
THE

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1981 — 86

HOUSE OF ASSEMBLY

Tuesday, July 16, 1985.

Pursuant to the adjournment, the House of Assembly met at 12.20 p.m. o'clock.

PRESENT

His Honour C. L. Bolden, LL.B., (Speaker)

His Honour R. E. Brathwaite, (Deputy Speaker)

Hon. L. S. Craig, (Minister of Information and Leader of the House)

Hon. H. B. St. John, Q.C., LL.B., (Prime Minister and Minister of Finance and Planning)

Mr. L. E. Sandiford, M.A., (Econ.)

Hon. L. B. Brathwaite, (Minister of Housing and Lands)

Mr. J. G. Odle, B.Sc., (Chairman of Committees)

Hon. DeL. O. Bradshaw, (Minister of Labour and Community Development)

Mr. L. L. Sisnett, (Parliamentary Secretary, Prime Minister's Office) (International Transport)

Mr. W. O. Franklin, A.I.A.S., J.P.

Hon. A. Truss, (Minister of Tourism and the Environment)

Mr. O. S. Arthur, M.Sc., (Econ.), (Parliamentary Secretary, Prime Minister's Office)

Hon. D. A. C. Simmons, Q.C., LL.M. (Attorney General and Minister of Legal Affairs)

Prayers were read by the Rev. I. M. Harewood.

Dr. R. C. HAYNES entered the Chamber and took his seat.

MINUTES

Mr. SPEAKER: The Minutes of the Meeting of Tuesday, July 9, 1985.

Hon. L. S. CRAIG: Mr. Speaker, I beg to move that the Minutes of the meeting of Tuesday, July 9, 1985, be taken as read.

Hon. H. B. St. JOHN: I beg to second that.

Mr. SPEAKER: If there are no observations or objections, let the Minutes stand confirmed.

PAPERS LAID

Hon. L. S. CRAIG: Mr. Speaker, on behalf of the Prime Minister, I am commanded to lay:

The Civil Establishment (General) (Amendment) (No. 2) Order, 1985.

GOVERNMENT NOTICES

Hon. L. S. CRAIG: Mr. Speaker, there are a number of items on the Notice Paper today which I propose to do, with the leave of the House, in all their stages, and as far as we can. I propose to relieve the House; I hope that we will rise for its summer recess, because we are a little behind time with renovations to Parliament, and I have no doubt that Members, the Clerks and staff of Parliament will have their normal summer vacation put together. I would hope that wherever it is possible today, I would be able to clear the Order Paper. Hence there are a few items which I am going to give notice of to do in all their stages today, if there is no objection from the other side.

I beg to give notice of the following:

A Resolution to approve of the vesting in Carter Holdings Ltd., land at Wildey, St. Michael.

A Resolution to approve the Civil Establishment (General) (Amendment) (No. 2) Order, 1985.

A Bill to amend the Institute of Chartered Accountants of Barbados (Incorporation) Act.

A Bill to amend the National Insurance and Social Security Act.

A Bill to amend the Severance Payments Act.

I have asked the Clerk of the House to have the appropriate items circulated. I hope that they will have them in due course so that they will have enough time to look at them.

Mr. P. M. GREAVES entered the Chamber and took his seat.

NOTICES OF QUESTIONS

Mr. P. M. GREAVES: Mr. Speaker, I beg to give notice of the following Question:-

To enquire of the Minister of Transport and Works:-

1. Is the Minister aware:-

- (a) of the deep concern of the residents of Lodge Hill and Clermont, St. Michael for their health because of the quality of the water supplied to those areas?
- (b) that there are complaints among several of those residents that the piped water is so discoloured that it causes damage to their laundered clothes?
- (c) that the said residents have made representations on numerous occasions to the Waterworks Department and now to the Barbados Water Authority about the state and quality of the water, but that the situation has remained unchanged?

2. Will the Minister take urgent action to improve the quality of the water and so allay the concerns of those residents?

FIRST READINGS OF BILLS

Hon. L. S. CRAIG: I am quite sure the Minister himself would know that at this time of year, with low levels coming on to a drought, that such things can happen. Let us pray to God that we get rain. That is the answer. Thank God for little mercies and stop bringing nonsense to the House.

I beg to move that a Bill to amend the Institute of Chartered Accountants of Barbados (Incorporation) Act, be read a first time.

Hon. H. B. St. JOHN: I beg to second that.

The question was put and resolved in the affirmative without division.

Mr. L. E. SANDIFORD: On a point of order: I am submitting that the Leader of the House is out of order with these remarks *apropos* a question which was duly asked by a Member from this side. There is a procedure for dealing with questions, but not the intemperate outburst from the Leader of the House. It is nonsensical to say that a question relating to the quality of water which relates to the health of the people of Barbados is known. To say it in itself is patent nonsense. The honourable Member is concerned about the health of people.

Hon. L. S. CRAIG: You are addressing the Speaker in your final days. This is your final hour.

I beg to move that a Bill to amend the National Insurance and Social Security Act be now read a first time.

Hon. L. B. BRATHWAITE: I beg to second that.

The question was put and resolved in the affirmative without division.

Hon. L. S. CRAIG: I beg to move that a Bill to amend the Severance Payments Act be now read a first time.

Hon. L. B. BRATHWAITE: I beg to second that.

The question was put and resolved in the affirmative without division.

Mr. M. A. KING and Hon. H. deB. FORDE entered the Chamber and took their seats.

ORDERS OF THE DAY

SUSPENSION OF STANDING ORDERS

Hon. L. S. CRAIG: Mr. Speaker, I beg to move that Standing Orders Nos. 6, 16, 18, 20, 42(5), 43 and 44 be suspended for the remainder of the day's sitting.

Hon. L. B. BRATHWAITE: I beg to second that.

The question was put and resolved in the affirmative without division.

Hon. L. R. TULL entered the Chamber and took his seat.

GOVERNMENT BUSINESS

COMPULSORY ACQUISITION OF LAND AT
OISTINS, CHRIST CHURCH

Order No. 1 was called – To move the passing of a Resolution to approve the compulsory acquisition of land at Oistins, Christ Church for environmental purposes.

Hon. L. B. BRATHWAITE (St. Andrew): Mr. Speaker, sometime ago an application was made to the Chief Town Planner for permission to alter the use of a property at Oistins, Welches Area, for a laundry and residential purposes. It was then discovered that the building was entirely demolished and a new structure was being put on the land, and the Chief Town Planner served an enforcement order on the owner. The owner made an application for retention of the property as it was, and that request was submitted again to the Cabinet for a decision. As a matter of fact, the matter was referred to the Minister, as it is the practice to do under the Town Planning law, but the Minister, within recent times, especially with agricultural land and in specific cases like this uses his authority to refer matters to Cabinet, since the Minister considers sometimes it is best to subject these matters to the collective wisdom of a Cabinet rather than to his own volition, and the Cabinet took the very wise decision to support the recommendation of the Chief Town Planner not to allow what was required to take place.

In relation to a laundry, we thought that the discharge of heavy detergents within the coastal area would further pollute the water resources and the reef resources of this country, and therefore we thought that the request should be turned down. The Government felt it is not its practice that we should disadvantage the citizens, and therefore, from an environmental point of view, we decided that we should compulsorily acquire this property, and that is the purpose of this Resolution.

I beg to move that this Resolution do now pass.

Mr. L. L. SISNETT: I beg to second that.

The question was put and resolved in the affirmative without division.

12.25 p.m.

COMPULSORY ACQUISITION OF LAND AT
DIAMOND CORNER, ST. PETER

Order No. 2 was called – To move the passing of a Resolution to approve the compulsory acquisition of land at Diamond Corner, St. Peter for recreational purposes.

Hon. L. B. BRATHWAITE (St. Andrew): Mr. Speaker, this relates to a promise which was made to the good people of St. Peter, particularly the Djamond Corner people, who are some two kilometres away from the main activity at Boscobel. Even though it may be regarded as comparatively close, they are really separate and apart in terms of real activities.

I hope that in future, in coming with these Resolutions, I would have other names to bring forward, like St. George, both North and South and St. Joseph. I think we have been coming for a very long time and very steadily with respect to St. Peter, and I am sure that they would rejoice over the fact that their names have been ringing in Parliament for a very long time now.

The people in Diamond Corner richly deserve this playing area. They have suffered for long without it, and I think that we need to applaud and compliment the Government for its swift action in bringing this form of recreational facility to the good people of Diamond Corner.

The Government has a proud record in the provision of social amenities to the people in this country. They have embarked on a very massive programme of playing fields, pavilions and other social centres. My understanding is that since 1976 over forty-two playing fields and twenty-six pavilions have been built. This is a tremendous achievement.

In my own constituency, St. Andrew, this is the only party that has ever done anything to bring amenities to that area. It did it before 1976, when it was in office in its first period, and since it came back in, it has done a lot to maintain the proud record which it has started.

I beg to move that this Resolution do now pass.

Hon. L. R. TULL: I beg to second that.

The question was put and resolved in the affirmative without division.

Hon. L. S. CRAIG: Sir, those are the two immediate items we have on the Order Paper. As I intimated, I would like to deal with a number of the matters which I gave notice of today, and I propose to deal with one of them at this point, with the leave of the House. This is the Civil Establishment Order, which I think would be.....

Mr. SPEAKER: Should we call the Civil Establishment Order No. 3?

Hon. L. S. CRAIG: As No. 4, Sir.

Mr. SPEAKER: No. 4 will be the Resolution for vesting.....

Hon. L. S. CRAIG: No. 4 should be the Civil Establishment Order, Sir.

Mr. SPEAKER: The Resolution in respect of vesting of land in Carter Holdings Ltd. will be No. 3?

Hon. L. S. CRAIG: That is right, Sir.

Mr. SPEAKER: The Bill to amend the Institute of Chartered Accountants of Barbados (Incorporated) Act, No. 5, the Bill to amend the National Insurance and Social Security Act, No. 6 and the Bill to amend the Severance Payments Act would be No. 7.

Hon. L. S. CRAIG: With the leave of the House, I propose to do Order No. 4.

Mr. SPEAKER: Are there any objections to the House dealing with Order No. 4? There are no objections and leave is therefore granted.

CIVIL ESTABLISHMENT (GENERAL) (AMENDMENT) (NO. 2) ORDER, 1985

Order No. 4 was called – To move the passing of a Resolution to approve the Civil Establishment (General) (Amendment) (No. 2) Order, 1985.

Hon. H. B. St. JOHN (Christ Church East Central): Mr. Speaker, Government has been carrying out a review of the number of temporary posts in Government and of the requests by various departments for the establishment of new posts in the permanent service of the Government. We have reached a stage now where Government is satisfied that a number of these temporary posts should be made permanent, and that a number of requests for additional posts should be agreed to. The Civil Establishment Order is therefore the result of Government's interim acceptance of the various submissions in these two areas.

We have also taken this opportunity to establish a number of posts which will arise as a consequence of Ministerial adjustments which have taken place in the recent Cabinet reshuffle. These posts relate to matters or subjects which will be a permanent part of a portfolio, although they may not necessarily be the particular portfolio which they form part of at the present moment.

One hundred and fifty posts are being created for the Police Force. It is important that, once and for all, the Government's position on this matter be made known. I believe that this is an area that the House has devoted some discussion to previously. As it is now, the Government has accepted the requests for additional posts

on the clear understanding that while the additional posts may cause a considerable charge on the Treasury, the cost of this charge will be mitigated by the fact that those allowances, which were paid for overtime work or for additional hours in the past, will be *pro tanto* reduced and the money used to pay for additional permanent posts in the Establishment. In short, a greater number of job opportunities will be created and lesser hours of work will be required of officers. We believe that this is a better way of spending the money than paying it out as additional allowances for overtime.

The establishment of the Police over a two year period will therefore reach the number which it has been argued is a minimum level necessary for an efficient Police Force. I believe that was somewhere in the vicinity of between 1 150 and 1 200. However, it is not a matter of simply creating an additional number of police. It is necessary to have a number of posts in the existing hierarchy so that they would look after supervision and matters of that kind.

12.40 p.m.

We have taken a decision to establish the Licensing Section within the Ministry of Transport and Works. Honourable Members will recall that this was a function which was carried on by the police, to a large extent, in the past. We have now separated it, and we have created posts which can be filled by permanent officers now, and, therefore, an additional number of posts will be released for filling by the police to carry out the functions of the police. The complement, as I said, with these additional posts, together with those posts released as a result of the creation of the Licensing Department, will now be the 1200.

In order to improve the administration of the Land Tax, a decision was taken sometime ago to integrate Land Tax valuation with the assessment and collection. I am sure that the amalgamation of the functions of the Rates and Taxes Department and the Valuation Department can only result in the improvement in the efficiency of the administration of land taxes in the Rates and Taxes.

I hope to go further by April next year with more reorganization, as it is my view that land, as such, is a subject which is capable of being administered by a single department, including taxation and valuation. I would also like to see it integrated with the existing measurement of land and including a Lands Department, which will also be responsible for the transfer of rights and interest in land. In short, I believe that rates and taxes, valuation, rights in land, surveying and property management is a sufficiently convenient group of subjects which can be administered by a single Ministry and also administered under terms and conditions in which the maximum utilization of information systems, storage, recording and computerization can take place.

Obviously, this is going to take a lot of convincing to a lot of people. But my own view is very clear, that in a small country like Barbados, great benefits can result if we had a single Ministry dealing with this matter and, indeed, if we had computerization and all of this taking place in one building. We have started with the amalgamation of Rates and Taxes and Valuation. We have also started with the creation of the Land Management Division in the Ministry of Land, which we have integrated that with the Surveying Division, and we want to go further by April next year and have the activation of the land registration.

I am not suggesting that we will have all lands in Barbados under Land Registration between April and December or anything like that. Anyone who has had experience in this will know that it is going to take a period of time in which you will have to have a parallel system in operation. But the Government is firm in its view that the Land Registry, the Deeds and Property Transfer Section, should be part of an integrated department dealing with the Ministry of Lands. So we propose by April next year to have a separation in the Registry between the Supreme Court Registrar, the Corporate Affairs and Intellectual Property, and the department dealing with registration of deeds and property. We hope to be able to have the advertisements at an early date for the posts so that people can go on training. I understand that a considerable amount of mapping work has been done and a study undertaken relating to the storage and the microfilming of records.

The only other area that I would like to draw honourable Members' attention to is to the Ministries that have been created, such as the Ministry of the Environment, Welfare and the Ministry of Commerce and Industry and areas like the Inland Revenue Department. We have promised that we will look at the Revenue Collection Department, and honourable Members will note that a number of posts in the Customs and Inland Revenue Departments have been made permanent. We wish to have it understood that Government is serious in its determination to ensure that we have a customs service and Inland Revenue Department second to none. We have accordingly established 25 posts in the Customs Department and 13, approximately, in the Inland Revenue Department. They carry such grades as Professional Accountant, Principal Inspector, and Inspector. We have also been making use of the para-legal courses, which help to bring to the department people who do work with some background of training in elementary parts of the law as it relates to clerical and executive work.

We trust that the further establishment of posts will be continuing and we hope that the whole exercise, including the regrading, will be further advanced when we resume after the recess. We recognize that a number

of posts which are temporary will have to be established. It is a matter of doing it in a slow way, and at the same time collecting them and bringing them before the House in a convenient bunch. We certainly hope to have some 900 of these posts established by the end of this financial year. There are some 1500 temporary posts and we expect that some 900 of them will have been done by this financial year. This is the start; the regrading exercise has not been completed, in that we are now dealing with some of the thornier areas of the profession.
12.50 p.m.

I hope that the Government's plans for the re-organisation of some of the medical services in Barbados are understood. We reiterate that it is the Government's intention to provide alternate permanent jobs and increase the number of jobs, particularly in the area of consultants at the hospital and in the Government Service, so as to ensure that the frustration that arises by some young doctors, who have received their qualifications and cannot be made consultants, will be removed, as is happening in many other countries of the world. In addition to that, of course, we are going to introduce the concept of a 40-hour over seven days work, and the reduction of overtime and special allowances will no doubt, as in the case of the police, help pay for the increased cost of the increased establishment which aims to provide a better service to the public as a whole.

I beg to move, Sir, that this Resolution do now pass.

Mr. J. G. ODLE: I beg to second that.

Hon. H. deB. FORDE (Christ Church West): Mr. Speaker, I am glad to see that Government has taken steps to establish these various posts. From time to time, I had occasion to write to the Chief Personnel Officer and the Chief Establishments Officer concerning persons in my constituency who have been serving in temporary posts for up to eight years, and in one case I believe as long as 13 years. It seems to me that if the facts clearly establish that there is a need for these posts to be continued, then there can be no logical argument against regularising the position and creating posts on a permanent basis. I am, therefore, much heartened by the Honourable Prime Minister's assurance that he will be coming to the House again later in the year for the establishment of some additional posts.

I mentioned that I have had to make representation to the Service Commission and the Establishments Officer about some officers in my own constituency. I wish there was a constant period of review, not only at the broad level of the Service as a whole but at the individual level of some of these posts. I can think of one particular case now not so much of an officer being placed in an

established post as distinct from a temporary post, but where an officer, who was well qualified for appointment to a particular post, could not satisfy the medical requirements of the post, and was moved from that department to another department, but at a severe disadvantage to herself, suffering a decrease in her salary to the extent of \$400 per month. Up to now, because of the lack of permanent positions in the Service, almost two years after that move, her position has not been regularised.

I have found in such a case that there seems to be no central authority to deal with investigating that type of case and taking positive steps to put it right. You are sometimes having to deal with the Service Commissions, then of course you deal with the Establishments Officer, and then you try to deal with the Ministry concerned, but the Ministry does not have the power to set the matter right. The Government should, in my view, keep under constant review individual cases.

In this matter I must declare a personal interest. One of my relatives has been in the Civil Service acting for 13 years with every conceivable qualification, has been shifted, has represented the Government overseas, and I believe has still not risen above the level in her substantive post of being a Senior Executive Officer. It was embarrassing to me when I was a Minister to even think of mentioning her case, and that is why I declare the interest now, but because a person might keep quiet it does not mean that such cases should not be reviewed constantly. When I was on the Public Service Commission, I came across several cases of this type of problem occurring, and when I knew them personally, I would raise them at the Commission, but we must have machinery for dealing with what can be hard sets of circumstances.

I could cite another case where an officer has been acting, I think in his case, for some 11 years. He has been on various training courses overseas and has a responsibility for a technical section of a particular Ministry and cannot be appointed. His employment is liable to be terminated at a month's notice. This should not happen. There needs to be more co-ordination between the Service Commissions and the Ministry of Establishments and the particular Ministries concerned, and there should be an ongoing review of each officer's file to ensure that there is some room for giving security of tenure to officers in these posts.

Only on Saturday, I had to disturb at home the Chief Personnel Officer on the case of a young lady in my constituency who had held the post of a Customs Guard temporarily for four years. She was proceeding on maternity leave last Friday when she got a notice telling her that her position was terminated. This is because of the reorganisation of the Customs and Security Guard Service at the airport, but the administrative machinery

must have a humanitarian face as well, and it seems to me more than a gross oversight that the major departments responsible should find it possible on the day that the lady was going on maternity leave to give her a notice of termination.

I am not laying this at the door of any Minister, because having been a serving Minister of Government I am aware that decisions such as these are not made at that level. It may well be that they are made as a routine measure and that somebody had to be terminated because of the reorganisations, but surely the machinery must include the possibility of reviewing individual cases so that allegations, or the appearance of a lapse, are taken into account. The managerial aspects of these matters do not appear to be well functioning. I cite these particular instances because I think that we ought to emphasise the necessity not only to make sure that the number of temporary posts are now put on a permanent basis, but to ensure that individual officers receive justice in dealing with the particular cases.

I am particularly happy to see two developments here today. The first relates to the statements made by the Honourable Prime Minister concerning the reorganisation of the Land Valuation and Land Tax Departments. It seems to me that the Government is today the biggest land owner in our country, it certainly owns very valuable properties. I am not certain whether the Minister of Housing and Lands has as yet managed to achieve his desired goal in being able to have an overall register of the number of areas of land and properties owned by the Government. Certainly in 1976-77, when I was a Minister, there was no such register. In fact, it was sometimes difficult to find out where the title deeds to Government's properties were held. There was no overall valuation of Government's properties, and in those circumstances it seemed to me that we had to have a complete reorganisation of the various departments dealing with Land Tax, land valuation and land ownership. The Prime Minister's statement that these changes are a pointer to a comprehensive re-evaluation of the policy relating to the ownership and the management of land and estate management as a very important aspect of governmental affairs makes me believe that Government is taking concrete steps to rectify any defects that exist.

1.00 p.m.

In relation to the Police Force, there is no doubt in my mind that this Government has performed exceptionally well towards the Royal Barbados Police Force. There has been a tremendous increase in the complement of police officers from the time we took over this Government, and their conditions have also improved. I am pleased to see that we are not only increasing the number of policemen by 150, bringing the overall complement to about 1 200, but that we are also

strengthening the middle management level of the Police Force by creating additional posts at the level of Superintendent, Assistant Superintendent, Inspector, and Station Sergeant, particularly at the Inspector level and the level of Superintendent.

It has always been my contention that the next step in the Police Force was to strengthen middle order supervision. This is part of a policy which we set out after a review by a leading British policeman of the condition of the Police Force. That document, for various reasons that should be obvious to both sides of the House, has never been made a document of Parliament. There are parts of the document which would, of course, be of very high security importance, and I would not be conscious of my duty as a former Minister of the Crown if I even advert in this House openly to some aspects of that report, but it has been a report which has guided the Government up to now and which has shown that we do have an overall and comprehensive policy for ensuring that the law and order forces of Barbados are properly organised and re-organised to deal with the changing problems which come before the country as a whole.

If the honourable Members would recall some of the statements made by me in the period 1977-78, they would see that the policy is clear. Since then we have had various recruits to this policy. As elections neared in 1981, there was a cacophony of noises concerning whether or not the Police Force was well equipped to deal with the problems before it. I went on record as saying that you had to have a plan and a policy to implement over a period of years and that the first effects of the reorganisation would not be seen for three years. We have begun to see those effects, and this is a continuation of that policy.

There are some features in this Order which should be welcomed by both sides of the House, and if I have spoken about some areas of concern, it must not be taken that I am being critical of my ministerial colleagues on the front bench in any way. What I am concerned to ensure is that there is a human face always to these matters and that the administrative procedures should make sure that that human face is constantly shown. I am not even alleging that there is not a human face, because I have seen other areas in which there has been a good deal of humanitarian consideration shown to certain officers, but as the Public Service continues to expand, one will find always that there is room for improvement.

It must not be forgotten that some 45 per cent, close to 50 per cent, of all revenue collected in this island is now used for the purpose of remunerating the various public servants in the island, and therefore there is a very large obligation placed on the taxpayers to maintain for the proper functioning of Government personnel that is sort of consonant with the duties; and personnel this is

properly trained at the same time. I have great faith in the civil servants. I believe that one of the strong pillars of the maintenance of the democratic system of Government in this country remains our civil servants. They have been able to take the changes in Government without any great disruption in the smooth running of the people's affairs. Very often, almost all the time, in 90 per cent of all the cases, their tremendous advice to the political directorate has been responsible for the direction in which Barbados has gone so successfully, so I would not want this debate to go without recognising the role which they have played, particularly in post-independent Barbados. I trust that we in Parliament will constantly be conscious of a role to ensure that the procedures are right, that the numbers are right, in terms of personnel, training and remuneration.

There will be times when we cannot reward civil servants in the manner in which everybody expects them to be rewarded. I see my friend, the honourable Member for St. Michael South Central (Dr. R. C. Haynes) instantly writing down that statement to get up to make a political point, so let me anticipate him by making the point that one must also be completely conscious in the overall scheme of things of the limited finances that are available from the public as a whole. You can only get revenue in this country from additional taxation or from an increase in the amount of revenue earned by the Government from its investments, so one must be conscious of that as well. I am not saying that every demand can, should or must be met. What I am saying is that as the economy grows by their assistance, we should be conscious of the need to ensure that they are properly rewarded, and we are sure they would contribute properly to the functioning of an independent, virile Barbados.

Dr. R. C. HAYNES (St. Michael South Central): Firstly, I would like to make reference to the provisions made in respect of an increase in the establishment of the Royal Barbados Police Force. It is public knowledge that this Democratic Labour Party only a few months ago had to take to the streets and take the public in their confidence and come to this Chamber to demand that the rightful demands of the Barbados Police Force should be met, because we felt that there were clear signs indicating that public policy should be targeted towards the better control of crime, and better facilities and better equipment for the Royal Barbados Police Force. There can be no doubt that the initial reaction of the Government at that time was to the effect that there was no need for any increase in the establishment. Subsequently, the former Prime Minister on the floor of this House did, I must say, pay some respect to the views of the Opposition and indicated that he would give some consideration to the demands of the Democratic Labour Party and the demands of the Commissioner of Police.

I hope that this Order meets the request of the Commissioner of Police and that there has been in fact an increase in the number of police officers to the level which he requested, because we on this side feel very strongly that persons of that calibre, persons with that kind of training, persons with that kind of knowledge of the needs of the community, would be in the best position to advise as to the number of police officers who are required, and that they are in the best position to deploy the human and other resources made available to them to the best advantage.

1.10 p.m.

This is a clear example of how an alert and active Opposition, acting in the national interest, loyal to the goals of peace and orderly development in this society, can force a Government which has failed in its responsibilities to respond to the legitimate needs of the community, and indeed to the requests of those constitutionally responsible for the maintenance of law and order in this country.

I repeat, I hope that this Order meets the request of the Commissioner of Police. As we all know, we have accommodated the Government in the circumstances, and since the Order was circulated today, obviously one cannot do the appropriate calculation to see if necessarily there will be an increase to the level which he has requested. I just hope that that is the case.

I want now to make one or two general points relating to the Public Service of this country. There can be no question that there has been a decline in the morale of public officers. They do their best, under difficult circumstances, to function with maximum efficiency but there are many stumbling blocks in their way.

Dealing with temporary appointments in the Public Service, we were told on the floor of this House last year and a year ago that the main reason why there were so many temporary appointments in the Public Service was that there was a study going on in relation to amendments to the Pensions Act, which would increase the age of retirement from sixty to sixty-five. I believe that this House has passed that appropriate piece of legislation, but there are thousands of people in the Public Service today holding temporary appointments for many years and people who are deeply concerned, first of all, about the security of tenure of their jobs and, secondly, about whether or not they will be appointed and have the benefits of fully-appointed officers in the Public Service.

I think it is important that the Government should take a firm decision on this business of having people in temporary positions for many, many years and do something about it. This particular Establishment Order will accommodate a few, but there are many, many more in the Public Service who have to function daily under

the disadvantage of not knowing whether they would be permanently appointed. It is very difficult in these times for people to make plans for their future, for such persons even to go to a bank and get a mortgage, because they do not have the security of tenure which the lending institution would require, and, in many instances, there is no good reason why they should not be appointed. I would urge the Government to look very carefully at the large number of temporary appointments in the Public Service and see what can be done to reduce those appointments to a minimum and to make sure that those persons holding those temporary appointments are appointed as soon as possible. It simply is not fair to anybody who has to function under all the other conditions that apply in the Public Service and deprive them of the security of tenure inherent in a permanent appointment.

That is one area which I think has contributed considerably to the low morale in the Public Service. The second area which I think has had a very adverse influence on vertical mobility of persons within the Public Service has been Government's attitude to training. Let us not be mistaken about this, many avenues of training within the Public Service have been closed — and I am choosing my words very carefully. It is true that people can give up their jobs and go off to the university. But then, how are they going to continue to support their children? How are they going to continue to pay their mortgages? How are they going to continue to live? The situation has changed drastically from what it was ten years ago, to the present situation, where only a small number of people within the Public Service have the opportunity to continue in their posts, go and further their education, continue to receive their emoluments and return to the Public Service better equipped and better trained in order to provide a better Public Service for the people of Barbados.

It is ironical that whilst in the Public Service, many of those avenues of training have been withdrawn, private companies in Barbados in the enclave sector have instituted training programmes for their employees on an ongoing basis, secured in the knowledge that when they have produced a better trained and equipped person, in the long run it can only be to the advantage of the particular organization. I was privileged only recently to look very carefully at the programmes instituted by two large enclave manufacturing companies in Barbados, and I must say that I was impressed by the kind of training programmes which they had for their employees, in order to help them to cope with the changing technology within the environment of their industry.

It is not only training within the general Public Service. As we know, teachers who wish to go to Erdiston to train no longer enjoy the same privileges and the same kind of public support which they enjoyed before. This

means that that group of public servants, the teachers in Barbados, will find it more and more difficult to have access to training at our institutions.

1.20 p.m.

In the Health area, the whole system in the training of nursing has been changed. No attention has been paid to the fact that the previous system allowed a poor girl to be trained as a nurse at public expense. Today, it is exceedingly bad for disadvantaged young ladies in this society who wish to become nurses to go through that training process before earning a dollar after qualifying. You may recall that there was a time when some nurses were appointed, they functioned within the hospital system and they received remuneration, housing, meals, uniforms and other perks, which meant that, once they had been selected, the humblest who wished to become nurses had no barriers in their way. Today, that is not the case. As you know, they go through a different programme of training and it costs them money to become trained as nurses. Even the cost of stoppings can be prohibitive for young girls looking forward to be trained as nurses in Barbados. So while, for better or worse — and I do not wish to get into this argument — there has been a change in the training of public servants in relation to nurses, nothing has been done to deal with the problem relating to the costs of such training to the poor persons in our community. The same thing applies to the teachers. The same thing applies to a large number of public servants who would normally quite easily have access to further training at Cave Hill or elsewhere and be able to continue to receive emoluments.

These three things need to be addressed, and they need to be addressed for these reasons. The public sector has expanded considerably over the years. It has not only expanded in terms of numbers, but public intervention in the social economy and in the economy of Barbados has expanded beyond limits which could not have been envisaged twenty years ago. It is, therefore, very critically important that we have elective training programmes in place to ensure that the interventions of Government in the economy can be successfully carried out. One has to look at critical areas, for example, in accounting, and I see a provision made here, if I remember correctly, for regrading in relation to one of the officers in accounting.

There is a need for a substantial upgrading of training of accountants in the Public Service. One of the biggest problems that you have — and I can say this, as a member of the Public Accounts Committee — is that many of the people who have to deal with accounts within the various Ministries of Government have not been adequately trained. This places a tremendous burden and an unfair position of responsibility on the Permanent Secretaries, the Chief Accounting Officers, in the Public Service. There are some Ministries where the accounts have been in a state of chaos for many years. Probably I

should not mention this, because it has not been reported from the Public Accounts Committee to the House, but, in general terms, I would say that the most appalling situation in relation to a particular Ministry was brought to the attention of the Public Accounts Committee, and the Chief Accounting Officer virtually had to devote — I think at that time he had indicated this to us — six months.....

Mr. SPEAKER: The honourable Member is well aware that matters that come before the Public Accounts Committee cannot be dealt with in here until such time as the report has been forwarded.

Dr. R. C. HAYNES: I said that I was not going to deal with it.

Mr. SPEAKER: But you are discussing it. How can you discuss it when there is nothing laid before the Chamber.

Dr. R. C. HAYNES: That is why I steered so far away from it.

Hon. L. S. CRAIG (St. James North): Sir, with great respect to your Honour's ruling, I was going to draw this to your Honour's attention, to give the Member the opportunity to catch whatever headlines he wanted to catch. I hope that, in the interest of Parliament, you have it expunged from the Record. It is not fair to the Public Accounts Committee, it is not fair to the Chief Accountant, it is not fair to the auditors, and I think that the Member for St. Michael South Central is a member of the Public Accounts Committee. He started off by saying that he was going to steer clear from it — really child's play — and then he goes on, as if he thinks we are children. I hope that Your Honour will give my submission some form of consideration.

Mr. SPEAKER: It is a very difficult situation, because the honourable Member, being a member of the Public Accounts Committee, is well aware that the Rules are very clear that nothing that passes before that Committee can be discussed until such time as a report has been laid.

Dr. R. C. HAYNES: Mr. Speaker, I appreciate your ruling. I did indicate that I did not wish to do that, and I will not pursue that line of argument any longer. In fact, Sir,.....

Hon. L. S. CRAIG: On a point of order: I am not sure if what the honourable Member is saying is true, knowing him from experience. Experience teaches me that he deals with impressions and not facts. So I really do not know. It is not fair.

Mr. SPEAKER: There are two honourable Members on their feet.

Dr. R. C. HAYNES: As I said, there are two areas: the appointments in relation to temporary jobs, to make sure that those persons get their permanent appointments, and the number of police officers in this country.

Hon. L. S. CRAIG: Sir, I really do not find very much to reply to in the speech made by the Member for St. Michael South Central. I think the greatest sinners as far as the public officers of this country are concerned, and as one can safely remember, would be the Democratic Labour Party. I believe that their present Parliamentary Public Relations Officer, a Mr. Welch I think is his name — was acting as Chief Labour Officer, I think when you, Sir, was a member of the Opposition, for some — I am subject to correction — ten years.
1.30 p.m.

You had a situation where, out of a public inquiry in this country when the DLP Administration was in office, a gentleman who while giving evidence was asked what was his occupation and he said he was a movie star. When they queried what he meant, he said he was acting at Hollywood, because all of his life he was almost acting when he was working for the Port. Acting appointments, therefore, in the Public Service are nothing new to this country. We are not satisfied with the situation. There are approximately 1400 persons in acting appointments in this country, and the Government is setting out to make sure that this whole matter is rectified and well taken care of by the end of this year and I would have thought that the Member for once would have paid the Government some compliment. It is humanly impossible for a party in office to be wrong every single day they come to Parliament and yet be returned to office. In 1976, we won the Government, and in 1981 we won the Government, and we have won several by-elections since then, which demonstrates to Members on the other side, unless they cannot understand, that the country is satisfied with the management of the affairs of this country. Telling us today that you would like us to make sure that these temporary posts have all been settled is pushing an open door. We have brought the measure here.

It is something that we have inherited, it is something which has been going on for years in the administration of the DLP, and I do not believe that anyone could have been hurt by this more than a gentleman by the name of Mr. Welch, who is supposed to be secretary to their parliamentary group and who sits down in here every Tuesday with them. I believe he would have begged the honourable Member for St. Michael South Central, please not to mention anything about temporary appointments or acting appointments, because he suffered at the hands of your party, or his party, over the years. You should be saluting us for trying to have this matter tidied up.

I believe sometimes that when you call the devil's name, the devil turns up. You may say that. You call a

person's name and the person walks in a House at the same time, or pushes a door and walks in. That gentleman, Mr. Welch, suffered at the hands of the DLP as Chief Labour Officer for almost ten years acting, so this is nothing new. We are trying to rectify the situation and we hope to do so by the end of the year.

The question was put and resolved in the affirmative without division.

THE SEVERANCE PAYMENTS (AMENDMENT) ACT, 1985

Order No. 7 was called — To move the Second Reading of a Bill to amend the Severance Payment Act.

Hon. H. B. St. JOHN (Christ Church East Central): Mr. Speaker, this Bill implements a budgetary proposal whereby the Government integrates the provisions of the Severance Payments Act with the Unemployment Act in Barbados. Honourable Members will recall that we had severance payments before we had unemployment provisions relating to people being able to draw unemployment pay for a certain period of time. In the Budget the period of time was extended, and it was felt that in order to ensure that there is integration between the two schemes, the period of layoff short time that an employer can put an employee on should be correspondingly increased, so that while a person who is drawing unemployment pay, a layoff should not be counted as being a layoff to be eligible for severance. Accordingly, the Severance Payments Act has been amended, and 13 weeks is now the layoff period instead of six weeks, and 16 weeks in a period of 26 weeks. Twenty six weeks is now the period of time that a person can draw unemployment pay for. We have also increased the percentage of earnings that a person can draw unemployment therefor.

We have also decided that as a corresponding obligation to the employer, the period of time for which the employer has to hire a person should be moved from 13 weeks to 26 weeks, so that when you come back on after you have been laid off for a longer period, you have to be hired for a longer period. This last part was not spelt out in the Budget, but when the legislation was being drawn, as a result of further consideration, having regard to representations that were made both publicly and otherwise, it was felt that it would be fair and just that if you extended the period of layoff you should also extend the period of hiring. Accordingly, Section 4 of this Bill seeks to amend the Schedule to permit that.

It is the Government's view that severance pay and unemployment are such complex matters that other than this particular amendment, the recommendations of the body that has been studying this for a long period of time should be further reviewed. We have had a meeting with a number of organisations, and the Minister of

Labour and others have suggested, and Cabinet has accepted, that the severance payments review report should now be submitted to an expert, particularly one with actuarial experience. It was agreed that we should try and get one, if possible, from the International Labour Organisation at a very early date.

A vital point that Members must appreciate is that when the Severance Payments Bill was first passed there was no unemployment insurance. There is now unemployment insurance, so we do not wish to have provisions which when they were drafted dealt with specific situations which are no longer in existence, because the impact on unemployment is mitigated by the rights of unemployment insurance, and as we have extended that, so too we feel we should look at other areas.

1.40 p.m.

We would like in the same review, particularly with actuarial considerations being taken into account, to look at the rate of unemployment contributions by both sides. We would also like to see whether the eligibility conditions are not too tight and things of that kind, but obviously we cannot do that without a thorough examination. It is the hope of the Government that at a very early date we will be able to get this assistance. If we are not able to get the expert assistance from the ILO, we are perfectly prepared to get assistance from any other quarter, and we wish to emphasize that just as severance payments review had taken place against the maximum consultation of interested parties, so too the integration will take place.

This Bill, however, does provide a measure of relief, and will, in the Government's view, permit more hiring to take place, particularly in seasonal employment. I say that because it is well known that there are certain industries that can provide seasonal employment for some considerable period of time of the year, six months, but that if the period of the layoff was as it was before, it was a disincentive to hiring people for six or seven months of the year, particularly if you wanted to keep those people.

I know that, under the existing law, there is a way of getting around the obligations of severance pay by changing your employees every year or changing them after two years. That is not our view. Our view is that with this Bill, employees would be able to come in and be recruited as "temporary", in the sense that they work for the peak period of time of employment, and the first vacancy that arises, whether from retirement or people leaving, would automatically be filled, because you would have a corps of people there who would have been working. This would help to promote that, particularly when one takes into account that in return for a longer period of lay-off, there is an increase in the obligation when you rehire.

We wish to stamp out this practice of having people rotate staff in order to get around the tightness of the employment severance conditions, and I want to say that there is magic in 26 weeks. That is the period of time that you will have to work. There is a period of time, first of all, that you can get unemployment pay from, and it helps in two years to build up 2×26 when you are taken back on as 52. That is the period of time that you need to keep your unemployment funding going, so, by equating it, we are preserving a proper integration. Considerable help was given to us in the drafting of this particular piece of legislation by people in National Insurance.

The point was made during the Budget by Members on the other side about the short time business. I wish to point out to them that I have been told that when a person is on short time, that person is still entitled to draw unemployment. The difference, of course, to the unemployment benefit is that you have to be credited with a sum that you get from your employment and this would be what the unemployment benefit base is, the difference between that sum and the 60 per cent nowadays. That has also been integrated, so there is no incentive, so to speak, to keep people on short time, and if they are to keep people on short time, we have extended the maximum period of time of short time. We have done everything in our power to prevent exploitation of this.

As I said, this is a measure which will be the subject of review at the period of time when we have this comprehensive review, which we hope will be at a very early date. We have had written representations from both the employers and the employees with respect to severance pay, and we would like to get similar representations in respect of unemployment pay, but that needs an actuarial input, because that is really an insurance scheme.

The other point I would like to make is that the Government has increased the percentage of reimbursement which employers will get in the event that they have to pay severance pay. It used to be 50 per cent during the honourable Member's time. It was abused because people used to fire their staff, promptly create a new subsidiary company and take them on, particularly if they were family companies, and the fund used to pay a gratuity to the family. We know of classic examples of that and therefore we reduced it down to 10 per cent. Ten per cent was a small amount. We have gone back to 25 per cent, but one of the things that we would have liked to have looked at is a method of ensuring that it cannot be abused if you had the 50 per cent. Human nature and human ingenuity is such that I do not think it is possible for anyone to sit down and envisage every situation and try and plug the gap.

I beg to move that this Bill be now read a second time.

Hon. L. S. CRAIG: I beg to second that.

Mr. P. M. GREAVES (St. Michael North): Mr. Speaker, having heard the Honourable Prime Minister moving the second reading of this Bill, I am led to the conclusion that there are several important omissions in this Bill, because this Bill certainly does not do all the things the Honourable Prime Minister claims for it. For instance, the Prime Minister claims that this Bill will enable employees to be rotated in such a way that the employer would not be able to lay them off and that they would be in line for re-employment. Nothing at all in this Bill permits that.

At the time when the Prime Minister first disclosed his intention to amend the Severance Payments Act, as is now being proposed today, I voiced my concern about the proposals, which I thought would work severe hardships on the workers themselves, and this is not quite as simple as the Honourable Prime Minister has made it to be here in this Chamber today, that it is only a simple exercise of integrating the Severance Payments Act or its operation, with the Unemployment Benefit Scheme. All it does is to equate the number of weeks in a certain sense, but I can only say "in a certain sense," because this Bill deals only with severance pay in terms of lay-offs or being put on short time. It does not deal with the wider aspects of severance pay, that is, the losing of a job, because they have gone out of business. He has not touched that. This deals solely with the question of layoffs, only layoffs.

I believe that the Prime Minister introduced this measure not for the reason that he advanced today, but for the reason that he advanced in the Budget when he said that the intention was to provide breathing space for the businesses while at the same time covering the affected workers. Let us face it, there is no one in this Chamber, or in Barbados today, who is unaware of severe pressures that businesses are undergoing today. Many of them folded up over the past three or four years, and many have folded up this year. The bankruptcies or the receiverships have been unprecedented, so they are under pressure, and the Prime Minister has chosen this measure to bring some relief to the businesses. But this is being done to the detriment of the workers, it is the workers now who are being asked to relieve the businesses.

The Government could have done it in a different way. It could probably have done it by relief of taxation. That is one way. It might have been able to do it still in a different way. It is bringing a subsidy now for the sugar industry. I would never advocate that, but that is one way as well. I am merely trying to point out that there are many ways of dealing with the problem, but the way

chosen has been a way that will work hardship on the workers once again. Once again we are asking the worker to pay out of his pocket to assist the economy of the business at which he is employed.

I maintain that this is not as simple as that. I think we should look at what we have at the moment and then compare it with what is now being proposed. At the moment, the layoff was to be four or more consecutive weeks, that is, one month's layoff. If a worker is laid off for four or more consecutive weeks, that worker is entitled to severance pay. But if the kind of layoff is not consecutive, then the worker, as the law now stands, if able over a thirteen week period, if the lay-off had been for a series of six or more weeks, that worker can claim severance pay.

1.50 p.m.

What is proposed now under this Bill is that the worker must be laid off for at least three months, thirteen consecutive weeks, before that worker can claim severance pay. So whereas after one month, you could claim your severance pay, now you have to be laid off for three months. So that worker must — some people use these words — "suck salt" for three months; he must be three months out of work. He cannot even claim unemployment benefits during that time, that three months' period. As I understand it — I may well be wrong — he has to work twenty-six weeks before he can claim some unemployment benefit. It is only after then that he can claim severance pay.

Integration comes now with the lay-offs, with the short time. A person will be put on short time, who, before, over a 13-week period was able to claim a severance pay, will now have to wait for 26 weeks, a whole half of a year. It is a series; the layoff is 16 weeks over a 26-week period, over a half year, before he can claim the severance pay. This is not in the interest of the workers. As a matter of fact, this can be manipulated by the employer to the detriment of the worker.

I have done a little exercise here since coming in here this morning. An employer can employ a person for two weeks. Over a twenty-six week period, so long as the layoff, that unemployment period, is not consecutive, he can give that person minimally employed for a whole year — and that person cannot claim severance pay. He only has to make sure that he does not have him unemployed for 16 consecutive weeks over any 26-week period, so he keeps him minimally employed and that worker cannot claim severance pay.

There are certain things with which I agree, which the Honourable Prime Minister has spoken about, for instance, the question of actuarial review of certain aspects of the scheme and the way in which it is put to work for the benefit of the workers, because if one

is not careful, some of these schemes could disappear, especially in these times of high unemployment. But it is in these same times of high unemployment that we look now to amend the scheme to make the same employee worse off.

I note that this scheme is to come into operation on June 3, 1985. I do not have any quarrel with that, but we are now in July, and my understanding is that the persons who are operating the Severance Payments Scheme at National Insurance have been operating as though this is already the law, when, in fact, it is not already the law. It does not fall under the Provisional Collection of Taxes Act either, where, when the Prime Minister makes a proposal to collect money in a Budgetary Statement, it can be made collectible immediately. This is not one of those provisions, this operates under an Act, and the Act would have to be amended first before they can operate as though it was amended.

The truth is, they are already breaking the Act over at the National Insurance Office. I have no quarrel with the Act coming into operation on June 3, my quarrel is with the proposals, not the date on which it comes into operation, but I feel that it should not be further compounded by those persons at the National Insurance Office reducing the entitlements of the workers, in the sense that they are not permitting them to lawfully claim their severance pay which the Act allows them to do because there is now an amending Act coming. That cannot be right. They should only be dealing with the law as it stands at the moment.

We cannot support this Bill as it stands. When the Severance Payments Act came into operation, it was done after a committee was set up of representatives of various interests, the workers, the employers and the Government — as far as I can recall under Canon Layne, who, I think, has passed away now. As a result of the committee's recommendations, the Act was brought into being. As I understand it, and as I read from the representative of the workers themselves, the announcement about the amendment of this Bill was made without any consultation with the workers' representatives, and, therefore, it must be assumed that it was done without any prior consultation with the employers' representative either. This was an assumption on my part, but this is what the workers' representatives then stated.
2.00 p.m.

I was glad to hear the Honourable Prime Minister say earlier that they have not written the various interests, they have got some replies and that there will be — I may be wrong on this.....

Asides.

Mr. P. M. GREAVES: I understand that they met, and have replied, and I had got the impression from what the Prime Minister has said.....

Hon. H. B. St. JOHN: If the honourable Member will give way, because I do not want any misunderstandings, I said that a review of the Severance Payments Act had been commissioned for some period of time and the representations of both the employer and employee have been received.

Mr. P. M. GREAVES: That makes it slightly worse, in the sense that I had got the impression that, before this Bill came in here today, they had been consulted on this particular Bill. It seems now as though the consultation is on the Severance Payments Act as a whole. I must make the point that this is not how we believe that it should be done. We believe that there should be proper consultation, that when an Act that affects certain interests, those interests should be consulted.

For the reasons I have set out, we cannot support this. The main reason is that it will make the position of the worker, who is very hard pressed, even worse than it is today.

Mr. M. A. KING: Mr. Speaker,.....

SUSPENSION

Hon. H. B. St. JOHN: Sir, this is a convenient time to suspend this sitting. We have to go to the other place.

I beg to move, Sir, that this sitting be suspended until 3.15 p.m. today.

Hon. L. S. CRAIG: I beg to second that.

The question was put and resolved in the affirmative without division.
2.05 p.m.

ON RESUMPTION

Mr. DEPUTY SPEAKER: The House is in session.

When the House was suspended, the honourable Member for Christ Church West Central was on his feet. At this time he may resume.

Mr. M. A. KING: Mr. Deputy Speaker, the amendment which is before this House extends the minimum period of layoff or short time which should elapse before a claim for severance pay can arise, and it extends that minimum period, in one instance from four weeks to 13 weeks, or, if you are dealing with the alternative situa-

tion, in a series of 16 or more weeks, of which not more than 12 are consecutive in a period of 26 weeks. The provision before that was that if a worker were laid off for — let us deal with the first instance, four or more consecutive weeks — he could at the end of that period give notice of his intention to claim his severance pay and thereby start the appropriate procedures under the Act for prosecuting a claim for severance pay. What this Act, in fact, does — and I am suggesting that it does no more than that — is to extend that minimum period from four to 13 weeks.

The Prime Minister makes the point that the effect of this amendment is to integrate these provisions in relation to layoff and short time with the provisions which he spoke of in the Budget, which were, in fact, concessions to the workers in extending the period for which unemployment benefit may be claimed, from 13 weeks to 26 weeks, and increasing the size of the benefit from 50 per cent to 60 per cent of the average insurable earnings. But although the Prime Minister in his Budget said that, as a consequence, these other measures will flow, that the period of short time would be extended, I am saying that the extension of the minimum period of short time is not necessarily a consequence of the concession in relation to the extension of the time over which the unemployment benefit should be drawn. In my view, they are two separate and distinct measures altogether, and what has, in fact, been done is that these provisions extending the minimum period of layoff and short time are used and introduced as a trade off, I suggest, to the concessions which were granted to the workers in the Budget.

There have been some more extravagant claims made by the Prime Minister as to the effect of this legislation. I believe that I heard him correctly when he said that it would permit more hiring to take place in respect of seasonal employment. This is going to have no effect whatsoever in relation to hiring of seasonal workers and seasonal employment, because the existing provisions of the Severance Payments Act do make allowance for employment of workers in seasonal employment and provisions where those workers are not employed at the time when the season is in effect. This amendment before us has absolutely nothing whatsoever to do with providing opportunities for hiring more people in situations where people are engaged in seasonal employment. What it does is to provide for that longer period during which the workers must be laid off before they can articulate their claims for severance. This is not in the best interest of the workers, because you are providing a period of three months during which the worker is laid off.

3.20 p.m.

The suggestion being put on the other side is that during that period of three months the worker can draw

unemployment benefit within those weeks, provided the basic qualification is there for the drawing of the unemployment benefit, but I am dealing with the situation where the worker has been qualified. Let us say, for instance, he has been working for five years continuously, and then suddenly the factory comes on hard times and the worker is now laid off. Under the pre-existing situation, once he was laid off for four or more consecutive weeks, he would then give notice of his intention to claim severance pay and partly for any claims which he may subsequently pursue. Now, instead of waiting for the four weeks, he is by this amendment required to wait for 13 weeks, one month to three months. In that period of time — I am articulating the difficulty which is presented to that worker — the three months now which he is required to wait, he is being kept in limbo, because where you are laid off in the sense of the Severance Payments Act, in technical terms, his employment is not terminated, he is still in the employ of his employer, but in factual terms he is not working, so it is not open to that worker when he is in a period of layoff to seek and obtain any other kind of permanent employment, because if he does so, he prejudices whatever rights he has to get severance payment in respect of that layoff.

The requirement of the law that a notice terminating employment must be given by the worker underscores the point I am making, that the worker is still in the employment of his employer. There has been a number of cases where during periods of layoff workers have sought employment in other areas and have found, to their amazement, that by doing so, in some situations they have prejudiced whatever rights they had to get severance payments from the original employer, because it was taken that by seeking alternative employment they terminated their employment with their employer.

My essential point is that when you keep the workers in limbo for a period of three months, do not mind that they may be in a position to draw unemployment benefit for that period once they qualify, what you are in essence doing is inhibiting their opportunity to get a permanent job if a job is available, and they have to sit out that three months before they can do anything constructive in their own interest. It would seem to me that there is no need to extend that period from four weeks to 13 weeks, because what the law says is that if after the worker sends the notice of intention to claim after four weeks, the employer gives a counter notice to the worker contesting his liability to severance and saying to him he is guaranteeing him employment thereafter, and once that is done, the right to severance payment does not arise.

If the purpose which the Prime Minister talked about in his Budget for the legislation is that the extension of this period from 13 to 16 weeks would take care of situations, for instance, where because of

technical operations businesses would lay off staff, but will take them back within a short period of time, and you want to provide a breathing space for the businesses, then you do not have to provide that breathing space of three months, because the fluctuating pressures which are put on the workers are not commensurate with the advantage which is given to the business. You cannot on the one hand say in the Budget that what you are doing is providing a breathing space for the businesses, and here on this occasion say that you are integrating the scheme so as to provide that the period during which unemployment benefit may be drawn would correspond with the period over which the worker has to be laid off before he can prosecute a claim for severance. I am saying that in all of that the benefit which the businesses are getting is going to be so much greater — if you took a comparative situation — than the nugatory advantage which the workers get, because they get nothing in fact, but get more pressures by having to wait for some further considerable period of time before they can take steps to determine what their own future is.

What I am mostly concerned about is the inordinate length of time in which you are going to have to be put on hold, so to speak, whilst the businesses decide what they are going to do with their own operations.

(Hon. L. R. TULL: Maurice, you said that five times).

Mr. M. A. KING: It is important enough to underscore it. I have said before that the claims made by the Prime Minister are to some extent extravagant. I do not quite understand how the position in relation to short time is being dealt with. I believe I understood the Prime Minister correctly when he said that where persons are on short time as well they can draw unemployment benefit, and if I heard him wrong I stand corrected. I do not quite understand that, because my understanding of unemployment benefit is that it is a benefit which the worker is entitled to receive when he is unemployed. If the words made any sense, that is what it must mean — he is unemployed for a specified time.

3.30 p.m.

When a worker is placed on short time, he cannot be unemployed because he is still an employed person. He is employed on a short time, which means that he is employed for less than half the period of time for which he was employed before and is drawing wages less than half of what he was drawing before. So where a worker is on a short time and is still in the employment of his employer, I cannot see how unemployment benefit can be drawn in respect of that period of time. But as I say, if I am not understanding the position correctly, then I will stand to be corrected in that regard, but I certainly cannot see how that can be so.

I know that as a practice the Department of National Insurance, I believe, has been of the view that where workers are on layoff they may be paid unemployment benefit during the period of time that they are on layoff, once they qualify for the benefit. Again, that is a question of interpretation. If that is a matter of practice what they do, then so be it, but it does not alter the fact which I have already stated, that when workers are on layoff they are still in the employment of the employer. It is a point which I suppose you can argue that they would be, if they are on layoff, entitled to the employment benefit, but I certainly cannot see how that same provision can be extended in cases where the worker was still in employment on a shorter working period.

I, and I think we on this side, have great difficulty in supporting the measure which is now before the House, because we see it as nothing more than creating further difficulties and obstacles in the way of the working people of this country.

Dr. R. C. HAYNES (St. Michael South Central): I rise to address you on this particular measure which could be characterised as one of the most significant pieces of anti-worker legislation brought before this Parliament by a callous and wicked Labour Party Government. It is quite clear to me that this is a negative response to a very unfortunate situation which has developed in Barbados. It is a situation where, because of Government policies principally, the employers in this country have found themselves in a very difficult financial position, unable to sustain the work force which they previously would have maintained, whilst at the same time the workers of this country have to face the burden consequential on the predicament in which the private sector finds itself, apart from a privileged few who are prepared to buy members of the Barbados Labour Party, and even buy nominations and buy their way into the electoral process of this country.

That apart, the point I am trying to make is that there is a serious problem in this country affecting both the private sector and affecting the workers of this country, and this is a negative response that seeks to place the burden of that problem principally on the shoulders of the workers of Barbados. We on this side cannot support this. We believe that both the employers and the workers are entitled to a climate in this country in which the employers can continue to employ people and workers continue in their jobs. We believe that this legislation is the product of a deformed mind that can inform an Administration that they can respond to a situation which they have created by creating intolerable hardships for the workers in this country.

The previous two speakers on this side have dealt with all the legal implications and all the problems which

the workers will face. I, as Shadow Minister of Finance, would like to send a clear signal to this country that the policy of the Democratic Labour Party will be one of job stabilisation throughout the economy, step 1, and that the second step will be an effective programme of job creation in the public and private sectors of Barbados. Therefore, they can all look forward to the effective job stabilisation programme of the Democratic Labour Party which will be very closely linked to a programme to stop the depletion of capital throughout the private sector in Barbados and to restore that robust strength which employers in this country, both in the private and public sectors, enjoyed under the previous Democratic Labour Party Administration. This sort of social legislation was introduced by the Democratic Labour Party in order to protect the workers of this country. We are not going to sit idly by, and we are going to vote against any measure that seeks to erode those rights which we have given to the working people of Barbados.

Mr. Deputy Speaker, what the Government should be doing is not trying to erode the rights of the workers. What they should be looking at is to see what is competing for the same dollar in this community which can either generate employment or be spent in other directions. I put it to you that if the Government were to look at the non-wage costs of business operations in Barbados and take active steps to reduce them, then overnight a major step would have been taken to preserve jobs in Barbados.

The second point I wish to make is that the Government has embarked on a programme that has bled individuals, has bled corporations, has bled every single enterprise in this country that provides jobs for this nation of essential capital. What they should be looking for are programmes relating to equity stabilisation, programmes relating to equity participation, programmes relating to all those factors which have led to the situation, and I will not be interrupted except on a point of order.

Mr. DEPUTY SPEAKER: The honourable Member should stick to the Resolution.

Dr. R. C. HAYNES: I am sticking to the Resolution. I am dealing with a general principle. The principle behind this Resolution as stated in the Budget, and which has been restated again and again, is that it has become necessary because a situation exist in Barbados where more and more people are being unemployed, or are joining the ranks of the unemployed, and the employers can no longer meet their commitment under severance payments. That is the guiding principle behind the piece of legislation, let us face it, and this is what I am addressing myself to.

3.40 p.m.

The technical aspects of this have already been dealt with. I am not prepared to repeat the speeches of any other Members. I am dealing with the matter from the perspective of the responsibility, which I hold on this side, that is as Shadow Minister of Finance and Planning in the Opposition.

I have already made the point that the Government is dealing with the symptoms of the problem. Make no mistake about this. This addresses the symptoms, it does not deal with the causative factors. And to treat the symptoms by making the disadvantaged patients worse off, I think is the worst kind of therapeutic approach you can have in dealing with this particular problem.

I am calling on the Government to withdraw this Bill. It is ill-conceived, it is anti-worker, and it certainly will do nothing to help to get the private sector in this country moving again. It is clear that persons who have to wait a much longer period before they can claim severance payment would be at a disadvantage. It is quite clear that the dollars they would get, even if they qualify for unemployment benefit under that period, would be substantially less than if they were in employment. And what I am saying is that what this Chamber should be occupying itself with should be programmes to keep people in work, to put money in the pockets of people. It should be addressing itself to rewarding people for work, not to finding measures to deal with a problem of this nature to the disadvantage of the working people of the community.

Ninety per cent of the Barbados Labour Party supporters in this country do not support this measure. I have had the opportunity to go around the hotels in Barbados, the manufacturing sector and the building sites in Barbados, and the Barbados Labour Party supporters have singled out this measure themselves and have told me that they could never support the Government because of this piece of legislation. What I am trying to bring to the attention of the Government.....

(Hon. Dr. R. L. CHELTENHAM: The Barbados Labour Party supporters have fooled you again.)

Asides.

Dr. R. C. HAYNES: I am repeating what they told me. I am talking about the working people of this country who vote for the Barbados Labour Party have a clear perception that this measure, as designed, is not in their interest. And it clearly cannot be in the interest of the working people of this country. And in the long term, it is not going to be in the interest of the employers in Barbados either, because I can think of about ten or twelve measures that can be brought into force right now to make sure that not only there are no further job

losses in Barbados, but that about 6 000 to 7 000 people would be back to work in Barbados within the next three or four months.

We give a firm assurance to this nation that as part of our job stabilization and job creation plan, with the return of a Democratic Labour Party Administration to office the employers and the employees would be happy once again. The employers would be making a reasonable return on their investment and the workers will have jobs once again. It will not be necessary for us to bring in this kind of legislation trying to erode the rights of the workers with the kind of language used, at one time during the Budget a different reason put forward, and now today another kind of reason as to the harmonization which you heard about from the Prime Minister this morning. The only harmonization principle behind this is putting the workers permanently in harmony with unemployment and with short-term welfare, and out of jobs permanently. That is the harmonization of the workers, the permanent unemployment. That is what you are doing to the workers of this country.

I urge you to think of the thousands of people out there without a job. I urge you to think of the 5 000 who may have joined the work force only last week among the school leavers who would not qualify for any unemployment benefit. I urge you to think of the many thousands, apart from the 5 000 that joined the work force last week, who would not qualify for unemployment benefit. I urge you to think of the many thousands of unemployed who would not qualify for unemployment benefit because of the regulations that disqualify them for unemployment benefit even if they have been in work before, because those regulations are designed more to exclude people from unemployment benefit than to include them for unemployment benefit. Those are not my words. They were the words of your predecessor when he introduced unemployment benefits in this Parliament and when he said that he is not planning to introduce a system that obtains in the United Kingdom, but that the type of unemployment benefit that they would bring in would be so hedged with regulations that they would tend to disqualify rather than qualify people for unemployment benefit.

As I said, I have no intentions of going through the details. They have been dealt with already. I am dealing with the macro aspects of the problem which have led to this, and I say that the emphasis should be on job stabilization and job creation. The opportunities are there. It needs a bit of imagination, it needs a bit of effort. Let us put our heads together on the floor of this House and let us find measures to reduce the unemployment in Barbados. Let us find measures to stop the job losses. Let us find measures to create jobs in Barbados.

Hon. D. A. C. SIMMONS: On a point of order, Sir: Since the honourable Member has just asked that we put our heads together and find measures, and he said he had ten or twelve, I would like him to identify them for the benefit of this Chamber.

Dr. R. C. HAYNES: Surely, Mr. Deputy Speaker, I have pointed out the broad perspectives of job stabilization, the reduction of non-wage cost.

Mr. Deputy Speaker, if you do not stop me, I will give the ten or twelve. That is, if you do not stop me. I would say it would be out of order. If you want to stop me, let me know.

Aside.

Dr. R. C. HAYNES: Number one, I would call on the Public Utilities Board, to reduce the electricity rates in Barbados.

Hon. H. B. St. JOHN: On a point of order: This is totally irrelevant to what we are dealing with here. We must get on.

Dr. R. C. HAYNES: How can you say it is out of order?

Mr. DEPUTY SPEAKER: Order, order, order. Two honourable Members are on their feet.

Dr. R. C. HAYNES: Mr. Deputy Speaker, the honourable Member for St. Thomas has asked me to reveal the ten or twelve measures.

Mr. DEPUTY SPEAKER: Order, order.

Dr. R. C. HAYNES: Now that I start to reveal them, I am ruled out of order.

Mr. DEPUTY SPEAKER: I wish the honourable Member to proceed on the Resolution. I would not entertain that at this time.

Aside.

Dr. R. C. HAYNES: I see now, Sir. The Honourable Prime Minister does not wish me to tell the nation, exactly what the plans are. But they will be in our manifesto. Remember that, they will be there!

Hon. H. B. St. JOHN: The honourable Member can keep his plans for the manifesto. That is the best place for them. His problem is that he thinks he needs a manifesto beforehand. The battle has not started yet and the honourable Member wants to fight.

I think that there has been a deliberate attempt, and I am going to use my words very clearly, by hon-

ourable Members on the other side to give the impression that the effect of this Bill.....

Mr. DEPUTY SPEAKER: Are you giving your final reply?

Hon. H. B. St. JOHN: Of course. Everybody has finished speaking.

Mr. DEPUTY SPEAKER: Let me make a check.

Hon. H. B. St. JOHN: A check?

Mr. DEPUTY SPEAKER: Does any other honourable Member wishes to speak?

Dr. R. C. HAYNES: May I speak again, Mr. Deputy Speaker?

(*Aside: Sit down!*)

Asides.

Hon. H. B. St. JOHN: I waited a time for them to get up, Sir.
3.50 p.m.

They came in here intending to mislead everybody in Barbados on the effect of this Bill and they want to give the impression that it is anti-worker. I want the public to know and understand that in 1975, when we had 22 per cent or 23½ per cent unemployment under the regime of the Democratic Labour Party and 40 per cent inflation in Barbados, there was no unemployment pay.

Asides.

Hon. H. B. St. JOHN: You do not call 22½ per cent or 25 per cent unemployment. You do not call it unemployment.

The point is that it was this Government that recognized that the Severance Payments Act in Barbados did not deal adequately with unemployment caused by factors beyond the control of the employer or the worker. What the Severance Payments Act did, at the time when it was passed, was to create three sets of circumstances under which severance became payable. I have the Act, and we will deal with it today, because the law has not interfered in any way with the fundamental principles of the circumstances under which severance is payable. In all of the communities of the world which have enlightened legislation, as in Barbados under Section 3(1)(a), severance is payable where an employee is dismissed by his employer because of redundancy. This Bill has absolutely nothing to do with that.

Asides.

Hon. H. B. St. JOHN: Look, keep quiet. You know your head is so slow that it takes you a long time to understand.

That is a legitimate and regular practice that you will find in the legislation. If you have severance, redundancy, you get paid. Again, if an employer dismisses an employee because of a natural disaster, if you have a fire or flood and the fundamental basis on which you are going to work is gone, that is a basis for severance.

In 1974, when the honourable Members on the other side brought in the Severance Payments Act, they introduced a third category which one calls "deem severance"; that is where you are laid off or kept on short time. I can understand the rationale behind the introduction of that in 1974, because if you did not have that and you were laid off, and you were kept on short time, you got no unemployment pay. So this is where the Barbadian situation was different from many other situations in other countries in the world where you have what is called a "deem severance."

When we bring in proper legislation now with an insurance scheme to deal with unemployment, obviously you cannot have two schemes running parallel dealing with the same thing. That is what I said in the Budget, and I am going to read it, because it suited all three honourable Members on the other side to misread what I said. I said very carefully, on page 23 of the Budget:

"I have always been of the view that the Unemployment Benefit Scheme and the Severance Payment Scheme should be integrated, and should be so administered that the rights of workers would be protected without the schemes being a burden to employers. In other words, Mr. Speaker, such schemes should not deter employers from hiring additional labour.

"There is evidence that the present schemes are not as integrated as they should be and are in need of some re-organisation."

This is the position. If you have "deem severance" to deal with a situation in which the person is laid off, that means he is unemployed for a certain period of time, and you now bring in another scheme that says that in those circumstances he is to get paid, only the honourable Members on the other side would think that common sense would not dictate that you should try to integrate the two schemes. The Government has no fear of doing that, because we believe that Barbadians are reasonable people, and they know that we have not interfered with their fundamental rights to severance, and that, having introduced the unemployment pay, it is logical and reasonable that if you are drawing unemployment pay,

you should not draw "deem severance". That is all we are saying.

We have extended the period for which you can get your unemployment pay to six months. We have also said that the amount that you can get is 60 per cent. The only reason why it is not 90 per cent is because we have been advised that it would be wrong at this particular juncture to move from 50 per cent to 90 per cent without having the benefit of actuarial advice. We took that advice, but everybody conceded that the scheme has built up a considerable sum of money and that it could stand the payment of 60 per cent. I promise the House, as I said from the very beginning, that if the actuary says that it should carry 90 per cent, it will carry 90 per cent for the first six months and it will taper off. We feel confident that we are not doing anything wrong. We have introduced a more embracing scheme to cover an employee than the honourable Members on the other side ever thought of and that is your problem. You walked away with the view that you did not have the unemployed. The electorate told you that you had the unemployed, and I am going to tell you again that you do not understand what you are telling them.

It is untrue to say that this is any anti-worker legislation. How can a Government that has brought in a scheme to provide for unemployment insurance on a far more comprehensive basis than the honourable Members on the other side ever thought of, or conceive of, can be accused of being anti-worker. What is more, we have said that after you come back on, the employer has to employ you for a longer period of time so that you can build back up your unemployment insurance fund, so that if you will have to be laid off in the future, you will be automatically entitled to unemployment benefit. That is the position, and it does not deal in any way with any of the other problems of severance. I want to make that very clear.

We have promised, and I want to say clearly, that, in respect of severance, no reform of the fundamental principles are going to apply until after a review. It is not only the Government that has been calling for a review. From the very beginning, I remember very well a statement by a leading trade unionist saying that the Bill that was created by the honourable Member for St. Michael North (Mr. P. M. Greaves) was nothing but a legal paradise and had nothing to do with simplicity in it. It was said that it was designed to give work to lawyers. Not even the honourable Member understands it himself. I could vouch for that, that is a fact. It is complex and complicated.

Employers and trade unions, everybody have been talking about the complexity of this Unemployment Bill, and we have reached the stage where, as I have

said, both employers and employees have made representations to the Ministry of Labour about the reform of the Bill. But before we introduce the reforms in relation to it, it is but right that we have a look also at that area of the law which has been brought into force to deal with temporary layoff or short time, and to see how that can be fully integrated. That is all we are saying.

4.00 p.m.

We are being accused of being anti-worker for bringing in the first unemployment scheme in the Caribbean. There is no other Caribbean country that has an Unemployment Insurance Scheme like ours, so what are you talking about? Nobody is going to take you on that we are being anti-worker. This Government has passed more progressive legislation in relation to labour than any other Government in existence in Barbados. We do not have anything to be ashamed of in that respect, and we are capable of defending the position that we have put forward.

There is one other point. I have been told that the Unemployment Regulations do cover the case where you are on short time. I give the honourable Member the assurance that if my advice is wrong the regulations will be amended, because we have said from the beginning we do not wish to have a situation in which there is any encouragement to keep people on short time. We prefer them to be severed once and for all and get their money, so if the Unemployment Regulations do not cover that, they will have to be amended to cover that.

The object of the exercise is to extract out of the Severance Payments Act the provisions which now exist there, put them in the Unemployment Scheme and have simplicity in both Acts. People understand redundancy. People understand that if a business has to close down by liquidation, that is redundancy. People understand that if you had a fire and the building was burnt and you do not intend to hire back the people, that is redundancy. But this concept of short time and lay off is a very highly complex thing and it is better done, more simply done, in unemployment insurance in which you know you are working or you are not working. If you are not working, you have a maximum period to draw, and then it tapers off. That is what we are saying.

I think that when you look at the Bill in the context of its history, in the context of the introduction of unemployment insurance — and it does not interfere in any way with genuine cases of severance in Section 3(1)(a) — you will see that honourable Members on the other side are only trying to create an impression. As the honourable Member for St. Michael South Central says, that is important in politics; not truth, impressions.

Dr. R. C. HAYNES: On a point of order.

Hon. L. S. CRAIG: Sir, I beg to move that this Bill be now read a second time.

Dr. R. C. HAYNES: On a point of order.

Hon. L. S. CRAIG: There is no speech being made, Sir.

Dr. R. C. HAYNES: Mr. Deputy Speaker, I am on a point of order, so sit down. May I be heard on a point of order? The honourable Member has just said that I have always said that it is my aim, that impressions.....

Hon. L. S. CRAIG: That is a speech. There is no point of order, Sir.

Dr. R. C. HAYNES: that impressions are more important than truth. Therefore, I would like to go on Record as saying that is an untruthful statement.

Mr. DEPUTY SPEAKER: I would like the honourable Member to take his seat.

Dr. R. C. HAYNES: Have you heard my point of order, Sir?

Mr. DEPUTY SPEAKER: I would like you to take your seat. No point of order.

The question that the Bill be now read a second time was put and resolved in the affirmative without division, the House dividing as follows:

Ayes: Hon. H. B. St. JOHN, Hon. L. S. CRAIG, Hon. L. R. TULL, Hon. L. B. BRATHWAITE, Hon. Dr. R. L. CHELTENHAM, Hon. D. A. C. SIMMONS, Mr. O. S. ARTHUR, Mr. L. L. SISNETT, Mr. J. G. ODLE and Hon. A. TRUSS - 10.

Noes: Mr. L. E. SANDIFORD, Dr. R. C. HAYNES, Mr. P. M. GREAVES and Mr. M. A. KING - 4.

On the motion of Hon. H. B. St. JOHN, seconded by Hon. L. S. CRAIG, Mr. DEPUTY SPEAKER left the Chair and the House went into Committee on the Bill, Mr. J. G. ODLE in the Chair.

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 to 5 inclusive were called and passed.

On the motion of Hon. L. S. CRAIG, seconded by Hon. H. B. St. JOHN, Mr. CHAIRMAN reported the passing of one Bill in Committee, and Mr. DEPUTY SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. H. B. St. JOHN, seconded by Hon. L. S. CRAIG, the Bill was read a third time and passed.

4.10 p.m.

THE NATIONAL INSURANCE AND SOCIAL SECURITY (AMENDMENT) ACT, 1985

Order No. 6 was called - To move the Second Reading of a Bill to amend the National Insurance and Social Security Act, 1985.

Hon. H. B. St. JOHN (Christ Church East Central): Mr. Deputy Speaker, honourable Members will recall that during the course of the Budget, proposals were made on behalf of the Government not only to deal with the matters which we dealt with in the last Bill, but also to improve the employment injury benefit and also to cover a gap in the law whereby a number of people who contributed towards certain benefits under the National Insurance and Social Security Act were ineligible to receive the benefits, and it was desirable that certain amendments be made to the Act so as to ensure that the maternity grant was paid in circumstances different from the existing one.

This Bill seeks to implement these budgetary proposals. The National Insurance and Social Security Act has been in existence for a long period of time, and I believe that all of us are proud of the attempt made there to ensure that all Barbadians who contribute to the scheme receive a measure of benefits which in their life time will cater for the contingencies of employment injury. For women in circumstances in which they become pregnant, they are entitled to a maternity grant, and in case of death, that the survivors, whether they be widows or children, receive benefits. I would like to expand on the quantum of some of these benefits and the range of the benefits. It may well be that a Medical Benefit Scheme may be introduced, but all that is going to be dependent on how much co-operation and how much restraint we can induce those who provide the service to have or to provide.

These amendments, however, relate now not to the introduction of medical benefit, but to the introduction of amendments to ensure that maternity grants, survivors benefits and employment injury benefits are improved. They were envisaged in the Budget under the Head of Social Security.

I beg to move that this Bill be now read a second time.

Hon. L. B. BRATHWAITE: I beg to second that.

Dr. R. C. HAYNES (St. Michael South Central): Mr. Deputy Speaker, the Democratic Labour Party was

the party in this country which provided the appropriate legislative instrument for maternity grants, that is, when a person became pregnant and had to be confined for a specific period, they were entitled to maternity grants. That legislation has been in place and it has worked reasonably well, but I think the Government should look at a problem that frequently arises — the delay in payment of maternity grants. It is a real problem and creates hardships for a large number of poor people in Barbados.

I do not know for sure what are the problems that result in the delays. Whether they are administrative problems or cash flow problems at the National Insurance Office, I do not know, but it is a fact — and I speak as a medical practitioner, although I am not an obstetrician or gynaecologist — that persons have left work, have had their babies and gone back to work and have not received their maternity benefits. There is a problem somewhere, and I would ask that the Minister responsible should look into that problem, because it means that the person is not receiving money to which that person is entitled at a very critical time in their lives.

This benefit is being extended and I presume that this can be labelled the 'St. John Paternity Benefit Plan.' What we are doing here is to give a paternity benefit in order to complement the maternity benefit that already exists, but it does seem to me that in Section 3(c), they are not the definitions one usually applies to paternity.

The Bill talks, for example, of "spouse", which includes a single man who is living together with a single woman for a period of not less than two years. It seems to me that someone can be the father of a child without living in the house at all, so what happens in that situation? In other words, if a father has contributed and would normally be entitled if he lives in the house for two years, but he does not live in the house, he admits to paternity, she admits that he is the father of the child, then is he disqualified because he has not been living in the house for two years? This is the point, because what is happening here is that there is a limitation being placed on eligibility for these benefits on the basis of a single man living with a single woman for a period of not less than two years immediately preceding any application made by that woman in respect of a grant payable under that subsection.

It does not seem to me to deal with the legal problem of paternity, because although I am not a lawyer, I am sure that paternity cannot be defined by the fact that someone lives in a house for two years or otherwise, and if paternity is what you are aiming at as eligibility, then certainly you cannot confine it to be persons living in the same house for two years. I would like to know

what is the rationale behind that, because it does not seem to make sense to me. I believe in the courts every-day there are suits relating to paternity, and I have never heard it said that a valid defence against a claim, if you are saying you are not the father of the child, is that you can advance the argument that you have not been living in the house with the person for two years. That can hardly be the argument, so why is this limitation in? I do not understand it, and I am asking the question because it seems to me that the two relevant things are the establishment of paternity and that the male has paid enough contributions to make his partner eligible for the receipt of this benefit.

The one thing that crossed my mind is that this may be a way of trying to avoid abuse of the system, I do not know, but it does not seem to me to be an appropriate way of trying to avoid abuse of the system, because in modern-day medicine, there is a relatively simple probe to exclude the majority of bogus claims in respect of paternity. I am pretty sure that there are other methods that can be used, and this does not make much sense to me.

Hon. H. B. St. JOHN: The object of the legislation has nothing to do with paternity or otherwise. As I said in the Budget, there were a number of people who were not eligible for maternity benefits — and that is females, because only females get a maternity benefit — because the female did not pay enough contributions to be eligible. But under the existing law, both males and females contribute, so you have situations in which the male in the household may have contributed enough, but the female may not have contributed enough, and, under the existing law, she will fail to get because she has not contributed enough. Therefore, what we are saying is that we are going to amend the law and recognize as the contribution unit, the male and the female. All we are trying to do is to equate our *de facto* situation, in which we have a number of households which are headed by men and women who are not necessarily married.

4.20 p.m.

We had this in other areas of the law. We had to deal with the situation in which people were married but were not churched, or did not have the stamp of legality, but have the *de facto* stamp. In other areas, we say that you have to live together for seven years and things of that kind. What we are doing here is to try and get simplicity, and it is said that a "spouse" includes a single man who is living together with a single woman for a period of not less than two years immediately preceding the application.

"Spouse" normally in law would mean that you have to be legally married. Here, we have extended it to

deal with the *de facto* situation in Barbados, as we know it, that men and women live together but are not necessarily married. They cannot come within the definition unless you extend the definition, and that is the simplicity. The point is that we are trying to look at the household.

You are talking about paternity. That is a different matter, because although we have recognized the fact that, in the context of the Caribbean, the distinction between a *de facto* marriage and a legal marriage is one that has to be addressed, we have never yet given the same equality of treatment to those situations where people walk around literally dropping children in every district. Only the Magistrates Courts deal with that, by an application for support on the father. We cannot possibly even extend our concepts of a stable relationship, whether it is legal, in the sense that you have gone through the forms of marriage, or *de facto*, in the sense that it has stability. We are dealing with the stable unions which have not got legality attached to them. We are not dealing with the unstable situation in which people have a number of children, because, then, we would run into the problem that, poor fellow, the National Insurance Board may find themselves in the position in which they have to define a "spouse" by including the same man in respect of a multiplicity of women.

I believe that in the days when we used to administer national assistance on a personal basis down in the City Hall, those situations used to arise. But not today. And I honestly cannot think that it will be right for us, at the present moment, to include that in a definition of "spouse."

The question that the Bill be now read a second time was put and resolved in the affirmative without division.

On the motion of Hon. H. B. St. JOHN, seconded by Hon. L. R. TULL, Mr. DEPUTY SPEAKER left the Chair and the House went into Committee on the Bill, Mr. J. G. ODLE in the Chair.

COMMITTEE

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 and 2 were called and passed.

Clause 3 was called.

Hon. H. B. St. JOHN: I beg to move that Clause 3 do now stand part.

Hon. L. R. TULL: I beg to second that.

Mr. M. A. KING (Christ Church West Central): I wish to make a point in relation to the definition of the term "spouse" at (3)c.

In other bits of legislation in Barbados which deal with the family, the Family Law Act and the Succession Act, "spouse" has a certain definition. This definition is different from the one which appears in other bits of legislation, and it seems a little untidy that in so many bits of legislation, you should have a different definition of the same word.

It need not make any difference, because in 3C(8), the Director has a discretion to treat any man who is living together with a woman, to whom paragraph c of Section 1 refers, for a period of less than two years, as a spouse, within the meaning of the paragraph. That subsection gives the Director of National Insurance a very wide discretion as to whom he may or may not treat as a spouse. So it seems to me that it would be tidy, in view of the discretion which he has to regard other situations, to have one consistent definition of spouse in all the Acts where we are taking into account this new dimension in the family relationship.

Mr. P. M. GREAVES (St. Michael North): I would like to take this point further. What the Honourable Member for Christ Church West Central said is absolutely correct. As a matter of fact, the definition in the Succession Act is the same definition as under the Family Law Act, so you now have one definition for "spouse" for both of those Acts.

In the question now of living together for five years, one gives five years and then one sets up a spouse relationship, married man and married woman relationship, even if you are not married. And there has been a judgement in the High Court that there can be more than one union, other than marriage, with the same man or the same woman. There can be more than one union other than a marriage.

We have here where a single man must live together with a single woman. There are other situations where a man and a woman, as husband and wife, have not lived together for thirty years and have not divorced each other. But they have set up other relationships, which are stable, even though they are not divorced. How do we deal with that situation, where a woman is living, as though she is married, with a man who is married, but has not lived with his wife for years? Is she excluded from the benefit of this legislation? I think this is a point that we should look at, because that is not the position in the Family Law Act.

Hon. H. B. St. JOHN: I agree very much with the point made by the last speaker. But he must still remember that however much we may wish to extend the

law to take into account the *de facto* family relationships in Barbados, there still comes a point where there is objection to extending the law to such an extent as to make no distinction at all between a legal union and a non-legal union. There are still those who believe that there ought to be some margin of benefit for those who take the risk to clothe their union with legality. Therefore, under the Family Law, for the purpose of inheritance, the Act has a definition which includes five years of living together.

4.30 p.m.

In the National Insurance Scheme, though, my understanding is that the material thing is the number of contributions which determines your eligibility, I would not be surprised if one will not find that 104 contributions are probably the minimum level of contributions which would make one eligible. In short, one has to equate the period of time of living together as being that minimum number of years which would normally permit contributions to be made by the unit to make them eligible. If you extended it and say that they had to live five years and equate it with the Family Law provision, which is for the purpose of inheritance, you may well deprive many people of the benefit of this. We are trying to deal with the *de facto* situation here, that men and women live together, and the answer to the point that you are talking about, where people have left home after having been married will be excluded, is that I do not think that we can expect the community as a whole, even with all the permissiveness that is in the society today, to treat that kind of situation in the same way as if they were not married at all.

In any event, we have liberalized the Divorce Laws, and, as I understand it, now you do not have to prove fault. All you have to do to be able to get a divorce is to pay the lawyers and you are done with that. You do not have to prove anything. They say the marriage has broken up and that is the end of that. There is no question now of proving anything, any fault or anything like that. If you are done with that, you are done with that! Let a year pass, and what is more after a year, it is deemed to be done.

Asides

Hon. H. B. St. JOHN: I am not so sure. It is Henry's Law.

Dr. R. C. HAYNES: You cannot wind up.

I am a little puzzled that the Honourable Prime Minister can say that this has nothing to do with paternity and simply relates to stable household situations, or contributions by a household. As far as I know, individuals contribute, a household does not contribute. The basic principle here, as I see it, is that if a mother has a baby and she does not qualify, and the father qualifies, then she can benefit from his qualification.

Hon. H. B. St. JOHN: On a point of order: A man cannot qualify for maternity benefits. What he means is that if a man has paid in the contribution, and if his contributions had been added to hers, the qualification period would be there. That is what we are dealing with.

Dr. R. C. HAYNES: Fair enough. The central point is that a man has a child from a woman. The woman does not qualify but, because of his contributions, she can get maternity benefits. I think that this should be divorced from this whole question of how long you have been in the household, because, basically, what you are saying is that the father, having paid in the contributions, can as a result of that contribute to the maternity benefits to be derived by the mother. But you are restricting this now and forcing people to live in a household to qualify, because the whole thing centres around paternity, maternity and a child.

Hon. H. B. St. JOHN: On a point of order: This has nothing to do with maternity. There is nothing in here to say that you must be satisfied that the man is the father of the child. All that happens is that if you live together with the woman, your contributions can be taken into account, because you are presumed to be the father. But that may not be so. We do not want to go into an inquiry as to who is the father of the child. Under this law, once you are living together, that is all. There is no question as to who is the father. It might be somebody else.

Asides

Hon. H. B. St. JOHN: But it says so. It is here. You are presumed to be the father. We do not want to go into those disputes. When those arguments come about, we go into another court.

Dr. R. C. HAYNES: Should we define "living together" more thoroughly?

Hon. D. A. C. SIMMONS (St. Thomas): I have been hearing all kinds of legal things in here today; some right and a lot wrong. I do not know of any definition of "spouse" in the Family Law. When I heard him talk of the definition of "spouse," I sent for it. I cannot find it. If anybody can find it, I will be grateful. The first thing is that there is no definition of spouse. There is a definition of "union" and "union other than marriage." That is the language of the Family Law, but there is no definition of spouse. The definition of "spouse" is in the Succession Act, Cap. 249, and it uses language similar to this one. In the definition of the Succession Act for the purpose of this Act reference to a spouse includes, (a) A single woman who was living together with a single man as his wife for a period of seven years — (it was amended to five years in 1979) — immediately preceding the date of his death.

The concept of living together has been borrowed for the purpose of this Act from the Succession Act, but the Bill before the House has nothing to do with paternity. On page 2 of the Bill, in the definition, it says that for the purposes of paragraph C of Subsection 1, spouse "includes." It does not say "means." The use of that word alone gives a certain breadth and width to the construction that will be placed on it.

The question that Clause 3 stand part was put and resolved in the affirmative without division.

Clause 4 was called and passed.

On the motion of Hon. L. S. CRAIG, seconded by Hon. L. R. TULL, Mr. CHAIRMAN reported the passing of one Bill in Committee, and Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. L. S. CRAIG, seconded by Hon. L. R. TULL, the Bill was read a third time and passed.
4.40 p.m.

THE INSTITUTE OF CHARTERED ACCOUNTANTS
OF BARBADOS (AMENDMENT) (INCORPORATION)
ACT, 1985

Order No. 5 was called – To move the Second Reading of a Bill to amend the Institute of Chartered Accountants of Barbados (Incorporation) Act.

Hon. L. R. TULL (St. George South): Mr. Deputy Speaker, Cap. 369A of the Laws of Barbados, the Institute of Chartered Accountants of Barbados (Incorporation) Act, defines "Accountant" as follows:

" "Accountant" means a person who engages in investigating, giving opinions on and certifying as to the accuracy of accounts for reward;"

This definition has caused some concern among the Institute, it is unduly restrictive and limits the functions of the members of the Institute. This amendment seeks only to widen the scope of that definition and remove the word "means" and in its place to put the word "includes".

A number of constituent members of the Institute of Accountants of Barbados are not allowed auditing functions by the associations of which they are members. I believe there are probably about eight or nine different bodies from which the members of the Institute in Barbados derive their status, and a number of those bodies do not permit their members to carry out the auditing function of accountants. The definition in Cap. 369A, therefore, is somewhat more restrictive than the members of the Institute in Barbados would like.

Sometime ago they wrote to the Minister of Trade and Industry inviting him, in his capacity as the Minister responsible for the operation of that particular piece of legislation, to give consideration to that particular difficulty. This Bill before Parliament is the outcome of that query.

I beg to move that this Bill be now read a second time.

Hon. Dr. R. L. CHELTENHAM: I beg to second that.

The question was put and resolved in the affirmative without division.

On the motion of Hon. L. R. TULL, seconded by Hon. Dr. R. L. CHELTENHAM, Mr. DEPUTY SPEAKER left the Chair and the House went into Committee on the Bill, Mr. J. G. ODLE in the Chair.

Mr. CHAIRMAN: The House is in Committee.

Clause 1 was called and passed.

Clause 2 was called.

Hon. L. S. CRAIG: Mr. Chairman, I beg to move that Clause 2 stand part.

Hon. Dr. R. L. CHELTENHAM: I beg to second that.

Dr. R. C. HAYNES: I am not sure whether this amendment deals with a problem which was being canvassed by several Barbadian accountants some time ago. I understand that one of the problems which they were facing was that they were doing to all intents and purposes the jobs of accountants in Barbados, but because of either the legal or the professional or both situations there were many undue restrictions placed on them. They have even gone to the point of illustrating that the local professional association was so constituted that, in fact, a small independent operator as accountant who did not meet the requirements of the rules as laid down under the Act of the Chartered Accountants was at a tremendous disadvantage. I think there were about, at the time, six or seven people who were affected by this and were very concerned, and thought that legislative action should have been taken to remove that type of disability from them.

I hope that the change of the word from "means" to "includes" would certainly relieve them of the kind of disability. I believe it is the same type of disability that probably related to the problems we had with dental practitioners who were not qualified dentists, or solicitors

who did not have the Bar examinations at some point in time, that kind of area. I cannot remember specifically, but I knew there was a problem which created problems for people who were competent accountants in Barbados. Maybe this definition deals with that and is in response to their representations.

Hon. L. R. TULL: I can only deal with problems stated by the Institute to the Ministry, I cannot deal with the bits of gossip, rumour and all that social talk and dinner table conversations in which the honourable Member can take part.

The Institute wrote the Minister of Trade and Industry and pointed out that the existing definition of "Accountant" in the Act was too restrictive. It did not restrict people from becoming members of the Institute, it was preventing members of the Institute from doing certain duties. They invited the Minister to widen the definition of "Accountant" so that they would be able to allow members of the Institute whose parent organisations, whether it was the Institute of Chartered Accountants or the Certified Secretaries of Ontario, do not allow these people to do auditing to undertake that.
4.50 p.m.

Since the Act dealt only with auditing and defines "Accountant" only in terms of auditing, a problem was created. The Institute invited the Minister of Trade and Industry to widen the definition of "Accountant" that would allow these people who are members of the Institute to carry out functions that were not auditing functions. That is how I understand it.

The question that Clause 2 stand part was put and resolved in the affirmative without division.

On motion of Hon. L. R. TULL seconded by Hon. L. B. BRATHWAITE, Mr. CHAIRMAN reported the passing of one Bill in Committee, and Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Hon. L. R. TULL seconded by Hon. L. S. CRAIG, the Bill was read a third time and passed.

VESTING LAND IN CARTER HOLDINGS LIMITED

Order No. 3 was called – To move the passing of a Resolution to approve of the vesting in Carter Holdings Ltd., land at Wildey, St. Michael.

Hon. L. B. BRATHWAITE (St. Andrew): Mr. Speaker, in 1981 Carter Holdings Limited purchased 6 675.2 metres of land in the Rendezvous, Sargeants Village, Christ Church area, for the purpose of putting up a complex for lumber and its hardware sales. As a

result of the decision of Government to construct the West Coast to Airport Highway, which will include part of that land, Government has set about compulsorily to acquire the land concerning Carter Holdings Limited.

Representation was made to the Ministry to find out if it was possible to offer alternative accommodation in that area, since a lot of pressure was put on their city business. Most companies are trying to move out as much as possible from the City of Bridgetown, and of course it is Government's wish that they should do so, since Bridgetown is becoming very congested. Government had a piece of land in the area of Wildey and Upton and we were able to offer some form of alternative accommodation, but the accommodation we offered is in excess of what they had, and they have to pay the Government a considerable amount of money over what the Government would be paying them, because our land is 10 872 square metres.

The negotiations are quite amicable, the price is agreed upon, and there are no difficulties in respect of this matter.

I beg to move that this Resolution do now pass.

Hon. Dr. R. L. CHELTENHAM: I beg to second that.

The question was put and resolved in the affirmative without division.

THE ADJOURNMENT

Hon. L. S. CRAIG (St. James North): Mr. Speaker, that brings us to the end of Government Business for today and the end of this sitting in this session for approximately nine weeks.

I propose to adjourn the House until 24th September for the summer recess. This is not any long time, we have had Parliament in recess for as much as three months already. But we know that sometimes political parties turn themselves into political clowns, and though decisions have been taken on the floor of the House, some of them will take it upon themselves to go out very close to the precincts of Parliament and keep public meetings claiming that they are recalling Parliament, as if they had a mandate from the people to call Parliament.

I want to make it abundantly clear that on this occasion the recess is not only for Members to get away for the summer, but also for the staff of Parliament, the Hansard Reporters.

I want to say a special word of thanks to the Press for the outstanding work which they have done over the past months while we were sitting, and to the

staff and the Reporters. It is not a very easy job to be a Hansard Reporter and equally not an easy task to be a reporter from the media.

I wish you, Mr. Speaker, and Members on both sides of the House, the staff of Parliament, the Royal Barbados Police Force and all of those who contributed to the smooth running of Parliament a very well deserved summer recess.

We are still undergoing repairs to the entire building. These repairs are very well deserved after many years of having nothing done to the building. I am in no position to give an up-to-date report, but I am quite sure that when we are away from Parliament much work will be done.

I would also like to tell the House that, if needs be, I may have to call back Members. I hope the occasion will not arise.

I have no doubt that we will be meeting each other in the hustings as we are running down and coming closer

and closer to that final day when some of us, no doubt, will say goodbye to Parliament for a long time. I would like to assure honourable Members on the other side that when we meet each other, we can be like the good, old politicians that we are, and be very proud of our country and the democratic principles which exist, which can be the envy of other countries in the western world and within the Caribbean.

I wish you, Mr. Speaker, and all concerned a very well deserved rest.

I beg to move that this House do now stand adjourned until Tuesday, September 24, 1985 at 12 o'clock noon.

Hon. L. B. BRATHWAITE: I beg to second that.

The question was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly.
5.00 p.m.

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