

tain safe scaffolds are provided by the code and as a result of using that boatswain's chair the workman fell down and let us say the employer that provided this defective equipment and not only was the equipment defective, but he was violating the safety laws by even using this kind of procedure. There would be the kind of case where the employer would have been charged and, of course, usually these matters are not determined or known about by the Board until the accident occurs.

Mr. GUDE. Well, I certainly agree with you that in that kind of case it should go to court. I think we could make some differentiation on the very minor cases. I do not know how that might be brought about.

Mr. TURNER. I think serious personal injuries and fatalities are much more important—

Mr. GUDE. Well, we do not want to hamper the courts, but at the same time, that type of case should go to the courts.

Mr. TURNER. I am glad to hear that.

Mr. SISK. I think this, I do not know whether there are available records or whether you would have this Mr. McGuigan, or Mr. Turner, or any of you gentlemen have available records. I think it might be well for the record, and this is what we are seeking, all the light and all the truth that we can get on this subject before we make a determination of the final terms of this piece of legislation. It might be well to furnish for the record cases say for the past five years in which a fatality occurred and in which there was certain forfeiture of collateral and court action. I think it would be well to have this for the record.

Mr. GUDE. I agree with you.

Mr. SISK. If you gentlemen cannot get it, later I am going to ask Mr. Greene and Mrs. Newman to return briefly, and I will ask them about it. But, if the gentleman from Maryland agrees with me I think it would be helpful.

Mr. GUDE. It certainly would. Very helpful.

Mr. SISK. Because I, particularly in these cases of fatalities or even of a grave injury like a broken back or things that paralyze or fully disable a man for life, to me, I had not realized that these could be disposed of without court action. As I say, I am amazed.

Mr. TURNER. It happens every week.

Mr. SISK. All right, will you gentlemen do what you can to see that that is made available for the record.

Do we have Mr. Somlyo here? He is not here?

Mr. WYNN. He was here for the first meeting, but he is not here today.

Mr. MCGUIGAN. He has a statement we would like to submit.

Mr. SISK. Without objection, his statement will be made a part of the record then.

(The statement referred to follows.)

STATEMENT OF FRANCOIS SOMLYO ON BEHALF OF THE JOINT EXECUTIVE BOARD OF THE HOTEL AND RESTAURANT EMPLOYEES AND BARTENDERS INTERNATIONAL UNION, AFL-CIO, OF WASHINGTON, D.C.

Speaking in the interest of approximately 18,000 workers, we urge the inactment of House Bill 1264.

For many years coverage of the Hotel & Restaurant Workers were excluded from the Fair Labor Standards Act, and since we have finally overcome this hurdle we find that these same workers are shackled by lack of coverage under Industrial Safety.