

Mr. McGUIGAN. Mr. Chairman, we do not the figures. I would assume that the Board would have the figures. However, I think it should not be overlooked that first the violation has to be alleged before the employer is in the courts on a personal injury case. He would not be in the court unless a violation of the code was alleged by the Industrial Safety Board. So the language as proposed, of course, does not state this specifically, but this is the understanding I am sure that we are talking about here action against people who have violated the codes or the law.

I would suggest that as to the figures that either the Corporation Council's office or the Board would have those figures. I did not or do not have them, sir.

Mr. TURNER. If I may, Mr. Chairman, also in the community at large any number of times I have heard people in private conversation commenting on the fact that here we have a, let us say a fatality and they read in the paper about someone posting \$300 collateral and that was it. I think—

Mr. SISK. Pardon me for interrupting; do you mean there are cases where there has actually been a fatal accident that this has been permitted?

Mr. TURNER. In almost every case. I do not remember a case since the law was passed where anyone had to go to court in a fatality under this law. In other words, they posted \$300 collateral and that is it. And what in the community—

Mr. SISK. As far as the violations was it where the violation had caused the fatality?

Mr. TURNER. That is correct, sir. In other words, this whole procedure is a blot on the conscience of this community and it was described as a public scandal by Mr. McGuigan and I certainly agree with him. I think this is one of the real changes, the really important changes that are needed, that is needed in this law. I mean people come to me knowing that I once have been on the Board and say well how can this happen, why does it happen?

Mr. SISK. Well, that, of course, is one of the things I was trying to bring out for the record. I know in some of the discussions sometimes, there have been minor injuries and I recognize a person could be skinned up or get a finger broken or something and yet these are not to be taken lightly, but at the same time the only way, of course, that the court gets into a situation from the standpoint of safety regulations have to do with an injury or a fatality that resulted from a violation of the safety regulations. That would be the only justification for putting up collateral. It is fantastic to me to believe that in the face of a violation that caused a fatality that forfeiture of collateral would settle the case. I am just amazed.

Mr. Gude, do you have some questions?

Mr. GUDE. Yes. What kind of violations would be involved in these fatalities?

Mr. TURNER. Well, let us take a ten story building and let us suppose that the employer is supposed to have a handrail on the stairway, and let us say he neglected to put one there and as a result of that failure to have a handrail a workman fell down the well and was killed. Another case could be like Mr. McGuigan cited where a boatswain's chair was being used to paint a building when as a matter of fact cer-