STATE OF MINNESOTA

Department of Labor and Industries
Saint Paul, Minnesota.

BULLETIN NO. 17

Compilation of

COURT DECISIONS
ATTORNEY GENERAL'S OPINIONS
DEPARTMENT OF LABOR ADVICE

Relative to the

WORKMEN'S COMPENSATION ACT

From Date When Act was Effective to July, 1920.

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By Direction and Authorization of
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XII. DEPARTMENT OF LABOR FUNCTIONS

As the relation of the Department of Labor and Industries to the administration of the compensation act is somewhat unusual and differs from the plans in effect in other states, we are presenting here a discussion of it.

Under section 24–A the Department of Labor has four points of contact with the administration of the Workmen's Compensation Law.

First, to advise an employer or an employe or his dependent of his or their rights under the act.

Second, to assist in adjusting differences between the employe or his dependent and the employer.

Third, to act as representative in court, of one of the parties to a compensation proceeding.

Fourth, to observe in detail the operation of the act throughout the state.

It will be noted that with the exception of the third point of contact the department is at no time acting in a partisan capacity. It is a branch of the state government intrusted with the task of supervising the operation of a law in such manner that equity is done. Even when one of its employes is acting as the representative in court of a compensation claimant he does so rather as "friend of the court" than as an ordinary attorney. The department will use every means at its disposal to see that the facts are discovered and that justice is done a compensation claimant. On the other hand it is not only its privilege, but its positive duty, to reject and refuse to further any claims which it becomes convinced have no merit. The feature of the work upon which the department wishes to lay the greatest stress is the informal adjustment of differences. Through its power to summon witnesses and take testimony under oath the department is in a position to get at the facts in any case and propose a basis of settlement. If employes and employers availed themselves more frequently of the department's service in this respect much more could be saved in litigation expense and ill feeling. In practice we find that the department can bring about an adjustment far more readily in the early stages of a controversy than if it receives a case after it has been hawked around among various attorneys and meddling friends of the claimant and the employer thoroughly embittered by the claims made on him.

In general, court actions will be brought only after the department has tried to adjust the case and the employer or insurer has refused to accept adjustment or the proffered basis of settlement. When an adjustment is negotiated and the claimant refuses to accept the basis of settlement the department proposes, no obligation to bring a court action will be admitted. It will be noted the law nowhere says the department employes shall act as representatives in court, it merely gives discretionary power to do so. Under no circumstances will the department take into court a case the merits of which are dubious.

As to the fourth point of contact, "observing the operation of the law" the department will feel at liberty to inquire into any feature of a compensation case or any incident in connection therewith whenever it considers the public interest demands, whether there is any complaint by the injured man or not. We state this here because occasionally our authority to inquire into a settlement apparently satisfactory to both sides is questioned.

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