage of visited institutions in the Kharkiv and Kyiv districts and its ratio to the average number of visited institutions in the Russian Empire

Table 3. Number of factory inspectors and industrial establishments were subject to supervision (Kyiv and Kharkiv factory districts)⁶⁷

⁶⁷ Compiled due to: Summary report of factory inspectors for the second half of 1900..., 1–2; Summary report of factory inspectors for 1901..., 22–23; Summary report of factory inspectors for 1902..., 26–27; Summary report of factory inspectors for 1903 / Ministry of Trade and Industry. Industry department (St. Petersburg: Printing house V. O. Kirshbaum, house of the Ministry of Finance, on Palace Square, 1906), 32–33; Summary report of factory inspectors for 1904..., 34–35; Summary report of factory inspectors for 1905..., 32–33; Summary report of factory inspectors for 1906 / Ministry of Trade and Industry. Industry department (St. Petersburg: Printing house V. O. Kirshbaum, house of the Ministry of Finance, on Palace Square, 1908), 32–33; Summary report of factory inspectors for 1909, St. Petersburg 1910, 34–35; Summary report of factory inspectors for 1912 / Ministry of Trade and Industry. Industry department (St. Petersburg: Printing house V. O. Kirshbaum, house of the Ministry of Finance, on Palace Square, 1913), 19–20.

From the data given in the table, it is noteworthy that in Kyiv and Kharkiv factory districts on average more institutions were inspected due to the general indicators for the Russian Empire, especially in the period from 1903 to 1907. It is difficult to name the whole set of reasons, but, of course, these include the organization of the factory inspection on the ground by its leaders. Thus, the district factory inspector of the Kyiv factory district O. A. Mikulin in the Circular to the ranks of the factory inspection of August 31, 1902, commented on art. 56 “Order of the ranks of the factory inspection” with its evaluative wording “visit as often as possible,” the entrusted supervised institutions wrote: “...It can hardly be considered excessive that each of the subordinate institutions should be visited at least once a year, so only when visiting the institution the inspector can supervise the whole set of mutual relations between a manager and workers and more or less make sure for the application of the laws”⁶⁸.

Even though the factory inspection during the imperial period could not effectively exercise its powers, as it had considerable attention to technical supervision and conflict prevention functions, police functions by nature, “its presence allowed to curb employers’ arbitrariness...”, served as a guarantee of protecting labor rights⁶⁹.

5. Conclusions

The purpose of this work was to study the organizational and legal principles that determined the trends and effectiveness of the functioning of the bodies of supervision and control over compliance with factory legislation, the formation and development of the institute of factory inspection in the imperial period within the framework of conditionally allocated four stages, taking into account the practice of implementation of supervision and control in ethnic Ukrainian lands that were part of the Russian Empire.

During the first stage (June 5, 1884 – June 3, 1886) the scope of the narrowly specialized inspection for the supervision of minors was extended to Kharkiv and Kyiv factory districts of the Russian Empire, which territorially included part of the Ukrainian provinces. The second stage (June 3, 1886 – March 14, 1894) was marked by the transformation of the Inspectorate for Supervision of Minors in the actual factory inspection and its acquisition of the status of state body of general supervision, which contributed, first, to the gradual expansion of the activities scope, which was to be completed in 1912. Secondly, the scope of factory inspection supervision was extended to the relationship between manufacturers and workers to comply with the rules that defined their mutual

⁶⁸ Central State Historical Archives of Ukraine in Kyiv, fund 574, description 1, case 350, sheet 51.

⁶⁹ A. M. Lushnikov & M. V. Lushnikova, *Labor protection...*, 28.

rights and responsibilities, which, in turn, meant expanding supervision over the implementation of all factory legislation. As a result of the reform of the supervision and control bodies during the third stage (March 14, 1894 – May 30, 1903), the factory inspection turned into a body of both legal and technical inspection. Consolidation at the normative level of the focus of the inspection activity on order protection has shown the tendency of the factory inspection to become the factory police. The creation of a collegial body – Chief of Factory and Mining Affairs for the Presence and unification under its leadership of a three-tier management system (precinct – province – district) ensured the coordinated functioning of the factory inspection. However, a certain autonomy of the factory inspection caused dissatisfaction, which caused the next stage of its reorganization. However, a certain autonomy of the factory inspection caused dissatisfaction, which caused the next stage of its reorganization. During the fourth stage (May 30, 1903 – March 3, 1917), the formation of the system of supervision and control bodies based on the principle of dual subordination is completed. Factory inspection formally remained under the responsibility of the Ministry of Finance of the Russian Empire (since 1905 – the Ministry of Trade and Industry of the Russian Empire). At the same time, local factory inspectors were subordinated to the provincial administration. As a result, the violation of the system and the ability to conduct inspection activities in a coordinated manner hurt its effectiveness.

The activities of supervisory and control bodies were based on organizational and legal principles that reflected their content, nature, and features: the principle of legality; the principle of civil service⁷⁰; the principle of double subordination; the principle of combining appointment and election in the formation of supervisory and control bodies; the principle of combining collegiality and unity in the structure and order of decision-making; the principle of professionalism. The principles determined the functions of supervisory and control bodies, and the relationship between them changed during the imperial period due to the reorganizations carried out in the reform process under the influence of objective and subjective factors. If in the establishment of the specialized inspectorate for the supervision of minors the main function was punitive (repressive), then the preventive (conciliatory, mediatory) function came to the fore, which was demonstrated by the inspectorate's powers to prevent conflicts between workers and manufacturers. The function of supervision itself can be defined as a decisive one, which consisted of the implementation by the factory inspection of control over the implementation of legislation by manufacturers and workers.

⁷⁰The principle of a single civil service manifested itself during the first three stages of the development of the legislation and was to a certain extent leveled by the principle of double subordination, which characterized the activity of the factory inspection during the fourth stage.

The bodies of supervision and control, by the specified powers, also performed administrative, management, guardianship, rule-making, and information-analytical functions.

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