ment in Russells Point; said iron pin being in the northerly line of the Orchard Island Road; thence easterly and northeasterly along the northerly and westerly line of the said Orchard Island Road, 615 feet, more or less, to a point that is 235 feet southerly from the inner face of the southerly abutment of the Orchard Island road bridge; said point being also the southerly line of the Gratziono driveway; thence westerly at right angles, 20 feet, more or less, to the water line of Indian Lake; thence southwesterly and westerly along the water line, 530 feet, more or less to a point; thence South 6° 16′ East, 150′ more or less, to the place of beginning and being a part of the south-half of Section 36, Town 6 South, Range 8 East, Washington Township, Logan County, Ohio."

Upon examination of this lease, I find that the same has been properly executed by the Conservation Commissioner and by J. R. Beatley, the lessee therein named.

I further find upon examination of the provisions of this lease and of the conditions and restrictions therein contained, that the same are in conformity with the provisions of the sections of the General Code above referred to, and with those of other statutory enactments relating to leases of this kind.

I am accordingly approving this lease as to legality and form as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,
JOHN W. BRICKER,
*Attorney General.*

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2921.

## MINIMUM WAGE LAW—APPLICABLE TO LAUNDRY DEPARTMENTS OF OHIO HOSPITALS.

*SYLLABUS:*

*The Minimum Wage Law, Sections* 154-45d *to* 154-59f, *inclusive, General Code, is applicable to the laundry departments of Ohio hospitals.*

COLUMBUS, OHIO, July 13, 1934.

*Department of Industrial Relations, Columbus, Ohio.*

GENTLEMEN:—I am in receipt of a communication from your Superintendent of the Division of Minimum Wage asking whether or not laundries in Ohio hospitals are subject to the Minimum Wage Law which is applicable to women and minors, being Sections 154-45d to 154-59f, inclusive, General Code.

Section 154-45d, General Code, provides in part:

"6. 'Occupation' shall mean an industry, trade or business or branch thereof or class of work therein in which women or minors are gainfully employed, but shall not include domestic service in the home of the employer or labor on a farm. * * *"

Section 154-45e, General Code, provides:

"It is hereby declared to be against public policy for any employer to employ any woman or minor in an occupation in this state at an oppressive and unreasonable wage as defined in section 1 of this act, and any contract, agreement or understanding for or in relation to such employment shall be null and void."

Paragraphs 7 and 8 of Section 154-45d, General Code, provide:

"7. 'An oppressive and unreasonable wage' shall mean a wage which is both less than the fair and reasonable value of the services rendered and less than sufficient to meet the minimum cost of living necessary for health.

8. 'A fair wage' shall mean a wage fairly and reasonably commensurate with the value of the service or class of service rendered. In establishing a minimum fair wage for any service or class of service under this article, the director, superintendent or the wage board without being bound by any technical rules of evidence or procedure (1) may take into account all relevant circumstances affecting the value of the service or class of service rendered, and (2) may be guided by like considerations as would guide a court in a suit for the reasonable value of services rendered where services are rendered at the request of an employer without contract as to the amount of the wage to be paid, and (3) may consider the wages paid in the state for work of like or comparable character by employers who voluntarily maintain minimum fair wage standards."

The precise question at issue is whether or not the laundry department of a hospital is embraced within the terms "industry, trade or business or branch thereof or class of work therein in which women or minors are gainfully employed." It has been held in an opinion of one of my predecessors to be found in Opinions of the Attorney General for 1916, Vol. 1, page 845, that the laundry of a city hospital for the purposes of the Ohio Minimum Hour Law is within the terms "factory or workshop" and employment therein is embraced by that particular law. The syllabus of this opinion states:

"Hours of labor of female employes of the laundry of a city hospital are controlled by section 1008, G. C., as amended, 103 O. L., 555, and an order of the industrial commission issued by the division of workshops, factories and public buildings in reference thereto is legal and binding."

At page 847 it is stated:

"Granting that the management of the city hospital, under section 4035 of the General Code, supra, is in the director of public safety, subject to the ordinances of the council, it is to be noted that the hospital is to be managed in accordance with the general laws of the state, and any ordinances which might be adopted in conflict with such laws would be without force or effect. There is nothing in the law which in any manner exempts institutions owned or controlled by a municipality from the operation of the law, and hence, assuming that a laundry in

the city hospital is a workshop as understood by the ordinary interpretation of the term, it is my opinion that the order referred to is valid under the powers lodged in your commission.

Coming to the second objection, namely, that no reference is made in section 1008 of the General Code, supra, to 'city hospitals,' it is to be observed that the order is directed not against the city hospital, as such, but that part of the hospital known as the laundry, which for the purposes of the act in question, by ordinary knowledge, is to be regarded as coming within the terms of 'factory or workshop'."

I agree both with the result and reasoning of the above quoted opinion. It is also clear to my mind that the terms "industry, trade or business" are sufficiently broad, and comprehensive enough, to embrace the laundry departments of hospitals situated in Ohio. Such laundry is in the sense used above a "workshop" and the business of a laundry is carried on therein even though such laundry is only in connection with the particular hospital, is not operated for profit, and does not do laundry work for the public in general. Not only are the terms employed i. e., "industry, trade or business" sufficiently comprehensive to include the laundry departments of a hospital but such construction is also within the purpose of the law which is to protect women and children against "oppressive and unreasonable", or what is aptly called "sweatshop" wages, in return for their services rendered. It can readily be seen that the true reason for such legislation is applicable whether women do laundry work in a commercial or in a hospital laundry. It is stated in *Cochrel* vs. *Robinson,* 113 O. S., 526, in the fourth branch of the syllabus:

"4. In the construction of a statute the primary duty of the court is to give effect to the intention of the legislature enacting it. Such intention is to be sought in the language employed and the apparent purpose to be subserved and such construction adopted which permits the statutes and its various parts to be construed as a whole and give effect to the paramount object to be obtained."

Specifically answering your inquiry it is my opinion that the Minimum Wage Law, Sections 154-45d to 154-59f, inclusive, General Code, is applicable to the laundry departments of Ohio hospitals.

Respectfully,
JOHN W. BRICKER,
*Attorney General.*

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*2922.*

APPROVAL--CONTRACT COVERING THE CITY OF NORWOOD, HAMILTON COUNTY, STATE HIGHWAY NO. 10.

COLUMBUS, OHIO, July 13, 1934.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—This acknowledges receipt of your letter of recent date submit-