

THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1986 - 91

HOUSE OF ASSEMBLY

Tuesday, April 11, 1989

Pursuant to the adjournment, the House of Assembly met at 12.15p.m.

PRESENT

His Honour L. A. WEEKES, J.P., (Speaker);
His Honour J. J. PAYNE, (Deputy Speaker);
Rt Hon. L. E. SANDIFORD, B.A., M.A., (Econ.), J.P. (Prime Minister and Minister of Finance and Economic Affairs);
Hon. H. deB. FORDE, Q.C., M.A., LL.B.
Hon. B. M. TAITT, B.A. (Hons.), M.P.A., LL.B. (Hons.) (Minister of Health)
Hon. P. M. GREAVES, Q.C., B.A., (Deputy Prime Minister and Minister of International Transport, Telecommunications and Immigration and Leader of the House);
Dr. R. C. HAYNES, M.B., Ch.B., F.R.C.P., (Edin.) (Leader of the Opposition);
Hon. Dr. D. G. BLACKMAN, B.A., M.A., (Minister of Transport and Works);
Hon. M. A. KING Q.C., LL.B., (Attorney General, Minister of Legal Affairs and Minister of Foreign Affairs);
Hon. W. O. FRANKLIN, A.I.C., M.I.A.S., J.P., (Minister of Agriculture, Food and Fisheries);
Hon. N. K. SIMMONS, (Minister of Employment, Labour Relations and Community Development);
Hon. H. A. BLACKMAN, B.Sc., (Econ.), (Minister of Housing and Lands);
O. S. ARTHUR, Esq., M.Sc., (Econ.);
Mrs. M. BARKER-WELCH, (Parliamentary Secretary, Ministry of Employment, Labour Relations and Community Development);
L. L. BRATHWAITE, Esq., J.P. (Chairman of Committees);

E. E. BOURNE, Esq.; Dr. E. A. SIMMONS, M.D.;
Hon. W. W. HALL, G.C.M., H.B.M. (Minister of Tourism and Sports);
C. A. NEBLETT, Esq., B.A., (Parliamentary Secretary, Prime Minister's Office);
R. L. MORRIS, Esq., B.A., Cert. Ed.;
P. J. M. MILLER, Esq.;
R. P. BYER, Esq., LL.B., L.E.C.;
D. J. H. THOMPSON, Esq., LL.B.

Prayers were led by Fr. Ivan Harewood. Mr.

SPEAKER: The House is in session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, April 4, 1989.

Hon. P. M. GREAVES: Mr. Speaker, I move that the Minutes of the proceedings of this Honourable Chamber for April 4, 1989 be taken as read and confirmed.

Hon. M. A. KING: I beg to second that.

Mr. SPEAKER: If there are no observations or corrections, let these Minutes stand confirmed.

ORDERS OF THE DAY

Mr. SPEAKER: Government Business is the instant order of the day.

SUSPENSION OF STANDING ORDERS

Hon. P. M. GREAVES: Mr. Speaker, I move at this point that Standing Orders Nos. 6, 16, 18, 20, 42(5), 43 and 44 be suspended for the remainder of this day's sitting.

Hon. M. A. KING: I beg to second that.

The question that those several Standing Orders be suspended for the remainder of the day's sitting was put and resolved in the affirmative without division.

GOVERNMENT BUSINESS

Mr. SPEAKER: Order No. 1

Order No. 1 was called - Pensions (Miscellaneous Provisions) Bill 1989.

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, this Bill that is before us seeks to improve the position of certain public employees by way of an amendment to the Pensions (Miscellaneous Provisions) Act and I believe there is no subject that is, perhaps, as complex and as esoteric from which so many people benefit but so few really understand the intricacies of the different provisions relating to the payment of pensions.

The main body of legislation, I believe, Sir, was passed some time during the late 1940's or rather, consolidated at that particular time into comprehensive pieces of legislation during, I believe, around 1947 or thereabouts and ever since that time, it appears that the more these particular pieces of legislation are examined and as more and more experience in the application of the pieces of legislation is gained it becomes more obvious, the greater the need, from time to time, to carry out certain amendments.

The amendments carried out by successive Governments in this country have generally aimed to improve the lot of the public employees, both those who work for the Crown in a civil capacity in established posts as well as those who may be employed with the statutory corporations and who, also, of right are entitled to certain benefits additional to their salaries and personal emoluments.

The concept of the pension, of course, is one in which annuity or other payment is made to an employee and it is largely to ensure that, when one ceases to work, one is not faced with an abrupt and sudden reduction in income and hence, unable to maintain a reasonable standard of living. Employers generally provide some form of payment, some form of allowance, or however it may be styled, in order that past services may be taken into account as well as entitlements built up over the period of one's working life. The amendments that have been made from time to time seek to improve the status and the position of the employees in accordance with the resources which may be available to the employer at that particular time or they may be made in accordance with the concepts of social justice or in accordance with the particular social outlook of the employer at a given time.

In recent years I myself can recall certain pieces of legislation coming to this Honourable Chamber in order to amend the several pieces of legislation relating to the pensions of civil servants and, I believe, also, those who work for the statutory bodies as well. 12.30 p.m.

Within my own recollection I seem to recall during the early 1970s an amendment to provide for the allowances payable to certain public employees or rather * their occupation of certain premises and so on being counted, an amendment made in order to make those allowances or perquisites part of the pensionable emoluments so that the pension would be at a higher level than otherwise would have been the case. I think this specifically refers, Mr. Speaker, to the Housing Allowance which attached to offices such as those of Permanent Secretaries, Heads of Departments and such related grades.

I recall also, Sir, that there was a case in which persons may transfer from one service to another service, from a service of the Crown to another kind of public service, for example, with a statutory corporation, and it was doubtful or certainly was not applicable that the persons would be able to carry their pensions with them. Amendments have been made in order to ensure that there would be some continuity for the payment of those pensions.

All along, Sir, then we have had amendments from time to time to the legislation in order to seek to improve the lot of those who work in the Public Service, in the Civil Service and for the statutory bodies.

But as I indicated earlier, there are always situations arising which cause an employer like the Government or like certain statutory bodies to look again at the legislation relating to the area of pensions to see whether anomalies may be corrected, anomalies which come to the surface may be corrected or indeed, generally, to improve the lot of the workers.

This Government certainly seeks, wherever possible, to ensure that the conditions of employment and the regime of wages and salaries, as well as the pensions and gratuities and other allowances may be as favourable as possible to the workers. It is in the interest of the Government, of the country and of the economy generally that workers should ** enjoy a reasonable level of remuneration related to the ability of the employer to pay and related also to the work being done and related to the needs for the requirement of social justice.

In this particular measure that is before us, there are certain factors involved to which I would wish to draw attention. First of all, there is the factor or problem relating to the non-teaching staff of the secondary schools. A problem has arisen here, not a problem created by this **.

present Government, but one arising out of the oversight, I would leave it at that, the oversight of the previous Barbados Labour Party Government when it enacted the Education Act, 1981 that came into effect in 1983.

The position is this, Sir. Up to 1983, the non-teaching staff of the secondary schools were listed in appropriate legislation relating to pensions so that they were entitled to receive pensions by virtue of being so listed in the appropriate Schedule. There was a legal regime for the payment of pensions to the non-teaching staff in those secondary schools.

What happened in 1981 was the passage of the Education Act of that year which came into effect, as I indicated, in 1983, and this particular piece of legislation has caused so many problems for the Barbados Labour Party Government and for the teachers of this country that I believe they would like to forget about it. We are still trying to correct some of the problems and the anomalies that were created as a result of that piece of legislation. In one respect that is what we are trying to do here with this piece of legislation.

When it was first on the statute book, the Boards of Management which were created by that Act, I believe with the exception of the Lodge School, were not placed in the legislation. They were not entitled to receive the pension. The non-teaching staff of the secondary schools, with the exception of the Lodge School, all became employees of the Boards of Management when the Education Act came into force on the 1st June, 1983. The Lodge School came on line on the 2nd of August, 1983, a little later. But no provision was made for the payment of retiring benefits to the personnel under those new Boards of Management. 12.40 p.m.

This has meant that the pensions and gratuities which would, in the normal course of things, have been payable to them could not be computed and could not be paid. Those persons who have retired from the Service after that particular date have not been receiving pensions or gratuities computed on their service after that date but only up to that particular time.

That is at May 31, 1983. Their retiring allowances, pensions, and gratuities are computed on service and salary only up to May 31, 1983. So a number of people have worked since then but they have not been able to draw their pensions and gratuities on service after May 31, 1983. We are now seeking to correct that particular anomaly through the amendment that is before this Honourable Chamber. We are seeking to add the employees of those reconstituted Boards of Management to the Schedules of the Casual Employees Pensions Act and the Public Employees Pensions Act in place of the governing bodies so that payment of their pensions and gratuities can be continuous after May 31, 1983.

According to my information, there are some 17 employees who have retired since that date and who have not had the benefit of the pensions and gratuities for the period June 1, 1983 to the date of their retirement. It is estimated that, if this amendment is passed by this Honourable Chamber, some 476 employees at the 21 secondary schools and also at Erdiston Teachers College and the Samuel Jackman Prescod Polytechnic would benefit. The Barbados Community College is already taken care of. There is no problem in this respect up to the best of my knowledge.

There are other amendments which this House is being asked to consider and this is the second aspect or factor of the amendment before us. It is felt that a person should be granted a gratuity after 5 years pensionable service if he or she resigns before the age of voluntary retirement and is not eligible for a stored pension.

As the law now stands, if an officer retires before the age of 55 and has completed 10 years of service, that officer is entitled to retiring benefits when they reach the age of 55. If they are 53 years of age and they have put in the necessary 10 years of service they are entitled to their retiring benefits when they reach the age of 55. But they are entitled. If the service is less than 10 years and the officer does not rejoin the Service, no retiring benefits are payable for their service.

On the other hand, if someone joins the Service later in life and works for less than 10 years but leaves at the age of retirement that person would be eligible for a retiring benefit. We have a kind of an anomaly here in which someone who comes into the Service later and puts in the number of years would be entitled on reaching the age of retirement to the retiring benefits but someone who was in much earlier may not be eligible for that particular payment. This amendment that is before us will seek to correct that anomaly.

The third factor in this amending Bill that is before us deals with the question relating to bankruptcy and to imprisonment. If an Officer is declared bankrupt and if an Officer is imprisoned that Officer stands to lose pension during those periods. In other words, the pension ceases. It is felt that the very time that an Officer may need to know that the pension is available is the very time that it might be cut off and it has been argued that this is a kind of double punishment because you are punished under the bankruptcy provisions and then you are also punished by having your pensions abated at a time when you may require the particular outlays. I recall that Officers of the National Union of Public Workers have argued this case down through the years. As far as I recall of those Officers, I recall seeing letters from the General Secretary of the National Union of Public Workers pleading with the Barbados Labour Party Government to do something about this particular issue, but we feel that the time has come to

do something about this particular measure and so we are seeking to correct this anomaly. 12.50 p.m.

When we see what we consider to be reasonable positions advanced, as a Government we will respond to a case that is sound and so we are asking this Honourable Chamber to make the amendment. If the NDP has this particular provision anywhere in their documentation they may have to delete and rewrite, but that is the nature of politics.

Sir, perhaps we come now to the last factor in these amendments which relate to a change in the computation of pensions and gratuities. Perhaps this is the most arcane of all, because I do not think that there are really many public officers, or others for that matter, who really understand these very complex computations.

Prior to the enactment of the Pensions (Miscellaneous Provisions) Act of 1985, the period required to qualify for a full pension was 33 and one-third years. In order to qualify for a full pension, you had to work for 33 and one-third years. The pension was calculated on the basis of one-six hundredths of pensionable emoluments for every month of pensionable service. That is the pension. The gratuity was paid on the basis of 12 and a half times one quarter of the full pension.

When the Pensions (Miscellaneous Provisions) Act was passed in 1985, the age of retirement was extended to 65 years, so as an employee you had to work longer, and in addition the period required to qualify for a full pension for persons entering the Service after the enactment of the provision was extended to 40 years, so instead of 33 and one-third years you would be required to put in 40 years in order to get a full pension. So we have again a double extension. The time you had to work was increased from 60 to 65 and the period of time to qualify for a full pension was extended from 33 and one-third years to 40 years. A full pension is now computed for such persons on the basis of one-sixtieth of pensionable emoluments at retirement for every year of pensionable service, and commuted gratuity is on the basis of ten times one quarter of the full pension.

Let us forget the complexity of the formulae and so on. What it means in effect is that the employees, the persons who would benefit under this legislation, the public servants and so on, have been made worse off as a result of that action by the Government in 1985 and we are seeking, on the representation of the Unions, to revert to the older form of computation which was more favourable, on the basis of the position set out, to the workers than what was done to them in 1985.

This, Sir, is a caring Government and it is a sharing Government. I seem to have heard those terms recently in terms of other situations. I believe that there is an appeal

out by the leading religious denomination in this country, the Anglican Church, using the words "caring" and "sharing" and of course it also happens to be the motto of my St. Michael South Community Development Council. I am very pleased to know that these very compassionate words and these appealing words are adopted - I do not say adapted - and I hope that there will be a reasonable response to that particular appeal. We are a caring and sharing Government and we are persuaded by the arguments advanced, and hence we have brought these amendments before this Honourable Chamber for consideration, and hopefully for approbation.

Let me say, Sir, that there are some amendments which I propose to move in Committee. Some of these are just technical and others to bring the legislation in line with similar pieces of legislation, but when we go into Committee we will certainly make those amendments. 1.00p.m.

I believe they have been circulated, and as we get to the appropriate point, Sir, we will be dealing with them.

I think I have explained as fully as possible the particular background to this piece of legislation. If there are any queries we will seek to respond to them, but I do not believe that there would be much of any controversy over this particular matter because the objectives are quite clear. They are in accordance with social justice, they have been advanced, canvassed by and proposed by the unions. I dare say there will be other proposals from time to time which we will consider or which we have under consideration, but for this particular time these are the amendments that are before this Honourable Chamber.

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

Hon. P. M. GREAVES: I beg to second that and reserve my right to speak.

Dr. R. C. HAYNES: Mr. Speaker, the Rt. Honourable Prime Minister spent quite a long time dealing with three points, and I was checking. The three substantive points actually occupied four and a half minutes of his speech. But what was of interest was the fact that the general theme of his presentation was in very high praise of the dedication and the commitment to the public service of the General Secretary of the National Union of Public Workers. He was very careful to indicate that he was responding to well thought out proposals from the National Union of Public Workers, and that they were proposals which the Union has assiduously tried to have implemented, and that he had really no difficulty in recognising the deep thought and the pertinacity of the Secretary of the National Union of Public Workers.

From our point of view, Mr. Speaker, I shall not delay the House too long, but I would like to address one or two

matters relating to the position of the National Democratic Party in relation to the public service and matters relating to pensions. We have no history to defend in this matter, and, therefore, we can look at things at all times from a very objective position.

We have been giving considerable consideration to several questions relating to the public service of Barbados. We have no history to defend in these matters. The important point is that we have been giving a lot of thought to the public service and have been looking particularly at those disabilities that might affect the conditions of work and their pensions *inter alia*. We are convinced, Sir, that matters of appointments, transfers, discipline and so on in the public service should be once again fully restored to the Public Service Commission which should be significantly strengthened and expanded to cope with that situation.

We believe, Sir, that there are several bits of legislation which in fact remove authority from the Public Service Commission in these areas and assign that authority to the political directorate. We are convinced looking, at the history of the impact of such legislation on the public service and on not only the terms and conditions but the morale and the sense of security within the public service, that there is a need to review those provisions. Many of the complaints which have been levelled against Governments by public servants who have been the victims of various kinds of discriminatory action stem from the fact that they no longer feel as secure in their jobs as they did when the Public Service Commission was responsible for all matters relating to appointments, transfers, discipline and so on within the public service.

I think the experience of the last one and a half or two decades would suggest that there is a need to review that area. I will give you an example, Sir. Recently there have been....

Mr. SPEAKER: Can I be informed if the Honourable Member for Christ Church East is feeling ill? I notice he is propping on the desk.

Dr. R. C. HAYNES: There have recently been several complaints in the Immigration Department and many of these complaints relate to the fact that in terms of their being able to enjoy the same levels of security as others in the public service they have been deprived of that level of security by reason of legislation. I have had to look, Sir, at section 25(2) of the Immigration Act and that Act gives the Ministry the authority to transfer and take other disciplinary action in terms of persons employed in the Immigration Department. We know of several instances where people's progress in the public service and their pension rights have been affected by arbitrary action in relation to individuals within the Immigration Department. One of the things that the NDP would be pressing for is for a revocation of section 25(2) of the Immigration Act, Cap. 190.

There has been a considerable amount of whimsical behaviour in that Department over the years and I think that is something that needs to be reviewed. 1.10p.m.

As a general principle, Sir, we feel that the re-establishment of an appropriate relationship between the Public Service and the political directorate would necessitate a restitution of the position of the Public Service Commission in all matters relating to Public Servants. I think the Public Servants of this country would be very happy to hear that the NDP has taken this position. That is our policy position in relation to the Public Service of Barbados.

In other words, in respect of all Public Servants, the Public Service Commission would be the authority to appoint, transfer, promote, exercise discipline etc., and all legislation which interferes with that authority of the Public Service Commission would be dealt with by an NDP Government

Aside.

Dr. R. C. HAYNES: I have just recited one, the particular one in Section 25(2) of the Immigration Act where our Immigration Officers function under this disability and many people over the years in that Department have been the victims of the disability.

The NDP states its position free from any of the controversies of the past. We are a party of the present and the future, a modern political party. I am not attacking anybody. I am just stating the position of the NDP so that is the first point that I would like clarified.

In relation to the relief of additional penalties on public servants who may, unfortunately, find themselves in bankruptcy or be imprisoned for one reason or another, the NDP is fully supportive of that because, I think, it not only reflects the end of archaic thinking relating to bankruptcy in Barbados, and in some ways in relation to imprisonment, but it is not only in this area I would like to suggest.

I would like to think that the time has come when the bankruptcy laws in Barbados should be reviewed and I am calling on the Attorney General of Barbados, the Honourable Member for Christ Church West Central, to do something about it.

Persons are trapped by the very extensive requirements for security in respect of pursuing their legitimate businesses in Barbados and then due to no fault of their own their businesses fall into bankruptcy and they find themselves completely at sea. I understand the possibility of imprisonment too in certain circumstances. If they breach certain conditions of bankruptcy that could lead to imprisonment. I think that is a correct legal position.

It is important that we should look at this question of bankruptcy and recognize that this relief being granted to retiring public servants represents only one aspect of the whole question of bankruptcy and that there is a need for the Government to take some action in this regard. It is time that we should stop talking about it. We have been talking about it for a long time and, certainly, the position of the NDP would be to upgrade the bankruptcy laws of Barbados and make them far more modern and far more consistent with modern business thinking and so on.

The next point I would like to raise and ask the Rt Honourable Prime Minister is, what progress has been made in the pursuit of a national pensions plan? I recall when I first came into this Honourable Chamber one of the very early debates was on the question: how do we plan pensions in the Public Service? How do we plan Old Age Pensions? How do we plan pensions under the National Insurance Scheme? How do we seek to direct or influence private pension plans so that down the road you would be able to have a position in Barbados where people can walk from various sectors of economic activity in Barbados and walk with their pension rights which would be freely transferable? This was envisaged, Sir, as an opportunity to generate easy cross fertilization of skills and expertise in the various sectors of the Barbados economic life.

I do not know whether or not this matter has been pursued but, quite clearly, when you look at many of the constraints that would inform public policy in relation to pensions, you find, at the same time, that one always has to be considering other benefits from other sources and so on.

Even as the background to these proposals, certain aspects of them, you will see that one always has to bear in mind how will this relate or be affected by other pensionable emoluments that persons may get from other sources in the society. I think it is essential in Barbados that we should be working towards the goal of a National Pension Plan because in that way you would be able to mobilise your total resources which stem from the savings of people during their working life in order to propel the development of the society at an even accelerated pace.

It is not just a matter of social convenience for people. It is also an important matter to enable one to identify and mobilise the totality of the savings of the entire population during their working period in order to translate that into investment for the present and the future of the country. I hope that any work that was commenced in that area, is still being continued because that would be a policy position which the NDP would be endorsing, that is, the promotion of a national pensions plan.

We do recognise that such things cannot come about overnight. The important point is that it could only come as an instrument of public policy since the Government would be the only agency having the authority to influence

decisions being taken elsewhere in the society and, I believe, that over time we should be working in that particular direction.

For example, Sir, and here is the first point I would like to raise, I see that in the amendment it does not state any particular time for application of this particular Bill. However, in the Bill it does state that it covers the period from 1983 onwards. I presume that was in respect of teachers. The question is whether or not the Bill applies to everybody because looking at the way how the amendment reads when it speaks to the question of application, or the base of application, it does not give a date and, therefore, it just states "before or after the commencement of the Bill now before Parliament" so I presume that this would apply to all persons who have ever served in the Public Service and have done five years or more they would not be eligible for the benefit. 1.20p.m.

Does that apply to the entire Bill, or does it apply only to the matter relating to the teachers? If you look at the Explanatory Notes to the amendment, in the penultimate paragraph, the long paragraph, all it says here is whether he was appointed before or after the commencement of the Bill now before Parliament. I am unsure whether this applies to all persons in the Public Service who have served for 5 years but less than 10 years, whether they will be eligible for a benefit, or whether or not this only applies after 1983. I think that this is something that would need some clarification.

Mr. Speaker, Sir, the question of 5 years or more. What about less than 5 years? This is why I raise the question of common or relatively common decisions being made in respect of benefits to persons when they cease work at any place in Barbados. You would have to work 5 years or more now in order to receive this particular benefit.

It is my understanding that the prevailing trends in the private sector of Barbados is that if you have worked for somewhere in the region of 104 weeks, that is 2 years that you are entitled, generally speaking, to some kind of benefit if you lose your jobs for no cause of yours, for example, in terms of lay-offs and so on. We have had situations, Sir, in the Public Service before where people have been laid off. I believe that the hardship which was imposed on them as a consequence of that action was relieved subsequently by Cabinet decision.

I wonder whether or not some consideration should not be given to the minimum period where an employee in the Public Service can receive some sort of benefit so that it can be acted on expeditiously.

I recall in the 1970s when at one time there were some significant lay-offs in Barbados from the Public Service,

people had to wait months and in some cases, almost a year before they got any benefit as a result.

Again I think one would like to see some kind of should I say, community or uniformity of thinking as to the minimum period in which it would generally be assumed in the society that any one working for that period, if their employment comes to an end under given conditions would be entitled to some kind of ex gratia payment or whatever.

In a sense, when you say 5 years or 10 years, in fact what you are doing is just electing an arbitrary period. There is no magic about 5 years, in fact any period. There is no particular legal reason why it should be 5 years or 4 years or 6 years, I think, to make sure that our Public Servants are at all times not at a disadvantage in relation to other workers in the society.

I believe that it was the Rt. Hon. Prime Minister who raised the question of the Lodge School, teachers at the Lodge School in relation to their retiring benefits. I do not know why he singled out the Lodge School. Then he went on to say that there were other secondary schools similarly affected.

Rt. Hon. L. E. SANDIFORD: It was just a difference in date, Mr. Speaker, on a point of elucidation. I said some of the secondary schools, after I think I gave a date of 1st of June, 1983 and that the Lodge School had a slightly different date. But I did refer to the Lodge School in passing.

Aside.

Dr. R. C. HAYNES: Oh. Thanks very much. The matter relates principally, exclusively to a question of date for the singular treatment of the Lodge School, as I understand it. Which reminds me, Sir, perhaps the Right Honourable Prime Minister can probably tell us the date on which there was a settlement between the Government and the former Headmaster of the Lodge School. I believe this Honourable House was informed, Sir, that there was a settlement. My information is that that settlement has not yet been concluded. I certainly left this Honourable House, Sir, believing that there was a firm settlement and agreement. It is my understanding that that settlement has not actually been concluded yet, that there is still some dispute over certain areas of the agreement. If that is the case, I think that urgent steps should be taken to correct any impressions that might have gone abroad.

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, on a point of order. I hope no impression is being given to this Honourable Chamber that I have informed the Honourable Chamber that there has been a settlement or near settlement or anything in relation to the Lodge School. I have not

addressed that particular problem. I would not like any impression to be given on this matter.

Dr. R. C. HAYNES: Mr. Speaker, I fully agree that it was not the Right Honourable Prime Minister who sent abroad the impression. We would like a clarification at this time. As you would see the pensions of the individual and others would be affected as well. That is how I was led into the Lodge School. I thought that this was the point that you were intending to make, not that I would like to raise any subsidiary point of that nature or that you may have omitted to make that particular point.

Now, Sir, there are other areas which have arisen out of the intensive studies which the National Democratic Party has been conducting in relation to the Public Servants of this country. I do not propose to deal with all these areas at this points in time. But I can assure you, Sir, that there are many other areas where it may be wise for the Government to listen to those who have far more experience in the area of the Public Service.

There are issues, Sir, relating to such matters as marriage gratuities and so on. There are issues, Sir, relating to the awards to dependants of offices who die in service. All these things need to be looked at.

We are looking at these things in a very detailed way. We have done a lot of work. We are looking at the various areas of benefits to dependants. They need to be updated and reviewed in several areas. The Public Servants of Barbados can feel very comfortable that the NDP, consistent with its policy of promoting the integrity of the Public Service, to ensure that our Public Service continues to improve over the years, and that the terms and conditions of service of our Public Servants would be continuously enhanced... and that with an altered environment there will be ever increasing productivity and job satisfaction in the Public Service of Barbados. These are the aims and objectives of the NDP. 1.30p.m.

Sir, I do not think that I will want to refer to those areas on which we have not taken a final decision in our party councils. I will just address a few areas and we would look forward to ensuring through our intervention in the political process that the lot of the public servants in Barbados is continuously enhanced.

Rt. Hon. L. E. SANDIFORD: I have been talking very close notes here and I would wish to reply to some of the points raised. The Leader of the NDP spoke about a marriage gratuity. I would wish to respond to that if he would explain exactly what this marriage gratuity is.

Laughter.

Hon. H. deB. FORDE: Mr. Speaker, Sir,....

Asides.

Mr. SPEAKER: No, the Honourable Member has not finished.

Asides.

Hon. H. deB. FORDE: Mr. Speaker, Sir, it is obvious that...

Mr. SPEAKER: Just one moment. Has the Honourable Member for St. Michael South Central given way?

Dr. R. C HAYNES: You will get a reply when the time is right. We know precisely what that term relates to and what we will be dealing with, you see. That is right. You know, it is amazing. For your benefit, I will just advise you to look and see what losses there were to public servants as a result of the very Act you referred to. You referred in your speech to certain benefits that were lost as a consequence of a certain Act and you were correcting that. Now I am asking you to check and see what else was lost in that Act. If you wish to be arrogant and believe that you can make sport, you check and see what it is. You check and see what it is and what it encompasses. You check that I say nothing more. But it is clearly set out here as a consequence of the amendment to the Act. Check it out. Thank you very much, Mr. Speaker.

Asides.

Hon. H. deB. FORDE: Mr. Speaker, Sir, obviously my understanding of the marriage gratuity is that since the NDP has left the DLP there ought to be a gratuity paid for the break up of the marriage.

Laughter.

Hon. H. deB. FORDE: I am not going to get into that argument. I leave the Prime Minister and the Leader of the Opposition to entangle themselves in that particular argument. Normally this legislation would have gone through without perhaps too much controversy and most of the Prime Minister's speech, I could accept, was probably non-controversial except for a few political points which he wanted to score at the expense of the Barbados Labour Party. Obviously I must reply right away to those political points because a lot of misunderstanding creeps into the history of this country from the continual relentless attack which has been placed on the Barbados Labour Party and the misrepresentation which we get from time to time.

Let me deal with the point, Sir, bang on. The Prime Minister made the point that the NUPW had been entreating the Government for several years to change the provision relating to bankruptcy and that a non-caring and a non-sharing Barbados Labour Party Government did not

respond. Well, I am translating his words, Sir. I am not implying....

Asides.

Hon. H. deB. FORDE: I want to say right away, Sir, that the provision in at least one of the Pensions Acts relating to pensions dealing with bankruptcy and insolvency was legislated by the Democratic Labour Party in 1964 and that is in the Teachers Secondary Schools Pensions Act 1964-47 Sections 14 and 15 which says, "Where any person to whom a pension or other allowance has been granted under this Act is adjudicated bankrupt or is declared insolvent by judgment or any competent Court, then such pension or allowance shall forthwith cease."

Asides.

Hon. H. deB. FORDE: You now are getting it right. It was an Act consolidating and upgrading and reviewing the legislation basically. What the Prime Minister ought to have said is that that provision in the legislation existed under the Democratic Labour Party, like other archaic provisions in the Pensions Act, and nothing had been done about the change in the legislation sometimes because attitude towards pensions had not reached the position it has reached today. The truth is that the Democratic Labour Party has no better record of caring and sharing than the Barbados Labour Party in relation to pensions legislation in the public sector at all. To illustrate my point, I am going to deal with the position with women.

In 1978 as you know, Sir, a commission on the status of women was established by the Barbados Labour Party Government. I had the honour then to be the Minister with responsibility for Women's Affairs and to recommend the establishment of such a commission. This is what it said in Volume I of the report, which I formally laid in this House, in relation to pension rights so far as women were concerned.

"Under the existing Pensions legislation, provision is made for the widow and children of a male officer to be paid a pension but no such provision extends to the dependants of a female officer."

This difference cannot in our view be justified particularly in circumstances such as ours in which many female officers may be sole supporters of their families.

There is another area of difficulty which this time discriminates against the males. Under the terms of Section 8(4) of the Pensions Act, Chapter 25 a marriage gratuity - there is the term - is paid to a female officer resigning on grounds of marriage with more than 5 years or less than 10 years service. In the circumstances where she is not eligible for pension this provision is not extended to a male officer. I assume, therefore, that the Leader of the Opposition is now speaking about that provision when he is talking about

a marriage gratuity. He is very late though. As in so many things that are happening with the new impressionist, Sir, coming from the former impressionist, they assume that everything has been discovered in a day and the creativity and the vision of the Barbados Labour Party as adumbrated 50 years ago seems to have passed them by. But it is obvious that, ever since in this provision we have recognized the discriminatory provisions and changes that were made in the Pensions Act from 1985 although not all have been accomplished. Again Sir, the Commission says at Page 194 Section 34 - again under this Section 11(1) of the Pensions Miscellaneous Provisions Act:

It is necessary for a female officer to seek permission to remain in the service after marriage but no such permission is required by the male."

Finally, existing legislation stipulates that a female beneficiary of a deceased officer who marries before the age of 18 must forfeit any pension payable to her. This stipulation does not extend to a male beneficiary who marries before the age of 18 years. 1.40p.m.

Sir, the women constitute the majority of the population of this island. The legislation existed under the the Democratic Labour Party for 15 years, no matter how caring and sharing today they may think they were. We set out in the 1985 Pensions Act to change the provisions, to remove what were obviously harsh conditions of service for all the women in the Public Service of Barbados.

Aside.

Hon. H. deB. FORDE: The report came out in May 1978. The Honourable Member for Christ Church West Central was in the Senate at the time, but the point is the legislation was archaic and there are many respects in which the pensions legislation in this country has been archaic for several years. Had the Prime Minister merely said that successive Governments, when they had the opportunity and these matters had been drawn to their attention, had after discussion sought to improve it, I could accept his statement without being controversial on a matter such as this.

Rt. Hon. L. E. SANDIFORD: On a point of elucidation. I do not know why the Leader of the Opposition is setting up ninepins to knock them down. I did say that successive Governments have sought to improve the legislation in accordance with the social conscience and with available resources, but I did point out an area in which there was a problem.

Hon. H. deB. FORDE: All right, Sir, I will accept the correction from the Prime Minister on this point and thank him for recognising that the other great political party in this country has made great contributions to the

improvement of the lot of the public servants and people as a whole, and that therefore when we stand up in here and talk from an experience of 50 years of tremendous service, Sir, we feel justified not in creating impressions and looking for new paths and new ways, but in stating that the basic political philosophy, democratic socialist philosophy of the party, has manifested itself in the many acts that it has performed in this country in legislation of all sorts.

Now, Sir, let me explain for the benefit of the House that the problem we have is that the pensions legislation in Barbados is piecemeal. It is also legislation that is arcane and difficult. It is legislation that to some people is esoteric, it signifies mathematical, actuarial calculations. It has been difficult to write in legislation and difficult to administer. Therefore from time to time the anomalies which exist are pointed out. From my memory of the files in the Government Service, it takes considerable time before public servants themselves react to the points being made by other public servants, and very often they cannot calculate the full implications of bits of legislation.

I will tell you what is first needed, Sir. What we need to do is to have one Act dealing with pensions legislation. It is nonsense to have casual employees under one Act. You have a consolidated Act but you have parts then, teachers under a second Act, public servants under a third Act and it smacks of the old colonial practice of dividing people according to their social status, and that is one of the reasons why we have the legislation still in this form. If we have a Pensions Act, having the particular sections and provisions which apply in certain circumstances, and the common provisions - and there are so many common provisions in the different legislation - applying to everybody, then one would have an overall view of what we call the national approach towards pensions in this country.

The Barbados Labour Party Government sought, as the Leader of the Opposition so rightly said, to forecast or look towards the position of a national pension plan and to integrate the various pension plans in both the private and the public sectors. The Prime Minister speaks today in this Act of a change which will allow persons with less than five or ten years still to qualify for a pension once they have qualified in all other respects under the Act. We had looked at part of this provision and allowed persons who go out of the Service with less than ten years to count that period when they came back into the Service, so that they had continuity of service and continuity Of pension. That was done in 1979, the intention being to allow mobility between the private and public sectors so as to improve particularly the position of managerial staff and persons with that sort of ability.

I consider that progress, as well as I consiuc* UIL existing provision not only answering the anomar hich

exists, but also providing for some progress for the public servants. It has the support of the Barbados Labour Party Opposition. We need to maintain the mobility between the private and public sectors.

Also, we have the problem with Statutory Boards, which vary according to which Statutory Board it is. Although there are directions, both under this Government and under our Government for Statutory Boards to provide pensionable emoluments, except those which come under the Statutory Boards Pensions Act, there are still some Statutory Boards that have no pension provisions. They even put aside money funding the particular pensions. Some of them contribute to private pension schemes, some do not contribute. There are persons who have worked with Statutory Boards, as I know, Sir, who have given ten years of service and who leave on their 60th birthday and do not get a pension. I speak of this from knowledge, because this has happened in the case of one of my own constituents. They do not get a pension at all. There are persons who leave Statutory Boards which do not advert even to whether they would get a pension or not.

There is also the case of several casual employees who are not being given the same treatment under this amending legislation, the five-ten years difference, as is being given to the teachers or being given to other public servants. I query why they are being separately treated. It is possible for them to come back into the Service. It is possible for them to retire before, and they would be in an anomalous position. It seems to me it can only be because we remain wedded to the concept that status determines pension rather than service. It is an old archaic concept that nobody today who deals with pensions can appreciate. It is wrong and it discriminates against those at the lower end of the socio-economic ladder. I will ask that we look at this.

The legislation still contains a provision that there is no absolute right to pension. That too, is becoming an archaic legal principle. Once a pension is vested, and particularly contributory pensions, but also increasingly non-contributory pensions, today in certain states of the United States and other parts of the world, Sweden, Germany, you have a right to the pension and you can legislate about it, and the conditions under which your right to your vested pension can be limited, whether it be by the Governor-General, the State, a private employer, are now struck down by courts increasingly.

I took to court the Caribbean Meteorological Office on behalf of an employee of that international organisation and that case should be read by every Government Department which is looking towards improving all types of pensions legislation, because it re-emphasised, wherever the court can get a chance, even if the employer as a trustee takes into his hand and says that he has an uncontrollable discretion, that the court will step in and deal with that uncontrollable discretion, because a person has an equity in

his job and he has an equity in his length of service in that job, and that equity is as good as somebody who has a share certificate in his hand. You cannot lightly take away that property so as to effect this right. That is why I should like to see the pensions legislation updated to accord with the provisions of the fundamental rights legislation which we have, and that the restricting powers which now exist and are vested in the Crown are limited even further, that the circumstances in which a person or his estate, whether it be his widow or anyone else, can be denied a pension, are curtailed even further. That is why I have no difficulty in supporting the Prime Minister when he talks about cutting out the archaic provision of insolvency and the archaic provision of bankruptcy which have this sort of limitation in them still. 1.50p.m.

We need to look at dovetailing pension legislation much more carefully, and there is even a more fundamental problem with pensions in Barbados now, Sir. The fact is that we have not at the state level clearly set out in our minds how we are going to integrate the state pensions legislation into the private pension schemes. The state has increasingly raised the ceiling of insurable earnings and, therefore, a considerable part of the earnings of persons set aside for pensions now goes into the state social security system. It is very important that we should protect those rights to the hilt I can't discuss that now. Unfortunately I was ill last week and I could not contribute to the debate dealing with the National Insurance Board, but on the first occasion I will engage the House and the Minister concerned in a really proper analysis of where our social security legislation should go in the future in Barbados.

But let me say, Sir, that even here the pensions that the state contributes to must be properly dovetailed into the National Insurance Pension Funds. We need to secure very soon by legislation pensions whether they are being looked after by private pension trustees or being looked after by the National Insurance and Social Security Board. Our legislation is defective. We will wait until we have a scandal with people using up private pension schemes. In fact I am not even sure whether today the Co-operative Cotton factory people's pension funds were paid in properly for them and they have today had their benefits. I think they may have suffered already. Are we going to wait until we have adequate legislation, putting serious obligations on trustees of pension funds so that they not only have full accountability in how they invest those funds and in what they invest them, but how they account as a whole for the full security of those funds?

There is nothing so emotive as a pension of a person who has worked all his or her years, contributed to a fund and at the end of the day to find when they have no longer their pristine strength to find that they have no security.

Social Security is too vital a matter whether it be in the public or private service, and I would hope that when we come in her on this very difficult point that we aim to get the position much more detailed and clearer for the benefit of us all.

Now I want to make one last suggestion to the Government. Increasingly more and more of our people, young Barbadians are being qualified in actuarial science. The Government should have no need now to be going outside in the private sector field and outside of Barbados for actuarial assistance to enable it to have proper legislation, proper calculation of pensionable rights. Within the public service we should seek to train and to hire our own Barbadians, there are almost enough of them, some of them are still being trained, with this particular expertise, and that is where pension legislation should be looked after, not necessarily in the Establishments Division. State pensions now is a big subject and I look forward to the day when we have a National Pensions Legislation, a National Pensions structure in which the Government itself hands over the administration of its own pension provisions and the Statutory Boards not to an amorphous set of bodies outside, including foreign insurance companies, but within that organisation. It would save us foreign exchange, it would improve the expertise and knowledge of our Barbadian young people who are looking increasingly for a share of the economic pie in this country and to whom we must give it.

I have spoken very frequently of the concept of economic enfranchisement. That is only one aspect of it to which we have to advert in this House and in this country on a timely basis or things will overtake us, Sir. I would wish to see such a body having the independence from political control which is so necessary in relation to pension schemes and pension legislation.

If I have spoken with some sort of feeling on this, Sir, it is because it is a subject to which I have looked for a long time. One last point I want to make, Sir. I am concerned about the lack of co-ordination between our severance payment legislation, legislation which benefits the sugar workers under the various provident funds and the position of some sugar workers today still. We find ourselves in a situation where a person who is over 65 years continues to work for instance in agriculture, and this is a case which the Honourable Member for St. Peter is currently dealing with. He is a first class worker, but the establishment, Haymans, closes down through no fault of his own. He is over 65 years so he does not qualify for a severance payment, there is no provision for a gratuity and he reverts merely to a pension of \$150 a month which he has got because of his contributory pension. Had he been 64 years and 11 months and 28 days, assuming his birthday was the end of February, in those circumstances, he would have got some benefit. He is not the only case as the Honourable Member

says. I have come across some in my own constituency, but I cite the example to show that it is a defect, not merely an anomaly. I think it is more than an anomaly, it really is a defect it is something to which we must look and there is a need for this body of expertise. I think the Government must take the initiative in this respect to look at these provisions which are discriminatory and limited in a way.

The last word if you will permit me, Sir, finally, the Income Tax legislation which deals with pension schemes is very archaic, very difficult to administer, and I would suggest to the Government that at the earliest opportunity they take steps to improve it, because at the moment it is limiting the accumulation of pension funds and getting people to send pension funds outside to be invested, whereas pension funds are a tremendous source of capital formation in this country which could be used both for the Government as well as used for the development of Barbados in the enterprises which are needed. I thank you, Sir.

SUSPENSION OF SITTING

Hon. P. M. GREAVES: Mr. Speaker, I beg to move that this Sitting be now suspended until 3 o'clock p.m. today.

Hon. M. A. KING: I beg to second that.

The question was put and resolved in the affirmative without division. 2.00 p.m.

RESUMPTION OF SITTING Mr.

SPEAKER: This Sitting is resumed.

Mr. R. L. MORRIS: Mr. Speaker, I want to address this matter before us because it is a matter that relates to the improvement of conditions of workers. In this particular instance we are talking about workers in the Public Service but as a representative of a union, we are always concerned with the perception that unions should only concentrate on the working lives of our members in terms of trying to get better salaries and wages for them as a matter of addressing the present

But, clearly, when we try to add to the increasing salaries and wages, there are two related aspects of that matter because we recognise that not only is it interested in making sure the person is able to retire, but that, in fact, when a person approaches the age of retirement, the computation of pensions will depend very much on the existing salary when that person goes off.

In most instances the formula is to look at the three years preceding the period of actually going off retirement

in order to compute the pension entitlements and, therefore, it is important to us that there is a continuing increase in salaries during the time the person is working in order to make sure that the pension attained by the person is a reasonable one.

In fact, we have the case that looking at the financial and economic possibilities, indexation of pensions is something that one would see as an ideal because we are very concerned that people on pensions are in a very, very rigid situation and very much subject to the fluctuations of prices and the rate of inflation in our country. So we support pensions legislation as a very important aspect of extending the wages and salaries of workers in a period when they are no longer receiving money from the employment to which they have been attached for their lives.

In fact, we share the view that a pension should be a right and that a person should only lose that right under very restrictive circumstances or that that right should only be amended again under restrictive circumstances that would have been set out very clearly and very clearly understood.

When we look at this matter of pensions, Sir, just taking a brief historical look at it, my recollection is that the first time we really had Pensions legislation in Barbados was for the teachers back in 1925 and this came after protest and constant requests for this enactment by Dr. Charles Duncan O'Neal and the Democratic League. But this period was a long period, a long hiatus in moving forward, this social advancement for the workers of this country.

It was really not until the early 1960's that we saw significant legislation in terms of pensions in Barbados and that was not coincidental with the fact that the Democratic Labour Party came into office in 1961 and most of the trail blazing legislation in relation to pensions can be seen as emanating from that time. The Public Employees Pension Act of 1961, the Teachers Secondary Schools Pension Act of 1962 and the Casual Employees Pension Act of 1961, all were passed by a sharing and caring Democratic Labour Party Administration and we have always been consistent in putting together the kinds of social packages that relate to our philosophy of democratic socialism of ensuring that there is a package of legislation that looks after the worker in all the various aspects because we are not like those persons who believe that the less Government is the better.

We do not believe in those very conservative or neuro-liberal views which would seek to take Government out of everything. We believe that government should play a very significant role in the economy because, clearly, the kind of legislation which public servants enjoy sets the kind of example that can be used by the private sector.

The fact that Government has been a significant employer and that Government has statutorily to provide pensions and gratuities and other retirement benefits for workers, can be held up as an example to the private sector. In fact, the private sector, and I want to look at this briefly, is far behind Government in terms of providing pensions for the members of that sector.

It is now on our agenda for the trade union movement involved in the private sector to push for things like the Medicare Schemes, Pension Schemes and, I believe, that is something that has been addressed by all the Trades Unions in Barbados. *

The National Union of Public Workers has their own Medicare Scheme and, of course, they are fortunate in that they are representing workers who come within the scope of Government. In the Barbados Workers Union, we have been pushing for Medicare and Pension Schemes in the private sector and that is a continuing quest. ^

Of course, there are certain difficulties in this particular matter. Whereas the pension arrangements of Government can be controlled in a more co-ordinated manner, private pension scheme arrangements are something that have to be looked at very carefully.

Right now, in terms of access to expertise and experience in pension schemes for the private sector, we are talking about a few insurance companies like Life of Barbados, Mutual, Manufacturers Life, who normally, not only establish but operate the pension scheme on behalf of most of the private sector businesses and my own view is that in future trade unions would have to see the establishment and organisation of pension schemes as part of the social sector of the economy. I believe in a mixed economy where you have a private sector, a public sector and social sector. This social sector is the sector run by trade unions, co-operatives and by self-managed companies ** where the workers themselves would run corporations.

I believe that pension schemes should be an area of the social economy that should be run by trade unions, cooperatives and similar organisations because there is no reason why you could not have pension companies that are run on a co-operative basis. One of the problems in our society, quite frankly, is that you have always decided to set aside these things for others to do. We do not understand ^ and grasp the importance of this sector.

We have not been making provisions for our children to be trained in areas of actuarial studies and so on, so that they themselves will come up and take over these groups of business, but we allow other people to control them. So we are quite satisfied to allow Manufacturers Life, a Canadian based company to control most of the pension schemes in this country and the benefits from the management of these schemes do not accrue to Barbados but to outsiders.

We are not planning down the road with a view to understanding that the social sector of the economy needs to be boosted because it is only to a certain extent that we can depend on the private sector and the public sector can only do so much and the social sector has to be organized.

We have to train the workers to run their own pension schemes, to manage them efficiently and effectively and those are areas for future expansion because the private sector does not have the vision to do these things as long as they can depend on other persons to bring the expertise and they get the benefits that derive from them. This area of pensions legislation is a very important one.

In 1985 when the Pensions (Miscellaneous Provisions) Act was being looked at and the Barbados Labour Party was then the Government of the day, I remember that they sent out - I think it was in 1983 - requesting feed-back from various organisations in relation to the changes that were being anticipated in the legislation. 3.10p.m.

They then wrote again in 1984. But it was only in 1984 that the specifics were brought before us. In 1983 when they wrote us, they were given some paper on expected demographic changes and asked for a responsive front to something that had not been set out clearly. Of course, it is very difficult to anticipate persons who have certain intentions. You do not go ahead and put out on the table, this is what I want to see done before you ask people to specify their intentions. So when anybody writes you in an ombudsman way, in a very broad fashion we intend to do so and so, why do you not write what your impressions are? I think the best thing to do is to neglect that kind of request. But when you come to us then with specific proposals, we can address those proposals. These specific proposals were made in 1984. There were two basic changes that were made in the existing legislation. One related to changing the date of retirement from 60 to 65, to bring it in line with National Insurance Pensions. So that the person would not go out at 60 and then have to wait until 65.

When we responded to that particular proposal, we were satisfied that it was a sensible proposal from two points of view. First of all, we were representing the workers in the public sector at the lower end of the scale. Quite frankly, at 65, our workers are not ready yet to go home. They can go at 70 because they want to work as long as possible to get the benefit of a full wage, rather than getting a pension.

I do not think that the National Union of Public Workers would have taken the same view because representing people at the top of the scale, they would want to go home at 50, if they can get a gratuity and pension so that they can go and get work elsewhere and get some more money.

But I remember our position was we had no problem whatsoever in supporting the extension to 65. On the other matter which was that the qualifying period for a full pension would go from 33 Vs years to 40 years, we found that very, very difficult to accept.

Aside.

Mr. R. L. MORRIS: method of Pardon?

Aside.

Mr. R. L. MORRIS: No, I did not say that they only represent the people at the top. I did not say that. I am saying that a lot of the influence in the union comes from the members who are at the top of the salary scale. It has always been that. Not only were they influential but they were generally the Presidents and the influential officers for years. The NUPW really was controlled at the top and not at the bottom. I am not prepared to comment at this time on what the situation is because, quite frankly, I will not get into disputes between trade unions. That is not the way we play the game in the Barbados Workers' Union. We do not get involved and we do not discuss personalities. We do not get into those things.

Aside.

Mr. R. L. MORRIS: You made a comment about the General Secretary of the NUPW. I will let that rest. I am not going to debate that at all. I am just looking at the fact that basically we have two trade unions but we have interests that do not always mesh.

Aside.

Mr. R. L. MORRIS: I do not deal with personalities. I refuse to get into a debate on personalities. I am not even dealing with the office. I am just saying that on the matter of the extension of the age for retirement, the mass of our people said, we wanted that. As a democratic trade union, we were confident that we could go ahead on their best wishes because our own advice would have been the same.

I am saying that that might not have been the same thing with the NUPW because they might have been representing different interests in this matter. We would not have had that conflict. Most of our membership is in a different sector.

On the point of the full pension a man's life expectancy is 33 years, to us that was a significant difference. Quite frankly, 40 years of employment in an organization is a lifetime. Thirty-three and a third years is a lifetime in itself. To extend that was almost to disqualify persons, as far as I was concerned. You really never intended that anybody would be able to get a full pension if you are going to push it from 33 1/3 years to 40. It is going to be extremely

difficult to qualify. Knowing how public servants operate, most of us know that a lot of the old teachers and Public Servants only built their house out of the gratuity. They worked along and sent their children to school. It was only when they retired and they got that gratuity that they could pay off for the house and begin to live comfortably. Their ambitions have always been transmitted into their children. Most of our old Public Servants in this country, teachers and so on have not been able to satisfy anything in their lifetime. They have always felt that they had a responsibility to give their children the right kind of education and to make sure that they had a head start ahead of them.

Anything that would have cut down on that gratuity to me would have been an injustice to this group of people who have contributed so much to the improvement of this country. I make bold to say that sometimes we underestimate the value of the public sector workers in this country. We criticize them a lot. A lot of the stability of Barbados comes from the public sector. A lot of our stability comes from the technocrats in the public sector, the Civil Servants in this country. They are a constant in our development. They have been there with us for a very long time and because of the official advice that they give I am not saying that they are all geniuses or anything like that, there must be room for improvement. As a country we have to establish the systems and make sure they improve.

Clearly I believe that any attempts to detract from the benefits which they enjoy would be attempts which would be fought against by the unions such as the Barbados' Workers Union. Therefore in 1985 we were very, very dissatisfied at the changes brought about by the Barbados Party and, even more so, by the way in which they went about making the changes. In 1975 when we sought to introduce changes, we went through the length and breadth of this country trying to educate people about the Pensions Act and the changes that would be brought about. I agree with the Honourable Member for Christ Church West when he said that pensions and matters relating to pensions are considered to be arcane, esoteric and extremely difficult. But that is not a view that is shared. The Honourable Member is a lawyer in this country with experience in these matters and he is speaking not only of what people consider it to be, but he is saying basically that he finds it arcane and esoteric.

The Honourable Leader of the Opposition would know that pensions legislation is extremely difficult for most people to understand and to deal with.

Everybody in here who has anything to do with pensions legislation knows that you call the authorities, the experts who deal with them on a day to day basis, to get advice when you have cases. The persons in Government who deal with these matters, some of the persons here

present as advisers to the Government, are quite willing to share their advice with you. It is a very difficult area to get into. Therefore when you are going to make changes, especially changes that are likely to make people worse off, it is extremely important that you give the widest ventilation to these changes. That is why we took exception in 1985 because the procedure did not satisfy that canon of widest ventilation of difficult matters, that they should have been raised at every possible forum that people could understand what was being done and what impact it would have on the country at large. We were dissatisfied then.

That is why I am glad to hear the Right Honourable Prime Minister say today that steps would be taken to return those procedures to what existed prior to 1985. I want to make it very clear that that is part of why this Government can consistently say that it is a people's Government. It has had to change so much legislation that existed before but was distorted by an Administration that sometimes rode roughshod over people's rights. This is not to say that they did it all the time. Sometimes I felt that they did not take the advice when it was given, for their own reasons. Sometimes it is very difficult, on reflection, to see what these reasons were.

I could not understand how any Administration could have got satisfaction from moving.....

Aside.

Mr. R. L. MORRIS: Pardon me.

Aside.

Mr. R. L. MORRIS: I am talking about raising the qualification period for full pension from 33¹/₃ years to 40 years. I would like to know what satisfaction an administration could have got from that? What did they seek to achieve, in spite of the fact that most or all of the other organizations involved, like the trade unions, said that they did not agree with it? But the Government went ahead and changed it. I really cannot understand, I cannot conceive how an Administration can behave in that way, because there was nothing to be gained from it. We have had to be changing that kind of legislation constantly.

No fuss is made when that legislation is made to the detriment, but when we come and return it, people do not begin to understand what we have done, the kind of benefits that we have brought back to the workers in this country. We have to let the people know that this administration has, as its duty and as its objective, setting wrongs right. We have been doing that quietly, not with a lot of fuss. Coming in here with amending legislation to make sure that people are put back to the position that they were in before.

Aside.

Mr. R. L. MORRIS: Sometimes, put them in a better position, as I would come to when I look at the substantial changes in this legislation. We are righting the wrong first of all and then we are putting people in a better position. 3,20p.m.

Asides.

Mr. R. L. MORRIS: Mr. Speaker, the substantive aim of this legislation is to provide people who at this particular time do not have access to a particular benefit, the benefit of a gratuity if they work for less than 10 years that is if they work for more and less than 10, because if they work for 10 or more they will get pension and gratuity. But if they just work for more than 5 but not 10 to qualify for pension and gratuity, right now they get nothing at all. What you are saying is that they have put in work. That work gives them a right. That is what we are saying. It is a concept that is close to my heart. The concept of work has given a person property in the place where people work. It is part of our social concept. That is why we have Severance Payment legislation and so on. Most workers have only one thing - that ability to work - and, therefore we believe that if you put in those 5 years and you have to go off that you have accumulated some right in that business. If we can start in the public sector and set these examples, we are sending positive messages to the private sector that this is the kind of humane treatment of workers that we envisage in this kind of society. That is why I said I am against the conservatives and these neo-liberals who are parading in this society wanting to get the Government out of everything, privatize everything, let the private sector take over everything.

Asides.

Mr. R. L. MORRIS: Pardon me. Who are the conservatives and neo-liberals?

Mr. SPEAKER: The Honourable Member may be allowed to make the asides but not to interrupt.

Mr. R. L. MORRIS: Let me correct that misconception.

Mr. SPEAKER: I am the person to determine what is allowed to be said and the conduct of the debate must continue on the level of which I determine. So the Honourable Member has no right to interrupt an Honourable Member unless he is given permission to do so. Continue.

Mr. R. L. MORRIS: Mr. Speaker, I was making the point that I understand the reason why there might be interruptions of this nature. As I understand it, the Democratic Labour Party talked about privatization and, Sir, I have dealt with this before but I will look at it again. There is privatization. Government has different kinds of

businesses to operate. Some are commercial, some are social, and if Government say that we are going to privatize the commercial organizations that are not doing well, that is a good management point that the Democratic Labour Party was making. I want to separate that from the call for privatization of social sectors of the economy. As far as I am concerned, the Transport Board is a social sector and we would not stand for privatizing that. CBC has a very important role to play in this country and privatizing it might mean handing over the communications sector to propagandists.

Asides.

Mr. R. L. MORRIS: Well, you have not seen propaganda yet. Hand it over to the Nation group, then you will see propaganda. Because then where you have your television media, radio media, and everything else.

Asides.

Mr. R. L. MORRIS: I am just using an example. I know. I do not know if you are planning to buy it. I do not know.

Asides.

Mr. R. L. MORRIS; Mr. Speaker, this speech seems to be touching certain people in certain ways because we are getting all kinds of responses here.

Mr. SPEAKER: I would hope the Honourable Member would not broaden that aspect of his debate since I might consider it a bit out of the scope of the Bill. But obviously if you make reference I would permit that, but certainly not an extensive debate.

Mr. R. L. MORRIS: So that we do not support privatization in its widest sense but a selective kind of privatization because we believe in the importance of the public sector and the importance of the social sector of the economy.

I want to make it very clear, Mr. Speaker, that on the question of pensions, the Democratic Labour Party has been always following the correct path and I would say that the same thing is true for the organization by which I am employed, the Barbados Workers Union. At the time when this trail-blazing legislation was being passed in the early 1960's, the Barbados Workers Union established the Port Workers Pension Scheme. It is a signal piece of legislation that at this particular time port workers are better off than most other workers in Barbados when the time comes for them to resign, retire, and to go home. When we introduced the concept of the pension scheme for one of the largest sectors of workers then existing, in fact the largest, that is the sugar workers, you recall Mr. Speaker the furore caused in this country by backward looking elements of the

Barbados Labour Party in particular, which came out firmly against a pension scheme for the sugar workers of this country. That pension scheme would now have been about 25 years old and it would be a strong scheme helping those workers who now go home without anything and constantly they come to me wanting to know what is available for them. Sugar workers have contributed a tremendous deal to the welfare of this country year after year and that movement was blocked when the Democratic Labour Party, when the fledgling and young Democratic Labour Party took the side of the Barbados Workers Union on this instance.

Asides.

Mr. R. L. MORRIS: Yes, the Democratic Labour Party, of course. The Democratic Labour Party, the Barbados Workers Union, and the employers agreed with the Pension Scheme and the Barbados Labour Party came out against it and formed a trade union to try to destroy....

Asides.

Mr. R. L. MORRIS: Yes, the Trade Union of The Unemployed they called it - they tried to destroy the Barbados Workers Union over a pension scheme, because 25 years ago people did not understand the importance of pensions. It is now on the time-table for discussion and now we are talking about a National Pension Scheme. We are talking about integrating all private sector pensions into the National Pension Scheme which is sensible and forward looking. But I am just showing you how in a short period of time how visions can change by changing realities.

I heard for instance the Honourable Member for Christ Church West calling on the Democratic Labour Party to institute the findings of the Report on the National Commission on the Status of Women.

Asides.

Mr. R. L. MORRIS: No, no, but you were in office from 1976 to 1986 and could not find time to implement those provisions. The difference between the Democratic Labour Party and a lot of these rhetoricians, the ones who speak glibly and loudly about.....

Asides.

Mr. SPEAKER: I have already indicated to the Honourable Member not to interrupt as he has been doing.

Mr. R. L. MORRIS: The ones who speak glibly and loudly about everything they propose to do, the test always come in the implementation of these projects and these proposals because you can get up and talk about everything. But the test is in what record have you set, a record of making negative changes and not a record on which your

credibility can be based. A record of making negative changes in existing legislation does not give you any credibility to talk on these issues, and if it hurts take it. They have no credibility whatsoever to talk on these issues, nothing whatsoever because basically you suffer from certain conflicts. You talk the rhetoric of democratic socialism, but when you are in office you do something else.

Asides.

Mr. R. L. MORRIS: No, no, no. Was something wrong with that? The Honourable Member for St. George South, is something wrong with that? The Democratic Labour Party had instituted social legislation.

Asides.

Mr. R. L. MORRIS: Oh, you thought I was coming from somewhere else? No, coming straight down the line. I am saying that we have set up a record of looking after the workers of this country. 3.30 p.m.

The legislation that we have passed have been in the workers' interest. Pensions legislation is vitally important for the future. It is extremely important in several different areas. In the public sector it is important that we maintain the benefits that have been there before and extend them as far as possible. I am glad that the Government has given instructions to all the Statutory Boards to try to introduce pensions wherever possible. Although I am aware that this is a matter that is going to take some time, I have every confidence that it is a matter that will be pursued.

Again, when the member for Christ Church West says that this is the same instruction that has been given by other administrations, because he likes to tie his administration to these things, if you gave the instructions and years after you were the Government they were not in place

Hon. H. deB. FORDE: On a point of order, Sir. The Honourable Member I do not think has had the benefit of even looking at the file and he talks with authority as the Prime Minister of the back bench, but the notes will show that as early, I think, as 1978 when Prime Minister Adams spoke in here on the national pension, the aim and object of moving to every Statutory Board having a pension scheme and not merely putting money out of their vote every year was adumbrated quite clearly, and he will notice that many other Statutory Boards came into line.

Mr. R. L. MORRIS: Mr. Speaker, there seems to be some blunted difficulty in his understanding what I am saying. I am saying that he has a penchant.....

Mr. SPEAKER: The Honourable Member has one minute more.

Mr. R. L. MORRIS: ... for saying what they intended doing, and I am saying

Aside.

Mr. R. L. MORRIS: But you gave the instructions and you were saying they had not been done basically and you are now calling on this administration to make sure that they are done, and that is what you have been doing all the time. Anybody would think that they were not the Government of this country for ten years, if you hear the things they call on this administration and the future administration to carry out That is the point I am making, and he just reinforced the point by standing and making an intervention. My point has been reinforced, but I did not need that reinforcement because we all know there is a difference between rhetoric and action. What the Democratic Labour Party stands for is consistent action on behalf of the workers of this country.

I thank you, Sir.

His Hon. J. J. PAYNE: Mr. Speaker, I want myself to make a few remarks on this Bill before us, because I had the opportunity to look at some of the pieces of legislation which touch the subject, and, like many of the previous speakers, I share the view that what Government is doing here is acting really in the interest of those public servants who will be affected by the changes which will be taking place if and when this legislation is passed.

What we have to recognise, Mr. Speaker, is that there are thousands of public servants in this country who depend on a pension or gratuity as a means of existence after they have completed their service to this country, and as a caring and sharing Government we must ensure that these persons not only recognise that they become entitled to these pensions, but that they become entitled to these pensions as of right We must go on, Mr. Speaker, to also shape the legislation in a fashion which makes it more comprehensible to the ordinary man on the street.

When we look at the legislation there are certain provisions which, as the Prime Minister said when he introduced the Bill, may need amendment I believe that as we go on we will come up with different provisions which touch on people's pensions and gratuities which we will have to amend from time to time.

The former Leader of the Opposition in his contribution made reference to this question of pensions being awarded as of right I want to speak on that particular subject in some detail. I believe that in 1989 people who serve in the capacity of public servants look forward to their pensions as part of their remuneration after they complete their employment I think that Government must move to amend certain provisions of the law to ensure that these rights are recognised in a significant way.

Mr. Speaker, I want to *lock* at a particular section in the Act which touches this subject. It is contained in all four Acts on the subject which we are dealing with today. It is in the Pensions Act, it is in the Public Employees Pensions Act, the Teachers (Secondary Schools) Pensions Act and the Statutory Boards Pensions Act If we look at the provision as contained in section 6(1) of the Public Employees Pensions Act, Cap. 30, it reads as follows:

"A public employee shall not have an absolute right to compensation for past services or to pension, gratuity or other allowance; nor shall anything contained in this Act prevent a public employee from being dismissed at any time and without compensation."

Mr. Speaker, it is my view that this particular section is an anachronism. This section is saying in effect that a public servant does not have the right to sue for his pension, and we cannot have a situation where a public servant can sue for arrears of salary, but that his pension is not a matter which he can claim as of right and maintain an action in respect of it I believe that in 1989 a provision of that kind in our laws should no longer be loitering on the Statute Books. It is one of those provisions which I believe we should make an effort to amend at some early stage. The effect is that it is a disabling provision.

I think that when we have provisions of this kind they can discourage people who work in these areas from producing at their maximum. I think, for example, Mr. Speaker, that we must always recognise that those persons who perform a faithful duty should be recognised for their service. There is no doubt that the legislation contains provisions where it is found that employees have been negligent, or where there is some irregularity or misconduct in respect of their service, their pension or gratuity can be reduced or altered.

In those circumstances I see no problem, but where we have a situation of an employee who have given faithful and loyal duty to this country, we should go to that point to make that employee feel that we will be prepared to give him a pension as a matter of right. This is the point I want to make very forcefully in my presentation. This is a matter that has been looked at in other jurisdictions.

I had an opportunity recently to look at a report from the Law Commission of the Government of India which was published in 1972, and this same point came up for discussion. I want to seek permission to quote from this document and I will make it a document of the House. It is the Law Commission of the Government of India Report, published on 4th December, 1972, and I want to quote from page 8 of that report 3.40 p.m.

Mr. Speaker, the Chairman of that Commission had this to say: "Today this principle cannot be accepted as sound."

"In fact, decisions on the question whether the pension granted to a public servant is "property" thereby attracting Article 31(1) of the Constitution afford ample evidence of the judicial attitude in this matter. The question came up for consideration before the Punjab High Court in *Bhagwat Singh v. Union of India*. It was held that a right to pension constitutes "property", and any interference with it will be a breach of Article 31(1) of the Constitution. It was further held that the State cannot, by an executive order, curtail or abolish altogether the right of the public servant to receive pension. The Bench approved the decision that the pension granted to a public servant on his retirement is "property" within the meaning of Article 31(1) of the Constitution and he could be deprived of the same only by an authority of law and that pension does not cease to be property on the mere denial or cancellation of it. It was further held that the character of pension as "property" cannot possibly undergo such mutation at the whim of a particular person or authority.

"The Supreme Court has recently held that a pension is not a bounty payable at the pleasure of the Government, but on the contrary, the right to pension is a valuable right vesting in a Government servant."

The point I want to make, Mr. Speaker, is that the whole trend flowing throughout these various jurisdictions and the modern view of pensions not only by public servants but by employees is that a pension is a matter which should be awarded as of right and not merely because of some favour being extended to the particular servant. I believe that this principle originated from a common law view that a civil servant could not sue the Crown for wages and that the Crown was immune from civil proceedings in respect of debt and that sort of thing. In 1989 that kind of thinking is a thing of the past I believe that that particular section of the Pensions Act should be looked at with a view to having it updated and brought into conformity with current thinking on pensions.

Mr. Speaker, I would like to give my support to this Bill. Many other speakers have covered different areas concerning the matter which is before us, and I would not want to go over ground which we have already covered. I would just like to make the point abundantly clear that as the Honourable Member for Christ Church East Central has pointed out, the Government must see its responsibility towards its people and provide some form of security for them when they are no longer able due to age or whatever reason to contribute towards this country. The provisions which are contained in the Bill are in a forward looking direction and I wish to indicate, Mr. Speaker, that I give my full support to the amendments which are proposed today. I thank you very much.

Mr. R. P. BYER: Mr. Speaker, all previous Members who have spoken on this matter currently engaging the attention of this Honourable House have done so with a certain degree of fervour and also eloquence. I would not want to distract from any of the contributions which have been made today, and more or less I would like wholeheartedly to support, except in areas of petulant behaviour, most or all of what was said today. That is not a reflection on the Chair, Sir. As the last Honourable Member said, Sir, a lot of the ground that has been covered before I would have liked to cover, but I will refrain from doing so because anything that I add would only detract from the eloquence of the contributions that have been made before. There are one or two considerations that I have made note of, but strange enough the Honourable Member for St. James North had touched on one of them. I believe before him both Honourable Members for Christ Church West and East Central had adverted to the pension as a right created by statute. One of the things that really has engaged my attention is the fact that today we have witnessed the statutory creation of a previously non-existent right. What I would like to know, Sir, since it did not exist before, in relation to a particular body of persons and now we have a right that is created today, is what would happen to those now acquired rights if this Act is amended or repealed. I see nothing in the amendments which entrench the right, and this is why there should be an option open to potential beneficiaries an option which should be exercisable at this stage.

All of the previous pensions legislation that has come before this House and has been passed into law at some stage has been amended. I was not aware of the trend in India in relation to the fact that pensions are now accorded the status of rights in law. I know, for example, in the United States jurisdictions they do have that protection in law, that there are rights exercisable in law and protected by the Constitution of the United States of America. I believe a similar protection is also accorded to the Constitution of Barbados by virtue of our section 16 which speaks to the protection from deprivation of property. That is, Sir, if you conclude that a right to a pension or a pension is a right. What I am concerned about is the fact that it is a right that could be taken away at some stage even after it is acquired by a person. I would like the law to address this aspect of it and entrench in some more detail the fact that pensions are rights exercisable in law.

I would like to go on a little further, Sir, and by way of a question I would want to know whether it would not be better to pay the lump sum, or let me put it this way, whether it would not be right to pay the lump sum that the amendment seeks to provide at this stage rather than waiting for the beneficiary of the right to attain the age of 55 years or 60 years as the case may be, because assuming, Sir, that a person can benefit from \$10,000 today, let us say he is 40 or 30 years old and he has spent five or six years in the service, down the road and he is entitled to \$10,000 in

pension, it would seem to me that that amount of money down the road in terms of value would decrease, significantly, unless of course some provision is made for calculating the pension today and allow for inflation down the road by way of a fixed sum on interest or whatever; but it seems to me that we may want to address this, if not now, at some time. The Government of Barbados might want to address this aspect of it, because even though it is a very laudable thing to do, I have no difficulty with that, to give a large body of persons a right that they did not have, or correct a previously anomalous situation. It would seem to me that we can go one step further and make sure that the value of that money which would accrue to them today would not be depleted in some way down the road. 3.50 p.m.

Now, the last consideration I would like to draw to the attention of this House is this that it seems to me that in another 10 years the pensions bill of this country will increase enormously. This is why I am attracted to the idea of the former Leader of the Opposition, and also the Honourable Member for Christ Church East Central, about making sure that we will continue to be able to service pensions, not necessarily only in Government, but, also, in the private sector.

That is not the responsibility of Government, Sir, but, certainly, it should be, given the recent trend in terms of companies going bankrupt, having received large amounts of pension payments over the years and the persons who would have benefitted from those payments no longer being able to do so. It would seem to me that provision should be made by Government to invest the contribution that it makes toward the development of pensions over the years. I do not know what provisions are made. I have not researched the point but I would want to know that the economy would be able to bear the amount of payments that have to be made over the years from now on in relation to pension payments.

As more and more, for example, Prime Ministers live, Sir, it would seem to me that in one area that is a large amount of money that has to be paid. Parliamentarians salaries and pensions - another area that has to be considered as well as pensions for other persons in the Public Service. I am concerned that the economy does not bend under this weight I would want us to examine areas where payments made towards pensions are invested so that the returns could help generate and propel the pension fund.

Thank you, Sir.

Mr. O. S. ARTHUR: Mr. Speaker, Sir, this will be the 25th occasion on which pensions legislation in Barbados is being amended since the legislation was first introduced in 1947 and the frequency with which pension legislation has been amended would be enough, if nothing else, to convince the Honourable Member for Christ Church East

Central that this is a matter on which we have not yet heard the last word. When he professes that the Democratic Labour Party in its new found philosophy of caring and sharing has now found the last word in relation to pension legislation, I rather suspect that we will in future, have to come back to this House again to amend pension legislation.

It must be obvious to the House, Mr. Speaker, that the method by which society accommodates the needs of its retired persons and its old people is a dynamic process and, to that extent, therefore, things like pensions and social security benefits will change from time to time, reflecting not only changes in norms in the public sector but changes in the norms as to how society itself regards the best way it should treat the old and the retired persons within its midst.

As we reflect on this piece of legislation today, Sir, we have to ask ourselves the question, why is it that there are certain aspects of the existing legislation that Government chooses to amend at this time but others that, perhaps, are equally obnoxious that it wants to retain? The Minister of Finance has drawn to the attention of the House that it is the intention of the Democratic Labour Party to remove from the Statute Books of Barbados a provision which is obnoxious, the provision that if a person is declared bankrupt or insolvent, that he, by that very act of being declared insolvent and bankrupt, loses his right to a pension but the same piece of legislation which used to contain that provision also says that if a person is dismissed from the Public Service of Barbados by reason of being judged to be inefficient, it is left to the discretion of the Governor-General of this country to determine if that person is to be paid for the years of service that he had put in prior to him being deemed to be inefficient!

I am asking the House, Sir, if, indeed, we are not straining at a gnat and swallowing a whale because it seems to me that the same logic which says that a right is a right, whether a person is financially solvent or not, should be the same logic which should tell us that a person's right to a pension, based upon his having performed a service, must be retained whether he is judged at a point in time by persons called upon to extend a judgment on his performance whether he is inefficient.

I am making that point, Sir, mainly to establish a broader principle that perhaps the time has come when, as my colleague from Christ Church West has said, we have to undertake not a piecemeal amendment of the pensions legislation, but a complete and overall comprehensive review of the legislation to make sure that what has happened between 1947 and 1988 does not have to occur again in the future.

There are some questions, Sir, that we would like to raise. Is it necessary, for example, for pensions to public servants always to be paid out of the Consolidated Fund? Is

it beyond our imagination, to conceive of a situation for the future where pensions paid to public servants can be part of a funded scheme where the Government makes an annual contribution to invest those pension funds on behalf of public servants in much the same way that the private sector invests pension contributions on behalf of its employees with the possible implication, and I say this subject to proper actuarial study, that at the end of the day the public servant could get a capital sum that is larger than that to which would be entitled under ordinary legislation?

There are additional points contained in the existing legislation that, perhaps, we may want to look at. There is not such a thing as an absolute right to a pension and we are hearing from this very House, on both sides, that, perhaps, we have now to look at that provision again.

It is a provision that the Democratic Labour Party encapsulated into the existing legislation when they amended it in 1967. "No officer shall have an absolute right to compensation for past services or to pension, gratuity or other allowances nor shall anything in this Act affect the rights of the Governor-General to dismiss any officer at any time and without compensation". This is in this pensions legislation and it was written into the pensions legislation by way of an amendment of 1967. I am asking the House, do we want to take this kind of archaic provision with us into the future?

Sir, when I hear the Honourable Member for Christ Church East Central, as is his wont, praising the Democratic Labour Party for its possession of the highest level of consciousness that they and they alone are caring and sharing, and when I hear views of privatization, I am reminded that he and his colleague who sits beside him were the only two members of the Government side who supported the July Budget of 1986 and he had, in the past, voted for things that he was philosophically opposed to, that there was a time when I used to hear from the other side and him how wonderful the private sector was, and how wrong we in the Barbados Labour Party were to speak of a constructive and progressive role by the state.

I used to hear those things from the Honourable Member for Christ Church East Central and he would say things as it suited his purposes. The fundamental point that this House must understand is that administrations in this country have, from time to time, put in place legislation based always on consultation. He should have told his Prime Minister in advance, when his Prime Minister was condemning the change of the age of retirement, that the entity which recommended the change in the age of retirement was the Barbados Workers' Union of which he is a member because the Prime Minister held that as one of the strictures against the Barbados Labour Party whereas he is praising it. 4.00 p.m.

Mr. R. L. MORRIS: On a point of elucidation, Sir. I am sure that I have already informed this Honourable Chamber that the Barbados Labour Party Administration sent to the trade unions proposals for extending the age of retirement and we responded favourably to that extension. We went on to say that we wanted consultation on all changes that would be recommended. We did not get that consultation. We wanted also to consult on the implications of the change. We did not get that consultation. There was no meeting held with us. No response to that. The next stage was coming to the House with the draft legislation. So we did not propose the extension. But as an understanding trade union when we recognized that it would benefit our members, we supported it.

Mr. O. S. ARTHUR: Mr. Speaker, Sir, I am very glad that he has now sought to clarify his position because this is part and parcel of his passes and turns, Sir.

In the same way in 1986, Sir, he was one of the people who spoke strongly in support of the Democratic Labour Party's position at that time. He subsequently sought to change his position, Sir. I am not surprised that he would have spoken five minutes ago and changed it within five minutes, Sir. It is characteristic of his approach to things.

Mr. R. L. MORRIS: On a point of order, Sir! The Honourable Member is trying to mislead the House when he said that I spoke in support of privatization, any Democratic Labour Party policy on privatization. I am on record as saying that I supported privatization, if it meant that you were getting rid of commercial activities that were a drain on the economy. That is in the records anyway, my view about privatization. Because as a democratic socialist, I am not in favour of privatization. I believe in a public sector of the economy and a social sector of the economy, along with the private sector.

Mr. O. S. ARTHUR: I think we are learning a lot this evening from the Member, as regards where his true position stands. To the extent that he has admitted in this debate that administrations of the past have made pledges that they did not keep, I think it is only proper that we ask him and the Democratic Labour Party, what has become of the obligation to establish a Ministry of Youth? What has become of the obligation stated in the Democratic Labour Party's Manifesto to return \$39 million in deferred taxation granted to the Barbados Light and Power Co., to the consumers of Barbados. The Member should have the experience, Mr. Speaker, to know that Government is a continuity, and that there will be things set in train by one administration which, by reason of review, study and whatever else happens to be carried and put into effect by another administration. He must not hold it, Sir, as being something that is symbolic of a will not to act, to draw reference to a situation where something had been set in train by one administration and executed by the other. That is the point of caution that one has to put to the Member.

who is too fond, I am saying, Sir, of this penchant of trying to portray himself as having a higher level of social consciousness which other people do not have within them. He is saying the will to act on behalf of poor people in this country.

But I come back, Sir, to the basic point, that this piece of legislation that the House is being called upon to agree to today is in my view, Sir, another step in the type of piecemeal approach that has obviously characterized the drafting of legislation throughout the years to deal with the matter of pensions. It is quite obvious, Sir that the amendment will remove provisions in existing legislation which obviously are obnoxious. It will, by the same token, leave provisions which are equally obnoxious.

It would behove us, as an Assembly, Sir, interested in putting the social security of the workers of this country on a secure foundation, to devote an exercise to a complete review, not only of the legal provisions pertaining to pensions but a complete and total review of all of the mechanisms now existing by which persons* pensions needs and requirements can be met. So that at the end of the day, we could create a satisfactory and secure set of arrangements both legislative and otherwise that would obviate the need for this Assembly, in the course of the generation to come, to have to be put to the necessity of amending a piece of social legislation, as important as pensions, by as much as 25 times, as has been the case, Sir, over the course of the last years.

I am obliged to you, Sir.

Hon. M. A. KING: Mr. Speaker, one thing which seemed to have been agreed on *all* sides of the House, by the Government, Opposition one and Opposition two is that this bit of legislation which is now before us is a piece of legislation which is entirely desirable, in the interest of the people of this country.

There have been some useful points which have been made during the course of the debate. The Honourable Member for St. James North has made the point that the provision that pension should be, as of right, should be something which we should all subscribe to and that the provisions in legislation which would derogate from that principle ought perhaps to be expunged from those laws. He put it quite dramatically when he said that there is no reason why those kinds of provisions should be loitering on the Statute Book of this country in 1989.

I believe other Honourable Members are of the same view. I do not think that it is a point which will meet with an awful lot of resistance. The fact is that it is perhaps a hangover of the old system which nobody has taken the trouble to deal with. The pensions legislation of this country has been characterized as arcane and archaic and confusing

and difficult to comprehend and all sorts of things. That may be true.

But what we have to recognize is that those provisions of which the Honourable Member for St. James North has complained and about which other Honourable Members feel equally strong, over the years, as far as I have been able to understand have not been exercised or applied in any way capriciously in order to deprive people of rights which they have earned over the years.

The Honourable Member for St. Peter has made the point that there are other equally obnoxious bits of legislation which need to be removed. He has made the point that, in relation to legislation which provides that the Governor-General may withhold pension from a person who have proved to be inefficient, that is obnoxious as well and ought to be removed.

Again over the years, that bit of legislation has not been applied capriciously. I know of a large number of situations where people have been inefficient, where they have shown to be negligent and where the solution to their problem in the service was for them to go into retirement. They have not lost their pension rights, their rights to gratuity or anything of the kind. What I am saying is that the legislation, as difficult and as archaic and as arcane as it has been characterized, over the years has not been applied capriciously or wantonly to deprive people of rights which they have earned over the years. That does not say, Mr. Speaker, that we need to allow the legislation to remain in its present state. The Honourable Member for St. Peter has made the point that this is the 25th amendment to the pensions legislation in this country and that this will not be the last of it

I think all of us who have to deal with pensions legislation recognize that it is a difficult area to deal with. I believe that, as far back as 1975, just before this Administration demitted office, a fairly comprehensive review had been done of the pensions legislation in this country with a view to consolidating and codifying all the law in relation to pensions as then existed, and modifying it, modernizing it, and trying to get a comprehensive Bill relating to pensions on the Statute Book. 4.10p.m.

I believe that since 1975 and I believe that if one looks hard enough you will find the report which had been still in existence. Between 1976 after we demitted office and urv clearly nothing has happened in relation to the whok problem of modernizing and consolidating the legislation in relation to pensions.

So that what we have been doing over the past couple of hours in this Honourable Chamber, Mr. Speaker, is that in the absence of finding anything really wrong with the legislation and the Honourable Leader of the Opposition

has commented that the Prime Minister only spent 4 minutes on the substantive parts of the Act, when one listened to the speech of the Honourable Member, you would find Mr. Speaker, that he perhaps spent less than 4 minutes, probably 2 minutes dealing with the substantive aspects of the Bill.

In the absence of Honourable Members on all sides finding any really critical aspects of the Bill, what has been happening is that political brick-bats have been thrown at each other on both sides of the House. Some useful points were made. I am saying that some useful points as additions to what are here have been made, I agree. But the substantial point I am making is that no points critical of the measures which are here have been addressed and therefore, the opportunity was taken to hurl political brick-bats at each other. That is the nature of politics and we understand that these things have to take place. I will take the advice of the Honourable Member for St. Peter which I do not normally take. I will take my seat in a minute after indicating my total support for the provisions of this Bill, Mr. Speaker. Thank you very much.

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, I think that most of the points in this debate have been valid points and at least points for consideration. Most of them merely highlight the difficulties involved in touching this piece of legislation. I think that it is because of the difficulties involved and because of the complexities that the amendments have been on a piecemeal basis. Perhaps the point that a comprehensive view of the legislation should be undertaken to see if some major consolidation or in the area of reform can come about is one that should be examined. One thing is sure, that if that is to be undertaken it will be this Government that will have to do that particular task. I regret that ours will be the responsibility for doing that.

I think one point was raised in relation, I think, by the Leader of the Opposition, one as the Attorney General refers to it, relating to National Pensions and I think that perhaps we have to realise also that this too is a very complex matter. It is a very complex matter because it involves the movement of people not only within Government or within Government and quasi-Government bodies, but it also will relate to the movement between Government and the private sector and between one private sector body and another enterprise and another private sector enterprise. Then it has to relate to the National Insurance Scheme which I suppose would form the basis on which any National Pension Scheme could be constructed, not that it will replace the Pension Scheme. I suppose there will be progressive efforts to try to allow private pension schemes to take into account what are the provisions within the National Insurance Scheme. I know that some private sector companies have been looking at this and one in particular, I believe has gone some way towards this. I think the Leader of the Opposition too would know I think a company with which he is associated. Was it Barbados

Mutual? I believe they have gone - I speak subject to correction because I am not as familiar with the operations of that particular company - but I think that they have gone some way towards the accommodation or trying to reconcile these 2 matters.

Another factor which is of very great significance and I speak without having examined in detail the kinds of proposals or suggestions coming from the Member for St. Peter - he is full of suggestions now and I have not examined that in detail - but certainly the management of Pension Funds will be very important. If you set up Pension Funds, they have to be managed and managed in a way that would guarantee and secure a flow of funds and a flow of payments to the people who are looking forward to their payments out of that fund. This applies whether it is a private fund or a Government fund and it raises the whole question of investments and the investment patterns and the earnings on those investments in terms of whether they are invested gilt-edged or however they may be invested. This is very important and it will be an area in which greater expertise would have to be developed before we go massively into that particular area. I would prefer to go cautiously on that as far as the public sector is concerned.

I do not think, Sir, that there were many other matters. I asked quite innocently and without guile a question about the marriage gratuities and I was accused of being arrogant because I wanted to know

Asides.

Rt Hon. L. E. SANDIFORD: by my friend, the Leader of the Opposition. I think he is perhaps looking for the sting. I will not say where. He is looking for the sting so often that he does not understand that it is a simple question.

Asides.

Rt. Hon. L. E. SANDIFORD: It was a simple question and I did not realize that he was talking. He was obviously looking for

Asides.

Rt. Hon. L. E. SANDIFORD: The question I asked was a very simple one because I genuinely wanted to reply to the question asked and after some time he came up. I genuinely did not understand what this marriage gratuity was ...
4.20 p.m.

I did not realise it was a dying aspect of the provision until I saw a communication dated 1981 in which that point about marriage gratuities was raised. I have no doubt that

the NDP is well seized of that source. I am not saying it was a Joe Goddard whose communication it was in at that particular time.

Dr. R. C. HAYNES: On a point of elucidation. I wonder if the Honourable Member knows from his own Ministry the matter of a marriage gratuity was a matter of discussion in August 1987, in February 1988 and in January 1989. You are corresponding about it, correspondence is being made on your behalf and you know nothing about it. It was dead in 1981 and you were talking about it in February of 1989.

Rt Hon. L. E. SANDIFORD: I am going back to the roots of this matter, but that is a dying aspect of it. I do not know that we are going to resuscitate that

Mr. Speaker, I think as the Attorney General indicated there is agreement on all sides on these particular measures, although there is a feeling that we should go a little further on this matter and that perhaps there should be a root and branch re-examination of this whole matter. We are very flexible on these. If we have reasonable proposals for consideration we will so consider and in due course bring the appropriate measures before this Honourable Chamber.

Thank you.

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

On the motion of Rt. Hon. L. E. SANDIFORD, seconded by Hon. P. M. GREAVES, Mr. SPEAKER left the Chair and the House went into Committee on the Bill, Mr. L. L. BRATHWAITE in the Chair.

Mr. CHAIRMAN: The House is in Committee.

Clauses 1 and 2 were called and passed. Clauses

3 was called.

Hon. M. A. KING: Mr. Chairman, I beg to move that clause 3 stand part.

Hon. P. M. GREAVES: I beg to second that.

Dr. R. C. HAYNES: Mr. Chairman, on clause 3 I indicated during the Second Reading that I was not quite sure, on looking at the explanatory note on the amendment, whether or not this particular commencement date would *apply* or whether a public servant would be eligible for the new benefit, the five year benefit, irrespective of the time he or she participated in the Service.

Hon. M. A. KING: Mr. Chairman, public servants who are presently in the Service would be able to get the benefit of this legislation. Is that the point you wanted to get

clear? The Bill comes into effect as of 1st June, 1983, for persons who will have resigned from that date, because that is the operative part of the Bill.

Dr. R. C. HAYNES: I wonder if the Attorney General is absolutely sure about that, because as I read this explanatory note there is a paragraph which says: "Upon further consideration it was decided that the draft Bill now before Parliament should be amended to confer the benefit of a lump sum payment upon every such person who, having completed five years' pensionable service but less than ten years' pensionable service, resigns before attaining the age of 55 years or 60 years, as the case may be, whether he was appointed before or after the commencement of the Bill now before Parliament" The explanatory note says whether before or after the commencement of the Bill now before Parliament.

Hon. M. A. KING: The explanatory note is misleading. Originally the commencement was the operative part, but the passing which goes back to 1983 is now the appropriate time.

The question that Clause 3 stand part was put and resolved in the affirmative without division. 4.30p.m.

The Schedule was called.

Hon. M. A. KING: Mr. Chairman, there are a number of amendments which I am proposing to make in the Schedule. Firstly the Pensions Act, Cap. 25. The amendments have been circulated and I am proposing that the amendments as shown on the draft which has been circulated should now replace the statement as exists in the present subsection 7.

Now in the proposed subsection 8, Mr. Chairman, I move that the words "appointed to" appearing in the second line be deleted and substituting therefor the words "who resigned from", so that the subsection 8 now reads: "Subsection (7) applies only to persons who resigned from the public service after the commencement of that subsection."

I move that that formulation of subsection 8 be substituted for the existing one.

In relation to the Public Employees Act, in the proposed subsection (2) the word "appointed" which appears in the third line should be deleted and the words "who resigned from the public service" be substituted, so that that subsection should now read "Subsection (1) applies only to public employees who resigned from the public service after the commencement of that subsection."

In relation to Cap. 56, the Teachers (Secondary Schools) Pensions Act, in the proposed subsection (2) of the

proposed new sub section 6A, the word "appointed" should be deleted and the words "who resigned from the teaching service" should be substituted; so that that subsection to the Teachers (Secondary Schools) Pensions Act, Cap. 56 should now read; "Subsection (1) applies only to teachers who resigned from the teaching service after the commencement of that subsection."

In relation to Cap. 384, the Statutory Boards (Pensions) Act, in the proposed subsection (2) of the proposed new subsection 11 A, delete the word "appointed" and substitute the words "who resigned from the service of a Board", so that subsection (2) of that Act should now read: "Subsection (1) only applies to officers who resigned from the service of a Board after the commencement of that subsection."

Mr. Chairman, I beg to move that the Schedule as amended stand part.

Hon. P. M. GREAVES: I beg to second that.

Dr. R. C. HAYNES: Out of an abundance of caution, Mr. Chairman, may I ask the Attorney General which particular section removes the disability in respect of bankruptcy and imprisonment?

Hon. M. A. KING: Mr. Chairman, in relation to all the Acts before us, take for instance the first page, "Delete section 15". Now if you look at section 15 of Cap. 20, that is the one which states that a pension should cease on conviction. Now when you go down through the other Acts and for instance turn to the Public Employees (Pensions) Act, Cap. 30, you see "delete sections 14 and 15." Now section 15 of the Public Employees (Pensions) Act deals

with pensions not being assignable. I am sorry. Sections 16 and 17 of Cap. 25 deal with that problem.

*

You can go through them all and you will find that those sections 14, 15 and 16 and a host of others deal with the problem.

Dr. R. C. HAYNES: I am deeply indebted to the Honourable Attorney General.

The question that the Schedule as amended stand part, was put and resolved in the affirmative without division.

On the motion of Rt. Hon. L. E. SANDIFORD seconded by Hon. P. M. GREAVES, Mr. CHAIRMAN reported the passing of one bill in Committee with amendments, and Mr. SPEAKER resumed the Chair and reported accordingly.

On separate motions of Rt. Hon. L. E. SANDIFORD seconded by Hon. P. M. GREAVES, the Bill was read a third time and passed.

THE ADJOURNMENT

Hon. P. M. GREAVES: Mr. Speaker, I beg to move that this House do now adjourn until Tuesday, 18th April, 1989, at 12 o'clock noon.

Hon. M. A. KING: I beg to second that.

The question was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly. 4.40 p.m.

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