

CHAPTER 182

EQUIPMENT, PLACES OF EMPLOYMENT; REGULATION

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182.01 DANGEROUS MACHINERY; POWERS OF DEPARTMENT. The in-taking side of all engaging-toothed or other gears, rolls, drums, and slides of every description on any type of machine; the spaces between fixed and moving parts of or at any machine, or between the latter or any part of it and structures near it, leaving insufficient clearance for any person employed thereon or near it; all pulleys and clutches; all belts, cables, bands, and driving ropes or chains; all fly wheels, shafting, spindles, levers, connecting rods and links, couplings, or projections thereon, or upon reciprocating or moving parts of machines; all counter weights and balance gears and their suspension; all dangerous parts of machinery; all systems of electrical wiring and transmissions; all dynamos and other electrical apparatus and appliances of every description; and all prime movers in any factory, school, mercantile establishment, mill, workshop, engineering operation, or other places where persons are employed, or otherwise engaged, shall be fenced, boxed, or otherwise protected to the fullest degree practicable. The above shall apply only to all machinery and apparatus above described when located less than six feet above the working floor. All machinery, apparatus, furniture, fixtures, ways, structures, and other equipment shall be so placed or guarded in relation to one another as to be safe for all persons thereabouts employed, and all points which are rendered unsafe by the relative positions of such things shall be securely guarded. Every dangerous place of every description in or near to which any employee is obliged to pass or to be employed, shall be securely fenced, enclosed, or otherwise protected. No grindstone, tool, appliance, or machine of any description, shall be used when the same is known to be cracked or otherwise defective. If a machine or any part thereof is in a dangerous condition, or is not properly guarded, the use thereof may be prohibited by the department or any factory inspector and a notice to that effect shall be attached thereto. Such unsafe or dangerous machinery shall not be used until made safe.

[1913 c 316 s 1; Ex1967 c 1 s 6] (4141)

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182.02 BELT SHIFTERS, LOOSE PULLEYS, EXHAUST FANS. Every owner of a factory, mill, or workshop where machinery is in use shall furnish or cause to be furnished, when practicable, belt shifters or other safe mechanical contrivance for the purpose of throwing belts on or off pulleys; and, when practicable, machinery shall be provided with loose pulleys. When, in the opinion of the department, it becomes necessary, exhaust fans of sufficient power or other devices shall be provided for carrying off dust from emery wheels, grindstones, and other dust-creating machinery.

[1913 c 316 s 2; Ex1967 c 1 s 6] (4142)

182.03 COMPULSORY COMMUNICATION BETWEEN WORKROOMS. Where the machinery in any room is propelled by power transmitted directly from another room or from another building, and the machinery in each workroom cannot be disconnected and stopped in such workroom, communication shall be provided between each workroom in which machinery is placed and the room in which the engineer or other person having control of the power-generating apparatus is stationed, by means of speaking tubes, electric bells, telephones or appliances that may control the motive power.

[1913 c. 316 s. 3; 1919 c. 107 s. 1] (4143)

182.04 PRIME MOVER, DISTANCE FROM FLOOR. No part of the motors, gearing, belts, pulleys, shafts, or clutches or other apparatus conveying the power of a prime mover to machines shall be less than six feet from the floor unless it is securely guarded.

[1913 c. 316 s. 4] (4144)

182.05 DANGEROUS MACHINERY TO BE GUARDED. When practicable the points of danger in any machine or mechanism shall be securely guarded by the maker, and the manufacture, sale, loaning or leasing of any machine or mechanism not so guarded is hereby prohibited.

[1913 c 316 s 5; 1955 c 678 s 1] (4145)

182.06 RAILS AND FOOT GUARDS; STAIRWAYS. All vats, pans, or other receptacles containing molten metal or hot or corrosive liquids, or otherwise dangerous liquids, below the floor level; all pits or other openings in the floor or surface of the ground; all gangways and inclined footways, or other places from which a person might fall, shall be provided with adequate hand rails and foot guards or other equally effective protection, and in establishments where women are employed, or where it is deemed necessary by the department, stairways shall be built solid and without openings between the treads.

[1913 c 316 s 6; Ex1967 c 1 s 6] (4146)

182.07 WHAT PLACES LIGHTED. All stairways and inclined footways and all points where there is a break or change in the floor level or in the character of the floor surface where persons may have to walk or pass, and all dangerous places, all prime movers, and all moving parts of machinery where, on or about which persons work or pass, or may have to work or pass in emergencies, shall be kept properly and sufficiently lighted during working hours.

[1913 c. 316 s. 7] (4147)

182.08 REMOVING SAFETY APPLIANCES. No employees in any factory, mill, workshop, or upon any engineering work, nor any other person, by permission or otherwise, shall remove, displace, or destroy any guard for dangerous machinery, or other safety device, which the employer shall have provided under the requirements of any law, save under rules established by the employer therefor. Safety appliances removed for the purpose of making repairs, adjustments, or for other purposes permitted or required by the employer, shall be immediately replaced when such purpose is accomplished.

[1913 c. 316 s. 8] (4148)

182.09 CHILDREN UNDER 16 NOT TO BE EMPLOYED IN CERTAIN OCCUPATIONS. No children under the age of 16 years shall be employed at sewing belts, or to assist in sewing belts in any capacity whatever; nor shall any such children adjust any belt to any machinery; they shall not oil, or assist in oiling, wiping or cleaning machinery; they shall not operate or assist in operating circular or band saws, wood-shapers, wood-jointers, planers, and paper or wood-polishing machinery, emery or polishing wheels used for polishing metal, wood-turning or boring machinery, stamping machines in sheet metal and tinware manufacturing, stamping machines in washer and nut factories; nor as pin boys in bowling alleys; they shall not operate or assist in operating dough brakes of cracker machinery of

any description; wire or iron straightening machines, nor shall they operate or assist in operating rolling mill machines, punches or shears, washing, grinding or mixing mill or calendar rolls in rubber manufacturing; nor shall they operate or assist in operating laundry machinery; nor shall they be employed in any capacity in preparing any composition in which dangerous or poisonous acids are used; and they shall not be employed in any capacity in the manufacture of paints, colors or white lead; nor shall they be employed in any capacity whatever in the manufacture of goods for immoral purposes, or any other employment dangerous to their lives or limbs or their health or morals. No woman shall be required or permitted to oil or clean moving machinery.

No person shall employ or permit any child under the age of 16 years to have the care, management or operation of any elevator, nor shall they be employed in operating any steam boiler or other steam generating apparatus.

[1913 c. 316 ss. 9, 10] (4149, 4150)

182.10 CROWDING OF FLOOR SPACE PROHIBITED. The floor space in any factory, mill, workshop, or mercantile establishment shall not be crowded with machinery in a manner dangerous to employees, or in excess of the sustaining power of floors or walls, nor be overcrowded with materials or products so as to be a menace to employees or in excess of the sustaining power of the floor and walls.

[1913 c. 316 s. 11] (4151)

182.11 PROTECTION OF HOISTWAYS, ELEVATORS. Every hoisting apparatus used in the construction of any building; every hoistway, hatchway, elevator well, and wheel hole in any factory, mill, workshop, storehouse, wareroom, or store shall be securely protected on each floor by a substantial barrier at least three feet and six inches high, which shall be kept closed except when necessarily opened for use. Every elevator car used for either freight or passengers shall be provided with some suitable mechanical device by which it can be securely held, in the event of accident, to the rope or hoisting machinery.

[1913 c. 316 s. 12] (4152)

182.12 SCAFFOLDS, HOISTS; DUTY OF INSPECTOR; OVERHEAD WALKS. When practicable, all scaffolds, hoists, cranes, stays, supports, or other mechanical contrivances, erected or constructed by any person, firm, or corporation, in this state, for the use in erection, repairing, alteration, removal, cleaning, or painting of any house, building, bridge, viaduct, or other structure shall be erected and constructed in a safe, suitable, and proper manner and so erected and constructed, placed, and operated as to give proper and adequate protection to the life and limb of any person employed or engaged thereon, and to any person or employee passing under or in proximity to the same. When a state factory inspector shall find that the scaffolding, or the slings, hangers, blocks, pulleys, stays, braces, irons, or ropes of any swinging or stationary scaffolding, platform, or other similar device used in the construction, alteration, repairing, removing, cleaning, or painting of buildings, bridges, or viaducts within this state or in factories, workshops, mills, or mercantile establishments are unsafe or liable to prove dangerous to the life or limb of any person, he shall at once notify the person responsible for its creation or maintenance, either personally or by mail, and a notice of danger shall also be affixed to the scaffold, platform, or other such device, which shall be made safe before further use. Wherever practicable, scaffolding, staging, runways, oiling platforms, and all other overhead walks or standing places among or suspended from an overhead support, or rising from the ground floor and more than five feet from the ground or floor, shall have a safety rail properly bolted or otherwise fastened, secured, and braced, rising at least 34 inches above the floor of the scaffolding, staging, platform, or other overhead walk or standing place, and extending along the entire length of the outside and ends thereof, and properly attached thereto, unless equal protection is afforded in another manner, and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure to which it is attached or toward which an employee must work. Persons employed upon swinging scaffolds shall use a life line securely fastened to their persons and to some support other than the swinging scaffold.

[1913 c. 316 s. 13] (4153)

182.13 SUBSTANTIAL CONSTRUCTION, REPAIR. All floors, standing places, stairways, inclined footways, and ladders and all hand rails or similar protection

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shall be of substantial construction and at all times shall be kept in good order and repair and so as to be firm and safe for the uses to which they are put.

[1913 c. 316 s. 14] (4154)

182.14 BUILDINGS OF THREE STORIES IN CONSTRUCTION; PLANKING IRON OR STEEL BEAMS. On all buildings three stories or more in height, where floor beams are of iron or steel, the contractor for the iron or steel work of such buildings in the course of construction, or the owners of such buildings, shall plank over the entire tier of iron or steel beams on the floor next below the one on which such structural iron or steel is being erected, except such space as may be reasonably required for the proper construction of such iron or steel work, and for the raising and lowering of materials to be used in the construction of such buildings, or such spaces as may be designated by the plans and specifications for stairways, elevator-shafts and other openings.

[1913 c. 316 s. 15] (4155)

182.15 WARNING NOTICES. The employer shall post such warning notices and instructions and cause dangerous places to be indicated in such manner as the department shall require.

[1913 c. 316 s. 16; Ex1967 c. 1 s. 6] (4156)

182.16 FIRE ESCAPES; DOORS; HAND RAILS. Every building in which laborers are employed shall be provided with sufficient means of escape in case of fire, by more than one way of egress, each of which shall be at all times free from obstruction and ready for immediate use, and every such egress shall be provided with a sign having on it the word "exit" in letters not less than five inches in height and so as plainly to indicate to persons within the building the location of such egresses. Every door leading in or to any such building shall be so constructed as to open outward, when possible, and shall not be so fastened during the working hours as to prevent free egress. Substantial hand rails shall be provided on all stairways in every such building.

[1913 c. 316 s. 17] (4157)

182.17 FIRE ESCAPES; COUNTERBALANCE STAIRS. If any such building where persons are employed be more than two stories high, it shall be the duty of the owner of such building to provide at least one fire-escape, and as many more as the department may require, not exceeding one additional escape for every 100 persons employed above the first floor. Every such fire-escape shall be on the outside of the building, connecting on each floor above the first with at least two openings; shall be well fastened and secured, with landings not less than six feet in length and three feet in width; guarded by an iron railing not less than three feet in height. Such landings shall be connected by iron stairs, not less than two feet wide, and with steps of not less than six-inch treads, placed at an angle of not more than 45 degrees, and protected by a well-secured hand rail on both sides, with a counterbalanced stair, two feet wide, reaching from the lower platform to the ground. Such fire-escape shall be sufficient if constructed on any other plan approved by the department. The openings of each fire-escape shall be as far as practicable from the stairway and elevator shafts, and the ladder of each fire-escape shall extend to the roof. Stationary stairs or ladders shall also be provided on the inside from the upper story to the roof. All doors opening on to a fire-escape shall be metal covered, and all glass used in doors or windows above the first floor opening on to a fire-escape or directly under a fire-escape shall be wire glass set in metal frames. Such fire-escape shall be kept free of snow, ice, and all other obstructions. A suitable disposition shall be made of all inflammable articles and suitable waste cans or barrels shall be provided for the proper handling of sweepings, oily waste or other combustible material as directed by the department. Such inflammable waste and materials shall be removed from the workrooms each day and not permitted to accumulate. Each factory, mill, and workshop more than two stories high shall also be provided with inside and outside standpipes, and with hose connected therewith, as required in the case of hotels of the same height, and with chemical fire-extinguishers or pails of water or sand on each floor, always ready for use. When a building is equipped with an automatic sprinkler system, installed in accordance with the rules of the board of fire underwriters, inside standpipes or other extinguishing apparatus shall only be required when deemed necessary by the department.

[1913 c. 316 s. 18; 1919 c. 108 s. 1; Ex1967 c. 1 s. 6] (4158)

182.177 DEFINITIONS. Subdivision 1. **Terms.** For the purposes of sections 182.177 to 182.179 and 182.18, unless the context otherwise requires, the terms defined in this section have the meanings ascribed to them.

Subd. 2. **Business property.** "Business property" means a building or other structure owned or used for business purposes; but it does not include a private residence, multiple dwelling in which there are fewer than four separate apartments, rooming house in which there are fewer than four rooms let to roomers, or rest or nursing home in which accommodations are furnished for the care of fewer than four persons.

Subd. 3. **Fireman.** "Fireman" includes the state fire marshal, deputy fire marshal, and an officer or other employee, or a duly enrolled member of a municipal fire department.

Subd. 4. **Policeman.** "Policeman" includes the superintendent and any other officer or employee of the state bureau of criminal apprehension, a constable, sheriff, deputy sheriff, and an officer or other employee of a municipal police department.

Subd. 5. **Safety rule.** "Safety rule" means a statute, ordinance, or a regulation or order issued by authority of a statute or ordinance, having as a purpose the safety or protection of any person.

[1951 c 559 s 1]

182.178 VIOLATION OF SAFETY RULE. An owner of business property or the person responsible or liable for the repair, maintenance and care of such property, whose violation of a safety rule in connection with the construction, repair or remodeling of such property, of which he has actual notice, is a cause of the injury or death of a fireman or policeman while performing his duties as policeman or fireman, is liable in a civil action for the injury or death so caused.

[1951 c 559 s 2]

182.179 CERTAIN RIGHTS NOT AFFECTED. Sections 182.177 to 182.18 do not affect the right of

(a) a fireman or policeman or the personal representative or dependent of a fireman or policeman to recover compensation or other benefits provided by law, or

(b) the employer of a fireman or policeman to subrogation under Minnesota Statutes, Chapter 176.

[1951 c 559 s 3]

182.18 OWNER'S LIABILITY; NOTICE. No liability to any person other than an employee, fireman, or policeman shall attach to any owner of any factory, mill, workshop, engineering works, or mercantile establishment, because of the provisions of sections 182.01 to 182.20, until notice to comply with the terms thereof has been served upon such owner by an officer or employee of the department of labor and industry, and reasonable time to comply with such notice has elapsed.

[1913 c 316 s 19; 1951 c 559 s 4] (4159)

182.19 PROSECUTION FOR VIOLATIONS, WHEN COMMENCED. Every person who violates or fails to comply with any requirement of sections 182.01 to 182.20, or disregards any order, notice, or direction of any member or employee of the department of labor and industry made in accordance with its provisions, or who obstructs or interferes with any inspection being made pursuant thereto, or who removes from any machine any notice stating that such machine is dangerous and unsafe, or who operates any such machine while such notice is attached and such machine is still unguarded and unsafe, shall be guilty of a misdemeanor, the minimum penalty whereof shall be a fine of \$25 or imprisonment for 15 days. When notice is required before prosecution, no criminal proceeding shall be commenced until 30 days after such notice, nor then, if within such time the requirements of the notice have been met. If such requirement be to put a water-closet or privy in sanitary condition, where the only defect is due to carelessness in its management, or to put an elevator in safe condition, only 48 hours shall be allowed. In case of application to the court to restrain, the time aforesaid shall not begin to run until the decision thereon.

[1913 c. 316 s. 20] (4160)

182.20 INTERPRETATION AND DEFINITION OF TERMS. The term "prime mover," as used in sections 182.01 to 182.20, includes all steam, gas, oil, or other kinds of engines, and also all electrical apparatus which generates, converts, or transmits power.

The words "guard," "guarded," "safeguard," "safeguarded" and "protection"

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shall be given a broad interpretation, so as to include any practicable method of mitigating or preventing a specific danger.

[1913 c. 316 s. 21] (4161)

182.21 CORN SHREDDERS; SAFETY DEVICES TO BE APPROVED BY DEPARTMENT; PROHIBITING SALE. No person, firm, or corporation shall sell, offer or expose for sale any machine to be operated by steam or other power for the purpose of husking or shredding corn or corn stalks unless the machine shall be provided with reasonable safety devices approved by the department for the protection from accidents from the snapping rollers and husking rollers and so guarded that the person feeding the machine shall be compelled to stand at a reasonably safe distance from the snapping rollers.

[1911 c. 354 s. 1; Ex1967 c. 1 s. 6] (4163)

182.22 MACHINES PURCHASED PRIOR TO ACT. No person, firm, or corporation shall use, operate, or permit to be used or operated any such machine purchased prior to the passage and publication of sections 182.21 to 182.23, unless during all the time such machine shall be used and operated it shall be in charge of a competent person whose sole duty shall be to oversee and attend to the operating and use of the same.

[1911 c. 354 s. 2] (4164)

182.23 VIOLATIONS; PENALTIES. Any such person, firm, or corporation who shall violate any of the provisions of sections 182.21 and 182.22 shall be punished by a fine of not less than \$25 nor more than \$100 for each offense.

[1911 c. 354 s. 3] (4165)

182.24 EMPLOYER MUST FURNISH PROTECTIVE DEVICES. It shall be unlawful for any employer of labor in this state to require or permit any employee to engage in any occupation or process of employment in which there is danger of serious injury to the eyes of such employee, or of surrounding workmen, from flying objects or particles thrown by machines or tools, or from the splashing of hot substances or chemicals, unless and until the employer shall furnish to each employee subjected to such hazards goggles, helmets, or other practical protective devices to prevent such injuries.

[1921 c. 113 s. 1] (4166)

182.25 EMPLOYEE MUST WEAR PROTECTIVE DEVICE. It shall be unlawful for any employee to engage in any occupation or process of employment mentioned in section 182.24 unless he shall wear or use the protective devices furnished by the employer during the entire time he is engaged in such occupation or employment.

[1921 c. 113 s. 2] (4167)

182.26 APPLICATION OF SECTIONS 182.24 TO 182.28. The provisions of sections 182.24 to 182.28 shall not apply to persons employed in steam and electric transportations.

[1921 c. 113 s. 2½] (4168)

182.27 DEPARTMENT TO APPROVE DEVICES. The goggles and helmets required in section 182.24 shall be of a design and material approved by the department for the purposes required, and furnished separately for each employee using them without cost to the employee and no employee shall be required nor shall he use the goggles or helmet furnished to another until the same has been adequately sterilized to prevent the transmission of diseases.

[1921 c. 113 s. 3; Ex1967 c. 1 s. 6] (4169)

182.28 FAILURE TO FURNISH PROTECTIVE DEVICES. Every employer neglecting or refusing to furnish the goggles, helmets, or other protective devices so required, after being notified to do so by the department or its assistants, or who requires an employee to use the goggles or helmet provided for another employee before the same has been properly sterilized, and any employee who neglects or refuses to use the devices furnished by the employer, or who uses the goggles or helmet furnished to another before it has been properly sterilized, shall be guilty of a misdemeanor, punishable by a fine of not less than \$25 or by imprisonment for not less than 15 days. Violations of sections 182.24 to 182.28 shall not affect the right of an employee to compensation or to damages under the laws of this state for injury sustained by neglect to comply with the requirements thereof. These sections shall not apply to nor include farm labor.

[1921 c. 113 s. 4; Ex1967 c. 1 s. 6] (4170)

182.29 ALL PLACES OF EMPLOYMENT, DEFINED. The term "all places of employment," as used in sections 182.29 to 182.47, means any place, either inside or outside, where any business or industry is carried on and in which persons are employed, and includes factories, mills, workshops, laundries, dyeing and cleaning establishments, mercantile establishments, offices and office buildings, hotels, restaurants, theaters and other places of amusement, transportation systems, public utilities, engineering works, the erection of buildings, and yards; but shall not be construed to apply to domestic service or agricultural labor.

[1919 c. 491 s. 1] (4171)

182.30 DUTY OF EMPLOYER. In all places of employment it shall be the duty of the employer to keep the floors and walls of buildings or parts of buildings, the grounds surrounding such buildings, and the machinery, fixtures, and utensils in such buildings over which he may have control in as clean and sanitary a condition as the nature of the industry will permit. Where wet processes are used the floors must be so drained that there is no measurable depth of water in which employees must stand while working. Where practicable dry standing room must be provided for all employees. Suitable receptacles shall be provided and used for the storage of waste and refuse; such receptacles shall be maintained in a sanitary condition. All waste, refuse, sweepings, and decomposed matter shall be removed from such buildings daily and in such manner as not to cause a nuisance. All cleaning shall be done as far as possible out of working hours; but, if done during working hours, shall be done in such a manner as to avoid unnecessary raising of dust or noxious odors. All such places of employment shall be well drained and the plumbing thereof at all times kept in proper repair and in a clean and sanitary condition. In all such places of employment the floors shall be scrubbed and the walls cleaned whenever and so often as the department deems it necessary.

[1919 c 491 s 2; Ex1967 c 1 s 6] (4172)

182.31 ARRANGEMENTS AND CONDITIONS OF INTERIOR OF BUILDINGS. Every place of employment used for the preparation, manufacture, sale, or storage of food products shall be properly lighted, drained, plumbed, and ventilated and conducted with strict regard to the influence of such conditions upon the health of persons therein employed and the purity and wholesomeness of the food products therein prepared, manufactured, sold, or stored. The side walls and ceilings of all rooms used for the purposes named in this section shall be of a material that can easily be cleaned and kept clean and limewashed or painted when in the opinion of the department the same is necessary. The floors in such places shall be impermeable and made of cement or tile laid in cement, brick, wood, or other suitable non-absorbent material which can be flushed and washed clean with water or otherwise kept in a clean and sanitary condition. The doors, windows, and other openings of such places shall where practicable be fitted with stationary or self-closing screen doors and wire window screens during such months as they are necessary to exclude flies and other insects. No employee of any such place shall expectorate or discharge any substance from his mouth or nose on the floor or interior side wall of any room used for the purposes mentioned in this section. Cuspidors shall be provided for the use of employees, and each cuspidor shall be emptied and washed out daily with disinfectant solution and a portion of such solution shall be left in each cuspidor while in use. No water-closet, earth-closet, privy, ash pit, or sleeping room for employees shall be in or communicate directly with any room used for the purposes mentioned in this section. All employees of such places engaged in the manufacture and handling of bakery products shall wear clothing of washable material which shall be used for that purpose only and such garments shall be kept clean at all times.

[1919 c 491 s 3; Ex1967 c 1 s 6] (4173)

182.32 VENTILATION. In every place of employment the employer shall provide in each workroom thereof, proper and sufficient means of ventilation and maintain proper and sufficient ventilation. If excessive smoke, steam, gas, fumes, vapors, dust, or other impurities are created or generated by the manufacturing process or handicraft carried on therein in sufficient quantities to obstruct the vision or to be irritating, obnoxious, or injurious to the health or safety of the employees therein, the rooms shall be ventilated in such manner as to remove them or render them harmless so far as is practicable. If in the opinion of the department it is deemed necessary, it may order the installation of exhaust fans and other mechanical means of a proper construction to effectively remove from the point of origin

such smoke, steam, gases, fumes, vapors, dust, or other impurities. If the removal of such smoke, steam, gases, fumes, vapors, dust, or other impurities is, because of the nature of the process, impracticable the department may, if it deems it necessary to the health of the workers in any place of employment, order the isolation of such process or handicraft in a separate room or building.

[1919 c 491 s 4; Ex1967 c 1 s 6] (4174)

182.33 LIMITATION OF EMPLOYEES IN ROOM. No more employees shall be required or permitted to work in a room in any place of employment than will allow to each of such employees not less than 400 cubic feet of air space, unless by a written permit of the department such amount of air space for each employee may temporarily be reduced to not less than 250 cubic feet of air space. No such permit shall be issued for a room in which smoke, gas, fumes, dust, or vapors are generated or in which there are fires consuming oxygen.

[1919 c 491 s 5; Ex1967 c 1 s 6] (4175)

182.34 HEAT AND VENTILATION. In every place of employment the workrooms shall, so far as the nature of the industry will permit, be properly heated during cold weather. In every place of employment where excessive heat be created in any of the workrooms by the nature of the process therein carried on, it shall be the duty of the employer to provide heat deflectors, exhaust fans and such other mechanical means that are necessary to protect from the heat and to carry off so far as practicable such excessive heat and to cool off such workrooms. It shall be unlawful in any place of employment to establish any process or handicraft which creates excessive heat in any workroom the ceiling of which is less than eight feet from the floor of such workroom or the floor of any balcony in such workroom.

The use of salamanders or other heaters that discharge smoke or gas into a workroom in which workers are employed is permitted under the following conditions:

(a) In a completed building, if the installation conforms in every respect to the local building codes; if the installation uses fresh air taken entirely from outside the building; and if the carbon monoxide content of the room's atmosphere does not exceed fifty parts to one million parts of air at any time.

(b) In the erection or remodeling of buildings, if the carbon monoxide content of the room's atmosphere does not exceed fifty parts to one million parts of air at any time.

[1919 c 491 s 6; 1967 c 387 s 1] (4176)

182.35 TOILET FACILITIES. In every place of employment there shall be provided adequate toilet facilities, which shall be located conveniently to and easily accessible from all places where persons are employed; except where not more than one person is employed at the same time the toilet facilities may be in a separate building providing the same is easily accessible and conveniently located. Each water-closet, urinal, lavatory, or slop sink located in a toilet room, must be connected with a sewer system, where a sewer system is available. Indecent or suggestive marks, pictures, or words are forbidden in toilet rooms and such defacement when found by the employer must be at once removed.

[1919 c 491 s 7; 1969 c 271 s 1] (4177)

182.36 SANITATION. All toilet rooms not having sewer connection and maintained outside of buildings where persons are employed, shall on new installations be at least 25 feet from such buildings. In all places of employment where the workers are exposed to excessive heat, humidity, or fatigue from physical exertion, there shall be a covered passageway connecting the buildings with such toilet or toilets.

[1919 c. 491 s. 8] (4178)

182.37 SEPARATE TOILETS. In all places of employment where five or more persons are employed and are of opposite sex, separate toilets for each sex shall be provided and maintained. Such toilets shall be so marked as to designate plainly and distinctly the sex for whose use they are intended, and no person shall be allowed to use the toilet room assigned to the opposite sex.

[1919 c. 491 s. 9] (4179)

182.38 CONSTRUCTION OF TOILETS. The toilets in all places of employment must be so constructed as to insure privacy. The outside partitions of all toilet rooms shall be of solid construction, and may be opaque or translucent, but not transparent, and extend from floor to ceiling, or such rooms shall be indepen-

dently ceiled over. All partitions separating toilet rooms provided for the different sexes shall be constructed of such materials as are not transparent or translucent, and they shall be soundproof, and no opening in such partitions shall be permitted. If the water-closet is not located within a separate compartment in the toilet room, the entrance to such toilet room shall be provided with a screen of sufficient height and width to insure privacy. The floors of all toilet rooms shall be tight, smooth and constructed of a material that can be kept in a sanitary condition. The walls and ceiling shall be tight and of such substance that can be readily cleaned and kept clean.

[1919 c. 491 s. 10] (4180)

182.39 TOILETS IN PERFECT CONDITION. In all places of employment the toilet rooms, and every part thereof, including the floor, walls, and ceiling, and all fixtures therein, must be kept in a clean condition. All toilet rooms and water-closet compartments shall be adequately illuminated by natural or artificial light. All toilet rooms not lighted by windows that open easily shall be adequately ventilated to the outside air by artificial means. All toilet facilities shall be adequately protected to prevent the entrance and breeding of flies, so far as practicable. All toilet rooms wherever practicable shall be adequately heated at all times.

[1919 c. 491 s. 11] (4181)

182.40 RATIO OF TOILETS. In all places of employment water-closets shall be provided in the following number and ratio: When there are 100 or less persons on a shift employed, there shall be one water-closet for every 20 persons; when there are 100 to 500 persons on a shift, there shall be one water-closet to every 30 persons; when there are 500 to 1,000 persons on a shift, there shall be one water-closet to every 35 persons, and when there are over 1,000 persons on a shift, there shall be one water-closet to every 40 persons.

When there are more than 100 men employed on a shift, there shall be provided, in addition to the water-closets required by this section, one urinal for every 50 men.

Urinals shall be either individual or slab urinals. At least two feet of slab urinal shall be considered the equivalent of one individual urinal.

[1919 c. 491 s. 12] (4182)

182.41 WASHING BASINS AND INDIVIDUAL TOWELS. Every place of employment shall provide, without expense to the employee, adequate facilities for washing the hands and faces of the employees. Individual towels shall be provided by the employer, and the use of towels in common is prohibited.

In all places where food is prepared or manufactured; in all places where poisonous or injurious materials are handled by the employees, and in all places where the employees are required by the nature of the process at which they are employed to become covered with oil, grease, soot, or other material not easily removed, the employer shall provide hot and cold water and soap in sufficient quantities to permit employees to make themselves clean.

[1919 c. 491 s. 13] (4183)

182.42 DRESSING ROOMS. In every place of employment in which a change of clothing is necessary for any of the employees in doing their work, suitable dressing rooms shall be provided and shall be separate for the sexes. All such dressing rooms shall be kept in a clean and sanitary condition and be adequately ventilated. In all places of employment where poisonous compounds are handled by the employees, facilities for hanging and storing both working and street garments shall be provided so that they will not come in contact with each other, or with the garments of others. All such dressing rooms shall be enclosed by means of solid partitions or walls, separated from toilet rooms, and have at least one window opening to the outer air or other means of properly ventilating such rooms.

[1919 c. 491 s. 14] (4184)

182.43 EATING OF FOOD. In every place of employment it shall be unlawful to keep or eat any food in a room in which the dust or fumes of poisonous compounds are present. In such places of employment the employer shall provide a suitable place in which employees may eat their meals. No employee engaged in handling such poisonous compounds shall go out or be allowed to go out for lunch or to eat his lunch on the premises, without first washing his hands, and, if necessary, washing his face.

[1919 c. 491 s. 15] (4185)

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182.44 SEATING CAPACITY. In all places of employment where women are employed, the employer shall provide and maintain suitable seats, with proper backs where practicable, for the use of such women employees, and permit the use thereof by such employees to such an extent as may be reasonable for the preservation of their health. In all places where women are engaged in work which can be properly performed in a sitting posture, suitable seats, with backs where practicable, shall be supplied in every factory for the use of all such women employees and be permitted to be used at such work. The department may determine when seats, with or without backs, are necessary, and the number thereof.

[1919 c 491 s 16; Ex1967 c 1 s 6] (4186)

182.45 DRINKING WATER. Every place of employment shall provide, without expense to the employees, an adequate supply of pure drinking water. When practicable ice used for cooling purposes shall be applied in such manner that the ice itself shall not come in contact with the drinking water and the water from the melting ice shall not become mixed with the drinking water. In all places of employment where no running water can be provided, the receptacle for holding the drinking water shall at all times be kept in a clean and sanitary condition and must be kept covered to prevent dust or impurities from entering such receptacle.

[1919 c. 491 s. 17] (4187)

182.46 WHEN OWNER RESPONSIBLE. When any building is occupied by more than one place of employment and the halls, stairs, toilets, or other portions of the building are used jointly by more than one tenant or in which conditions prohibited by sections 182.29 to 182.47 are jointly created by more than one tenant it shall be the duty of the owner of the building to carry out the provisions of those sections. The owner of any such building may arrange by agreement with one or more of his tenants to assume responsibility for carrying out such provisions.

[1919 c. 491 s. 18] (4188)

182.47 ENFORCEMENT OF SECTIONS 182.29 TO 182.47. It shall be the duty of the department to enforce the provisions of sections 182.29 to 182.47. Thirty days notice shall be given for any new installations required by those sections before any criminal proceedings shall be commenced; but the department may, for good cause shown, extend the time to a longer period. All orders to place toilets, floors, and receptacles in a sanitary condition shall be complied with within 48 hours. Any person, firm, or corporation violating the provisions of those sections or failing to comply, in the time specified, with any order of the department shall be guilty of a misdemeanor, punishable by a fine or imprisonment at the discretion of the court. Any person, firm, or corporation aggrieved at any order of the department issued pursuant to those sections may apply for a restraining order to the district court in the manner and as provided in section 175.25.

[1919 c 491 s 19; Ex1967 c 1 s 6] (4189)

182.48 UNDERGROUND APARTMENTS. No basement, cellar, underground apartment, or other place which the department shall condemn as unhealthy and unsuitable shall be used as a workshop, factory, or place of business in which any person shall be employed.

[1909 c 289 s 1; Ex1967 c 1 s 6] (4191)

182.49 VIOLATION OF SECTION 182.48. Any person, firm, or corporation violating any of the provisions of section 182.48 shall be guilty of a misdemeanor; and upon conviction thereof punished by a fine of not more than \$100 nor less than \$25 or by imprisonment for not more than 90 nor less than 30 days or by both fine and imprisonment, for each offense.

[1909 c. 289 s. 2] (4192)

OCCUPATIONAL SAFETY

182.50 OCCUPATIONAL SAFETY, POLICY AND PURPOSE. Occupational accidents produce social and economic loss, impair productivity and retard the advancement of standards of living. Both humane and economic considerations recommend the establishment and implementation of effective injury control measures. A unified continuing professional effort is required. A dynamic program of safety inspection, education, and training is necessary for the control of occupational accidents.

[1969 c 765 s 1]

182.51 DEFINITIONS. Subdivision 1. As used in sections 182.50 to 182.62, the terms defined in this section shall have the following meanings.

Subd. 2. "Employer" means a person, corporation, partnership, trust, society, club association or other organization, including municipalities and the state, which employs one or more persons.

Subd. 3. "Employee" means a person permitted to work by an employer in employment.

Subd. 4. "Board" means the occupational safety and health advisory board.

Subd. 5. "Place of employment" means the plant or premises in or about which an employee is permitted to work.

Subd. 6. "Department" means the department of labor and industry.

Subd. 7. "Commissioner" means the director of the department or his duly designated representative.

Subd. 8. "Employment" includes all services for pay under a contract for hire except service in agricultural or domestic employment.

[1969 c 765 s 2]

182.52 CONDITIONS OF WORK. Each employer shall establish and maintain conditions of work which are reasonably safe and healthful for employees. Each employer's methods, processes, devices, and safeguards, including methods of sanitation and hygiene, shall be such as are reasonably necessary to protect the life, health, and safety of his employees. No person shall render ineffective any protective devices or safeguards installed or provided in compliance with the provisions of sections 182.50 to 182.62 for protection of health or safety.

[1969 c 765 s 3]

182.53 OCCUPATIONAL SAFETY AND HEALTH ADVISORY BOARD. Subdivision 1. **Members.** An occupational safety and health advisory board consisting of 11 members is created within the department of labor and industry. The board members shall be chosen as follows: Five shall represent management, at least one of whom shall be appointed from the construction industry, one from the manufacturing industry, and one from the utilities industry; five shall represent labor, at least one of whom shall be appointed from the construction industry, one from the manufacturing industry, and one from the utilities industry; and one shall represent the general public. The commissioner shall be an ex officio member and shall serve as secretary of the board. The board shall elect, from its members by a concurring vote of not less than six members, other officers as necessary to carry out the duties thereof.

Subd. 2. **Term.** The governor, with the advice and consent of the senate, shall appoint the members of the board for terms of four years, or until their successors are appointed and qualified, except that of the members first appointed, three shall be appointed for four years, three for three years, three for two years, and two for one year. Vacancies shall be filled by appointment for the unexpired term by the governor in the same manner as the original appointments.

Subd. 3. **Compensation.** A majority of the board members constitutes a quorum. **Members of the board, other than the secretary, shall receive \$35 for each day or part thereof, not to exceed 25 days in any calendar year, necessarily spent in the discharge of their duties. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees. The board shall meet not less than four times in any calendar year, at the call of its chairman, or upon the request of any six members.**

[1969 c 765 s 4]

182.54 STANDARDS. The board shall propose standards, and may propose by reference nationally recognized standards, for the prevention of accidents in all places of employment and for the protection of the life, health, and safety of employees.

In the development of any proposed standard, the board may appoint and consult with an ad hoc committee which shall be representative of the major interests to be affected by the proposed standard and the members of which shall be experienced in the field to which the proposed standard would apply.

[1969 c 765 s 5]

182.55 RULEMAKING POWER. Subdivision 1. The commissioner may after the receipt from the board of proposed standards accept, adopt, and issue them by rule with any modifications or amendments he finds appropriate. He may refer them back to the board with his recommendations for further consideration and revision. He may also issue additional standards by rule.

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Subd. 2. Rules, modifications, amendments, and repeals thereof which may be issued by the commissioner under this section to carry out the provision of sections 182.50 to 182.62 and to effectively exercise the other duties imposed on him by law shall be adopted in accordance with chapter 15 and shall have the force and effect of law.

[1969 c 765 s 6]

182.56 VARIATIONS. If there are practical difficulties or unnecessary hardship in carrying out the provisions of sections 182.50 to 182.62 or a rule of the commissioner thereunder, the commissioner may permit variation from the requirement if the spirit of the provision, or rule, will be observed and the safety and health of the employee will remain protected. Any person affected by a provision of sections 182.50 to 182.62 or a rule thereunder, or his agent, may request the commissioner to permit a variation, stating the grounds for his request. Any authorization by the commissioner of a variation shall be in writing and shall describe the conditions under which the variation shall be permitted. A properly indexed record of all variations shall be kept in the office of the department and open to public inspection.

[1969 c 765 s 7]

182.57 RIGHT OF ENTRY AND INVESTIGATION. The commissioner or his authorized representative shall have the power and authority to enter and inspect places, during normal working hours, question employees, and investigate facts, conditions, practices, or matters as he deems appropriate to determine the cause of any accident that has occurred, or whether any person has violated any provisions of sections 182.50 to 182.62, or any rule issued thereunder. The commissioner may further investigate all matters which may aid in the enforcement of sections 182.50 to 182.62.

[1969 c 765 s 8]

182.58 ENFORCEMENT. The commissioner shall have the power to administer and enforce the provisions of sections 182.50 to 182.62. If the commissioner or his authorized representative finds that any machinery, equipment, device, or operation in any place of employment is in a dangerous condition, he may attach a notice to the machinery, equipment, device, or operation or post a notice in the area warning all persons of the danger. If the equipment or the occupancy of the area involved constitutes an immediate hazard, the notice shall prohibit further work in or occupancy of the area until the dangerous condition is corrected and the notice is removed by the commissioner or his authorized representative. In other situations the notice shall state a reasonable time within which the condition complained of may be corrected.

[1969 c 765 s 9]

182.59 OBJECTIONS; HEARING. If any employer objects to the posting of a notice as provided in section 182.58 on the ground that the machinery, equipment, device, operation, or area is not in a dangerous condition, or on the ground that there is no violation of law or of rules or regulations promulgated under sections 182.50 to 182.62, he may apply for a variation under section 182.56 and may file written objection thereto by certified mail with the commissioner within seven calendar days after the posting of such notice. Upon receipt of said objection, the commissioner shall set the contested case for hearing no less than five nor more than 14 calendar days from the date of receipt of said objection. The commissioner shall serve written notice upon the objector, stating the time and place of the hearing, at least five days prior to the hearing. Thereupon the proceedings shall be in accordance with chapter 15.

[1969 c 765 s 10]

182.60 POWER AS TO WITNESSES. The commissioner, in the performance of any duty or the execution of any power prescribed by sections 182.50 to 182.62, shall have the power to administer oaths, certify as to official acts, take and cause to be taken depositions of witnesses, issue subpoenas, and compel the attendance of witnesses and production of papers, books, documents, records, and testimony. In case of failure of any person to comply with any subpoena lawfully issued, or on the refusal of any witness to produce evidence or to testify to any matter regarding which he may be lawfully interrogated, the district court shall, upon application of the commissioner, compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued by the court or a refusal to testify therein.

[1969 c 765 s 11]

182.61 PENALTIES AND INJUNCTIONS. Subdivision 1. If an employer fails to comply with an order issued by the commissioner under sections 182.50 to 182.62, the commissioner shall refer the matter to the county attorney of the county in which the violation exists who shall promptly institute proceedings in the district court for an injunction to enforce the order of the commissioner. Proceedings in connection with an application for an injunction shall be conducted *de novo*. If for any reason the prosecuting attorney fails to act on a case referred to him under this subdivision, the commissioner shall refer the case to the attorney general for his review.

Subd. 2. Any person failing to comply with any provisions of sections 182.50 to 182.62, or with any rule or order issued thereunder, or interfering with, impeding, or obstructing in any manner the commissioner or his authorized representatives or the board members in the performance of their official duties under sections 182.50 to 182.62, shall be guilty of a gross misdemeanor upon conviction thereof and shall be subject to a fine of not less than \$100 nor more than \$1,000, or to imprisonment for not less than 90 days nor more than one year, or both, for each offense.

[1969 c 765 s 12]

182.62 JURISDICTION. Sections 182.50 to 182.62 are not intended to apply to employment or places of employment under the exclusive jurisdiction of the federal government. In the exercise of their respective powers and duties under sections 182.50 to 182.62, the commissioner and the board shall give due consideration to those places of employment that have effective federal regulations and adequate federal inspections and avoid unnecessary duplications.

[1969 c 765 s 13]