

DEPARTMENT OF LABOR AND INDUSTRY, CREATION

Act of Jun. 2, 1913, P.L. 396, No. 267

CL. 43

AN ACT

Creating a Department of Labor and Industry; defining its powers and duties; establishing an Industrial Board; providing for the appointment of a Commissioner of Labor, inspectors, statisticians, clerks, and others to enforce the provisions of this act, and providing salaries for the same; prescribing a standard of reasonable and adequate protection to be observed in the rooms, buildings, and places where labor is employed; empowering the said Industrial Board to make, alter, amend, and repeal rules and regulations relating thereto; transferring the powers and duties of the Department of Factory Inspection to the Department of Labor and Industry, and abolishing the Department of Factory Inspection; and providing a penalty for the violation of the provisions of this act, or the rules and regulations of the said board.

Section 1. Be it enacted, &c., That there is hereby established a Department of Labor and Industry, the head of which shall be a Commissioner of Labor and Industry, who shall be appointed by the Governor, by and with the consent of the Senate, and who shall hold office for the term of four years from the date of his appointment, and who shall receive an annual salary of eight thousand dollars (\$8,000), and shall appoint, and may at pleasure remove, all officers, clerks and other employees of the Department of Labor and Industry, except as herein otherwise provided.

Section 2. (2 repealed June 7, 1923, P.L.498, No.274)

Section 3. (3 repealed June 7, 1923, P.L.498, No.274)

Section 4. (4 repealed June 7, 1923, P.L.498, No.274)

Section 5. (5 repealed June 7, 1923, P.L.498, No.274)

Section 6. (6 repealed June 7, 1923, P.L.498, No.274)

Section 7. (7 repealed June 7, 1923, P.L.498, No.274)

Section 8. (8 repealed June 7, 1923, P.L.498, No.274)

Section 9. (9 repealed June 7, 1923, P.L.498, No.274)

Section 10. (10 repealed June 7, 1923, P.L.498, No.274)

Section 11. (11 repealed June 7, 1923, P.L.498, No.274)

Section 12. (12 repealed June 7, 1923, P.L.498, No.274)

Section 13. The Industrial Board shall have the power to make investigations concerning, and report upon, all matters touching the enforcement and effect of the provisions of all laws of the Commonwealth, the enforcement of which shall now and hereafter be imposed upon the Department of Labor and Industry, and the rules and regulations made by the Industrial Board in connection therewith; and to subpoena and require the attendance in this Commonwealth of all witnesses, and the production of books and papers pertinent to the said investigation, and to examine them and such public records as it may require in relation to any matter which it has power to investigate. Any witness who refuses to obey a subpoena of the said board, as hereinabove provided for, or who refuses to be sworn or to testify, or who fails or refuses to produce any books, papers, or documents touching any matter under investigation or examination by the said board, or who is guilty of any contempt after being summoned to appear before the said board as above provided, may be punished as for contempt of court; and, for this purpose, application may be made to any court within whose territorial jurisdiction the said contempt took place, and for which purpose the courts of the common pleas of this Commonwealth are hereby given jurisdiction. In the

course of such investigation each member of said board shall have power to administer oaths. Each member shall have the further power to make personal investigations of all establishments in this Commonwealth where labor is employed.

Compiler's Note: Section 12(a) of Act 80 of 1988 provided that section 13 is repealed insofar as it is inconsistent with Act 80.

Section 14. All rooms, buildings, and places in this Commonwealth where labor is employed, or shall hereafter be employed, shall be so constructed, equipped, and arranged, operated and conducted, in all respects, as to provide reasonable and adequate protection for the life, health, safety, and morals of all persons employed therein. For the carrying into effect of this provision, and the provisions of all the laws of this Commonwealth, the enforcement of which is now or shall hereafter be entrusted to or imposed upon the commissioner or Department of Labor and Industry, the Industrial Board shall have power to make, alter, amend, and repeal general rules and regulations necessary for applying such provisions to specific conditions, and to prescribe means, methods, and practices to carry into effect and enforce such provisions.

Section 15. The rules and regulations of the Industrial Board, and the amendments and alterations thereof, may embrace all matters and subjects to which power and authority of the Department of Labor and Industry extends, and shall be distributed to all applicants. Any employer, employe, or other person interested, either because of ownership in or occupation of any property affected by any such order or regulation, or otherwise, may petition for a hearing on the reasonableness of a rule or regulation. Such petition for hearing shall be by verified petition, filed with the said Industrial Board, setting out specifically and in full detail the rule or regulation upon which a hearing is desired, and the reasons why such rule or regulation is deemed to be unreasonable. All hearings of the board shall be open to the public. Upon receipt of such petition, if the issues raised in such petition have theretofore been adequately considered, the Industrial Board shall determine the same by confirming, without hearing, its previous determination; or, if such hearing is necessary to determine the issue raised, the industrial board shall order a hearing thereon, and consider and determine the matter or matters in question at such time as shall be prescribed. Notice of the time and place of such hearing shall be given to the petitioner, and to such other persons as the Industrial Board may find directly interested in such decision.

(15 repealed in part July 31, 1968, P.L.769, No.240)

Compiler's Note: Section 12(a) of Act 80 of 1988 provided that section 15 is repealed insofar as it is inconsistent with Act 80.

Section 16. Every person who violates any of the provisions of this act, or any of the rules or regulations of the Department of Labor and Industry, or who resists or interferes with any officer or agent of the Department of Labor and Industry in the performance of his duties in accordance with the said rules and regulations, shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars (\$100.00) and costs, and, upon nonpayment thereof, by imprisonment in the county jail for not exceeding one month.

It shall be the duty of the Department of Labor and Industry to enforce the provisions of this act, and the rules and regulations of the said department. Prosecutions for violations of the provisions of this act, or the rules and regulations of

the said department, may be instituted by the Department of Labor and Industry, and shall be in the form of summary proceedings before a magistrate, alderman, or justice of the peace. Upon conviction, after a hearing, the penalties provided in this act shall be imposed, and shall be final unless an appeal be taken in the manner prescribed by law.

(16 amended May 2, 1929, P.L.1512, No.450)

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 17. (17 repealed June 7, 1923, P.L.498, No.274)

Section 18. Whenever a difference arises between an employer and his employees, which cannot be readily adjusted, the chief of the bureau shall proceed promptly to the locality thereof, and endeavor by mediation to effect an amicable settlement of the controversy. If such settlement cannot be effected, the dispute may be arbitrated by a board composed of one person selected by employer, and one person selected by employees, and a third who shall be selected by the representatives of the employer and the employees; and such third member of the board shall be selected and appointed within a period of five days after the matter has been submitted for arbitration, and, in the event of any such appointment or selection not being made within a period of five days, then the Chief of the Bureau of Mediation and Arbitration shall constitute the third member of the board, and be the chairman of the board; and if such third representative is chosen, by the two representatives of the employer and employee, within five days, then a chairman of the board shall be established by the board itself. A submission to the board shall be made in writing, and the parties thereto shall agree to abide by the determination of the board. Said board shall render a written decision within ten days after the completion of the investigation, one copy thereof to be filed in the bureau, and a copy to be furnished each party to the controversy. The chief of the bureau shall make an annual report of his work, containing such information as the Commissioner of Labor and Industry may request.

Section 19. (19 repealed June 7, 1923, P.L.498, No.274)

Section 20. (20 repealed June 7, 1923, P.L.498, No.274)

Section 21. (21 repealed June 7, 1923, P.L.498, No.274)

Section 22. (22 repealed June 7, 1923, P.L.498, No.274)

Section 23. All of the powers and duties now by law vested in and imposed upon the Department of Factory inspection, which is hereby abolished, are now hereby vested in the Department of Labor and Industry.