

Labor and Industry

CHAPTER 175

DEPARTMENT OF LABOR AND INDUSTRY

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175.01 DEPARTMENT ESTABLISHED. The department of labor and industry is hereby continued as a department of the state government, under the control and management of the industrial commission of Minnesota, hereinafter created, and the office of commissioner of labor is hereby abolished.

[1921 c. 81 s. 1] (4032)

175.02 INDUSTRIAL COMMISSION. There is hereby created a commission to be known as the industrial commission of Minnesota, hereinafter called the commission. The commission shall be composed of three commissioners, who shall be appointed by the governor by and with the advice and consent of the senate. Each commissioner shall be appointed for a term of six years. Not more than two commissioners shall belong to the same political party. Inasmuch as the duties to be performed by such commission vitally concern the employers, employees, as well as the whole people of the state it is hereby declared to be the purpose of this chapter that persons be appointed as commissioners who shall fairly represent the interests of all concerned in its administration. Any vacancy on the commission shall be filled by the governor, by and with the advice and consent of the senate, for the unexpired portion of the term in which the vacancy occurs.

[1921 c. 81 s. 2] (4033)

175.03 DEPARTMENT CONTINUED. The department of labor and industry as now created by law is hereby continued in charge of the state industrial commission, which shall have and exercise the rights and powers and perform the duties now prescribed by law, subject to the limitations of Laws 1925, Chapter 426.

[1925 c. 426 art. 12 s. 1] (53-37)

175.04 DIVISION OF STANDARDS; CHIEF BOILER INSPECTOR; DAIRY AND FOOD INSPECTORS; RULES. The industrial commission shall establish under its direction a division of standards and appoint one of its members to act as the head of this division under the title of director of standards. The authority now conferred and the duties now imposed by law upon the chief boiler inspector are hereby transferred to, vested in, and imposed upon, the director of standards.

The division of standards, with the approval of the commission, shall adopt and promulgate suitable rules and regulations relating to all state inspection, except grain inspection, the qualifications and activities of state inspectors performing

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duties under its direction or that of the commission or under the direction of other departments of the state government, and shall have and exercise all inspectional powers not specifically assigned by law to any other state department.

[1925 c. 426 art. 12 s. 2] (53-38)

175.05 SALARIES; CHAIRMAN. Each commissioner shall receive an annual salary of \$4,500, payable in the same manner that other state salaries are paid. Each commissioner shall devote his entire time to the duties of his office. The commissioner whose term first expires shall be chairman. Each commissioner, before entering upon the duties of his office, shall take the oath prescribed by law.

[1921 c. 81 s. 3] (4034)

175.06 GOVERNOR MAY REMOVE. The governor may at any time remove a commissioner for inefficiency, neglect of duty, or malfeasance in office. Before such removal he shall give such commissioner a copy of the charges against him, and fix a time when he shall be heard in his own defense, which shall not be less than ten days, thereafter, and such hearing shall be open to the public. If such commissioner shall be removed, the governor shall file in the office of the secretary of state a complete copy of all the charges made against such commissioner and his findings thereon, with a record of the proceedings. Such power of removal shall be absolute and there shall be no right of review in any court.

[1921 c. 81 s. 4] (4035)

175.07 COMMISSIONERS OR EMPLOYEES NOT TO TAKE PART IN POLITICAL CAMPAIGNS. Every commissioner and every officer or employee of the commission, who by solicitation or otherwise exerts his influence, directly or indirectly, to induce other officers or employees of the state to adopt his political views, or to favor of any particular person or candidate for office, or to contribute funds for campaign or political purposes, shall be removed from his office or position by the authority appointing him.

[1921 c. 81 s. 5] (4036)

175.08 OFFICE. The commission shall keep its office at Saint Paul and be provided by the commissioner of administration with suitable rooms and necessary furniture. The commission may hold sessions at any other place in the state when the convenience of the commission and the parties interested so requires.

[1921 c. 81 s. 6] (4037)

175.09 QUORUM. A majority of the commissioners shall constitute a quorum for the exercise of the powers conferred and the duties imposed on the commission. A vacancy shall not impair the right of the remaining commissioners to exercise all the powers and perform all of the duties of the commission.

[1921 c. 81 s. 7] (4038)

175.10 SESSIONS TO BE PUBLIC. The department of labor and industry shall be open for the transaction of business during all business hours of each and every day, excepting Sundays and legal holidays. The sessions of the commission shall be open to the public and may be adjourned from time to time. All the proceedings of the commission shall be shown on its records, which shall be public records.

[1921 c. 81 s. 8] (4039)

175.11 SEAL; CERTIFIED COPIES. The commission shall have a seal for the authentication of its orders and proceedings, upon which shall be inscribed the words, "Industrial Commission of Minnesota — Seal," and such other design as the commission may prescribe. The courts of this state shall take judicial notice of such seal and of the signatures of the chairman and the secretary of the commission; and in all cases copies of orders, proceedings, or records of the commission, certified by the secretary under its seal, shall be received in evidence, with the same force and effect given to the originals.

[1921 c. 81 s. 9] (4040)

175.12 SECRETARY. The commission shall appoint a secretary, who shall receive an annual salary not exceeding \$3,500 and hold office at the pleasure of the commission. It shall be the duty of the secretary to keep a full and true record of all proceedings of the commission, to issue all necessary processes, writs, warrants, and notices which the commission is required or authorized to issue, and generally to perform such other duties as the commission may prescribe.

[1921 c. 81 s. 10] (4041)

175.13 DIVISION HEADS, ASSISTANTS. The commission may appoint, with complete and absolute power of removal, such division heads or chiefs, deputy division heads or chiefs, managers, assistant managers, superintendents, officers,

agents, architects, accountants, experts, engineers, physicians, and referees as may be necessary for the exercise of its powers and the performance of its duties; and may appoint such statisticians, inspectors, deputy inspectors, and other employees and assistants as may be necessary for the exercise of its powers and the performance of its duties. The commission shall prescribe the duties and fix the salaries of all such appointees, which shall not exceed in the aggregate the amount appropriated by the legislature for that purpose.

[1921 c. 81 s. 11] (4042)

175.14 TRAVELING EXPENSES. The commission and the officers, assistants, and employees of the commission shall be paid out of the state treasury their actual and necessary expenses while traveling on the business of the commission. Vouchers for such expenses shall be itemized and sworn to by the persons incurring the expense, and be subject to the approval of the commission.

[1921 c. 81 s. 12] (4043)

175.15 POWERS OF DEPARTMENT TRANSFERRED TO COMMISSION. On and after June 1, 1921, the commission shall possess all the powers and perform all the duties now conferred and imposed by law on the department of labor and industry and the state board of arbitration, except that any power or duty vested in the commissioner of labor at the time of the taking effect of Laws 1921, Chapter 81, and requiring individual action, shall be exercised or performed by such member of the commission, or officer or employee of the department, as shall be designated by the commission.

[1921 c. 81 s. 13] (4044)

175.16 DIVISIONS. The department of labor and industry shall consist of the following divisions: division of workmen's compensation, division of boiler inspection, division of accident prevention, division of statistics, division of women and children, division of employment, division of mediation and arbitration, and such other divisions as the commission may deem necessary and establish. Each division of the department and persons in charge thereof shall be subject to the supervision and direction of the commission and of any commissioner assigned to supervise the work of such division, and, in addition to such duties as are or may be imposed on them by statute, shall perform such other duties as may be assigned to them by the commission.

[1921 c. 81 s. 14] (4045)

175.17 POWERS AND DUTIES. The commission shall have the following powers and duties:

(1) To exercise such powers and perform such duties concerning the administration of the workmen's compensation laws of the state as may be conferred and imposed on it by such laws;

(2) To exercise all powers and perform all duties now conferred and imposed on the department of labor and industry as heretofore constituted, and the bureaus of such department, so far as consistent with the provisions of this chapter;

(3) To adopt reasonable and proper rules and regulations relative to the exercise of its powers and duties, and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings, which shall not be effective until ten days after their adoption, and a copy of these rules and regulations shall be delivered to every citizen making application therefor;

(4) To collect, collate, and publish statistical and other information relating to the work under its jurisdiction, and to make public reports in its judgment necessary; and on or before the first Monday in January of each year the commission shall report its doings, conclusions, and recommendations to the governor, which report shall be printed and distributed biennially to the members of the legislature and otherwise as the commission may direct;

(5) To establish and maintain branch offices as needed for the conduct of its affairs.

[1921 c. 81 s. 15] (4046)

175.18 QUALIFICATIONS OF INSPECTORS. No person shall be eligible to appointment as a chief factory inspector, elevator inspector, railroad inspector, or factory inspector, in the department of labor and industry, who is not possessed of practical experience and knowledge in and of the operation of such machinery, appliances, and work places as he may be called upon to inspect; and every person desiring such an appointment shall be required to pass such a competitive examination touching his general qualifications and his knowledge of the trade and tech-

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nical phases of the work required in such a position as may be deemed necessary by the board of examiners to the proper discharge of the duties of such position. No person shall be appointed to the position of deputy labor commissioner who is not possessed of such qualifications as the board of examiners may determine necessary. No person shall be appointed superintendent of the bureau of women and children who is not competent to investigate and report to the industrial commission upon the conditions under which women and children are to work in all factories, workshops, hotels, restaurants, mercantile establishments, and other places where women and children are employed, with such recommendations as will promote the health and welfare of the women and children so employed in this state. No person shall be competent for appointment as statistician in the department of labor and industry who has not demonstrated his competency to the satisfaction of the board of examiners, by his fulfillment of similar duties at a previous time, or, in the absence of, or in addition to, previous experience, cannot satisfactorily pass such examination as the board of examiners shall provide for the filling of such statistical position. Experts and special agents appointed by the industrial commission to assist in statistical or investigation work shall have such qualifications and pass such examinations as the board of examiners may specify. The industrial commission shall be empowered to temporarily appoint properly qualified persons who have not passed such examinations as are provided in this section for a period of not to exceed 60 days' duration. These appointments may not be renewed at the expiration of the 60 days unless such appointee has passed the regular examination for such position. No person shall be eligible to appointment to any position in the department of labor and industry who, in addition to passing such examinations or meeting such requirements as are specified by law, is unable to satisfy the board of examiners and the appointing officers of his moral, mental, and physical fitness to hold such position.

[1913 c. 518 s. 3] (4048)

175.19 DEFINITIONS. Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of sections 175.18 to 175.20 and 175.24 to 175.27, shall be given the meanings subjoined to them.

Subdivision 2. **Factory and mill.** The words "factory" and "mill" mean any premises where water, steam, electric, or other mechanical power is used in the aid of manufacturing or printing process there carried on.

Subdivision 3. **Workshop.** The term "workshop" means any premises, room, or place, not a factory or mill, wherein manual labor is exercised by way of trade or for the purpose of gain in or incidental to a process of making, altering, repairing, cleaning, ornamenting, finishing, or adapting for sale or use any article or part thereof.

Subdivision 4. **Engineering work.** The term "engineering work" means any work of construction, operation, alteration, or repair of a railroad or street railway, of the works or offices of any gas, telephone, telegraph, water, electric light, or mining company, or upon any sewer, bridge, tunnel, or building.

Subdivision 5. **Mercantile establishments.** The term "mercantile establishments" means any wholesale or retail establishment, theater, bowling alley, pool room, or other place of amusement, hotels, restaurants, photograph galleries, and warehouses.

Subdivision 6. **Application.** Nothing in subdivisions 2 to 5 shall interfere with the powers conferred by law upon the railroad and warehouse commissioners or the county mine inspectors.

[1913 c. 518 s. 7] (4049)

175.20 ENFORCEMENT. The department of labor and industry shall enforce all laws regulating the employment of minors and women, the protection of the health, lives, limbs, and rights of the working classes, and those prescribing the qualifications of persons in trades and crafts, and shall be clothed with the same powers for the enforcement of compulsory education and truancy laws as those conferred upon truant officers by section 132.09. It shall be empowered to gather statistics relating to all branches of labor, to labor troubles and unions, and to the economic and social conditions of the laboring classes. In the discharge of its duties the members and employees of the department may enter any factory, mill, workshop, warehouse, mercantile establishment, office, engineering work, or other place where persons are employed, or any office from which such place of employment

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is directed or managed, at all reasonable times, give such direction as may be necessary to enforce the laws, and remain while engaged in their official duties. They may enter any place where intoxicating beverages are sold for the purpose of enforcing the child labor and school attendance laws or other duties imposed upon them. Any member of the department of labor and industry may issue subpoenas and take testimony and compel the attendance of witnesses, and shall have authority to administer oaths and take testimony under oath, but no person shall be compelled to attend as a witness unless he is paid the fees provided for witnesses in the district court.

The bureau of women and children shall have power to enforce and cause to be enforced by complaint in any court or otherwise all laws and local ordinances relating to the health, morals, comfort, and general welfare of women and children.

[1913 c. 518 s. 8; 1919 c. 110 s. 1] (4050)

175.21 TO MAKE STUDY OF CONDITIONS. For the purpose of improving the state employment offices and other employment agencies under its supervision and to enable it to more efficiently perform the duties imposed upon it and in cooperation with the federal authorities in an intelligent long-time employment program, the state industrial commission is hereby authorized to make a thorough, comprehensive, scientific, and objective study of labor conditions and to gather and record authentic and scientific data in relation thereto, and in this connection to operate a laboratory experiment or demonstration station.

[1931 c. 5 s. 1] (4050-1)

175.22 MAY RECEIVE GIFTS. The industrial commission is hereby authorized to receive and accept gifts or contributions of funds to be used in carrying out the purposes of section 175.21, to assist in the supervision and conduct of this study, and to defray, in whole or in part, the cost of the work.

[1931 c. 5 s. 2] (4050-2)

175.23 SUPERVISION OF FUNDS. Any funds or contributions so made shall be under the exclusive supervision and control of the industrial commission, may be deposited in such bank or banks as it may select, and may be disbursed in such manner and for such purposes as the industrial commission shall determine, consistent with the provisions of sections 175.21 to 175.23, and with the conditions and purposes of any such gift or contribution.

[1931 c. 5 s. 3] (4050-3)

175.24 DUTIES OF EMPLOYERS AND OTHERS TO MAKE REPORTS; PRESERVATION OF RECORDS. On request of the department of labor and industry, and within the time limited therein, every employer of labor, any officer of a labor organization, or any person from whom the department of labor and industry shall find it necessary to gather information, shall make a certified report to the department, upon blanks furnished by it, of all matters covered by the request. The names of persons or concerns supplying such information shall not be disclosed. Every notice, order, or direction given by such department shall be in writing, signed by an officer or inspector of such department, or a person specially designated for the purpose, and be served by him. Papers so served and all records and documents of the department are hereby declared public documents and shall not be destroyed within two years after their return or receipt by such department.

[1913 c. 518 s. 10] (4250)

175.25 PERSONS AGGRIEVED; POWERS OF DISTRICT COURT. Within ten days after the service of any order or direction of the department of labor and industry, any person aggrieved may apply to a judge of the district court for an order restraining its enforcement, and upon not more than 30 days' notice a hearing may be had before such court, or before three impartial expert referees appointed by the court, who shall file their report within ten days after the hearing. The court may alter, annul, or affirm the order or direction complained of; the decision to be based upon the hearing by the court, or upon the report of the referees. Such decision shall take the place of the original order. In cases of affirmation, the losing parties shall pay a reasonable compensation to the referees, to be fixed by the court. In case of decisions rendered adverse to the order of the department of labor and industry, such compensation shall be paid out of the appropriation for the support of the department.

[1913 c. 518 s. 11] (4251)

175.26 VIOLATION OF LOCAL ORDINANCES. When the department of labor and industry learns of a violation of a local ordinance for the protection of employees

it shall give written notice thereof to the proper municipal authorities and take any steps permissible under the ordinances for its enforcement.

[1913 c. 518 s. 12] (4252)

175.27 DISCLOSURE OF NAMES OF PERSONS GIVING INFORMATION; REFUSAL TO TESTIFY; DENYING ADMISSION. Any officer, agent, or employee of the department of labor and industry who shall disclose the names of any persons supplying information at the request of such department shall be guilty of a misdemeanor. Any person who, having been duly subpoenaed, shall refuse to attend or testify in any hearing under the direction of the industrial commission shall be guilty of a misdemeanor. Any owner or occupant of any factory, mill, workshop, engineering work, store, or other place enumerated in section 175.20, or agent of such person, who shall refuse to admit thereto any officer, agent or employee of the department seeking entrance in the discharge of his duties, shall be guilty of a misdemeanor. Any person, firm, or corporation, or any of its officers or agents, who or which shall refuse to file with the department such reports as are required by it under the provisions of sections 175.18 to 175.20 and 175.24 to 175.27 shall be guilty of a misdemeanor.

[1913 c. 518 s. 14; 1917 c. 14 s. 1] (4253)

175.28 REPORT OF ACCIDENTS. When any accident to an employee resulting in death or requiring the aid of a surgeon occurs in connection with any factory, mill, workshop, or any engineering work, the employer, superintendent, or agent in charge within ten days thereafter shall furnish the industrial commission with written notice thereof, stating as fully as possible the time and place of its occurrence, the name and residence of the person killed or injured, and in case of injury the place to which he has been removed.

[R. L. s. 1821] (4193)

175.29 SCOPE OF REPORT. It is hereby made the duty of every employer of labor engaged in industrial pursuits to make or cause to be made report of any accident to an employee which occurs in the course of his employment and which causes death or serious injury within 48 hours of the occurrence of such injury, and of all other accidents which occur to any of its, his, or their employees within the scope of their employment and of which the employer or his foreman has knowledge within 14 days after the occurrence of such accident; provided, that such injuries are sufficient to wholly or partially incapacitate the person injured from labor or service for more than the remainder of the day, shift, or turn on which the injury was incurred, which report shall be made in writing to the industrial commission, giving:

- (1) Name, age, sex, and occupation of injured person;
- (2) Date on which accident occurred and hour of day;
- (3) Whether person injured could speak English;
- (4) Occupation of employer;
- (5) Cause of injury;
- (6) Nature and extent of the injury and the probable length of disability;
- (7) Name and address of the attending surgeon;
- (8) Wages injured person was earning;
- (9) Length of time in service of employer and length of time at employment at which injured;
- (10) Dependents or nearest relatives in fatal cases, if known.

Accidents required to be reported within 48 hours may be reported by telegram, telephone, or personal notice. The written report of such accident shall then be made within 14 days or at such time as the industrial commission shall designate. The industrial commission may require such supplementary reports on any accident as it deems necessary for the securing of the information required. When an accident has been reported which subsequently terminates fatally a supplementary report shall be filed with the commission by the employer within 48 hours after he receives knowledge of such death, stating that the injury has proved fatal.

[1913 c. 416 s. 1; 1919 c. 359 s. 1] (4194)

175.30 COPIES OF SETTLEMENT. Copies of all settlements made or releases obtained in respect to industrial accidents occurring in the state shall be filed with the industrial commission within ten days after such settlements are made and become part of the permanent records of the department of labor and industry.

[1913 c. 416 s. 2; 1919 c. 359 s. 1] (4195)

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175.31 FAILURE TO REPORT. The failure to make such reports or file such copies of settlements or releases on the part of any person, copartnership, or corporation required to make or file the same within the time specified is hereby declared to be a misdemeanor.

[1913 c. 416 s. 3; 1919 c. 359 s. 1] (4196)

175.32 REPORT NOT ADMISSIBLE IN EVIDENCE. No report so required to be made, nor any part thereof, shall be admitted in evidence or referred to at the trial of any action or in any judicial proceedings, except prosecutions for the violation of sections 175.29 to 175.32.

No such report nor any part thereof, nor any copy of the same nor any part thereof, shall be open to the public, nor shall any of the contents thereof be disclosed in any manner by any official or clerk or other employee of the state having access thereto, but the same may be used for state investigations and statistics only. Any such disclosure is hereby declared to be a misdemeanor and punishable as such.

[1913 c. 416 s. 4; 1919 c. 359 s. 1] (4197)

175.33 PHYSICIANS TO REPORT CERTAIN CASES OF POISON TO THE INDUSTRIAL COMMISSION. Every physician attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, or mercury or their compounds, or from anthrax, or from compressed air illness, contracted as a result of the nature of the patient's employment, shall send to the industrial commission a notice stating the name and full postal address and place of employment of the patient and the disease from which, in the opinion of the physician, the patient is suffering, with such other specific information as may be required by the industrial commission and which may be ascertained by the physician in the course of his duties.

[1913 c. 21 s. 1] (4198)

175.34 FAILURE TO REPORT. If any physician, when required by section 175.33 to send a notice, fails forthwith to send the same, he shall be guilty of a misdemeanor; and, upon conviction, punished by a fine not exceeding \$10.00 or by imprisonment in the county jail for not exceeding ten days.

[1913 c. 21 s. 2] (4199)

175.35 ENFORCEMENT. It shall be the duty of the industrial commission to enforce the provisions of sections 175.33 and 175.34 and it may call upon the state and local boards of health for assistance.

[1913 c. 21 s. 3] (4200)

175.36 CERTAIN RECORDS MAY BE DESTROYED. The secretary of the industrial commission of the department of labor and industry is authorized, with the consent and approval of the three commissioners composing the industrial commission, to destroy the following files and records of the commission at the times and under the conditions herein specified:

(1) All files, records and correspondence in the office of the industrial commission, covering the period prior to June 1, 1921;

(2) All files and records of the commission subsequent thereto, covering the period of one year, on June first of each succeeding year.

[1939 c. 149] (4041-1)

175.37 COOPERATION WITH U. S. The industrial commission, so far as is not inconsistent with its duties under the laws of this state, may assist and cooperate with the wage and hour division, the children's bureau, and any other authorized agency of the United States department of labor in the administration within this state of the act of congress known as the fair labor standards act of 1938, approved June 25, 1938, and amendments thereof. No additional expense shall be incurred by the commission in rendering such assistance and cooperation except upon condition that the state be reimbursed therefor in accordance with federal laws and regulations and subject to the applicable laws of this state.

All moneys heretofore or hereafter received from the federal government for such reimbursement are hereby appropriated to the industrial commission to pay the cost of such assistance and cooperation.

[1941 c. 68]