

## CHAPTER 179

## MINNESOTA LABOR RELATIONS ACT

**179.01 DEFINITIONS.**

**HISTORY.** 1939 c. 440 s. 1; M. Supp. s. 4254-21; 1943 c. 624 ss. 1, 5.

There having been a full and complete hearing by the labor conciliator, participated in by the employer without objection, before certification of a labor union as representative of employees, the absence of notice of hearing is unimportant, and the certification, otherwise unchallenged, is sustained. *State ex rel v Haney*, 208 M 105, 292 NW 748.

In an action to enjoin the defendant union, its officers and members the record does not justify a finding that the trial court abused its discretion in vacating a restraining order and denying plaintiff's application for a temporary injunction. *East Lake Drug Co. v Pharmacists Union*, 210 M 433, 298 NW 722.

In the instant case the employer's application for an injunction was premature, since it failed to show the commission of an unfair labor practice resulting in real, substantial, or irreparable injury. *Quest v International*, 216 M 436, 13 NW(2d) 32.

A charitable hospital is not exempt from national labor relations act. The fact that a majority of employees did not cast their ballot at the election for selecting a representative for collective bargaining purposes and that election was carried by a majority of a minority did not affect validity of the election. *National Labor Relations Bd. v Central Dispensary*, 145 F(2d) 852.

Employees who are engaged in work pertaining to the cultivation of the soil or the growing of trees, shrubs, or plants are not within the provisions of the Minnesota labor relations act. 1940 OAG 97, July 20, 1939 (270).

Minnesota labor relations act of 1939. 24 MLR 793.

Termination of employment; status of striking employee. 27 MLR 583. Minnesota labor relations act. 28 MLR 64.

**179.02 DIVISION OF CONCILIATION.**

**HISTORY.** 1921 c. 81 s. 15; 1921 c. 158; G.S. 1923 s. 4046; M.S. 1927 s. 4046; 1939 c. 440 s. 2; M. Supp. s. 4254-22.

Comparison of labor relations acts. *N.L.R.B. v Newark Morning Ledger*, 120 F(2d) 272.

**179.03 POLITICAL ACTIVITIES FORBIDDEN.**

**HISTORY.** 1939 c. 440 s. 3; M. Supp. s. 4254-23.

**179.04 EXPENSES.**

**HISTORY.** 1939 c. 440 s. 4; M. Supp. s. 4254-24.

**179.05 RULES AND REGULATIONS FOR HEARINGS.**

**HISTORY.** 1939 c. 440 c. 5; M. Supp. s. 4254-25.

Adoption of rules and regulations. 24 MLR 794.

**179.06 COLLECTIVE BARGAINING AGREEMENTS; NOTICE OF INTENTION TO STRIKE OR LOCKOUT.**

**HISTORY.** 1939 c. 440 s. 6; M. Supp. s. 4254-26; 1941 c. 469 s. 1.

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Although the hospital is open to the public and maintained without profit, its employment of nonprofessional employees brings it within the definition of employer as found in the labor relations act. *Northwestern Hospital v Public Building Service Employees*, 208 M 389, 294 NW 615.

The calling of a strike affects the rights and interests of both employees and employers in various ways. There must be no room for misunderstanding as to the time when a strike may legally be called. Notice may be suspended only by mutual consent of all the parties. 1940 OAG 95, Feb. 15, 1940 (270d-9).

Notice of strike or lockout must be signed in the writing of the person giving it or authorizing it. Signatures by stamps, mimeograph, typewriters or other printing devices do not comply with the statute. 1942 OAG 88, May 26, 1941 (270d-9).

History of Laws 1939, Chapter 440. 24 MLR 226.

Effect of Laws 1941, Chapter 469, 26 MLR 228.

## 179.07 LABOR DISPUTE AFFECTING PUBLIC INTERESTS; PROCEDURE.

HISTORY. 1939 c. 440 s. 7; M. Supp. s. 4254-27; 1941 c. 469 s. 2.

The conciliator must notify the governor when he determines that the dispute is affected with a public interest, and the notice must be given within ten days from the time when the conciliator has been served with notice. OAG June 19, 1939, (270).

For rules of procedure as to hearings before the commission see OAG August 1939 (270).

## 179.08 POWERS OF COMMISSION APPOINTED BY GOVERNOR.

HISTORY. 1939 c. 440 s. 8; M. Supp. s. 4254-28; 1941 c. 469 s. 3.

## 179.083 JURISDICTIONAL CONTROVERSIES.

HISTORY. 1943 c. 624 s. 6.

Minnesota labor relations act. 28 MLR 67.

## 179.09 ARBITRATION.

HISTORY. 1939 c. 440 s. 9; M. Supp. s. 4254-29.

Arbitrators must be paid as provided in section 572.03. OAG June 6, 1939 (270).

## 179.10 JOINING LABOR ORGANIZATIONS; UNITING FOR COLLECTIVE BARGAINING.

HISTORY. 1939 c. 440 s. 10; M. Supp. s. 4254-30; 1941 c. 469 s. 4.

The state labor conciliator, having found on sufficient evidence that corporate employees' president hindered employees' statutory right of self-organization by making statements to dissuade employees from freely exercising right to vote on question of their representation for collective bargaining, thereby contributing to tie vote at election called by conciliator, had a right to act on labor union's subsequent, petition to set aside election and certify union as bargaining agent. *Warehouse Employees Union v Forman Ford*, 220 M —, 18 NW(2d) 767.

This section does not prevent a closed shop contract. 1940 OAG 93, August 24, 1939 (270).

## 179.11 UNFAIR LABOR PRACTICES BY EMPLOYEES.

HISTORY. 1939 c. 440 s. 11; M. Supp. s. 4254-31; 1941 c. 469 s. 7; 1943 c. 624 ss. 2, 3.

In the exercise of freedom of speech secured by United States constitution, amendment 14, a labor union may peacefully picket the premises, where a person is engaged in building a house for the purpose of sale, to induce him to let work in connection with the construction thereof, done by him with his own hands, to

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others, who would employ union labor to do the same. *Glover v Minneapolis Building Trades*, 215 M 533, 10 NW(2d) 481.

A direction by the conciliator of labor for the holding of an election is not a final order, but an intermediate step in a pending and undetermined investigation. The calling of such an election did not, in the instant case, violate the terms of the bargaining contract described in the opinion and was authorized by section 179.16. Injunction did not lie to restrain the conciliator from holding the election. *Quest v International Moulders*, 216 M 436, 13 NW(2d) 32.

Unlawful acts; subject to criminal prosecution. 1940 OAG 104, August 11, 1939 (270d-7).

Effect of certain provisions of the Minnesota labor relations act. 24 MLR 229.  
Labor injunction in Minnesota. 24 MLR 794.  
Peaceful picketing. 25 MLR 239, 641.

## 179.12 UNFAIR LABOR PRACTICES BY EMPLOYERS.

HISTORY. 1939 c. 440 s. 12; M. Supp. s. 4254-32; 1941 c. 469 s. 8.

National labor relations board, in determining whether employer is guilty of unfair labor practices, may properly weigh and appraise the totality of the situation presented by the evidence. Bank's peremptory discharge of five experienced employees under the circumstances authorized a finding that the discharge was because of union activity of the men, and an order of reinstatement with back pay is sustained. *Amer. Nat'l v Nat'l Labor Relations Board*, 144 F(2d) 268.

Closed shop; permitted under what conditions. 1940 OAG 93, Aug. 24, 1939 (270).

Effect of unlawful act. 24 MLR 232.  
Closed shop agreements. 24 MLR 238.  
Yellow dog contracts. 24 MLR 761, 785.  
Labor relations act of 1939, as affecting injunctions. 24 MLR 794, 800.  
Comments on Laws 1941, Chapter 469, 26 MLR 228.  
Labor relations act of 1943. 28 MLR 68.

## 179.13 INTERFERENCES WHICH ARE UNLAWFUL.

HISTORY. 1939 c. 440, s. 13; M. Supp. s. 4254-33; 1943 c. 624 s. 4.

Interferences with loading or unloading at a place of business does not constitute a violation unless it obstructs ingress to or egress from the place of employment. 1940 OAG 7, August 11, 1939 (270d).

## 179.14 INJUNCTIONS; TEMPORARY RESTRAINING ORDERS.

HISTORY. 1939 c. 440 s. 14; M. Supp. s. 4254-34; 1941 c. 469 s. 5; 1943 c. 658 s. 1.

Injunction restraining unfair practice. *Quest v International*, 216 M 440, 13 NW(2d) 32.

## 179.15 VIOLATORS NOT ENTITLED TO BENEFIT OF CHAPTER.

HISTORY. 1939 c. 440 s. 15; M. Supp. s. 4254-35.

## 179.16 REPRESENTATIVES FOR COLLECTIVE BARGAINING.

HISTORY. 1939 c. 440 s. 16; M. Supp. s. 4254-36; 1941 c. 469 s. 6.

There having been a full and complete hearing by the labor conciliator, participated in by the employer without objection, before certification of a labor union as representative of employees, the absence of notice of hearing is unimportant, and the certification, otherwise unchallenged, is sustained. *State ex rel v Haney*, 208 M 105, 292 NW 748.

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An injunction does not lie upon a direction of the conciliator which is a mere indeterminate step in the proceedings. In the instant case there was no final order. *Quest v International*, 216 M 437, 13 NW(2d) 32.

The state labor conciliator's use of representation cards, signed by majority of corporation's employees eligible to vote at election of collective bargaining representative, as basis for ascertaining such representative after election resulted in a tie vote, constituted adoption of a suitable method to ascertain representative, as authorized by statute. *Warehouse Employees Union v Forman Ford*, 220 M —, 18 NW(2d) 767.

In conflict as to certification of bargaining agent between national labor board and state labor conciliator, the state must yield. 1940 OAG 90, July 20, 1939 (270).

History of Laws 1939, Chapter 440. 24 MLR 226.

Closed shop agreements. 24 MLR 238.

When does an employee voluntarily leave employment. 24 MLR 288.

Effect of Laws 1939, Chapter 440, in injunction practice. 24 MLR 795.

Purpose of Laws 1941, Chapter 469. 26 MLR 228.

Minnesota labor relations act. 28 MLR 67.

Labor conciliator must yield to the national labor board when there is a conflict as to certification of a bargaining agent. OAG July 20, 1939 (270).

### 179.17 CITATION.

HISTORY. 1939 c. 440 s. 19; M. Supp. s. 4254-39.

### 179.18 DEFINITIONS. APPLICABLE TO SECTIONS 179.18 TO 179.25.

HISTORY. 1943 c. 625 s. 1.

### 179.19 ELECTION OF OFFICERS.

HISTORY. 1943 c. 625 s. 2.

### 179.20 NOTICE OF ELECTION REQUIRED.

HISTORY. 1943 c. 625 s. 3.

### 179.21 REPORTS OF RECEIPTS AND DISBURSEMENTS, ASSETS AND LIABILITIES.

HISTORY. 1943 c. 625 s. 4.

### 179.22 LABOR REFEREE.

HISTORY. 1943 c. 625 s. 5.

### 179.23 VIOLATIONS CERTIFIED TO GOVERNOR.

HISTORY. 1943 c. 625 s. 6.

### 179.24 WHEN UNLAWFUL TO ACT AS REPRESENTATIVE OF EMPLOYEES.

HISTORY. 1943 c. 625 s. 7.

### 179.25 CITATION OF SECTIONS 179.18 TO 179.25.

HISTORY. 1943 c. 625 s. 8.

### 179.26 DEFINITIONS.

HISTORY. 1945 c. 414 s. 1.

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**179.27 STRIKES OR BOYCOTTS PROHIBITED.**

HISTORY. 1945 c. 414 s. 2.

**179.28 RECOVERY FOR TORT.**

HISTORY. 1945 c. 414 s. 3.

**179.29 DISTRICT COURT HAS JURISDICTION.**

HISTORY. 1945 c. 414 s. 4.