

CHAPTER 185

INJUNCTIONS AND RESTRAINING ORDERS RELATING TO LABOR
DISPUTES**185.01 EMPLOYEES PERMITTED TO ORGANIZE.**

Industrial disputes. 6 MLR 533.

Judicial intervention in internal affairs of labor unions. 20 MLR 657.

Labor disputes injunction act. 21 MLR 619.

Trade unions and labor legislation. 23 MLR 255.

Labor injunction in Minnesota 24 MLR 757.

185.02 RESTRAINING ORDER OR INJUNCTION, WHEN NOT ISSUED.

A "home" is not an industrial or business enterprise. Defendant's conduct in carrying a large banner immediately in front of a private home located in an exclusive residence district was sufficient to convict the one carrying the banner of disorderly conduct. *State v Cooper*, 205 M 333, 285 NW 903.

Although plaintiff corporation operates a hospital that is open to the public and maintains it without profit, its employment of nonprofessional maintenance employees brings it within the definition of employer as found in the labor relations act. Persons employed by the hospital are employees. *Northwestern Hospital v Public Building Service Union*, 208 M 389, 294 NW 215.

Where the matter in controversy was the "closed shop," the record does not justify a finding by the supreme court 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 and Drug Clerks Union*, 210 M 433, 298 NW 722.

Redress of grievances must be sought by exhaustion of intra-union remedies before there can be recourse to the courts. A trial de novo before the general executive board on appeal from the general president's decision appointing a trustee of a local union, absent expression of a contrary meaning, removes the matter to the general executive board for trial de novo. *Restaurant Employees Union v Hotel and Restaurant International*, 212 M 587, 4 NW(2d) 771.

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

Where a labor union or other private organization proceeds against its members or subordinate groups in violation of its constitution or by-laws, its actions in this respect are void for want of jurisdiction, and redress therefor may be had in the courts of such members or subordinate groups whose rights have been violated provided intra-union or intra-organization remedies have been first exhausted or that such remedies have been circumvented or denied. *Minn. Council State Employees v American Federation*, 220 M 179, 19 NW(2d) 414.

United States district courts have only such jurisdiction in labor disputes as have been granted by congress, and cannot grant injunctive relief restraining strikes. "If controversies arising by virtue of the procedure set forth by the national labor act are labor disputes within the definition of the Norris-La Guardia act, then the provisions of the latter are equally applicable to them," following

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Burlington Mills v Textile Workers, 44 F. Supp. 699, 704. Yoerg v Brennan, 59 F. Supp. 629.

Enforcement of collective bargaining contract by union. 15 MLR 251.

Violation of prior injunction against unlawful picketing as a grounds for blanket injunction against all picketing. 16 MLR 118.

Federal anti-injunction act. 16 MLR 638.

1933 anti-injunction law. 18 MLR 184.

Effect of illegal acts in the course of picketing on the right to injunction against all picketing, under the anti-injunction act. 24 MLR 131.

Labor injunction in Minnesota. 24 MLR 757.

Invalidity of injunction issued by a state court to restrain employee from prosecuting an action in federal court. 26 MLR 404.

Scope of peaceful picketing. 28 MLR 198.

185.07 JURISDICTION OF COURT LIMITED.

To be regarded as a "labor dispute" within the anti-injunction act, the dispute must relate to a controversy concerning terms or conditions of employment. Minnesota Council v American Federation, 220 M 179, 19 NW(2d) 414.

1933 anti-injunction act. 18 MLR 184.

Minnesota labor disputes injunction act. 21 MLR 467, 619; 24 MLR 757.

Bill of rights. 23 MLR 719.

Determination of propriety of injunction against picketings by weighing relative bargaining power of parties to a labor dispute. 23 MLR 853.

Effect of illegal acts in the course of picketing on the existence of a labor dispute and on the right to injunction against all picketing under anti-injunction act. 23 MLR 855.

Effect of anti-injunction act upon conviction of peaceful picket for disorderly conduct. 24 MLR 132.

Privilege of labor union to use designed coercion to cause a breach of contract. 25 MLR 247.

185.14 FINDINGS OF FACT BASIS OF INJUNCTIONS OR RESTRAINING ORDERS.

In an injunction case in a claimed labor dispute the first question for decision is whether that claim is well founded. If it be erroneously decided and without finding of facts, an injunction issues upon the ground that no labor dispute is presented; the decision, even though erroneous, is not subject to collateral attack in proceedings to punish a violator of the injunction for contempt. Reid v Independent Union, 200 M 599, 275 NW 300.

185.15 COURT TO CERTIFY PROCEEDINGS TO SUPREME COURT.

Entitled to speedy and satisfactory review within statutory limits. Reid v Independent Union, 200 M 599, 275 NW 300; Minnesota Council v American Federation, 220 M 179, 19 NW(2d) 414.

185.18 DEFINITIONS.

"Labor dispute" defined. Reid v Ind. Union, 200 M 599, 275 NW 300.