

two objections to it that can be very easily taken care of, but generally, the Commissioners do feel that the present industrial safety law of the District should be broadened.

It is, unfortunately, too narrow, or applicable to too few people at the present time, as you pointed out in your statement at the beginning of the hearing. Congress must have meant something by the use of the word "industrial" when they referred to "places of industrial employment."

And the Corporation Counsel two or three years ago, in reviewing the legislative history of the Act, concluded that it was intended by the Congress, at the time of enactment, to be limited to places that are ordinarily thought of as industrial, not service places, not such places as hotels and restaurants, but places where manufacturing and industry are carried on.

But the Commissioners realize that the Act, as so construed, does not afford protection to those persons who deserve to be protected, and so they favor the legislation. They have two reservations.

In its present form, the Bill is so broad as to cover virtually every place of employment, including domestics, agricultural workers, this kind of thing, so the proposal that the Commissioners are making to the committee is that the Bill be amended so as to make it practically co-extensive with the Longshoremen's and Harbor Workers' Act, which has been made applicable to private employment in the District of Columbia.

That is set forth, Mr. Chairman, at title 36, section 501 of the D.C. Code, which the clerk has just handed you, and title 36 section 502 of the D.C. Code sets forth the exceptions. With respect to the Longshoremen's and Harbor Workers' Act, that is applicable insofar as the District workers are concerned.

The Commission is proposing that the Industrial Safety Act, H.R. 1264, be amended so as to make the coverage of the Industrial Safety Act for the District of Columbia virtually coextensive with the coverage that is provided private employees by the Longshoremen's and Harbor Workers' Act, so as to exclude domestic workers, agricultural workers, any employment that is casual and not in the usual course of the trade, business, occupation or profession of the employer.

But the Commissioners feel that the Longshoremen's and Harbor Workers' Act is slightly too broad in that it also excludes employees of common carriers. So the Commissioners would want to exclude the Industrial Safety Act's coverage of employees of common carriers.

Accordingly, they have set forth in their report a proposed amendment of the Bill that would narrow its coverage to almost that of the Longshoremen's and Harbor Workers' Act.

In reviewing that report, Mr. Chairman, on page three there is set forth a suggested proviso saying:

Provided further, that this title shall not apply in respect to the injury or death of (1) a master or member of a crew of any vessel; (2) an employee subject to the provisions of subchapter I of Chapter 81 of title 5—

This is the Federal Employees Compensation Act—

and (3) an employee engaged in agriculture, domestic service, or any employment that is casual and not in the usual course of the trade, business, occupation, or profession of the employer.