

CHAPTER 175

DEPARTMENT OF LABOR AND INDUSTRY

Except for a few laws referring to the relations between master and servant, the first enactment relating to labor was the ten hour day law coded in G.S. 1866, c. 24.

L. 1870, c. 25, related to the collection and publication of statistics, the assistant secretary of state acting ex-officio as commissioner of statistics. L. 1887, c. 115, established a bureau of labor statistics under a commissioner appointed by the governor. L. 1893, c. 6, created a bureau of labor made up of the commissioner of labor, assistant commissioner, and a factory inspector.

L. 1907, c. 180, established free employment bureaus in cities of the first class; and L. 1907, c. 356, revised the laws relating to labor and created a bureau of labor and commerce. L. 1909, c. 497, created a women's department in the department of labor.

The first workmen's compensation act was L. 1913, c. 467. Prior to that date, L. 1887, c. 13, modified the common law rules relating to employer's liability for injuries to railway-employees.

L. 1913, c. 518, repealed certain sections of existing laws and created a department of labor and industry consisting of a bureau of statistics, a bureau of factory inspection, a bureau of women and children, and a bureau of state free employment, in charge of the commissioner, assistant commissioner, chief statistician and a woman superintendent of the bureau of women and children.

The duties of the minimum wage commission were transferred to the department by L. 1921, c. 84. By L. 1939, c. 363, certain duties relating to apprentice councils were imposed upon the department. The labor relations law was enacted by L. 1939, c. 440.

As now constituted the department of labor and industry (Industrial Commission) functions through seven divisions: (1) accident prevention; (2) boiler inspection; (3) statistics; (4) steamfitting standards; (5) voluntary apprenticeship; (6) women and children; and, (7) workmen's compensation.

175.02 INDUSTRIAL COMMISSION.

Where the members of the industrial commission are equally divided in opinion on an appeal from a referee's decision awarding compensation to an injured employee, an affirmance of the referee's decision occurs by operation of law. An accidental injury to an employee, while doing his work, caused by falling because of an epileptic seizure, arises out of the scope of his employment. *Steinberg v Raymond Co.*, 209 M 366, 296 NW 498; *Barlau v Minneapolis Moline*, 214 M 564, 9 NW(2d) 6.

Whether the industrial commission of Minnesota applied standards set up in Minnesota minimum wage law, whether it acted within or beyond authority conferred on it by the legislature, and whether its proceedings satisfied constitutional demands of due process were appropriate questions for judicial decision, and constituted questions of law which three-judge federal court was required to decide. *Western Union v Industrial Commission*, 24 F. Supp. 371.

175.09 QUORUM.

See, *Barlau v Minneapolis Moline*, 214 M 564, 9 NW(2d) 6, coded under section 175.02.

MINNESOTA STATUTES 1947 ANNOTATIONS

175.15 DEPARTMENT OF LABOR AND INDUSTRY

440

175.15 POWERS OF DEPARTMENT TRANSFERRED TO COMMISSION.

Constitutional history of industrial arbitration in Australia. 30 MLR 1.

175.17 POWERS AND DUTIES.

There is no distinction between the power of the commission over questions arising between employee and insurer or between employer and insurer for the benefit of the employee were those questions which arise directly between employer and employee. The commission may employ equitable principles in determining the questions committed by the legislature to its determination. *Frederickson v Burnes*, 175 M 539, 221 NW 910; *Steidal v Metcalf*, 210 M 101, 297 NW 324.

175.20 ENFORCEMENT.

Child labor amendment. 9 MLR 179.

Evidence before administrative tribunals. 23 MLR 68.

175.37 COOPERATION WITH U. S.

Where a Minnesota corporation sought to avoid the federal price discount law allowed on a meat shipment to Boston, by shipping to one customer for delivery to four, the full price must be charged and the injunction is in order. *Superior v Porter*, 156 F(2d) 193.