CHAPTER 17

Conciliation of Industrial Disputes

**SECTION 41‑17‑10.** Commissioner’s duties as to investigation of industrial disputes and conciliation thereof.

The Director of the Department of Labor, Licensing, and Regulation or his designee or his agents shall (a) investigate industrial disputes or strikes or lockouts arising between employer and employees or capital and labor, (b) ascertain, as near as may be, the cause or causes of such industrial disputes or strikes or lockouts, (c) make a finding of fact in respect thereto, (d) endeavor, as far as possible, to remove misunderstandings or differences and to induce both sides to such an industrial dispute or strike or lockout to arrive at an agreement, (e) nominate, appoint or act as arbitrators when so requested by both sides to such a controversy and (f) in general, remove as far as possible the causes for industrial disputes or strikes or lockouts and induce an amicable settlement of them. Unless the Commissioner or his agents find it inadvisable so to do the finding of fact of the Commissioner or his agents as to all such disputes shall be reported to the Governor as soon as practicable in each case and annually to the General Assembly.

HISTORY: 1962 Code Section 40‑301; 1952 Code Section 40‑301; 1942 Code Sections 3253‑18, 3253‑19, 3253‑21; 1932 Code Sections 6355, 6357; Civ. C. ‘22 Sections 5194, 5196; 1916 (29) 935; 1937 (40) 548; 1993 Act No. 181, Section 977, eff February 1, 1994.

Editor’s Note

Pursuant to Section 41‑3‑610, effective February 1, 1994, wherever the term Commissioner of Labor appears or is used, it shall be deemed to mean the Director of the Department of Labor, Licensing, and Regulation or his designee.

Effect of Amendment

The 1993 amendment substituted “Director of the Department of Labor, Licensing, and Regulation or his designee” for “Commissioner of Labor”.

CROSS REFERENCES

Department of Labor incorporated into Department of Labor, Licensing, and Regulation, see Section 1‑30‑65.

Uniform Arbitration Act, see Chapter 48 of Title 15.

LIBRARY REFERENCES

51 C.J.S., Labor Relations Section 27.

51A C.J.S., Labor Relations Section 468.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Labor Relations Section 20, Authority to Investigate and Mediate Employment Disputes.

Treatises and Practice Aids

Employment Coordinator Labor Relations Section 2:46, South Carolina.

Employment Coordinator Labor Relations Section 15:43, South Carolina.

Employment Coordinator Labor Relations Section 46:38, South Carolina.

Employment Coordinator Labor Relations Section 49:208, South Carolina.

Guide to Employment Law and Regulation 2d Section 61:4, Arbitration of Labor Disputes.

**SECTION 41‑17‑20.** Conciliation committees.

When the Commissioner or his agents shall fail to induce both sides of such an industrial dispute or strike or lockout to arrive at an agreement, the Commissioner may appoint a committee of three as follows: One from capital, one from labor and one at large. The Commissioner shall be ex officio chairman of such committee. The duties of the committee shall be the same as those prescribed for the Commissioner in Section 41‑17‑10.

HISTORY: 1962 Code Section 40‑302; 1952 Code Section 40‑302; 1942 Code Section 3253‑18; 1937 (40) 548.

LIBRARY REFERENCES

51 C.J.S., Labor Relations Section 27.

51A C.J.S., Labor Relations Section 468.

RESEARCH REFERENCES

Treatises and Practice Aids

Guide to Employment Law and Regulation 2d Section 61:4, Arbitration of Labor Disputes.

**SECTION 41‑17‑30.** Chapter not applicable to railroad and express companies.

The provisions of this chapter shall not apply to any railroad corporation or express company doing business by rail or the receivers or trustees of any railroad corporation or express company doing business by rail or to any employee of any thereof.

HISTORY: 1962 Code Section 40‑303; 1952 Code Section 40‑303; 1942 Code Section 3253‑18; 1937 (40) 548.

RESEARCH REFERENCES

Treatises and Practice Aids

Employment Coordinator Labor Relations Section 15:43, South Carolina.

**SECTION 41‑17‑40.** Summoning and examining witnesses.

The Director of the Department of Labor, Licensing, and Regulation or his designee or his agents may summon and examine in public or in executive session any person concerned in any such strike or lockout or industrial dispute or any other person within the State and may compel them to testify.

HISTORY: 1962 Code Section 40‑304; 1952 Code Section 40‑304; 1942 Code Sections 3253‑20, 3253‑21; 1932 Code Sections 6356, 6357; Civ. C. ‘22 Sections 5195, 5196; 1916 (29) 935; 1937 (40) 548; 1993 Act No. 181, Section 977, eff February 1, 1994.

Editor’s Note

Pursuant to Section 41‑3‑610, effective February 1, 1994, wherever the term Commissioner of Labor appears or is used, it shall be deemed to mean the Director of the Department of Labor, Licensing, and Regulation or his designee.

Effect of Amendment

The 1993 amendment substituted “Director of the Department of Labor, Licensing, and Regulation or his designee” for “Commissioner of Labor”.

RESEARCH REFERENCES

Treatises and Practice Aids

Employment Coordinator Labor Relations Section 49:208, South Carolina.

**SECTION 41‑17‑50.** Other powers of Commissioner in regard to investigations.

The Director of the Department of Labor, Licensing, and Regulation or his designee or his agents may compel the production of books or documents relating to questions in dispute; inspect property with respect to which there is a dispute with relation to an industrial dispute or strikes or lockout; examine into working conditions and sanitary conditions; and at all times have access to any property or premises necessary to any such inspection.

HISTORY: 1962 Code Section 40‑305; 1952 Code Section 40‑305; 1942 Code Section 3253‑20; 1932 Code Section 6356; Civ. C. ‘22 Section 5195; 1916 (29) 935; 1937 (40) 548; 1993 Act No. 181, Section 977, eff February 1, 1994.

Editor’s Note

Pursuant to Section 41‑3‑610, effective February 1, 1994, wherever the term Commissioner of Labor appears or is used, it shall be deemed to mean the Director of the Department of Labor, Licensing, and Regulation or his designee.

Effect of Amendment

The 1993 amendment substituted “Director of the Department of Labor, Licensing, and Regulation or his designee” for “Commissioner of Labor”.

RESEARCH REFERENCES

Treatises and Practice Aids

Employment Coordinator Labor Relations Section 49:208, South Carolina.

**SECTION 41‑17‑60.** Powers of Governor.

The Director of the Department of Labor, Licensing, and Regulation or his designee or his agents can be called into session and into the performance of their duties and functions under this chapter by the Governor.

HISTORY: 1962 Code Section 40‑306; 1952 Code Section 40‑306; 1942 Code Section 3253‑22; 1932 Code Section 6359; Civ. C. ‘22 Section 5198; 1916 (29) 935; 1937 (40) 548; 1993 Act No. 181, Section 977, eff February 1, 1994.

Editor’s Note

Pursuant to Section 41‑3‑610, effective February 1, 1994, wherever the term Commissioner of Labor appears or is used, it shall be deemed to mean the Director of the Department of Labor, Licensing, and Regulation or his designee.

Effect of Amendment

The 1993 amendment substituted “Director of the Department of Labor, Licensing, and Regulation or his designee” for “Commissioner of Labor”.

RESEARCH REFERENCES

Treatises and Practice Aids

Employment Coordinator Labor Relations Section 49:208, South Carolina.

**SECTION 41‑17‑70.** Hindering Commissioner in performance of duties.

Any person that hinders or obstructs the Director of the Department of Labor, Licensing, and Regulation or his designee or his agents in the full and free performance of their duties under this chapter shall be guilty of a misdemeanor for each and every such offense and upon conviction in a court of competent jurisdiction shall be fined not less than twenty‑five dollars, nor more than one hundred dollars or sentenced to serve not more than thirty days upon the county chain gang.

HISTORY: 1962 Code Section 40‑307; 1952 Code Section 40‑307; 1942 Code Section 3253‑18; 1937 (40) 548; 1993 Act No. 181, Section 977, eff February 1, 1994.

Editor’s Note

Pursuant to Section 41‑3‑610, effective February 1, 1994, wherever the term Commissioner of Labor appears or is used, it shall be deemed to mean the Director of the Department of Labor, Licensing, and Regulation or his designee.

Effect of Amendment

The 1993 amendment substituted “Director of the Department of Labor, Licensing, and Regulation or his designee” for “Commissioner of Labor”.

RESEARCH REFERENCES

Treatises and Practice Aids

Employment Coordinator Labor Relations Section 49:208, South Carolina.

Employment Coordinator Labor Relations Section 62:206, Criminal Offenses.