

CHAPTER 185

INJUNCTIONS AND RESTRAINING ORDERS RELATING TO
LABOR DISPUTES

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185.01 EMPLOYEES PERMITTED TO ORGANIZE. It shall not be unlawful for working men and women to organize themselves into, or carry on, labor unions for the purpose of lessening the hours of labor or increasing the wages or bettering the conditions of the members of such organizations or carrying out their legitimate purposes as freely as they could do if acting singly.

[1917 c. 493 s. 1] (4255)

185.02 RESTRAINING ORDER OR INJUNCTION, WHEN NOT ISSUED. No restraining order or injunction shall be granted by any court of this state, or any judge thereof, in any case between an employer and employee, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment except after notice and a hearing in court and shown to be necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney; provided, that a temporary restraining order may be issued without notice and hearing upon a proper showing that violence is actually being caused or is imminently probable on the part of the person or persons sought to be restrained; and, provided, that in such restraining order all parties to the action shall be similarly restrained.

[1917 c. 493 s. 2; 1929 c. 260] (4256)

185.03 NOT TO BE ISSUED TO PREVENT TERMINATION OF EMPLOYMENT. No restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment or from ceasing to perform any work or labor; or from recommending, advising, or persuading others by peaceful means so to do; or from attending at any place where any person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully persuading any such person to abstain from working; or from ceasing to patronize any party to such dispute; or from recommending, advising, or persuading others by peaceful and lawful means, so to do; or from paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peaceably assembling in a lawful manner and for lawful purpose; or from doing any act or thing which might lawfully be done in the absence of such dispute by a single individual; nor shall any of the acts specified in this section be considered or held to be illegal or unlawful in any court of the state.

[1917 c. 493 s. 3] (4257)

185.04 LABOR NOT A COMMODITY OR ARTICLE OF COMMERCE. The labor of a human being is not a commodity or article of commerce, and the right to enter into the relation of employer and employee, or the right to change that

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relation; or to assume and create a new relation for employer and employee; or to perform and carry on business with any person in any place; or to work and labor as an employee, shall be held and construed to be a personal, and not a property, right. In all cases involving the violation of the contract of employment, either by the employee or employer, where no irreparable damage is about to be committed upon the property or property right of either, no injunction shall be granted, but the parties shall be left to their remedy at law.

[1917 c. 493 s. 4] (4258)

185.05 INDICTMENT, WHEN NOT TO BE RETURNED. No person shall be indicted, prosecuted, or tried in any court of this state for entering into or carrying on any arrangement, agreement, or combination between themselves made with a view of lessening the number of hours of labor or increasing wages or bettering the condition of working men, or for any act done in pursuance thereof, unless such act is in itself forbidden by law if done by a single individual.

[1917 c. 493 s. 5] (4259)

185.06 POWER OF EXECUTIVE DEPARTMENT OR COURTS NOT CURTAILED UNDER CERTAIN CONDITIONS; CRIMINAL SYNDICALISM. Nothing in this chapter shall hamper or curtail, or in any manner take away, the power of the executive department, or of the courts, where there is threatened any irreparable injury to business or property by reason of violence, threats, or other unlawful acts, or where criminal syndicalism, or the acts constituting the same, are involved; and criminal syndicalism is hereby defined to be the doctrine which advocates crime, sabotage, violence, or other unlawful methods of terrorism as a means of accomplishing industrial, social, or political reform.

[1917 c. 493 s. 6] (4260)

185.07 JURISDICTION OF COURT LIMITED. No court of the state shall have jurisdiction to issue any restraining order or temporary or permanent injunction in a case involving or growing out of a labor dispute, except in a strict conformity with the provisions of sections 185.07 to 185.19; nor shall any such restraining order, or temporary or permanent injunction, be issued contrary to the public policy declared in section 185.08.

[1933 c. 416 s. 1] (4260-1)

185.08 PUBLIC POLICY DECLARED. In the interpretation of the provisions of sections 185.07 to 185.19 and in determining the jurisdiction and authority of the courts of the state, as such jurisdiction and authority are therein defined and limited, the public policy of this state is hereby declared as follows.

Whereas, under prevailing economic conditions, developed with the aid of governmental authority for owners of property to organize in the corporate and other forms of ownership association, the individual unorganized worker is commonly helpless to exercise actual liberty of contract and to protect his freedom of labor, and thereby obtain acceptable terms and conditions of employment, wherefore, though he should be free to decline to associate with his fellows, it is necessary that he have full freedom of association, self-organization, and designation of representatives of his own choosing, to negotiate the terms and conditions of his employment, and that he shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; therefore, the following definitions of, and limitations upon, the jurisdiction and authority of the courts of the state, are hereby enacted.

[1933 c. 416 s. 2] (4260-2)

185.09. CERTAIN ACTS NOT ENFORCEABLE. Any undertaking or promise such as is described in this section, or any other undertaking or promise in conflict with the public policy declared in section 185.08, is hereby declared to be contrary to the public policy of the state, shall not be enforceable in any court of the state, and shall not afford any basis for the granting of legal or equitable relief by any court, including specifically the following:

Every undertaking or promise hereafter made, whether written or oral, express or implied, constituting or contained in any contract or agreement of hiring or employment between any individual firm, company, association, or corporation, and any employee or prospective employee of the same, whereby

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(1) Either party to such contract or agreement undertakes or promises not to join, become or remain a member of, any labor organization or of any employer organization; or

(2) Either party to such contract or agreement undertakes or promises that he will withdraw from an employment relation in the event that he joins, becomes or remains a member of, any labor organization or of any employer organization.

[1933 c. 416 s. 3] (4260-3)

185.10 RESTRAINING ORDERS NOT ISSUED IN CERTAIN CASES. No court of the state shall have jurisdiction to issue any restraining order, or temporary or permanent injunction, in any case involving or growing out of any labor dispute, to prohibit any person or persons participating or interested in such dispute, as these terms are defined in this chapter, from doing, whether singly or in concert, any of the following acts:

(1) Ceasing or refusing to perform any work or to remain in any relation of employment;

(2) Becoming or remaining a member of any organization or of any employer organization, regardless of any such undertaking or promise, as is described in section 185.09;

(3) Paying or giving to, or withholding from, any person participating or interested in such labor dispute, any strike or unemployment benefits or insurance, or other moneys or things of value;

(4) By all lawful means aiding any person participating or interested in any labor dispute who is being proceeded against in, or is prosecuting, any action or suit in any court of this state;

(5) Giving publicity to the existence of, or the facts involved in, any labor dispute, whether by advertising, speaking, patrolling, or by any other method not involving fraud or violence;

(6) Assembling peaceably to act, or to organize to act, in promotion of their interests in a labor dispute;

(7) Advising or notifying any person of an intention to do any of the acts heretofore specified;

(8) Agreeing with other persons to do or not to do any of the acts heretofore specified; and

(9) Advising, urging, or otherwise causing or inducing without fraud or violence the acts heretofore specified, regardless of any such undertaking or promise as is described in section 185.09.

[1933 c. 416 s. 4] (4260-4)

185.11 RESTRAINING ORDERS OR INJUNCTIONS NOT ISSUED ON CERTAIN GROUNDS. No court of the state shall have jurisdiction to issue a restraining order, or temporary or permanent injunction, upon the ground that any of the persons participating or interested in a labor dispute constitute or are engaged in an unlawful combination or conspiracy because of the doing in concert of the acts enumerated in section 185.10.

[1933 c. 416 s. 5] (4260-5)

185.12 ASSOCIATIONS NOT RESPONSIBLE FOR ACTS OF INDIVIDUALS. No officer or member of any association or organization, and no association or organization, participating or interested in a labor dispute, shall be held responsible or liable in any court of the state for the unlawful acts of individual officers, members, or agents, except upon clear proof of actual participation in, or actual authorization of, such acts, or of ratification of such acts after actual knowledge thereof.

[1933 c. 416 s. 6] (4260-6)

185.13 LIMITED JURISDICTION OF COURT IN CERTAIN CASES. No court of the state shall have jurisdiction to issue a temporary or permanent injunction in any case involving or growing out of a labor dispute, except after hearing the testimony of witnesses in open court, with opportunity for cross-examination, in support of the allegations of a complaint made under oath, and testimony in opposition thereto, if offered, and except after findings of fact by the court, to the effect:

(1) That unlawful acts have been threatened and will be committed unless restrained, or have been committed and will be continued unless restrained, but no injunction or temporary restraining order shall be issued on account of any threat or unlawful act excepting against the person or persons, association, or organiza-

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tion making the threat or committing the unlawful act, or actually authorizing or ratifying the same after actual knowledge thereof;

(2) That substantial and irreparable injury to complainant's property will follow;

(3) That as to each item of relief granted greater injury will be inflicted upon complainant by the denial of relief than will be inflicted upon defendants by the granting of relief;

(4) That complainant has no adequate remedy at law; and

(5) That the public officers charged with the duty to protect complainant's property have failed to furnish adequate protection.

Such hearing shall be held after due and personal notice thereof has been given, in such manner as the court shall direct, to all known persons against whom relief is sought, and also to the chief of those public officials of the county and city within which the unlawful acts have been threatened or committed, charged with the duty to protect complainant's property. If complainant shall also allege that, unless a temporary restraining order shall be issued without notice, a substantial and irreparable injury to complainant's property will be unavoidable, such a temporary restraining order may be issued upon testimony under oath, sufficient, if sustained, to justify the court in issuing a temporary injunction upon a hearing after notice. Such a temporary restraining order shall be effective until hearing and decision on the petition for a temporary injunction unless theretofore revoked by the court, which hearing shall be held within ten days after issuance of a temporary restraining order unless defendants ask for additional time. Any temporary restraining order so issued shall become void at the expiration of this period of ten days unless renewed. No temporary restraining order or temporary injunction shall be issued except on condition that complainant shall first file an undertaking with adequate security, in an amount to be fixed by the court sufficient to recompense those enjoined for any loss, expense, or damage caused by the improvident or erroneous issuance of such order or injunction, including all reasonable costs, together with a reasonable attorney's fee, and expense of defense against the order or against the granting of any injunctive relief sought in the same proceeding and subsequently denied by the court.

The undertaking herein mentioned shall be understood to signify an agreement entered into by the complainant and the surety upon which a decree may be rendered in the same suit or proceeding against the complainant and surety, upon a hearing to assess damages, of which hearing complainant and surety shall have reasonable notice, the complainant and surety submitting themselves to the jurisdiction of the court for that purpose. Nothing herein contained shall deprive any party having a claim or cause of action under or upon such undertaking from electing to pursue his ordinary remedy by suit at law or in equity.

[1933 c. 416 s. 7] (4260-7)

185.14 FINDINGS OF FACT BASIS OF INJUNCTIONS OR RESTRAINING ORDERS. No restraining order or temporary or permanent injunction shall be granted in a case involving or growing out of a labor dispute, except on the basis of findings of fact made and filed by the court in the record of the case prior to the issuance of such restraining order or injunction; and every restraining order or injunction granted in a case involving or growing out of a labor dispute shall include only a prohibition of such specific acts as may be expressly complained of in the bill of complaint or petition filed in such case and as shall be expressly included in said findings of fact made and filed by the court as provided in sections 185.07 to 185.19.

[1933 c. 416 s. 8] (4260-8)

185.15 COURT TO CERTIFY PROCEEDINGS TO SUPREME COURT. When any court of the state shall issue or deny any temporary injunction in a case involving or growing out of a labor dispute, the court shall, upon the request of any party to the proceedings, and on his filing the usual bond for costs, forthwith certify, as in ordinary cases, the record of the case to the supreme court for its review. Upon the filing of such record in the supreme court, the appeal shall be heard and the temporary injunctive order affirmed, modified, or set aside, with the greatest possible expedition, giving the proceedings precedence over all other matters except older matters of the same character.

[1933 c. 416 s. 9] (4260-9)

185.16 RIGHT TO SPEEDY TRIAL. In all cases arising under sections 185.07 to 185.19 in which a person shall be charged with contempt in a court of the state, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the county and district wherein the contempt shall have been committed. This right shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice, or to apply to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court.

[1933 c. 416 s. 10] (4260-10)

185.17 PROCEEDINGS IN CONTEMPT CASES. The defendant, in any proceeding for contempt of court, may file with the court a demand for the retirement of the judge sitting in the proceeding, if the contempt arises from an attack upon the character or conduct of such judge, and if the attack occurred elsewhere than in the presence of the court or so near thereto as to interfere directly with the administration of justice. Upon the filing of any such demand, the judge shall thereupon proceed no further, but another judge shall be designated in the same manner as is provided by law. The demand shall be filed prior to the hearing in the contempt proceedings.

[1933 c. 416 s. 11] (4260-11)

185.18 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 185.07 to 185.19, shall be given the meanings subjoined to them.

Subdivision 2. **Case which involves or grows out of a labor dispute.** A case shall be held to involve or to grow out of a labor dispute when the case involves persons who are engaged in the same industry, trade, craft, or occupation; or have direct or indirect interests therein; or who are employees of the same employer; or who are members of the same or an affiliated organization of employers or employees; whether such dispute is (1) between one or more employers or associations of employers and one or more employees or associations of employees; (2) between one or more employers or associations of employers and one or more employees or associations of employees; or (3) between one or more employees or associations of employees and one or more employees or associations of employees, or when the case involves any conflicting or competing interests in a "labor dispute" of "persons participating or interested" therein.

Subdivision 3. **Persons participating or interested in labor dispute.** A person or association shall be held to be a person participating or interested in a labor dispute if relief is sought against him or it, and if he or it is engaged in the same industry, trade, craft, or occupation in which such dispute occurs, or has a direct or indirect interest therein, or is a member, officer, or agent of any association composed in whole or in part of employers or employees engaged in such industry, trade, craft, or occupation.

Subdivision 4. **Labor dispute.** The term "labor dispute" includes any controversy concerning terms or conditions of employment, or concerning association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether or not the disputants stand in the proximate relation of employer and employee.

Subdivision 5. **Court of the state.** The term "court of the state" means any court of the state whose jurisdiction has been or may be conferred or defined or limited by an act of the legislature.

[1933 c. 416 s. 12] (4260-12)

185.19 APPLICATION OF SECTIONS 185.07 TO 185.18. Sections 185.07 to 185.18 shall not be held to apply to policemen or firemen or any other public officials charged with duties relating to public safety.

[1933 c. 416 s. 15] (4260-15)

185.20 INJUNCTIONS BETWEEN EMPLOYERS IN LABOR DISPUTES. When any group of employers of labor, residing or operating in this state, have, by written agreement between themselves, agreed upon certain minimum wages to be paid to their employees, hours of labor, or other conditions of employment, and such agreement is wilfully violated, then, and in that event, any one or more of such employers, parties to the agreement, may, by an appropriate action in a district court, make application for a restraining order, temporary injunction, or permanent injunction, against the party or parties so violating the agreement, to

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restrain the violation thereof as to the minimum wages, hours of labor, and other conditions of employment specified in the agreement, and proof of wilful violation of the agreement in respect to any or either thereof, shall be sufficient grounds for the issuance of such restraining order, temporary injunction, or permanent injunction.

[1935 c. 292 s. 1] (4260-21)

185.21 LIMITATION OF SECTION 185.20. Section 185.20 shall not apply to actions to enjoin the violation of open or closed shop agreements, nor to actions to enjoin the violation of agreements or so-called codes of fair competition made or established pursuant to any state or federal law.

[1935 c. 292 s. 2] (4260-22)

185.22 SECTIONS 185.07 TO 185.19 NOT TO APPLY TO SECTION 185.20. The provisions of sections 185.07 to 185.19 shall not apply to actions or proceedings to which section 185.20 applies.

[1935 c. 292 s. 3] (4260-23)