
THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 1994 – 99

HOUSE OF ASSEMBLY

Tuesday, November 12, 1996

Pursuant to the adjournment, the House of Assembly met at 11.20 a.m. o'clock on Tuesday, November 12, 1996.

PRESENT

His Honour I. A. ROETT, B.A., Dip. Ed. (Speaker)
His Honour R. D. MARSHALL, (Deputy Speaker)
Rt. Hon. L. E. SANDIFORD, B.A., M.A., (Econ.),

J.P.

Mr. B. M. TAITT, B.A. (Hons.), M.P.A., LL.B.
(Hons.)

Rt. Hon. O. S. ARTHUR, M.Sc. (Econ.), (Prime Minister, Minister of Finance and Economic Affairs and Minister for the Civil Service)

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

Mr. D. J. H. THOMPSON, LL.B. (Hons.) (Leader of the Opposition)

Hon. Sir HAROLD St. JOHN, Q.C., LL.B.

Mr. L. R. TULL, Q.C., M.A.

Dr. R. L. CHELTENHAM, Q.C., M.A., M.Sc.
(Econ.)

Mr. J. O. TUDOR, J.P.

Hon. G. W. PAYNE (Minister of Public Works, Transport and Housing)

Dr. R. C. HAYNES, M.B., Ch.B., F.R.C.P. (Edin.)

Mr. D. Carter

Hon. R. N. GREENIDGE, B.A., LL.B., (Minister of Labour, Community Development and Sports)

Mr. G. A. CLARKE, B.Sc., Dip. Ed. (Parliamentary Secretary, Ministry of Public Works, Transport and Housing)

Mr. J. M. EDGHILL

Mr. F. J. STUART, B.A. LL.M.

Mr. W. C. C. CALLENDER, J.P., B.A., Dip.Ed.,
B.Sc. (Chairman of Committees)

Mr. H. F. LASHLEY

Mr. R. St. C. TOPPIN, LL.B., (Minister of State in the Ministry of Foreign Affairs, Tourism and International Transport)

Hon. Miss M. A. MOTTLEY, LL.B., (Minister of Education, Youth Affairs and Culture).

Prayers were led by Rev. Father Ivan Harewood.

Mr. SPEAKER: The House is now in session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, November 5, 1996.

Hon. D. A. C. SIMMONS: Mr. Speaker, Sir, the Minutes have been circulated. I ask that Your Honour treat them as read and I move, subject to any amendments or corrections thereto that the Minutes of 5th November, 1996 be confirmed.

Mr. SPEAKER: If there be no corrections or observations, then let those Minutes stand confirmed.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR-GENERAL

Mr. SPEAKER: A letter from His Excellency the Governor-General dated the 8th November, 1996. It is addressed to His Honour, the Speaker, House of Assembly, Parliament Buildings, Bridgetown.

"Sir, with reference to the Address passed by the Honourable the House of Assembly on 29th of

29th of October, 1996 and presented to me on that day, requesting the issue of a Writ for an election to fill the vacant seat for the constituency of St. Michael North West, I have the honour to inform you that I have today, 8th November, 1996, issued the appropriate Writ in accordance with the provisions of Section 47(2) of the Constitution and Section 36 of the Representation of the People Act, Cap.12.

On the advice of the Prime Minister, the day of nomination of candidates has been fixed for Monday, 18th November, 1996 and the day upon which, if necessary, the poll shall be taken, has been fixed for Wednesday, 4th December, 1996. The Writ is returnable to me by Friday, 6th December, 1996.

I have the honour to be,

Yours faithfully,
Governor-General."

PAPERS

Rt. Hon. O. S. ARTHUR: Mr. Speaker, Sir, I am commanded to lay the Duties, Taxes and Other Payments (Exemption) (Nos. 16-22) Orders, 1996.

I am also commanded to lay the Customs Duties (Dumping and Subsidies) Order, 1996.

I am further commanded to lay the Annual Report of the National Insurance Board for the year 1995.

FIRST READING OF BILLS

Hon. D. A. C. SIMMONS: Mr. Speaker, Sir, on behalf of the Rt. Honourable Prime Minister I beg to move that the Civil Establishments (Amendment) Bill, 1996 be read a first time.

Secondly, I beg to move that the Pensions (Miscellaneous Provisions) Bill, 1996, be read a first time.

Hon. R. St. C. TOPPIN: I beg to second that.

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

OBITUARY SPEECHES

Hon. D. A. C. SIMMONS: Mr. Speaker, Sir, it is with a certain sadness that I rise to inform the Honourable the House of Assembly that one of our former Members died recently. Mr. Maurice Ward who formerly represented the constituency of Christ Church North Central as it then was, died on the Tuesday preceding the 27th October. For quite some time he had been ailing to the point where he had been confined to a nursing home.

His passing was, for some of us, quite sudden and the funeral was conducted with a certain degree of speed and quiet so that many of us did not know of the fact that he had died or of the fact that he had been buried until some days after. I understand that it was the wish of the family members that the matter be dealt with quietly.

Mr. Maurice Ward was first elected to the House in 1976 and I remember the night of his election very well. It was the General Election of September 2, 1976. It was an election of very, very close results. I had got my result in St. Philip North before 11 o'clock that night. I had just, in horse racing terms, got home by the shortest possible of heads, 7 votes. The Honourable Member for St. Michael South I think got 22. He had a lead of 22. But anyhow, Sir, it was clear when my votes had been counted that the Labour Party was likely to win the election. So we set off from St. Philip in a few cars in search of our colleagues and in support of them. The first place we stopped was in Sargeants Village at the community centre. It was the first and last time that I had ever been to that place and I remember Mr. Maurice Ward sweating profusely but also speaking very loudly to let us know that he was on the point of defeating Mr. Peter Morgan. Thereafter, Sir, I remember going to the constituency of Christ Church East which the Honourable Member for St. Joseph then represented. But that count went on until 3 o'clock in the morning. The Honourable Member for St. Joseph got home by about 9 or 14, again by a short head. But I will always have vivid memories of Mr. Dennis Hunte lying on a bench in the counting house tired and sleepy about 4 o'clock in the morning. Those 3 very close victories however ensured that the Barbados Labour Party Government won the Government.
11.30 a.m.

Mr. Maurice Ward sat on the back bench over there next to me for 5 years from 1976 – 1981 and he was a man of great wit, natural humour. He had a very keen sense of humour and was able to articulate the views in a vernacular that was readily intelligible. Having said that, Sir, he was a man of some considerable experience of business and he brought that experience to bear in his parliamentary career. He never spoke for long but what he had to say was often to the point and, as I said, in a vocabulary that was unforgettable.

Mr. Maurice Ward followed in the constituency of Christ Church North Central. Mr. Peter Morgan defeated him and succeeded him and I would say for Mr. Ward that he had an approach to constituency representation that was realistic but also recognized the value of the currency of the land. He was not adverse in helping his constituents to dispensing a certain degree of largesse, a trait which I have no doubt that he learned from his predecessor. I believe that subsequent representatives of that constituency have found in the contemporary language, Mr. Maurice Ward and Mr. Peter Morgan's act very hard to follow.

Mr. Maurice Ward was a man who was very knowledgeable about tourism matters and for sometime when the Honourable Member for Christ Church South was Minister responsible for Tourism I know that Mr. Ward was of great assistance to him. For a time, he was Chairman of the Caves Authority and he also served for a short period in the Senate of Barbados. One got the impression that after his first term he had the experience of politics and he had his fill, so that he did not try as hard as he might of in the election of 1981. But he remained ever loyal to the Barbados Labour Party and we who were with him at the time benefited in many respects from his wise counsel and particularly his experience of life and the business community of Barbados. It was important that we had in our ranks a person who came from the commercial sector and indeed a person of a different skin colour to all of us to ensure that we were able to understand how that type of person thought and acted in the Barbados of the 1970's. He was a conduit pipe to that community.

Mr. Speaker, we all regret the passing of Maurice Ward. He rendered particularly dedicated and outstanding service to his constituents in particular, the people of Christ Church North Central as it then was. I am sure that his successor, the Honourable Member for Christ Church East Central, will speak in similar terms about the legacy that Maurice Ward has left as a constituency representative.

On behalf of the Prime Minister and the Government, I ask that condolences of this House be tendered to his surviving relatives and that the usual address be sent. On my own behalf and that of my family, I would also wish to tender personal condolences to his surviving relatives. I am obliged to Your Honour.

Rt. Hon. L. E. SANDIFORD: Mr. Speaker, I rise to second the Resolution that has been moved and to associate those of us on this side of the House with the sentiments expressed.

Sir, there are some of us who have ascended the stairs of this noble Chamber, and who have taken our seat as Members of Parliament, who have rendered public service in accordance with the measure of the talents given to us predominantly in one aspect or another. There are those who by the sheer powers of intellect are able to analyze the great issues in public affairs facing the country and are able to point the way forward and to demonstrate paths for improvement for the body politic of this country. There are others, Sir, who by sheer rhetoric are able to talk a lot about a little and convince or persuade others that they are making a great contribution. There are still others, Sir, who have been able by their administrative capabilities to manage the great offices of the state and to help construct a sound administrative structure without which progress cannot be made in this country. There are other roles as

well, Sir. I do not think that Maurice Ward fell squarely into any of these categories, but a little bit of each may have been the particular talent that he brought to the public affairs of Barbados.

11.40 a.m.

Let us not be under any illusion, Sir. Anyone who is able to persuade a preponderance of the voters of a constituency that they should support that particular member makes a contribution towards the democratic process in Barbados, whether it is by a majority of seven votes, or 9, or 12, or 22, or whatever it may be. I think the distinguished Member for St. Thomas is right: that election of 1976 was one with close results, but the essence of true representation is perhaps not in the size of the majority, but in the fact of having achieved a majority, and then to go on to make a contribution.

In that particular regard, Sir, those of us on this side who survived welcomed Mr. Maurice Ward into the Chamber. I myself had a very good personal relationship with him, and I cannot think of any occasion on which we had any stern or harsh words to utter against one another. I think it was the nature of his personality that he not only helped the Barbados Labour Party to form the Government in 1976 in a historic election, but he was able to bring his own special brand of representation to the politics of this country, and I do not think there are many others who follow in that particular tradition.

It was really a shock for me to learn of his passing; and I wish to express, on behalf of those of us on this side, on behalf of myself and my family, our deepest sympathy and regrets to his surviving relatives.

That he was able to serve in this Chamber for a term from 1976 to 1981 is an indication that from wherever we are called, and whatever may be the tasks required of us, so long as we give of our genuine best, and so long as we are able to serve with integrity, that is really the most that can be expected of us and, really, Sir, angels can't do more. I think he represents that type of Barbadian who has been able to rise against any obstacles which may be perceived to stand in the way of being elected to this Chamber, to go against the grain, as it were, Sir, and to win the majority of votes in a constituency. After all, Sir, from the days of Plato, and no doubt before, public service remains one of the highest services that anyone can render to a country, so long as one lives up to the noble traditions that have been enjoined for those who participate in public life.

I do not believe that there is any major piece of legislation, any major speech or any great act of State that you can point to and say: this was the hallmark of Maurice Ward. But what we can say, Sir, is that he brought to bear on the public affairs of this country a certain — yes, I

think I can use the word, Sir – urbanity in the conduct of public affairs. He also established that hyphen, that connection, between the constituent and Parliament, because he was more of a constituency man than indeed... Rather, let me say that he seemed to have placed greater emphasis on this relationship within the constituency than the other aspects of representation.

I believe he left a legacy. He was a great athlete, as I understand it. He rode many bicycles in that constituency and caused many of his constituents to ride bicycles. I do not know if those who have succeeded to part of that constituency are following in that particular tradition, Sir, but we serve in the way we are able to. He was a good parliamentarian, a good representative. He served his party well and we are all the richer for being associated with him and for his presence in this Honourable Chamber. I certainly hope that he will rest in peace and I certainly hope that this Honourable Chamber will record its appreciation for the public service he rendered to our country and to the constituency which he represented.
11.50 a.m.

Dr. R. C. HAYNES: Mr. Speaker, 1976 was a very interesting year for elections and many people who never understood what was going on in this country until late on that particular evening. There were many outright casualties including myself. There were many who scraped home, some of whom are still in the House today and there were many others who won seats that left people wondering how they managed to do it. A lot of that mystery surrounded Mr. Maurice Ward for some time.

Certainly, many people who were close to the political scene found it difficult either to understand his style of campaigning or to understand how he could have unseated someone whom everybody assumed held a secure position in that particular constituency. It was not only the swing in his case. There is no question about that. I think it was a different relationship which he established with the constituents on a personal basis. Very often, as the Honourable Member for St. Thomas indicated, he was not particularly reluctant to ensure that the currency of the realm assisted in his progress in the constituency; but I think it was more than that.

I, myself, did not understand the nature of the victory and the nature of the defeat until I met Mr. Maurice Ward when I came into Parliament in 1978 and then one started to understand why someone with that kind of frank personality could readily appeal to the voters of that constituency so that, in retrospect, as I in my own case discovered why I had lost, I also understood why he had won in 1976. Much of it related to his personality and the way he related to the people of that constituency. It had

very little to do with colour and very little to do with social class and it had very little to do with the history of that particular constituency in representation by persons of a conservative party or having elected persons of minority hue to the House of Assembly in the past.

I think his victory was very much related to the swing and added to it was his own personal contribution to the victory in that constituency. On a one-to-one basis I always found him very knowledgeable in tourism matters. They were the days when I kept hammering that the problems related to hotel plant, rapid expansion, over capacity and all these things. From his own experience, he had a very keen insight into the problems of the hotel industry and particularly the problems of small hoteliers in Barbados.

As I look back and I remember many of the things which he said to me in relation to the survival of small hotels, one really fully appreciates the extent to which he understood the fundamental problems affecting that particular sector of the industry. He was one of those parliamentarians.

Not all parliamentarians are equipped or gifted with knowledge in a particular area or with the ability to speak with fluency and for prolonged periods in this House of Assembly, but that is not important. That is only part of the role of parliamentarians. Those who do not perform at that level, those who do not like to perform at that level, those who do not like the grandeur of grandstanding in the House of Assembly, many of those persons nevertheless make a very important contribution to the total package of representation in Barbados not only in their own constituencies but beyond. I think that he was one of those persons.

His interventions in debate in the House of Assembly, although they have not been extensive, were always targetted to the point and supportive of his Party and of the position which was being advocated on that side. Nevertheless, such debaters can be very dangerous when they choose their time of intervention. I am fully aware of the kind of damage that people like the late Maurice Ward and the former member for St. Lucy, Roy Brathwaite, can do in a very short period of time and with very few words.

They are men who can sit down and listen to you talk for two or three hours and then come up in 10 minutes time with an angle to what you were saying to deflate and not only deflate but devalue considerably your total contribution. Such men one has to watch very carefully and listen to them very carefully when they speak and always be ready and on your feet to deal with these matters.

I recall, Sir, a case of Mr. Roy Brathwaite in a very acrimonious debate that took place about Grenada, as to whether I had ever gone to Grenada or not. I called

home and asked that my passport be sent down here to be presented to the Speaker to demonstrate that I had never gone to Grenada within a given period. When Mr. Roy Brathwaite spoke after me he said: "I don't understand what all this passport business is about, Mr. Speaker. I went to Grenada yesterday and I had no passport." That was on the radio much after the debate. He totally destroyed all the evidence that I had made to establish my point in the debate. This is the point I am making and Mr. Maurice Ward was good at that kind of thing.

Those debaters do in fact make their contribution to this House of Assembly. Much has been said which I fully agree with. I liked him as a person and I think that those parliamentarians like himself and the late Reynold Weekes who always formed that bridge between the two sides without creating any problems within their own organisation also made a contribution to the House. Each House has its own personality and each House will have people who function at different levels and in different ways but those persons who tend to hold the House together are those who have the kind of personality that makes it possible for them to move freely between both sides without in any way prejudicing their own particular positions in their parties or on any matter.

12.00 noon

So, on behalf of the National Democratic Party, on behalf of myself and my family, I wish to associate myself, not only with the words spoken so far but also with the appropriate Resolution which will be passed in due course to be transmitted to his relatives.

Thank you very much, Mr. Speaker.

Hon. Sir HAROLD St. JOHN: Mr. Speaker, I rise to associate myself with the remarks of all Honourable Members who have spoken. I myself was well acquainted with the late Maurice Ward. Honourable Members will recall he ran in the General Elections of 1971 and 1976 and the one in 1981. In all of these Elections he ran in the constituency of Christ Church North Central which was situated next to my own constituency. He was always an integral part of the campaign effort in Christ Church which was carried on as a team effort in all of these elections.

There can be no doubt about the contribution of the late Maurice Ward to political life in Barbados. He had the courage to run in politics against many odds, one of which was the fact that he was obviously of a different skin pigmentation from the vast majority of the electorate as well as the majority of candidates.

He, himself, had a tremendous rapport with all members of his constituency. He was equally at home, in

Graeme Hall or in Silver Hill. Indeed, many of his best friends in the political arena were small farmers, who farmed the Silver Hill area. He always insisted in having his constituency headquarters right in Silver Hill. He was right next to Silver Hill Housing Scheme, and was in the middle of the area of small farming activities.

He was one of the pioneers of having a constituency headquarters in an election campaign, rather than having a central headquarters, and all candidates and activities radiated from there. He was one of the first. He saw the importance of having a focal point within the constituency.

It was open doors in that constituency, Mr. Speaker. It was open doors in that constituency. All hours of the day. All hours of the night. Many problems were brought there. Many solutions were found there. There was always a great deal of entertainment, one kind or the other, taking place there.

When Maurice was elected to Parliament, he was one of the first of the back benchers who was assigned, since we had Ministerial responsibilities, to Chairmanship of a corporation. It was his luck to be assigned to the Chairmanship of the Tourist Board.

It was, in my opinion, a very successful assignment. Despite what many, including some of his fellow hoteliers, would say of his assignment as Chairman of the Tourist Board, I as Minister would always say that he made a tremendous contribution towards the great rise and increase in tourist numbers to Barbados.

I am having a look at the Tourist Board Report, for instance the year 1985 and 1986, and as I go back to figures which were published of the total arrivals in Barbados, when he became Chairman in the late 1976, the total for that year was 224 413 of long stay visitors to Barbados. By 1979 that rose to 269 314. I think, perhaps, the greatest year that we had for many years was the year 1979 in which we rose to 370 000.

So, that it was a significance that he was able during his tenure to see a significant change in the tourists arrivals in Barbados. Maurice appreciated, very greatly, the importance of having diversity in our market source. He appreciated that there was a minimum price that Barbadian hoteliers should charge in order to be viable given our cost structure.

He, himself, had practical experience as a small hotelier in Paradise Gap of a difference between the south coast and the west coast, from the Tower Hotel, which he and his family owned for a long period of time before the expansion of Paradise and Trafalgar House. That hotel catered to the overflow of the guests from Paradise, at levels and rates which were west coast rates as opposed to south coast rates.

When he was the Chairman of the Tourist Board and we had regular meetings, which he had in those days, between the Chairman of the Tourism Ministry and the research staff at the Ministry of Tourism, he would always make a significant contribution about the need to look at tourism development in Barbados in a holistic way.

His contribution to tourism not only rests in Barbados, in fact, in all of the international meetings and conventions, particularly the Caribbean conventions, that he spoke at, he was well known for his frankness and for his incisive understanding of Barbados' tourism.

No doubt he incurred the wrath of some of his fellow hoteliers. That did not matter to Maurice Ward. He was the kind of person that spoke his mind. He felt very strongly about what he said, and this endeared him certainly to his political colleagues.

Honourable Members have already spoken about how incisive he was in the debates that he participated in.

I would like to say, also, that I was particularly impressed by some Honourable Members, about his capacity to operate in a bipartisan manner in many areas of political activity. He had some great friends on both sides of the House. He was particularly friendly, — that the Honourable Member for St. Michael South has said — he had great respect for him. He also had great respect for the late Right Honourable Member for St. John.

Indeed, they used to share many experiences about the relative cost of operation of their respective tourism resorts. I believe the late Honourable Member for St. John also used to let out what used to call his chattel house in Paradise Gap to Trafalgar House and Paradise Hotel. It is a fact. So, they always used to have a common exchange about how the state of the industry was going and the occupancy of their respective establishments.

In addition to this, Maurice built a tremendous rapport in his own constituency with a wide section of people.
12.10 p.m.

It is true to say that he never ever in all of his campaigns paid great attention to election day. As a matter of fact, in a campaign he won at 2.30 a.m. in the day he was home asleep and we were desperately trying to tell him that particular areas had not come out. When they rang him, he asked them why they woke him up from sleeping because he felt he had done enough. He had built up this rapport, therefore, the people would come out and vote for him. His win, in my opinion, did a lot for the Labour Party in Christ Church because for the first time since single member constituencies, in particular the difficult area in Christ Church voted for the Barbados Labour Party. And

for him to have cracked that area in the manner in which he did was of great significance.

In the 1981 election that particular area he won swung back to their traditional home. As has been said in politics, there are some constituencies which remain loyal election after election and some districts that remain the same election after election, but there are some that are known for fluctuating attitudes and none more so than certain districts and the upper level of Christ Church. All Honourable Members who have had to run in those areas know that the swings take place some 5 years and some 10 years. It has affected nearly everybody who has ever ran in Christ Church, not only recently, not only since single member constituencies but previously in double member constituencies.

The late Cuthbert Edwy Talma used to say that he was not interested in hearing about any election results until after they had passed Top Rock because in 1948 he had a very bitter experience in that he won everywhere else and he was beaten soundly from Maxwell down. Since then he concentrated heavily on the upper area and he was lucky too because the other area grew faster than that area, so that has been the tradition.

Unfortunately, after he lost that election, in 1981 Maurice seemed to have lost interest. He was appointed Chairman of the Caves Authority after it was merged with the Parks and Beaches Commission to form the National Conservation Commission and he enjoyed that for a period of time.

He was the first Chairman of the Board of Directors of Heywoods Corporation when that was first started and opened in 1985. But he himself concentrated more and more on his own hotel in Paradise Gap. Honourable Members will remember Trafalgar House and that after the expansion of Paradise he used to rent all the accommodation around it and therefore it meant he had to run the place. He ran it in a style and with a degree of success that was noteworthy because Maurice and his family ran the 12 or 14-room hotel in the same way as they are run in Europe. He, his wife and children participated in every activity, from cutting the lawns, making up the beds and even painting and maintaining his hotel and one could see him operating in that way. In short, he appreciated that it was impossible for small hotels to function in a profitable way if the cost of operation was not rigidly kept under control.

In later life he, unfortunately, became the victim of a debilitating disease in the form of Alzheimer's in which he lost his memory for some period of time. As Honourable Members are aware, that is a condition that deteriorates and in the last 3 or 4 years of his life I believe he was totally blank and that was the condition he was in when he died.

Among the Honourable Members on our side he retained great friendship with the Honourable Member who then represented St. Michael North East, Mr. Leroy Sisnett. They were great friends. They shared a common interest in the Bridgetown Port and they were all working as part and parcel of the Ministry of Tourism when I was a Minister.

I regret his passing, Sir, and I join Honourable Members in extending our deepest condolences to his family. In my opinion, Maurice's contribution to political life in Barbados was very unusual and significant.

Mr. B. M. TAITT: Mr. Speaker, I should like to join with my colleagues who have spoken so far in extending condolences to the family of the late Maurice Ward and to put on the record my own appreciation of his time here on earth.

Mr. Speaker, I have had the privilege of knowing him before he became a Parliamentarian because he and his family occupied a pivotal property in the evolution of people like myself through the last 50 years or so. That pivotal property was the original Paradise Beach Club and there are many stories, some of them, no doubt, apocryphal about the difficulties which little people had in the area surrounding Paradise Beach.

Mr. Speaker, it is not known by a lot of people that Paradise Beach encompasses an area which is called Fresh Water. It is the only place in Barbados, I think, or certainly one of the few places, where that phenomenon known to geographers and others where in the midst of seawater there is, in fact, a small pocket of fresh water. That occurs because underground springs come down to the sea and do not emerge until after they have passed the shoreline. So, for many years, as young children growing up we would go to "Fresh Water", first of all to sample the water as it came down from the spring higher up. If you walk the Spring Garden Road at a point near Spring Garden, Farm on the other side on the eastern side of the road, there is still a pump through which the fresh water comes from the spring. The area I am discussing has captured for many years, and I believe still is used, the water which helps in the manufacture of one of the brand rums in Barbados.

There is a certain phenomenon surrounding the general area. Fresh Water was where you could be in the sea and if you went slightly below the surface, you could, get some fresh water. I do not know if the phenomenon is still functional now but certainly when I was a very young boy that was one of the reasons why we went to what is arguably the best beach in the entire Caribbean. Certainly in the days when the area was more virginal than it is, that stretch of beach was considered by most people I know and everybody in that general area of Black Rock as being the best beach in Barbados.

12.20 p.m.

Now, Sir, the Paradise property owned by the Wards, was on, for want of a better description, a small promontory that jutted out into the sea and in order to walk on the beach you had to go near the property. Now Maurice Ward's father was of that time and era when the relationship between the races was not what it is today.

Aside.

Mr. B. M. TAITT: As I said, Mr. Speaker, in that part of Barbados Mr. Ward, the elder, had literally assumed that the beach was his and forbade anyone walking or trespassing on that beach and had a few signs on either side, the northern and southern ends of the property indicating that trespassers would not only be prosecuted but that other things could happen to them. And there is many a young man in Black Rock who can attest to the fact of hearing gun shots fired when they passed by that particular property. And so for many years there was an aspect of hostility between the people who lived in the general area and the property owner in that vicinity.

Maurice Ward came at the transition and I think it can be said that he almost single-handedly was responsible for the transformation which occurred in that rather fickle arrangement between the people who lived in the area and the owner of the property because it was Maurice Ward, from his younger days, who not only mixed comfortably with the young boys from the area but who actively insisted that they should violate any rule which his father had laid down about who should or should not cross the beach at Paradise. And for that reason and from that time many of us had an affinity with Maurice Ward himself that was different from what we have become accustomed to or could be accustomed to with others of his group.

Mr. Speaker, from very early Maurice Ward had a sunny personality. He was one of the people of whom it could be said that his laughter was genuine and it was real and although we were surprised when he defeated Peter Morgan in that seat, when once you had recognised the pattern of development and when once you got to know him in his public life and his attitude to public life, it was not surprising that he won the seat.

Pause.

Mr. B. M. TAITT: Mr. Speaker, the difference between Maurice Ward and many of the people who aspire to where he actually arrived at is that he had the courage to go. There are many people who come from one of the minority groups in this country who wish to participate in the power structure in the country, who wish to share in the power distribution in the country and who wish to help to govern but they do not wish to take the trouble to go out into the hustings and seek the assistance of the people.

There are many in Barbados who would prefer to attempt to direct the affairs of this country from the back rooms or from a position of power that is bought through economic activity. Those persons I have always felt ought to demonstrate their real interest by doing what Maurice Ward did. He went out into the fields, he sought election and he was elected and therefore he had the right to participate in the power structure. I believe that he was somewhat disappointed and disillusioned subsequently when he was not able to take an even more active part in the Government of the country.

Those of us who served with him could not help but recognise that he was a Parliamentarian in the old English sense of being a Parliamentarian. He was a Member of the Barbados Labour Party and he defended his party as necessary but nothing in anything he said or did suggested that he was partisan in the truest sense of the word.

Maurice Ward comfortably disagreed with his colleagues outside of Parliament when we had those arguments that were much more prevalent in the earlier days than they are now, arguments that would occur in the dining room, arguments that did not see a political side to the issue so much as taking the side that one believed to be the correct one. That is not to say that when one came in the Chamber and when Mr. Maurice Ward saw the others come into the Chamber that he did not do what had to be done. It was an understanding of the political system which we have.

There are many people who still do not understand that the party system of Government is one that allows for a particular group to have a point of view on how things ought to be done and to the extent that that is the party's position, those persons are doing no disservice to themselves or their character if they feel bound to represent the party to the utmost even if they might personally disagree with a particular policy. To this day there are people who do not understand that you cannot take a personal view in a public issue that is going to determine whether your party lives or dies and then say that you have taken that position because your conscience told you take it. Your conscience must also tell you to leave the party at that point. That is the system we have.

Aside.

Mr. B. M. TAITT: How can I attack anybody during a eulogy? I am discussing how Maurice Ward functioned and how he understood the roll which he played because Maurice Ward criticised his own colleagues from time to time, perhaps more stringently than we on this side, but at no point during the course of a political debate in here could you get the impression that he was other than a supporter of his party.

Mr. Speaker, one could not help but admire his willingness to participate in the political fray. He did it with aplomb. He was not the world's greatest orator and yet whenever he spoke in the Chamber all of us who were here listened to him because you could be certain that he was bringing a fresh and sometimes different point of view to the issue at hand. What you could always be certain of is that you were going to hear his honest views on the issue.

His utterances on tourism and his contribution to tourism were based on his experience in tourism. He had been involved in tourism from a youth up at Paradise Beach and he was aware that service to tourists was a responsibility. He was aware and he spoke about it often, both privately and publicly, that service was not servitude and I think the Honourable Member for Christ Church East alluded to him and his family participating in their little hotel on Paradise Gap. They participated in the old time way of everybody doing something no matter how menial the task as part of the hotel product and he perceived tourism in that way throughout the country.

12.30 p.m.

The other more interesting thing is that while we were the Government, Maurice Ward had a very close relationship with his neighbour, Errol Barrow, because I think it is fair to say that although the late Right Honourable Member for St. John had an official residence at Culloden Farm, that he spent most of his life living in Paradise Gap at "Kampala". Maurice Ward and Errol Barrow were therefore neighbours in the true sense of the word and Maurice Ward did not spare any effort to advise Errol Barrow on what we ought to be doing in tourism to improve the quality of tourism. He did not spare any effort to advise the Government of the day even though he was not of that persuasion. It has been properly said in our political party that had Maurice Ward been available and Peter Morgan not, that Maurice Ward would have replaced Peter Morgan in the political party. But Maurice Ward could not become a Dem if Peter Morgan was a Dem, so he had to become a member of the Barbados Labour Party. That is what is popularly said and Maurice Ward did not ever go out of his way to disprove that thesis. He spent a lot of time saying that he could have run on either side and win, and we would always suggest to him that the only place that he could not win is in St. Michael North West because there were some of us who would ensure that no Ward would win in St. Michael North West. That being the case, Mr. Speaker, it is true to say that Maurice Ward paid his dues to his society. He made a commitment and he fulfilled it. He was disappointed when he only served one term as many persons who serve one term would be disappointed. But during that one term Maurice Ward tried his best to be a good parliamentarian. I believe that he was convinced, although I have never heard him say it, that he would have made a good Minister and certainly he believed that he had more to contribute than he was allowed

to contribute. But at the end of the day even that contribution which he made has made a significant dent in the tourism circles in Barbados, because Ward not only did things but he talked about them.

It is fascinating to me to hear a number of theories which were advanced back in the 1960's and early 1970's being advanced now as new theories and being put forward as new methodologies for tourism. I have always found it amusing that the wheel is being re-invented with a new name in the field of tourism and people who have made real contributions to the growth and development of tourism as we know it now are not even regarded in the lexicon of movers and shakers in this field, but rather we have some new terminologies and some new utterances and some new publications. We are being told that we have new directions.

Now is not the time to deal with that, Sir, except to say that with Maurice Ward and the late taxi driver, Livy Burrowes, are two of the giants we have had in tourism in this country and both of them I believe became Chairman of the Tourist Board at different points. They learnt their tourism in the field and they practised their tourism in the field and I think, Sir, that it is appropriate that we in this Honourable Chamber should take note of his passing. I would like to associate myself and my constituency and more particularly the Democratic Labour Party. I think that I can speak for all and say that the Democratic Labour Party regrets his passing and we are able to join in the appropriate message of condolence to his family. I am grateful to you, Mr. Speaker.

Mr. D. CARTER: Mr. Speaker, first of all, on behalf of the constituents of Christ Church East Central and my family and myself, I would like to express sympathy to the family of the late Maurice Ward. The Member for St. Thomas used some language which suggested to me that Mr. Maurice Ward was a very kind man and certainly he was kind with his finances. Unfortunately for me, I am following in the same constituency that he represented and it is a little burden. But I would say that it is a known fact that he did good things for the constituency and the people on the whole said he was a good man and I will endorse that. I only hope that my colleagues would assist me as time goes on to face that struggle in trying to maintain certain things in the constituency.

Now from the time we were little children we were taught how to shake hands and Maurice Ward has patented the way how to shake hands. I have seen him on several occasions shaking the hands of his constituents. He always had his right hand closed and, when he shook the hands of that particular person, it was obvious that person hand then became closed and his was opened. I have never seen what was in that hand but that is a true fact that there is a patent

way of shaking hands. All I can say is that the people with whom he shook hands left with smiling faces. I only hope that I can contribute in that vein. But I can say that in the little village of Vauxhall where I grew up there was a shopkeeper by the name of Mr. Jones and, when Mr. Ward visited his shop on a Thursday because he always came on a Thursday, you could be assured that when the people did their shopping on Saturday, at the end the shopkeeper would always give that person especially ladies a bottle of Stout and if she had any kids she would have free lollipops every time. You could imagine that every lady who came to that shop between 8 o'clock in the morning until 10 o'clock on Saturday would receive a bottle of Stout and free lollipops. If you calculate that, that is real cash. In looking at that realistically, I would say that obviously his whole salary went in giving to the people. We all in here know that the month of September is a very difficult month for most people. That is the month when children are returning to school for their first term and I can tell you that I saw Mr. Maurice Ward operating where he helped several families in relation to school clothes, books and that sort of thing.

I would like to say here and I know that the Member for St. Michael South Central will be surprised that only a few months ago one of your constituents came to Christ Church East Central and because of her position I was kind enough to help with the school shoes. I am just saying that as politicians whether you are from St. John or St. Philip we will help. I just want you to know that. But on one occasion in the 1970's I experienced something at Gall Hill at the old Club Randall and I have never seen this before in my life. When I got to the Club Randall at a dance, I saw about 28 people sitting on a wall above the dance hall. I asked why were they sitting there and they told me that they were waiting on the boss man. A few minutes after Mr. Maurice Ward turned up and the 28 people walked into that dance with Mr. Ward. I can tell you this. I can tell you this. He did the same shake hand for the person who was sitting there, because the holder of the dance was at the door, and all I heard the man say was: "You can now go for the rice and stew and to the bar and take what you want." I do not know what was handed over, but all I can say is that 28 people were able to enjoy themselves that night with Mr. Ward. I was there too because I had a few drinks and some rice and stew. The point I am making is that Mr. Ward might not have been the type of politician who would come into this Chamber and make great speeches, but he was a man of feeling, a man that cared and the man who looked after the constituency of Christ Church North Central on that occasion.
12.40 p.m.

I only hope that in a very small way I can do similar things, but certainly I would emulate him in one way, being kind and nice and working with the people in the districts and make them better people.

Mr. Speaker, on this occasion, as I said, I would like to convey to his family sympathy on behalf of my family and myself. May he rest in peace.

Dr. R. L. CHELTENHAM: Mr. Speaker, Sir, all of us who served in Parliament with Maurice Ward and who have known him at reasonably close range were saddened by the news of his recent passing. That sense of regret was heightened by the fact that he had a private burial and so many of us were deprived of the opportunity of paying our last respects at his funeral.

Maurice Ward was, as has been said before, Sir, in this Parliament from 1976 to 1981 in the House of Assembly and thereafter, for about two years, in the Senate. He came to Parliament in that vintage year, as it has been so often described, 1976, following a swing election which favoured the Barbados Labour Party. I had the fortune of being his neighbour in Parliament. We both sat, I am sure the Right Honourable Member for St. Michael South will recall, on the back where the Opposition is now, in the north eastern corner, and because of that and because of the fact too that he was my neighbour in politics – we represented neighbouring constituencies, he represented the constituency of Christ Church North Central, as it was then called, and I represented Christ Church East – we got to know one another fairly well and I was able to get some insight into his personality and his character in the many years we were close.

The first thing that must be said about Mr. Maurice Ward is that he was a man of courage and conviction. That is why he did not regard his colour as any bar, as any inhibitant to him entering into active politics and indeed winning the seat. He is only one of two white Barbadians – and I regard Peter Morgan as a Barbadian – who entered politics successfully since Independence. That says something for his courage and his conviction.

As an M. P. he was short-lived, only five years in the House of Assembly, but he was enthusiastic and committed. He was punctual and regular in his attendance and he had a large interest in community services in his constituency. Beside that, he took a particularly keen interest in matters relating to our principal industry, tourism. He himself had spent many years in the industry and had a practical knowledge of what it was about and he freely and often shared his advice with Parliament and others who were interested in hearing him in private on the matter of tourism in Barbados.

Maurice Ward had no strong sense of partisanship about him. He was a man who moved easily and freely between both sides and he had friends and admired people on both sides of the aisle, as it were. He was a mature man, as I said, without a sharp sense of partisanship,

friendly, affable and kindly disposed and respected on both sides of the aisle.

He knew his Barbados well. He was a practical man who grew up in Barbados, spent all of his years in Barbados and he understood the values and the nuances of our people. He was the first person to tell me many years ago, when I was concerned about the reaction of the press and the effect an adverse press was likely to have on a particular individual, not to worry about it, that in Barbados our people are quick to anger and equally quick to forgive. You must not forget that, Mr. Speaker. I think it is an important observation and it is the reason why a lot of people that appear to be down today will rise triumphantly tomorrow, because the very people who are condemning you are equally quick to forgive you, and Maurice Ward was the first person who alerted me to that. Our people are quick to anger and equally quick to forgive.

Mr. Speaker, on the platform he brought a kind of preacher stand. He grew up in the Brethren and he was actually a preacher in the Brethren for a few years. He was a tall man, well built, and he had enormous presence on the platform and he was good for 20 minutes to half an hour in the tradition of the preachers. In that 20 minutes he would have commanded the attention of his audience and he could be relied upon to give at least two good jokes. Thereafter he would be like a motor which had run out of gas, but half an hour on the platform is a large achievement and there are not many who have been successful in contesting elections who can do more than half an hour on the platform.

Aside.

Dr. R. L. CHELTENHAM: I have been reminded, Sir, that that applies in here as well. He was a man with a strong sense of team spirit and it was always a pleasure working with him in Christ Church in elections. When we tried together to work as a team, you will remember that that was carried a bit too far perhaps in the 1971 elections, when we were dubbed as the four aces, but it only goes to make the point that in Christ Church we always tried to work as a team and Maurice Ward was always relied upon to be a co-operative, reliable and supportive member of the team.

Among the positions he held in public life was Chairman of the Tourist Board and also I think Chairman of the Caves Authority. In fact, he did not particularly like that position and would often call me on the telephone to say that they were putting him beneath the earth. He thought it was a kind of premature death they had visited him with, that position of Chairman of the Caves Authority. In the last ten years or so Mr. Ward has not been active. He was a victim of a serious malady which affected his memory and his concentration, but I must say that whenever I ran into him, usually 2 to 4 times a

year, he would talk as though he was totally fit mentally. Never from my conversations with him did I get any hint whatsoever that Mr. Ward was not well mentally. 12.50 p.m.

He would remember things about my family. He would remember old incidents and he would always relate to me up to a year or so as though he was perfectly capable mentally. I was always startled by that whenever I drove off. He would talk for 10 or 15 minutes and never a slip, never a hint that he was not well mentally.

I join others who have spoken in acknowledging his contribution and I join them too in expressing regret over his passing and I join them finally in supporting the Resolution of sympathy to his wife and relations over his passing.

Mr. J. O. TUDOR: I rise to pay respects to the late Maurice Ward whom I consider to be a good grassroots man and a very formidable opponent for the Barbados Labour Party. I am heartened today to learn that he ran and supported the Barbados Labour Party but clearly possessed the spirit of a Democrat.

Many persons have spoken very glowingly of this honourable gentleman today, but I remember him particularly during the period that he contested the elections on behalf of the Barbados Labour Party in 1976 and again in 1981. I happened to have been the Chairman of the constituency for the Democratic Labour Party at the time and we recognised that in Maurice Ward, there was a man who possessed the qualities of a person who should be, in fact, a good parliamentary representative, because the feedback that we got in our camp was that he was a decent person and not to be discarded because the efforts and the kind of work that he did with the constituents was certainly well indicated by them.

We knew by 1981 that if we did enough work to defeat Maurice Ward, the Democratic Labour Party in fact should win the Government, because Maurice Ward was considered on our side to be one of the most formidable opponents the Barbados Labour Party had to present. That was because he was a committed grassroots person who walked and talked with the people on a daily basis. Really, he was very good and we recognised that.

I could liken that situation of Maurice Ward and Maurice King to the recent heavyweight bout that we had between Iron Mike Tyson and Evander Holyfield. Here we had a killer of a man, a devastating opponent, and we had to bring the real deal in Maurice King to take him out. I think Sir, that we should note that even during that particular campaign the character of this man was something that I would never forget. I recall being in

Regency Park one evening and he stopped me and said: "Young Joe, I know that you are busy in the field for Maurice King and I am not going to keep you back because you all are going to have to go and talk to so and so about it." He was able to point out to me and give me a little history of what reaction I would get in some houses and from whom and what I should do to counter him. I thought that this was a strange individual. He said he would not keep me back. He would let me go.

He was very confident and I detected that here was a man who was quite sure that he was going to win the seat and I am glad to learn today that he actually went to sleep on the election day. I think that was a fundamental mistake because election day is not a day to sleep. I was struck by the fact that he was able to say to me as a young canvasser in a very pleasant way, "Young Joe, I know you are going to be busy canvassing up here against me, but I don't want to keep you back, but you are going to have to talk to so and so because they are not sure. So you will have to go and check them." A strange comment. It really struck me that here was a decent person that really was committing himself to the representation of people.

My second experience with him happened to be in the tourism industry because I spent most of my life in the tourism industry and I do recall the significant work that he did with the Tourist Board at the time and there are many stories about the kind of pleasant personality that he possessed, even in overseas promotional tours, and the spirit of good will that he brought to the staff within the Board at the time.

I think that he should be credited to a large extent with a lot of the progress that was made during the period of his tenure as the Chairman and maybe history will record that it is unfortunate that he did not continue because we saw on his departure a complete reversal of the trends that emerged in the early 70s when he was the Chairman of the Tourist Board, to the extent that we saw tourism being described as having experienced a hurricane. I don't suggest for one minute that hurricane happened to be the late Maurice Ward. Maybe he could have avoided the hurricane if he had continued as Chairman of that institution.

I really think that today we must pay our respects to an individual who committed his life to the representation of the people. I believe that before, during and after, that Maurice Ward demonstrated the kind of personality and goodwill toward his fellow Barbadians that is sadly missing in many people today and it is unfortunate that people of his calibre are not here to serve the House of Assembly for a very long time. He meant well. He did well and we certainly hope that his family will accept the sentiments that have been expressed on this side of the House and on that side of the House because he was a man to

be respected and we certainly recognised him as a very formidable opponent, a good, honest man and we certainly will miss that kind of a representative in this Parliament.

I certainly join with other Members in extending our deepest sympathy to his family and regret at his passing and we certainly would join in expressing that to the family.

Mr. SPEAKER: I would like to associate this Honourable Chair with the sentiments expressed on the passing of the late Honourable Member. My family and I express our sincere condolences to the family of the late member.

I personally did not know the late member nor was I so fortunate to benefit from his special kind of handshake but I have heard of his very pleasant personality, his very cheery nature and his attempts always to improve the lives of his constituents.

This House with acclaim accepts the Resolution and instructs that this Resolution of sympathy be passed on to the sorrowing relatives. As a mark of respect to the late Honourable Member I now invite this Honourable House to stand with me to observe one minute's silence.

[Members stood in their places in silence for one minute.]

ORAL REPLIES TO QUESTIONS

Hon. D. A. C. SIMMONS: Mr. Speaker, Sir, I am to advise that Reply to Question No. 36 asked by the Honourable Member for St. John is ready.

ORDERS OF THE DAY

SUSPENSION

Hon. D. A. C. SIMMONS: I beg to move that this House be now suspended until 2.00 p.m.

Hon. Miss M. A. MOTTLEY: I beg to second.

The question was put and resolved in the affirmative without division and Mr. SPEAKER suspended the House accordingly.
1.00 p.m.

RESUMPTION

Mr. SPEAKER: This sitting is resumed.

SUSPENSION OF STANDING ORDERS

On the motion of Hon. D. A. C. SIMMONS seconded by Hon. R. N. GREENIDGE, Standing Orders Nos. 6, 16,

18, 20, 42 (5), 43 and 44 be suspended for the remainder of the Sitting.

The question was put and agreed to without division.

GOVERNMENT BUSINESS

ORDER NO. 2 – SHOPS (AMENDMENT) BILL, 1996

Hon. R. N. GREENIDGE: Mr. Speaker, in moving the second reading of this Bill, there are a few comments which I would want to make. Let me begin by saying I do not propose to be very long. Reason being, Sir, is that what we are doing with this is simply making certain amendments to certain sections. It is not, at all, bringing a brand new Shop's Act before Parliament.

I want to begin, Mr. Speaker, by saying that our Shop's Act as it stands now is approximately 11 years old. The past decade has been a decade of changing attitudes. It is therefore considered necessary, Mr. Speaker, to make certain amendments to the Act which we hope will reflect these changes in attitude.

Mr. Speaker, there are 4 basic features of this proposed Bill, and I will deal with them as I go on. I think it is the first one which is going to attract the most attention. Therefore, I will deal with that change very early indeed.

The new Bill, Mr. Speaker, now provides the opening of shops on Sundays. This, Mr. Speaker, is obviously, the primary objective and the most far reaching proposed change to the Act. Let us, Mr. Speaker, see how the change was brought about.

As it stands now, Mr. Speaker, there are certain days designated as closed days. In fact, Sir, the definition Section 2 (1) of the Shops Act actually defines "closed days" as Public Holidays, Good Friday, Christmas Day and Sunday. Mr. Speaker, one does not have to be a magician or an expert to realise that it was clearly a religious or moral approach that we were taking when we actually designating those days as "closed days." As I said, Sir, we have days like Good Friday, Christmas Day and Easter Sunday.

I want to say this approach to Sunday shopping by this administration, is not at all an admission that Barbadians are no longer a religious people. It is simply, Sir, to say that, perhaps, the attitude of Barbadians towards what can or what cannot be done on Sundays has changed over the years. Those of us who did a course called "Law in Society," will recall that almost imperceptibly, what happens is that the law is fashioned and shaped, really, as an acceptance of what is moral in the society and what is not. Therefore the law tends to mirror what a society holds as being morally acceptable.

What the new Bill seeks to do, Mr. Speaker, is simply to lift or remove the Sundays from the definition of "closed days." All we are doing is removing Sunday from that definition of "closed days." Therefore that is going to limit your "closed days" to public holidays, Good Friday, Christmas Day. We have added, as you can see from the Bill which was passed around this morning, Easter Sunday as being a "closed day."

Asides.

Hon. R. N. GREENIDGE: Mr. Speaker, those will be the only days on which it will be mandatory, to close.

I think, Sir, that the simple amendment by lifting Sunday out of the "closed days" designation does the job pretty admirably. Mr. Speaker, I want at this point to add, that even now, there is a lot of elbow room for permitted shopping on Sundays. Sundays is not treated as a "closed day" in the month of December. Also, Sir, Section 4 (1) of the Shops Act says that as long as there is a tourists ship in the harbour, that the Chief Labour Officer is permitted to issue to a shop owner a license to open on a Sunday for a maximum of four and a half hours. So there is some elbow room for restricted shopping on Sundays.

In the same section under Section 4 (3), shops at the harbour, shops at the airport and shops within hotels can be opened any day, including Sunday, without application to the Chief Labour Officer. So there is some room in the Act for restricted shopping on Sundays.

Even more wide ranging than all that, Sir, is the 1985 Shop's Order which permits a long list of operations, drug stores, bars in theatres, cook shops, clubs, shops selling goods required by ships or aircrafts, gas stations, auto parts shops, Caricom handicraft shops, and the small district shops that we all know, which engages in the sale of bread, milk and milk products. If the shops are opened for such purposes only – that is the way it is fashioned in the law – those operations can be opened on Sundays. So there is a lot of room there, within the Act, for opening on Sundays.

There is already Sunday shopping in Barbados to a limited extent. This Bill, Sir, which we are bringing to the House is intent on creating a more liberal regime for Sunday shopping.
2.15 p.m.

I want to say at this point, Sir, that the last administration also had plans to introduce Sunday shopping. I must confess that the approach was a bit different to what we have now because their approach was to limit the hours of opening from either 8.00 a.m. in the

morning until 1 p.m. or from 4 p.m. in the evening until 9 p.m. at night. In other words, some business concerns would have been opening mornings on Sunday, others would have been opening in the afternoon on Sunday, depending on their choice. Regardless of how you look at it, the point is there would have been a whole day for Sunday shopping. Whether John Brown the shopkeeper opened the morning time and whether Tom Stuart the shopkeeper opened the evening time the point is there was a whole day of Sunday shopping.

Now, we thought, Sir, that would have created a bit of uncertainty among shoppers of trying to remember whether a business concern, Cave Shepherd, or whoever, is a morning operation or whether it is an evening operation and there would have been some uncertainty of who was opening when. That is the point I am making. We did not think that was in keeping with what we meant when we said a more liberal regime for Sunday shopping. We thought it better not to use the halfway measures and treat the entire Sunday as one operation. One can still make the choice but let us have full Sunday without giving it any restrictions about cutting off at this point and starting at the next point. That is the way we did it.

This administration believes, Mr. Speaker, that by having the hours put as wide as possible people would be encouraged to pace themselves. They might want to go to church in the morning and shop in the evening. The point is they would know. There would be some certainty as to whether or not it is opened in the morning or it is opened in the evening, so that is the reason.

Mr. Speaker, I said just now that the last administration did have in mind to bring Sunday shopping to the country. It was that Cabinet which on March 17, 1994 concluded that there should be more liberal shopping opportunities available on Sundays. They also concluded that workers should not be victimised for refusing to work on Sundays. As I said, they decided that five hours, the limited shopping on Sundays with options of 8 a.m. to 1 p.m. or 4 p.m. to 9 p.m. should be permitted and was recommended and the Attorney General was requested to prepare the necessary amendments to the Shops Act and the Shops Order, 1995.

It went further than that, Mr. Speaker because on June 3, 1994 the Chief Parliamentary Counsel was asked to prepare a draft Bill to amend the Shops Act in order to permit Sunday shopping. On July 22, 1994 the draft Shops (Amendment) Bill and the Shops Order were submitted to the Attorney General for consideration and comments. All was done and all was on the file and ready to roll.

I want to say too, Mr. Speaker, that this was not done just in a vacuum because there was a committee set

up, and this is under the last administration too, made up of the Barbados Christian Council, the Royal Barbados Police Force, the Barbados Employers' Confederation, the Supermarket Group, the Shops Wages Council, the Barbados Chamber of Commerce, the Barbados Workers' Union, the Barbados Advisory Council of Women and the Vendors' Association.

Obviously that committee, because of the varying interests, churches and all those, did not see eye to eye on Sunday shopping and the views ranged from one extreme to the next. Some opposed it, some agreed with it and some kept the middle path because, as I said, the interest would have been different.

The Barbados Workers' Union, even though on the committee, did not attend the actual committee meetings. I want to make that point clear, but the General Secretary of the Barbados Workers' Union met with the Minister and put the Union's viewpoints to the Minister and they even since the last administration and in my present position there was communication from the BWU.

Aside.

Hon. R. N. GREENIDGE: He has written communicating the concerns of the Union. Now, I make the point, Sir, because I do believe that were it not for the last election, perhaps the Honourable Member for St. Michael East might be the person who would be putting this case to Parliament, and I make that point as I think I should.

Right now, Mr. Speaker, there are thousands of workers in Barbados – and I am not church bashing nor am I Sunday bashing – who do not go to church on Sunday and this amendment has not yet taken effect. Therefore, we cannot draw the conclusion at this stage that this amendment is what has caused or will be causing them to stay away from church. They cannot say that because this amendment has not taken effect.

There are workers, Mr. Speaker, who will refuse to work on Sundays and who will refuse to go to church on Sundays as well. The same worker who refuses to work on Sunday may stay home and refuse to go to church as well. The point I am making is do whatever we can, and say whatever we will, we just cannot legislate to tell people that they must go to church on Sundays.

Mr. Speaker, we have created an amendment to the legislation which will allow persons to decide whether they want to work on Sundays or not. That is what we have done. Quite frankly, Sir, I do not believe that there will be any decrease in the number of church goers. Certain arguments will be around with us for as long as the world lasts. Should abortion be legalised? Should capital

punishment be abolished? Is Sunday shopping acceptable to the Christian community? The point is that a position has to be taken on them one way or the other and if we continue to anticipate what is going to be said on the Other Side, if we continue to be worked up about the arguments on the Other Side, we will never be able to take a position and that is our opinion on this side. You have to take a position on it one way or the other.
2.25 p.m.

Mr. Speaker, we have not closed our eyes to the very powerful arguments against Sunday shopping. There are arguments against Sunday shopping and we respect them. The Church, Mr. Speaker, and other religious sympathisers argue that Sunday is a day of worship and that it is both blasphemous and sacrilegious to ask employees to work on Sunday, but the obvious dilemma, Mr. Speaker, is where do we draw the line. That is what the dilemma really is. Is it okay, Mr. Speaker, for us on a Sunday evening, for instance to purchase a loaf of bread whether it be at Haggatt Hall or Collymore Rock? Is it okay to do that on a Sunday evening? Where do we draw the line, Mr. Speaker? That is the question. Is it okay to purchase gas and an ice cream from the gas station on a Sunday morning? What exactly is Sunday work? Is it okay for the ZR van driver, who drives the congregation to church to work on a Sunday? Where exactly do we draw the line? The CBC camera crew that turns up in the church to record the service, is that work? Where do we draw the line?

Mr. Speaker, there are other concerns. The concern of the police for instance was that Sunday would cause an increase in pedestrian and vehicular traffic and that this would create a need for more policing around the shopping areas and they fear this would put pressure on a police force which is already short of manpower. Mr. Speaker, with all due respect I consider that to be an argument for increased numbers more so than an argument against Sunday shopping.

It has also been suggested, Mr. Speaker, that parents who go to work on Sundays will be robbed of the opportunity to spend quality time with their families and we are going to hear this argument over and over that Sunday is normally regarded as a family day and that families should be kept together as much as possible on Sundays. Mr. Speaker, perhaps the same family will now get together and shop together on Sundays.

Another powerful argument, Mr. Speaker, against Sunday shopping is that some of them are saying it is a myth that Sunday shopping will increase job opportunities and so on and it would not mean any better financial returns for the shop owners, no more jobs will be created and so forth. Indeed, Sir, the proponents of this particular argument go on to say that far from creating

job opportunities and so on it will work the opposite way and that it will lead to exploitation of existing workers and it will put pressure on that same group of workers. So we were not blinded, Mr. Speaker, to the arguments against Sunday shopping.

Equally true, Sir, is the fact that there were many arguments in favour of Sunday shopping. To begin with, Mr. Speaker, some business owners claim, and I am not putting forward the arguments for them. Some business owners claim that there is unfair competition since as it now stands, and as I tried to outline earlier, some stores are permitted to open when there is a tourist ship in the Harbour. In other words, a store owner who legitimately opens on Sunday under licence due to the arrival of a tourist ship is not restricted, Mr. Speaker, from selling what he wants to sell. We would have thought, Sir, that since he opened primarily because there is a tourist ship in the Harbour he would have been selling to the tourist only duty free and that type of thing. But that is not how it works. He does not accommodate tourist needs only. Visitors, tourists and locals alike avail themselves of every possible thing in the store. Not only this, Mr. Speaker, all Barbadians know that those operations which open under the 1985 Shops Order, the ones I outlined earlier, the pharmacies, the gas stations and so on, all of us know that they are not constrained to selling medicinal products and so on in the drug stores and the gas stations are not constrained to selling petroleum products only. We all know that, Sir, they sell from corn curls to buttons to alcoholic beverages at gas stations. They enjoy a clear advantage over the other shops that we say should not open on those days. As a counter to this, Mr. Speaker, certain shopkeepers have openly flouted the law. They have decided if they can do it we can open too and there is a lot of this going on where people are actually flouting the law just to get even.

I believe, Mr. Speaker, it is foolish for us to deny that there is widespread defiance of the Shops Act at this stage. I have, Mr. Speaker, on the file at the office, a letter from a supermarket, a supermarket where you drive along a Christ Church road. This supermarket is hemmed in, Mr. Speaker, by a gas station on one side and a gas station on the other and they have complained time and time again that this is unfair to them because here we are telling them this is a closed day for you but telling the two gas stations you are allowed to open and people do not go into the gas station just to buy the gas, they go and they buy drinks, they buy bread, they buy cheese, they buy everything which the supermarket is selling too and perhaps has every right to be selling just as the gas station is selling. That, Mr. Speaker, is the real essence, to keep the playing field as level as possible. This is one of the reasons why, talk what you will, right now it is not the fairest possible piece of legislation where shops are concerned.

I believe, Mr. Speaker, that economic argument is also a fairly powerful one. Since Sunday is generally a closed day, we lose sometimes a vast amount of money. Because if cruise ships or tourist ships arrive here on a Sunday and then they are told that the town is closed and the streets are deserted and all we have here is a ghost town and it is broad daylight, a lot of passengers perhaps would not even worry to leave the ship and get off and come and shop for anything when they realize that this is what happens here in Barbados. I believe that we cannot speak in one breath of the need to attract tourists and at the same time continue to have on our statute books sections of a Shops Act which clearly obstructs and restricts the development of tourism and industry as is happening now. Of course, I want to emphasize here that the amendment is not one which is being made to accommodate tourists only. It is not to accommodate employers only. It is to cater to many needs and perhaps one of the foremost needs that it is to cater to is that of the Barbadian consumer.

2.35 p.m.

I think another dimension we could also add to that argument, Mr. Speaker, is that Sunday shopping in itself will create additional employment opportunities besides that of shop assistants. I believe that those who sell handicrafts and those who drive ZR's will benefit because you will have more wanting to get to town or wherever. I believe even the people who sell snow cones will benefit. The point that I am making is that they may not benefit from the actual going into the shop *per se*, but they will benefit from the fact that there is shopping activity around and that there are people generally around to benefit from.

I also think that a strong testimonial for Sunday shopping lies in the fact that, generally speaking, Barbadians seem to enjoy Sunday shopping and Barbadians have called for Sunday shopping. Store owners and shopkeepers for the most part report an overwhelming success when they open on Sundays. They say that there is good support and good patronage and what the law is doing really is actually responding to a need and responding to a reality. There are people who have very, very tight working schedules and they can hardly find time to shop properly from Monday even to Saturday, and the only time they have to do proper shopping is on a Sunday. I believe that this is a way of helping them and easing their stress. I think it will be beneficial to them and therefore in this respect I can see this amendment having a very functional objective because it is accommodating those with limited shopping time. Those of us who work in the country areas very often, and the Member for St. Philip South can bear me out, you get people who will come to you when you are teaching and ask for time to run into town on a Friday evening to do something because one does not have time to do it after that. All we are saying is perhaps if you give them this opportunity to shop on Sundays you would

not lose the productivity when they leave to run into town. That person would say okay I will leave it until Sunday when I will go. But the point I am making is that some people have very tight schedules and this could perhaps be of some assistance to them.

Mr. Speaker, those are some of the arguments for and some of the arguments against. I believe, Sir, that having examined the pros and the cons of Sunday shopping that there is one fundamental point which now needs to be made. It is that we are bringing an amendment to Parliament to ensure that Sunday is no longer treated as a closed day. I go on to say, Sir, that Sunday opening is not compulsory. You do not have to open on Sunday if you do not want to, nor is Sunday shopping compulsory nor is Sunday work compulsory. In essence, Mr. Speaker, what is going to happen is that the market will eventually determine whether it makes common sense to open or not. In the long run it is going to be the market out there which is going to send a message to a shop owner as to whether he is going to open his shop or not. Most shops will no doubt open on Sundays, around Christmas, Easter, during the crop and Crop Over season. But in the long run, Mr. Speaker, the market is going to take care of itself. You must agree with that. That is the reality of the situation and Sunday shopping may end up just being a matter of convenience where most of the locals will want to shop for an item here and there and where perhaps most of the shop owners will decide to open only when it suits them. Now this is not, as I said...

Dr. R. C. HAYNES: On a point of order, Sir. I trust that everyone has noticed that the entire front bench of the Opposition has abandoned the Honourable Member in relation to this particular measure.

Hon. R. N. GREENIDGE: Mr. Speaker, if I may continue from where I was before I was interrupted. I was saying that this is not a big stick policy where you are telling employers – open your shop or else. It is nothing like that. The amendment simply says that right now the Shops Act prevents you from opening on a Sunday. From now onward if the employer wants to open his shop on a Sunday, he is free to do so anytime between the hours of 7 a.m. and 10 p.m. if he wants. There is nothing now in the statute books which will prevent him from doing so. That is all that the amendment says. Sunday opening is an option. It is a facility given to the employer and employee and you can be assured that not every employer will want to open on Sunday and not every employee will want to work on a Sunday.

2.45 p.m.

Mr. Speaker, Barbados as a developing country, I believe, cannot afford to come to a screeching halt while the remainder of the world moves forward. Our country has to come from the back of the pack and I think we have to

get in line with modern trends and modern ideas. Those of us who travel overseas will know that in most countries Sunday shopping is a norm and there is no reason why we in Barbados should bury our heads in the sand, like the proverbial ostrich, and be completely oblivious of what is going on around us.

We appreciate the fact, Mr. Speaker, that parting with a well established tradition is never easy, and over the years tough decisions have had to be taken and in some instances tough decisions have had to be taken with respect to Sundays. I know when I was a youngster and I played any game at all, as a five year old boy, the wrath of my grandmother descended on me, because you were not to play games on Sundays. It was anathema, sacrilegious, an abomination. Today, Mr. Speaker, the biggest crowd at the Stadium for football is the Sunday crowd and the same thing happens at cricket. As the Honourable Member for St. Thomas has said, you could not even whistle or sing a Banja on Sundays when he was a boy and today the calypso tents, for instance, are well patronised on Sundays. So as I said earlier, there has been a change in attitude to some extent and quite frankly I do not believe that Barbadians are any worse off because of those activities.

I want also, Mr. Speaker, to speak on another feature of the amendment, clause 3, where it is spelt out that no worker is to be compelled to work on his or her religious day. That is the gist of the amendment. The new Bill seeks to create an offence where a worker is compelled to work on his or her day of religious observance. So that if a shop assistant insists that he or she will not work on a Sunday because it is his or her day of religious observance, he or she cannot be forced to work, neither should they be victimised. Of course, it would be extremely useful for all shop assistants to inform employers as to whether they are available for Sunday work. I believe that Seventh Day Adventists do it now in respect to Saturdays and I do not think that to date there is any overwhelming evidence of victimisation against them.

With this new amendment, Sir, all that is happening is that the day of worship is protected, and this was one of the major concerns of the union who obviously would not want to see any infringement of workers' rights. Our Labour Department will monitor to ensure that employees are not victimised either by being forced to work on their religious day, that is, their Sundays, against their wish, or by employers refusing to pay them adequately for overtime.

Mr. Speaker, as it stands now in the Shops Act, section 6 (7), it is already an offence to penalise or to dismiss a workers who refuses to work overtime. There is a fine of \$10 000 if you commit that offence as a shop owner or there is imprisonment for two years. We are making a similar provision and making it an offence now in a case where an employer victimises a worker

just because the worker refuses to work on his or her day of religious observance. We have increased the penalty to \$20 000, and basically that is it. We have reduced the time period to one year. Even now the onus in the parent law is on the employer to prove that he did not penalise the worker because the worker refused to work overtime. Even now that obligation exists and all we have done really is to say that the onus is still on the employer in this instance to prove that he did not penalise the worker because the worker refused to work on his day of religious observance. We have put it at \$20 000, as I said, and I believe the reason why this act of penalising a worker who refuses to work on his day of religious worship is seen to be so serious is because to deprive a citizen of the right to worship we believe is deprivation of a fundamental right. To make it as serious an offence as possible since it is guaranteed by our Constitution. All we are doing is seeking then to harmonise the Constitution and the Bill, putting it as high as possible.

2.55 p.m.

I feel that it is sending a strong message to the employer and saying to him if you are aware of what you should not do and you do it nevertheless, you are going to be punished harshly. It is a matter, I believe, of respecting the sanctity of the situation. Those of us who believe that employees in Barbados will not speak out are, I think, underestimating our Barbadian workers. If we think that they are going to sit and take it and not say anything about it, we are underestimating them.

At this time of our development I think that employees are more aware of their rights than ever before. We should not at this level or at any other level try to disregard the level of intelligence of Barbadian employees. The employees often call the Ministry of Labour and the Labour Department to complain about lack of ventilation, about breaches of their severance payments rights and breaches in their holiday pay rights and a whole set of labour related matters. So if we think that they are going to take whatever an employer dishes out to them with respect to penalising them for not working on their religious day, I think we are wrong.

I think that we boast of being a very educated people when it suits us and we sometimes want to claim otherwise when it does not. People who do not want to work on Sunday will not. The choice is theirs. I believe that the same is true for the employers as well. Those of us who anticipate that this provision is going to run into disrepute should think again. I do not think that we should assume, Mr. Speaker, that all employers are Shylocks. It would be like our trying to say that an employer is an unfair person simply because he is an employer and nothing could be farther from the truth. I agree that no law can anticipate what every single employer will do. Today some employers

breach the Severance Payments Act. Today, some of them breach the Holidays With Pay Act and I dare say that it is quite possible that some of them may breach this Act as well, but what is that telling us? That we should abolish the Severance Payments Act because employers breach it? We cannot anticipate what every employer will do.

What we have to do is put some serious enforcement provisions in place and we are prepared to penalise employers who railroad their employees. We are doing this because Government is ever aware of its duty to protect religious worship and religious freedom.

Mr. Speaker, imperceptibly what we have done is to give all religious persuasions something which they did not have before, because we have not restricted this to Sundays. We have spoken of days of religious worship. So the Seventh Day Adventists are protected. You cannot force them to work on their day of religious worship. It was not there before. Muslims and Hindus, Jews, everybody who have a religious day cannot now be compelled to work on their religious day. They can volunteer to do it but you cannot compel them.

Mr. Speaker, the other feature of the amendments which I would want to deal with is the fact that shop assistants will now have 2 days off. Section 2 of the Act defines a week as 7 consecutive days and section 6(1) of the Act stipulates that the shop assistants' working hours for one week shall not exceed 40 hours. Now since Sunday is the only compulsory closed day in the week, as it stands now, the employees' 40 hours can be spread over a 6-day stint. I don't know if you are following me. You can go up to Saturday to get your 40 hours.

The real concern to the shopowner and to the employee is section 7(1) which states that every shop assistant must be allowed a rest period of 36 hours a week. That is as it stands now. They have to get 36 hours rest period of which 24 must be consecutive. That means a whole day and a half. You get a little piece on Saturday afternoons. That is what is in the law now. The amendment now seeks to make a change in this and the amendment now requires completion of the 40-hour working stint in any 5 days out of 7, which is another way of saying that the employee is entitled to 2 days' rest period but the 2 days do not have to be consecutive. Simple arithmetic will tell you that 2 full days out of 7 days a week is better than 36 hours. In that respect I think that it is an ameliorating feature of the Act.

3.05 p.m.

We must remember, Mr. Speaker, that the Act also lays down certain conditions to which shop owners must adhere to. For example, the shop owner has to keep a record of wages showing the wages the number of hours a shop assistant worked, what was the normal time, what

was the over time, and the wages paid at the normal time and the wages paid at the over time. This has not been amended. All of that is still included. An employee has to voluntarily agree to work overtime. You can't force him to. Remember this penalty!

If the employee wants, he or she can work 6 days a week. One of those will be counted as over time. I cannot see much in the Act which should be too controversial. I do not know what is going to happen.

The final point which I want to make, Mr. Speaker, is that we have widen the definition of the shop in the Act. The present definition of shop in the Act is "Any premises or place at which a person manages or carries on business for the sake of commodities, whether by wholesale or retail, and whether or not such business is conducted, manage or carried on to the exclusion of or in addition to any other business, and include any business used for the storage of, receipt of, orders of, or despatch or delivery of any goods, dealt within business" that is as it stands now.

As a practical matter, there are several premises which can be deemed as shops which cannot now be caught within the definition of the Act. The definition of the Act refers to buying and so on. The sale of commodities and so on. There are some businesses which will not be caught with that.

Video shops, is a classic example. They do not buy like the rest, and still those people who work in the video shops – there are shops in theory – but they are not, strictly speaking, are not caught by the definition of the Act.

Asides.

Hon. R. N. GREENIDGE: Mr. Speaker, save me from the Member of St. Michael South East.

Asides.

Mr. SPEAKER: I am not hearing him. I am just hearing you.

Hon. R. N. GREENIDGE: We feel, Mr. Speaker, Sir, that these establishments, the video shops and so on, should conform to the same hours of work, the appropriate terms and conditions of employment as other shops would have them. We are trying to ensure that everything which the Shop's Act provides for, and says that the employer should provide, these facilities, toilets facilities, seats and so on, are provided to the people who work at places like the video shops. It is matter of personally trying to promote and to continue, the high standard of labour relations which we have always had in work places.

We felt that the definition of "shop" should be expanded to take care of those situations by amending the definition, and it now reads that "any premises or place of which a person conducts, manages, or carries on business for sale, lease, or rental of commodities, goods, or services, whether by wholesale or retail, or other forms of exchange." Sir, it captures a lot of the ones that might have slipped through.

Mr. Speaker, I believe that widening the Act to embrace all other categories is really an attempt to assist them, and not to deprive them of anything, but to ensure that they benefit. It is not like we are tracking them down to insist that they pay income tax, or that we are tracking them down for some other reason to bring them to justice. We are widening the scope of the definition and we it will inure to their benefit.

Mr. Speaker, if we thought that these amendments would have done serious damage to Barbadians, we would never have continuous or contemplated a change of the amendment. We are of the view that the amendment is made in the interest of Barbadians generally. It is a matter of Barbadians having to change and to accept change, or to be left behind.

With those few words, Mr. Speaker, I beg that this amendment be read a second time.

Mr. F. J. STUART: Mr. Speaker, I shall be very brief. The Honourable Member for St. Philip North, the Honourable Minister of Labour, has followed the tradition of other Ministers of Government, who, whenever they believe that they are doing something wrong, cast around for an accomplice on this side of the House. It is now a routine practice of Honourable Members on the front bench on that side, when they are introducing a Bill, to deliver a long speech as to what the Democratic Labour Party would have done had it been in power. The same thing happened when the Honourable Minister of Fiance introduced the VAT Bill. A long speech of what the DLP would have done had it been in office. As though he was some kind of wrong doer, casting around to find an accomplice to console him.

The truth is, Mr. Speaker, the Honourable Minister of Labour, the Member for St. Philp North, was not, in our view on this side, doing anything wrong, and therefore he does not need any accomplice. His presentation was a bit defensive and diffident.

Hon. D. A. C. SIMMONS: On a point of order, Mr. Speaker. The Honourable Minister was only giving the historical record to show the origin and section as it were of this legislation, and it had to embrace the Democratic Labour Party.

Mr. F. J. STUART: Mr. Speaker, I am not saying that the Member for St. Thomas would not have known what the Minister...I am glad that we found him...

Hon. D. A. C. SIMMONS: On a point of order. I was in the Leader of the House's room, Sir, doing an interview with the *Miami Herald* and I heard all the debate through...

Dr. R. C. HAYNES: On a point of order. It is a matter of record that the Member for St. Thomas only came into this House after I drew it to the attention of the House that the Member for St. Philip North was abandoned by the entire front bench.

Asides.

Mr. F. J. STUART: Mr. Speaker, the amendments, as I understand them, seek to do a number of things. They remove Sunday from the definition of "closed day" from the existing Shops Act, they enlarge the definition of the word "shop" in the Act, they adjust the penalties for employers who dismiss or penalise shop assistants for refusing to comply with their orders, and they prescribe at least 2 days per week, as a period of rest. As the Minister said in his speech, the amendment that is likely to attract the most attention in all of this, is the amendment of the removal of the word "Sunday" from the definition of "closed day" in the Shops Act.

I am aware that the issue of Sunday shopping in Barbados has been quite a lively one, and has generated no small amount of controversy, and of very strongly held views of the subject. I think this view is strongly held because not enough effort has been exerted trying to explain to people the history of the relationship between church and State in Barbados and the fact that the State has to be a kind of unbiased arbiter in the matter of religious practice in Barbados. Barbados does not have an established church. For the better part of its history it did have an established church and disestablishment negotiations began, I believe, in the late 1950s under the Barbados Labour Party under the late Sir Grantley Adams, and continued under the late Dr. Cummins and were concluded in 1967 under the late Errol Barrow and the Democratic Labour Party when the established church, the Anglican church, was disestablished and the separation between church and State became effective.
3.15 p.m.

For as long as the country had an established church, the State could, to a certain extent, impose its will on the population, and I use the word "impose" flexibly because I do not believe the State really imposed its will but, certainly, exerted some influence on the population in terms

of the day regarded as the established day of worship in Barbados, and that was Sunday. But even before disestablishment happened in 1967, Barbados went into independence and the Constitution of Barbados, section 19 thereof, guaranteed to the citizenry of this country freedom of conscience and freedom to practise the religion of the citizen's choice.

It is not without significance that the word "religion" was defined to include denominations within one's religion in addition to other religions like Christianity. For example, Seventh Day Adventists, within the contemplation of section 19 of the Constitution, would be a religion within the general religion of Christianity in the same way that Islam would be a religion *vis-a-vis* Christianity. Not even in Christianity itself is there any consensus as to what day of the week one should use as a worship day. The majority opinion, I think, has gone with Sunday but certainly there are denominations within Christianity that have worshiped and defend their worshiping on Saturdays.

The issue of Sunday shopping and the issue of Sunday as a holy day, as the day which Barbadians should all observe as a day of rest, in my respectful submission, went through the window for certain persons once the Independence Constitution was passed. Whenever the law grants a concession, and this is an established principle of constitutional law, it used to be called by old constitutional lawyers, the doctrine of necessity, whenever the law grants a concession, it is presumed to concede also all of those incidents without which the concession itself would be of no value. So if you concede to people freedom of religion, *ipso facto* you are saying to those people that the day on which their chosen religion worships they are entitled also to enjoy and to have held sacrosanct.

Those persons who have been pushing Sunday as a day that should be held sacrosanct and above all others are entitled to do so if that is their religious persuasion but they cannot legislate for an entire country on that question because constitutionally every citizen is entitled to the religion of his choice and to the day which that religion sets aside as its day for religious observances.

I do not think the Minister has to be diffident on that question. What the Government is doing can be defended constitutionally. All that is happening is that the amendment, and I do not know whether it is necessary, I suppose it is putting the issue beyond doubt but, constitutionally, the issue of Sunday versus other days has already been settled. Therefore, the defensive and diffident presentation of the Honourable Member for St. Philip North need not have happened if emphasis had been put on that fact.

Our position on this side is a very simple one that the Independence Constitution guarantees freedom of conscience, freedom to practice the religion of one's choice.

The freedom to practice the religion of one's choice means the right to worship on the day that religion sets aside as its day of worship and religious observance. It falls to no religious group in this country to try to legislate for the remainder of the society since religious toleration has been a feature of life in Barbados for a long number of years now and as legislators we are under an obligation to protect that fact.

There is going to be Sunday shopping for those who do not believe that they should hold Sunday sacrosanct. Businessmen who do not believe that they should hold Sunday sacrosanct will open their businesses on Sundays. They are not forced to do so if they do hold Sunday sacrosanct. It is a matter of choice and it has all to do with their own perception of their rights under the Constitution and how those rights should be fleshed out in terms of how they practise the religion of their choice.

I believe, therefore, that the amendment that gets away from the word "Sundays" and that limits itself to the phrase "the day of religious worship," is a sensible amendment since it takes into account the existence of a diversity of religions in Barbados, and a diversity of denominations within the largest religion in Barbados, christianity, and the fact that even in christianity itself there are denominations that do not hold Sunday sacrosanct. The Adventists and the Worldwide Church of God come readily to mind. They worship on Saturdays.

Mr. Speaker, so far as the Sunday shopping issue is concerned, I do not believe that it should continue to generate a lot of controversy. Barbados does not have an established church. The church was disestablished since 1967 and there is now freedom of religious choice. The role of the State in this issue has receded with the passage of time as other religions have come to a state of efflorescence.

If I have any problems with the Bill at all, Mr. Speaker, those problems centre around the section that seeks to punish employers who dismiss or otherwise penalise shop assistants for refusing to work overtime or to work on the day the shop assistant observes as the day of religious worship. Nothing is wrong with that. The existing law makes provision for that although the amendment expands the categories for which the employer can become punishable. But the existing law has not attracted any prosecution as far as I know. I have not heard of any prosecutions under the existing law where employers have tried to force employees to work overtime so really although the section is there it has not been activated by employees at anytime. So if it is to be effective I would think that a vigorous public relations job should be done to educate workers and inform them of their rights in this regard. At the same time we must not assume that employers...

3.25 p.m.

Hon. D. A. C. SIMMONS: On a point of order, Mr. Speaker. Since the Other Side is wont to accuse us of being a Government by public relations I am grateful that the Honourable Member for St. Philip South has urged this Government to go on a massive public relations exercise. We take him at his word, Sir.

Mr. F. J. STUART: I hope my friend does not think I mean public relations exercise down in St. Michael North West before December 4th. I mean just in respect of this amendment.

Mr. SPEAKER: Let us keep it orderly, please.

Mr. F. J. STUART: Mr. Speaker, we must not assume that employers are foolish. It seems to me that once they have become aware of the existence of this section, employers are shrewd enough not to make their dismissal or penalisation proximate to the refusal of the employee to work overtime or to work on the day the shop assistant observes as a day of religious worship. In any event I do not think this amendment can overturn or has overturned the existing common law in relation to the relationship between master and servant. As I understand the common law on this question and ever since the local court of appeal embraced the principles laid down in the House of Lords decision Delaney and Staples, a decision involving the Correia's Jewellery Store, it seems to me that if an employer complies with the law in terms of giving an employee adequate notice before terminating that employee's employment or paying him wages in lieu within the meaning of the Correia's decision or the decision in Delaney and Staples, it is going to be hard for any court to look behind that. So the employee is going to need other forms of protection. This is where effective employment protection legislation becomes necessary because unless we are altering or changing the law relating to dismissal of employees within the nature of the contract between master and servant which is now governed by the common law, the employee is still exposed to all the perils that existed before this amendment came.

This amendment deals with the criminal aspect of things but the civil dimension which is the dimension that really affects the employee is the one that the employee will be concerned about and even if the employer pretends he is winking at the refusal of employees to work overtime or not to come to work on a day observed as a day of religious worship, all the employer really has to do is, in his time, give the employee notice that he is bringing the contract of employment to an end. That is an irrevocable and unchallengeable right he has at common law and the employee has to go on home so the job is not protected. That is certainly no incentive for an employee in these circumstances to go complaining about an employer forcing him or her to work overtime or to work on a day that he or she observes as a day of religious worship. The employee will want to keep his or her mouth shut to

ensure that the greater peril does not befall him or her, that is the peril of dismissal which is still the common law right of the employer. So no piece of legislation has made a stronger case for the introduction, urgently, of employment protection legislation in Barbados than this amendment to the Shops Act.

I am aware that this is a commitment of the Government. It was put in the mouth of Her Excellency, the late Governor-General of Barbados in the Throne Speech. It is a recurrent feature of Barbados Labour Party manifestoes and we look forward to the introduction of employment protection legislation to shield employees from the perils that this amendment will now generate.

So Mr. Speaker, I do not think that we on this side, beyond those few observations, have too much to worry about so far as the amendments are concerned. Extending to shop assistants an increased rest period of 48 hours as distinct from the 36 they enjoyed before is a positive development and securing for them a day of religious worship is also a positive development.

As I said I am not in a position to pronounce on the value of the penal section which threatens to fine employers \$20 000 or to imprison them for one year or both because, even under the existing law, that section has not been utilised and I sense that it has not been utilised either because the workers do not know about it and even if they knew about it, it would be very dangerous to put themselves out on the line complaining for employers when the employers still have that common law right to terminate their employment once he complies with the law, once he does it in the proper way.

The most this amendment does is to say that in civil proceedings an employer cannot go into court and say that the employee refused to work overtime or refused to work on a day that the employee observes as a day of religious worship and that that amounts to sufficient cause, and according to this section this can be used against employers in civil proceedings. I am not surprised that even the existing penal clause in the Shops Act has not been used because it exposes employees to the greater peril of losing their jobs.

So, Mr. Speaker, I do not think that the Democratic Labour Party has a lot to worry about. I do not need to go on to put the case for the employers in terms of their right to open their businesses and earn money on Sundays or whatever because that is not my function. I am just making the point that ever since the Independence constitution was passed in 1966 it was the right of every citizen of Barbados to set aside the day he or she wanted as his or her day for religious worship and that right extended to businessmen as well. It was the right of every citizen of Barbados to set

aside the day he or she wanted as his or her day of religious worship and that right extended to businessmen as well. Ever since the disestablishment negotiations ended in 1967 and Barbados ceased to have an established church, if you will forgive the term, the market was opened and it was opened to all persons to practise the religion of their choice and to enjoy the right to have a day of religious worship in accordance with their denominational preference. So the Minister is quite right in suggesting, Mr. Speaker, that the amendments are uncontroversial and should not detain the House for very long. The shop assistants can be better off depending on how the legislation is used. But I have to enter the caveat that complaining for an employer after you have refused to work overtime or to work on your day of worship, if he insists, can expose you to a loss of job and that will continue to be so until employment protection legislation is brought to this House and passed. So that the confidence of employees in Barbados can be boosted.

3.35 p.m.

With those few observations, Mr. Speaker, I would just like to conclude by saying that we on this side will not be opposing the amendment. We think that it has positive features to it, but we look forward with eager anticipation and excitement to the introduction of employment protection legislation which, when it is brought, will give teeth and meaning to the amendment which is engaging this House's attention today. I am obliged to you, Sir.

Mr. SPEAKER: The Honourable Member for St. Michael South Central.

Dr. R. C. HAYNES: Mr. Speaker, when a Minister of the Crown in recommending a Bill to the House spends about 80 per cent of his time enlarging on all the objections and all the reasons why the Bill should not be supported, it makes it extremely difficult for me to support the particular Bill enthusiastically. Because I certainly formed the impression that the Minister was more concerned with the arguments against the Bill than with any positive reasons for the Bill.

Sir, there are one or two observations I want to make in general in the context of a second reading in relation to this Bill. But before any comment that I make be lost in anyway, what I was looking forward to hearing in the debate was whether or not this House or this Government is ready to revisit the whole question of minimum wage legislation. This Shops Act I noticed is sandwiched between several bits of legislation relating to the protection of wages, severance payments, sugar workers minimum wage and guaranteed employment and matters relating to trade unions and so on. What I am calling for this afternoon is for an increase in the minimum wages paid in this country, those prescribed by law and those not prescribed by law and that legislation be brought to this House in the not too distant future to make sure that

there is minimum wage legislation that has a broad application throughout the work force of Barbados.

I believe that this is critical especially as we are having a Value Added Tax that will be introduced in a matter of a few weeks in this country. That tax will erode the purchasing power of those enjoying minimum wages in Barbados by a minimum of 15 per cent in a matter of weeks. I am saying to offer protection to all those people who are enjoying minimum wages in Barbados in having a minimum wages legislation in Barbados applied to all workers across-the-board and a substantial increase in the minimum wages in Barbados.

Mr. Speaker, whenever this matter arises, there are some people who say that it will generate unemployment. That is not true. There should be a decent, acceptable, minimum hourly wage for all Barbadians and those who cannot afford to employ a maid for 48 hours or 40 hours a week at that rate, can employ the maid for 20 hours and the maid will have 20 hours to spend with her family or to find another part-time job. It is about time that this matter of minimum wages be dealt with.

Hon. Sir HAROLD St. JOHN: On a point of order, Mr. Speaker. The Honourable Member is misleading the House. I read in the newspaper recently that representations are being called for by the appropriate body for an increase in the minimum wage. I would like to know whether the Honourable Member has given his representation to that.

Dr. R. C. HAYNES: I agree, Sir, that he read it in the newspaper. It was a call by the National Democratic Party that he read in the newspaper. That is what he read.

Hon. D. A. C. SIMMONS: Mr. Speaker, Sir, who or what is the National Democratic Party in 1996?

Mr. SPEAKER: Just proceed please.

Dr. R. C. HAYNES: The Honourable Member wishes to know who is the NDP. You will discover who is the NDP after the St. Michael North West by-election. The Honourable Member read in the newspapers a call by the NDP for the increase in the minimum wages in this country and for the wider application of any legislation relating to minimum wages to cover all workers employed in this country at any time day or night. There should be a minimum wage prescribed by law that is reasonable. We cannot go into the 21st century without that basic protection of the workers of this country and that is a sheet anchor of protection which I am demanding that this Government put in place.

Mr. Speaker, there are many other things that are required like health legislation, protection under the Shops Act and so on. But there is a certain bottom line that we

have to deal with and that bottom line is higher minimum wages and legislation that covers all workers in this country. I will not rest easily or happily until that minimum wage legislation is brought before this House palatable to all workers and substantially increased.

Now, Sir, there have been a lot of philosophical and para-religious reflections by the Honourable Minister when he introduced this particular measure. I want to say this, that I am a Christian, that I believe in the Christian ethic and I will be guided by the gospel, and I will be guided by those people who seek to interpret the gospel honestly and ethically for their flock rather than the kind of interpretations I have been hearing from the Minister today. 3.45 p.m.

Sir, I believe in God, the Almighty, Maker of Heaven and Earth, and I believe that within the context of my beliefs there is a time for work and a time to set aside for rest as commanded by the religion that I believe in. I do not need to be persuaded of that by any Minister of the Crown, nor will I find myself on religious matters or on matters related to family values being guided by the Barbados Labour Party's solitary member on the Front Bench rather than by the abundance of Christian thinking over the past century.

Now, Sir, there is something that is very important when I begin to think of Saturdays and Sundays. I want to make this clear. Whenever the talk of a day for each religion, whenever we talk about every 2 days in the week, it is very important to understand the way this society is organised, the way most Western civilised societies are organised, those societies that subscribe predominantly to the Christian ethic, that Saturdays and Sundays in particular are qualitatively different from any other day in the week. This is very important to understand and this also relates very much to issues such as family values, the order of precedence in which we put the maintenance and the promotion of family values over the greed of those people who want to open 24 hours a day, 7 days a week, to catch the tourist dollar and things like that.

These are fundamental and serious issues that will shape Barbados down the road and I do not necessarily believe that because certain value systems are accepted in Hollywood or in California where it is now the norm to get on the ballot the legalisation of homosexuality, or any kind of perversion accepted as the norm. That fits into the philosophical, legalistic and value systems I heard a Minister expounding in this House today.

I heard him say that when certain things in a society become the norm, then there is a principle of law that says the law must accommodate whatever is the norm. Mr. Speaker, I say that that is the beginnings of Sodom and Gomorrah.

Hon. R. N. GREENIDGE: Mr. Speaker, Sir, I never said...

Mr. SPEAKER: On what do you rise, Sir?

Hon. R. N. GREENIDGE: On a point of order. The point is that those of us who did the course called Law and Society will remember that the law usually reflects what is considered to be moral in the society. That is all that I said.

Dr. R. C. HAYNES: Mr. Speaker, that is exactly what I am questioning. I am saying that there is a higher moral standard of values, a higher ethical standard, a higher religious standard that should say to you that you do not necessarily be compelled to bring in legislation to accommodate certain patterns of behaviour in a society. I know the Honourable Member for St. Thomas does not believe in that. I am sure there will be a difference of opinion and I am sure he is more ready to accommodate me although he will get up on a point of order in this particular matter. Therefore, Sir, I think that we must respect the views because those people who are talking about the protection of Sunday are not only talking about religion but they are talking about things that are even more fundamental in this society.

They are talking about family values. They are talking about the fact that they are the only two days in the week for many families where father, mother and children can get together, not only in terms of religious worship but around all sorts of activities and we have to be careful to protect those 2 days for the people of Barbados. The fact that you can go to the United States, which is rapidly becoming the most degenerate society that the world has ever seen – in certain parts of their society – because they can do anything on Saturday and Sunday does not mean that that is a progressive way of life and we must seek from time to time to preserve features of our existence which in the long run will lead to greater stability of this society.

Therefore, Sir, I have a lot of sympathy, not only with the religious leaders of this community but also with many other people who feel there is a need for protection of those particular days. That has to be balanced, Sir – and I think the Honourable Member for St. Philip South and yourself and the Minister – against certain rights of people, certain needs of the society. When you balance the two it is in that context that you have to look at this particular piece of legislation.

I would sincerely hope that we would not allow ourselves to be unduly influenced by the argument that you can take in a few more tourist dollars on that day or the fact that there will be some increase in commercial activity. As far as I know, the amount of money that people have is

not elastic. If a guy has \$200 to spend, he will spend it on a Monday. If he spends on a Saturday, he will spend the \$200. The fact that he has another day doesn't mean he will have anymore money to spend. You may have more time to go and sightsee but he has spent his money already.

So we have to be very careful not to be influenced by that kind of argument dealing with this particular matter. Nor is it a simple matter. I have some reservations about this particular matter and it is something that should be monitored very closely and see what kind of impact this has on this society.

Aside.

Dr. R. C. HAYNES: I am never afraid of a division. I am convinced of what I am saying. Whatever I say I will stand up and defend. What I am saying is that you have to be very careful of the influence of the commercial sector on public policy too. A lot of this stuff started with the people who wanted to get access to the tourist dollar. We have to balance their demands for more business against the demands of workers in this country. There is no point talking, and I think the Honourable Member for St. Philip South is quite right, about you can fine an employer up to \$20 000 if he dismisses somebody because he does not work on one of these days that is set up, because he refuses to work on a religious day, or I presume one of the 2 days that is set aside.

What employer is going to be so foolish as to expose himself to a fine of \$20 000 when he can lay off or fire the worker for some other reason? It is the kind of penalty that would never have any particular influence on the conduct of employers in relation to this particular matter of people being called upon to work on a day set aside for religion. As a matter of fact, I doubt very much whether the law as it stands that anyone was ever prosecuted where I see \$10 000 fines here for similar infractions of the law.

The point I am making is that I have never seen published anywhere that anybody has ever prosecuted any employer under this existing piece of legislation. So I think it is very important not to be signalling to the workers out there that they have this widespread protection by that particular provision within the Act. It simply is not so and it will not apply. There are so many other ways in which many workers at the moment who cannot work overtime or cannot work on Sundays are being victimised at the workplace without dismissing them.

Basically Sir, I understand the economic reasons for this piece of legislation and I hope that those economic reasons are sound and that they are not just imaginary because as I said only a certain amount of money is going to be spent in Barbados in any given 7 days and

whether they spend it in 5 days, 6 days or 7 days, I doubt it will make that big a difference. In terms of the social implication of the piece of legislation, I have my reservations not only on religious grounds and I am not afraid to proclaim my religion. I am neither afraid or ashamed to say that I am a Christian. Neither am I afraid to say that certain family values might become eroded as a consequence of this legislation when it has full impact and I will take this opportunity to call on employers in Barbados to recognise that although the legislation will now permit them to open their businesses every Sunday if they wish that they should think very carefully whether or not it would be to the advantage of their businesses, so that by and large we will only see open on Sundays those businesses that are supplying essential services. I would also call on employers to recognise that although the laws now permits it, they should recognise that Sunday means an awful lot to their employees over and above the religious connotation.

4.00 p.m.

Sir, when a man gets Monday off and his children are at school, it is a very different thing when he gets Sunday off and his children are at home. The point that I am trying to make is that when you take the total context of a thing, that it is qualitatively very different. That it why, Sir, because of that qualitative difference that, I believe, in most labour negotiations you find differences of pay on a Saturday and difference of pay for a Sunday when they fall on overtime days because they are recognised. The International Labour Organisation (ILO) recognises that fundamental qualitative difference between the weekends and other days in the week.

Mr. Speaker, I sincerely hope that in this country, whilst there is the empowering legislation, they would see people responding to this situation with some degree of sensitivity, recognising that the constitutional rights of everybody are being given full effect by the legislation, but that there are social rights of employees which must be respected. Those social rights and those social values, these are the things that come into play when you are dealing with this.

I am not challenging this on the grounds that it is an unlawful piece of legislation. I am not challenging it on the grounds that it is not constitutional. I am not challenging it on the grounds that the opportunities might not be there in relation to essential services at the economic level. What I am asking you all to understand is that there is a human component in it, that there is a social cost associated with it, and that this has to be recognised as well. Therefore, I think that the Ministry of Labour should put in place a task force to monitor the extent to which employees are being adversely affected by this piece of legislation, and also to assist where it has had any positive economic impact as well, so that we will know whether or not it was a worthwhile piece of legislation or just a piece of paper.

Mr. Speaker, before I conclude, I cannot invite Members to share my same ethical considerations and religious considerations in these matters. I cannot invite Members...

Asides.

Mr. SPEAKER: Please, let us hear the Honourable Member. We still have to hear him, please.

Dr. R. C. HAYNES: I cannot, Mr. Speaker...

Asides.

Dr. R. C. HAYNES: Mr. Speaker, I cannot speak to people on the Other Side because I have to speak to you, Sir, who do not seem to share the same family values that I speak to in relation to this matter.

Asides.

Dr. R. C. HAYNES: I will speak to them through you, Sir.

I believe, Sir, that in the long run, I want this House to remember this, if in any way the consequences of this piece of legislation contribute to any undermining of the family in Barbados, then in my judgement, Mr. Speaker, it is not worthwhile. If it contributes in any way to the general drift away from formal religious teaching and religious beliefs in this country, then it has not been worthwhile because I believe that in the long run, those things are more important than the few dollars that duty free shops and other places in business are getting.

I thank you very much, Mr. Speaker.

Mr. B. M. TAITT: Mr. Speaker, this debate is a fascinating debate. If for no other reason than the absence of so many Honourable Members' comment. As one looks at the Government's side, one is tempted to wonder if the absence of the defenders of the faith of the front bench is an indication of their position on the Bill, or whether it is happenstance that causes so many of them to leave the Honourable Minister like the boy on the burning deck as he seeks to bring this Bill to the House. I am not going to pillory the Minister on this. I will not seek to pillory the Minister on it, because I feel that he is doing no more than his duty. If the Government decides that as a matter of policy, that this is the direction in which we should go, the Minister has a responsibility to bring the Bill to this House.

I will merely deplore the fact that I look around and I do not see the Prime Minister. I know the Deputy Prime Minister is out of the country. I do not see the panoply of ministerial concord that is the methodology by which we know a policy is brought forcibly to the community.

Asides.

Mr. B. M. TAITT: The Attorney General is trying to bring to my attention that various Ministers have various responsibilities. Your Honour knows that the first responsibility is to this House. We send them as an Executive Committee of Ministers in a Cabinet to look after certain matters, but it is in this House that their first responsibility resides. So I will not take it other than a passing concept that the Ministers are not here because they are off on some other duty. This is not an important piece of legislation merely because it is deemed the Shops Act, and merely because it suggests that we are making sure that we provide the framework in which people can exercise their religious preference in relation to how many hours we should work.

One of the things that I would have hoped for is that prior to the discussion of this matter in the House of Assembly, that we would have heard from the various trade unions in the country, their position, and that we would as a Parliament be given an opportunity to reflect on the positions taken by the workers' representatives in this cause.

Mr. Speaker, my position is a singular one. It is that there is nothing fundamentally wrong with the Bill as it is presented, but, Sir, the Bill is piece of legal manipulation. The Bill seeks in its presentation to preserve the rights of some people; and therein lies a tale because it does everything it purports to do, but in the areas that it does not seek to do is where the sting occurs.

Mr. Speaker, this is a country that has been natured and has grown up on a religiosity that recognises Sunday as the day of worship in Barbados. There is a substantial part of the community that has had good and sufficient reason to be concerned that Sunday, the first day of the week, has been the only religious day recognised by the State.

As my friend, the Honourable Member, coming in front of the Honourable Member for St. Philip South, so cogently pointed out, since there is disestablishment of the church, the question of which day constitutes the religious day really is no longer a question. I agree with him in this regard although the societal arrangements which we had do not take full and total account of that fact.

It is in that context that I raise the question. None of the provisions in this Bill will have any profound effect on the ordinary, simple personnel that live in the broad areas of Barbados, such as the constituency which I have the honour to represent. If places are opened on Sunday and people have to go to work on Sunday, and they do not go to work on Sunday notwithstanding the protection which this law will provide for them hereafter, they will find that somebody else will replace them in the workplace. Their reason for losing their job will not have anything to do

with the confines of this legislation because as all of us know, when the time comes for someone to lose their job there are myriad reasons why one can lose one's job in this country.

4.10 p.m.

This legislation is very clear. It says that everyone is entitled to a religious day but you and I know, Sir, that the Rastas will not have a day. Like my friend Plastic Bag says, they will not have a day. There is no religious day for Rastas. You ask any Honourable Member in here what is the day for the Rastas and they will tell you: What Rastas? What day? What are you talking about? The Rastas have not established their day so they will not have a day. Those persons who belong to the religion that does not recognise any kingdom other than the heavenly kingdom will not have a day either.

Aside.

Mr. B. M. TAITT: We are not dealing with the adventurers now. The Adventists and the adventurers are two different sects. There are members of the Seventh Day Adventists who have had a long and difficult time working out their Saturday and many of them have had to depend on some very generous employers in order to deal with the question of Saturdays because they have chosen Saturday as their religious day. Technically this legislation should say beyond all measure of doubt that a Seventh Day Adventist no longer has to worry about whether he or she must go to work on Saturday. But if they do not go to work on Saturday the question will be, as anyone of us who represents people in a constituency knows, they will have some difficulty. In fact, the legislation from that point of view is welcome.

I, Sir, am an Anglican practising Christian. I have been an Anglican practising Christian for a long time. I think that very slowly in the case of Members in this House and elsewhere, people have come to accept that I am a practising Anglican Christian.

Aside.

Mr. B. M. TAITT: How good I have been might be open to question but I would know how good I have been.

The society has been brought up and skewed in the direction of Sundays. Therefore, Sunday has been accepted as the religious day in Barbados. After all, if you have been established for over 300 years and suddenly you are cut, it is just like if you have a fowl that is tied under a tree – anyone can check this out – for five days and then you cut the cord: that fowl will not move from under that tree because it has become accustomed to being under the tree, sincerely have become accustomed to being under the tree of Sunday.

Aside.

Mr. B. M. TAITT: The Honourable Member must understand that yardfowls fall into this category as well. But, Sir, Sunday is the day which has been accepted in Barbados as the day of religion.

Now, Sir, I have visited many countries in the world. In the United States there are certain places that are opened automatically on Sundays and it really does not create any problems. It is funny what people will say but you know you cannot find anything of significance opened on Sundays in New York City or any of the major cities; but in some of the Jewish places, for example, you can find places opened on Sundays because they are opened for economic reasons. They do not get too worked up about religion. They practise their religion one by one and do a relay system but when it comes to economic concerns they make sure that the place is opened for a profit to be made as expeditiously as possible.

We in Barbados have every reason therefore to pay special attention to this kind of legislation. What is important here is that the Minister must tell us what kind of policing of this legislation he has in mind. You see the policing does not only mean checking to see that places are open and that they close or whatever. It has to do with how will people who fall afoul of this legislation not be devastated by their inability to hire high-priced QCs and others to protect themselves. Most of the people for whom this legislation will be important will not be members of a trade union. Those who are members of a trade union will have their protection but it is the ordinary people who have to survive who have difficulty getting a job.

Let us face it. A woman who has three or four children, let me speak for the ones in my constituency, who have to choose between challenging the reality of this legislation and the reality of keeping the job will not spend any time competing with her God and Christ in relation to the legislation. If she has three or four children and she has a job, a job being so hard to get in these times, she will go to work if the employer says she has to come to work on Sunday.

It seems to me that the Chief Labour Officer and his team will have at least in the initial stages to ensure that this legislation produces the intent which the Government by bringing it wishes for the population because we pass legislation here and when we have passed it and it goes to the Other Place and it is signed, for all practical purposes that is the end of that but for the people who are concerned with this, they have to make a decision if they are going to 8.00 o'clock service, or 9.00 o'clock service, or going to work. For most of them, because this does not apply because some will only open if it is going to be

economically worthwhile, the big entrepreneurs in Barbados will not use this legislation unless it is worthwhile. So if a tourist ship is coming in and they need to open they will open; but it is the neighbourhood shop, the small shop that has two or three employees, it is the one that has people working to proceed long past the hour when they go out to do anything for themselves, that this issue is of concern.

Mr. Speaker, Your Honour knows about this, where there are people who have over the years, because they have to service 3, 4 or 5 children at home, because they come from a certain level of this society, do not get caught up with the niceties of these things. They get concerned with the reality, the practicality of how they have to seek out a living. And so if they have to work past 11 o'clock on Christmas Eve Night in order to retain their jobs and in order to get a certain kind of emoluments to allow them to see their children through or past a particular barrier, they will do that. Presumably these people are the beneficiaries of this legislation. If this is the intention therefore the Minister will know that notwithstanding my quarrelling about the absence of his colleagues in the presentation of this legislation I do not believe that the Minister brought this legislation without the best intentions in the world and I will not attack the Minister unnecessarily on this but he has to take steps to ensure that he and the Government achieve what they set out to do in this legislation, and that this is not yet another benefit for the small cadre of entrepreneurs in this country who seem to be the major beneficiaries of everything we do not matter which side is in office.

4.20 p.m.

We need to ensure that the objects of this legislation are met. Not in its entirety, Mr. Speaker, no Government is able to fulfil the objectives in their entirety. What we need is to ensure is the objects of this insofar as they apply to the broad spectrum of the ordinary people who work in shops. No Honourable Members in here, except owners, work in shops. The legislation which we have passed, whenever we have passed it, does not apply to family businesses because family businesses are expected to work beyond the call of duty to develop themselves and to grow. So if you are in a family business, how you work and what happens to you and your family is part of your growth and development. It is the small employee, non-unionised, who lives in Alkins, who lives in Richmond Gap, in Westbury Road, in Hindsbury Road, these are the kinds of people who are drawing wages that can barely keep them living above the water line. If the man says you have to come to work on Sunday and you say, well I have confirmation Sunday, he says, make up your mind, Confirmation Sunday or work. When that woman who has been striving to make sure her daughter gets confirmed on Sunday hears that, she has to make up her mind if to go to Church and lose the job or go to work and miss the confirmation of her daughter. Mr. Speaker, these do not seem to be important issues to a large number of people

in Barbados but they are very important issues to ordinary people. And it is in this vein that I do not have any objection to the legislation because I am not going to work in any shop on any Sunday.

I do not work in shops on Sunday nor does any Honourable Member in here work in shops on Sunday but I represent people who have to work in shops on Sunday. Therefore once this is settled and they have a job I want the Minister to tell me what is the real provision he is making. If you have to create a few more jobs, the Minister knows any time the Government can create a few more jobs it is a plus for the Government because it is creating jobs which is a difficult thing for this particular Government. If you have to create 6 more labour officers I have to quarrel with that. I will vote for that but I want to be certain that my people in St. Michael West are not going to be suffering any disabilities because of this legislation.

Actually the opening of shops on Sundays has always been a question in law and the late Mr. Mapp, the father of the present North American editor of the *Nation* from New York, a close friend of many parliamentarians, opened his shop on Sundays. I believe he opened the shop on Sundays because I once told him: "open the shop, they cannot do you anything". The law is very peculiar. If you opened a shop before this legislation nobody could do you anything. It is whom you put to work in it. And Mr. Mapp used to have himself and his friends as he put it, to work in the shop so that was never a problem. I told him to open the shop.

As you know, according to the law as it stands now, family can work any time. Open the shop, Monday, Tuesday, through the week, 52 weeks a year and it cannot bother anybody. But there are a few people who have to earn a living. I think it is a disgrace that we do not have proper employment protection legislation in this country. There is no justification for not having it.

Now, the Honourable Members could get up on this side and say "you all were in the Government why don't you have it?" I still think it is a disgrace that after 30 years of independence we do not have it and both sides have been in Government. But we spend so much time with all kinds of other legislation that does not really make a lot of difference to the lives of ordinary people. We should have employment protection legislation.

The Honourable Member for St. Michael South Central should be ashamed that he did not champion this when he had the opportunity, as an important member of a Government.

Dr. R. C. HAYNES: On a point of order, Sir. Certain strictures as a member of the Democratic Labour Party but I must point out that the NDP was never in Government.

Mr. B. M. TAITT: And is not likely to be. That is the problem. Anyhow, Sir, I really feel very strongly about employment protection legislation and the Coalition of Free Trade Unions would do well to make employee protection legislation a cardinal principle of its existence. I think the Government, and I would like to recommend to the Minister, the Minister is a young Minister, and I would like to recommend to the Minister that he would do the country and himself a world of good by bringing the employment protection legislation during his time. Do not let the Attorney General distract you.

Hon. D. A. C. SIMMONS: On a point of order, Sir. Mr. Speaker, I am not distracting you, Mr. Speaker, nor the Honourable Minister. Employment protection legislation will be coming in due course. It is a whole package of legislation coming out of the Honourable Minister's Ministry that is taking a toll on my eyes, Sir. Occupational safety and health at work is this thick. Another piece here just brought to me today, Sir. Next year you will see a lot of important legislation and consumer protection is coming. That is being drafted now.

Mr. B. M. TAITT: Mr. Speaker, Sir, he is not the first Attorney General that promised me those things, Sir, and he will not be the last. I am saying to the Minister, do not mind Attorneys General, their object is to see how much legislation they can bring. Your responsibility is to bring the one that concerns you and number one priority should be employee protection legislation. We should have had it. We were promised it. As a matter of fact when the Labour Party was in Government the last time it was in their manifesto. When they went out I remember, Sir, I participated in a meeting in which it seemed to me that the legislation was just 4 weeks away and to this day we have not had it.

As we come to the 30th year of our Independence this Parliament, made up as it is, has a fundamental responsibility to make protection of employees its cardinal reason for existence. Sir, it is not an area in which I have competence. I could comment on it after it comes but it is not an area in which I have had competence or in which I have been called to make any judgement or to do anything but it is most important in the context of people because the only reason Your Honour and I and the rest of us exist is to provide a comfortable framework within which the rest of our sons, daughters, brothers, sisters, mothers and fathers can proceed towards a better way of life and a higher quality of life. Employee protection, Mr. Attorney General through Mr. Speaker has to be moved to the front burner, because too often the protocol has gone a long way. The Honourable Member has mentioned the protocol. But what the protocol has done is to provide the framework within which these things should be made. I would have preferred as a son of the soil as we come to the 30th year of our Independence to have heard the Coalition of Trade Unions saying that we have been successful in making

the Governments of this country do the following, 1, 2, 3 and included in that would be employment protection legislation.

4.30 p.m.

Mr. Speaker, I just came back last night from the United States and I wish to tell you that the trade unions having participated in the re-election of the President of the United States will now be looking forward to some benefits from their spending of \$30 million. But, Mr. Speaker, trade unionism and workers' rights have been reduced to almost nothingness in the context of development and progress of life in that country. It is very important that we never forget that without the banding of the labour movement that all of us would still be in a situation where we could not brag of the high quality of life which we have in this country. The desirability of improving the quality of labour in this country, the desirability of improving the aspirations of the laborers in this country is sufficiently important that we in this Parliament should make it important. In passing this legislation, by giving people the opportunity to function on a Sunday, we must not forget that Sunday is the most sacred day in the culture of Barbados. It may not be in the religion of Barbados because we have given people the freedom to have religion in whatever form they wish. But it is culturally the most important religious day in our society.

When I was seeking to be elected, I made sure that I said to my constituents that I would not be available on a Sunday. I would be in St. Leonard's Church. I am proud of the fact that 25 years later I can still hold to that and they respect me for it as Your Honour knows. Sunday is an important day in my life. It is an important day for the Honourable Member for St. George South who but for a few quirks would have been a priest. The Honourable Member for St. George South was identified as a potential priest by people who should know. It is unfortunate that he decided not to go into that. He would have been Bishop today. I think that he would not have been a bad Bishop all things considered. I think he would have made a good Bishop. Mr. Speaker, can you imagine the Honourable Member for St. George South as a Bishop?

Mr. SPEAKER: No, I cannot imagine at all.

Mr. B. M. TAITT: Mr. Speaker, he would have made a good Bishop. Notwithstanding that, Sir, most of us in here regard Sunday as our day not only of rest, because that is what the Old Testament says, but Sunday is a serious day in Barbados. I hope that this legislation is not the beginning of procedure in the change in the environment in Barbados. I think what it does is to give those persons who have been under some doubt as to what they should or should not do clarity. I have no quarrel with that. What I wish the Honourable Minister to do through his staff is to ensure that people are not frightened and people are not treated in a manner that interferes with their

own concept because a woman especially who works in a place that is going to open on a Sunday that did not used to open on a Sunday ought to feel comfortable that she will not be required to go to work on Sunday, as an alternative to losing her job.

The most important thing arising out of this is that the Minister and all of us must give them the assurance that opening on Sunday does not mean that they must work on Sunday, not go to church or lose their job. Because that will see a fundamental change in our society as we have known it when we were growing up and when Sunday was sacred. I will be able to go to church on Sunday, Your Honour will go to church on Sunday when necessary and others will go to church on Sunday. But we have to provide for the ordinary people to go to church without let or hindrance. Thank you very much, Sir.

Mr. SPEAKER: The Honourable Member for Christ Church East.

Mr. W. C. C. CALLENDER: Mr. Speaker, I rise to support the Bill before the House. I think that this is merely a way of decriminalizing shop owners who open on Sunday. It is not a Bill that says that people have to open on Sunday. It is not a Bill that seeks to encourage people to work on Sunday which is their Sabbath day. It is not a Bill that seeks to tell people not to go to church or to go shopping. It seeks to do none of these things.

Sir, at the end of the day people will do what their conscience bids them to do and in a democracy the role of the state is simply to facilitate the wishes of the people. So that we will expect that church goers will continue to go to church. We will expect that people who hold holy the seventh day whether it be for them a Saturday or a Sunday will still continue to do the same. This Bill is not expected to impact on this. So that all of the discussion about church and the Sabbath and all of this is to me irrelevant in the context when the Bill itself does not seek to address those matters.

Sir, if you look at the situation now, indeed a number of shops still open. Section 4 of the present Act says that the Chief Labour Officer may on the application of the occupier grant to the occupier a licence on such conditions as are specified herein, authorizing the occupier on a visit of a tourist ship to open his shop for business. So that what happens is that certain privileged shops are allowed to open for business on Sunday when a tourist ship comes in. In addition to that, Sir, we have the harbour shops being opened, airport shops, hotel shops, family shops and convenient shops. All of these shops open on Sunday. So that for a shop to be open is nothing new. The Bill does not seek to create a new situation. So the argument as to whether Sunday is a day of rest or not does not really begin with the introduction of this Bill. This discussion took place a long time ago, because as it stands now

a number of shops are open. When we speak of Sunday itself we know very well that there is Sunday cricket, there is Sunday football, basketball, all types of activities on Sundays and those who want to go to them and those who have to go to church go to church. Those who believe that Sunday is a day when people should be resting, rest and those events do not prevent them from resting.

4.40 p.m.

At the end of a day, in a democracy, once people are living within the law, people do what their consciences tell them to do and the law itself should not be an impediment to free choice within a democracy. Sir, we are not in any totalitarian state. We are not in any communist state which would tell its citizens what they should do once it is not affecting other people.

This Bill seeks to allow people to move freely. Some people after they leave church stop to buy bread and drinks and they stop to get ice cream. They have to get other necessary things for the house, maybe a little ham, a little cheese, a little toilet paper and so forth. Are these not essential things, Sir? So the shops that provide this service are in effect providing things that are essential just as how a nurse works on a Sunday, just as how a doctor, like the Honourable Member for St. Michael South Central, would work on Sunday, just as how a traffic controller will work on a Sunday, like how taxi drivers will work on a Sunday, ZR men, airlines people, electricians, all of these are working on Sundays because their conscience tells them that they can work on Sunday.

So who are we in representing them to hinder them from going about their activities? The State should not be a hindrance to free choice in a democracy. We are not at a stage where the State is aligned to the Church and would seek to impose on the people in a kind of mini-totalitarian way. This is not what modern democracies are about.

Sir, in short, there are less than 2 000 people who are working so we are speaking about an issue that affects less than 2 000 people. The law itself will provide that no shop assistant will be required to work without his consent on a day he observes as the day of religious worship. Even among these people, they will not be required to work on the day of worship without their consent. So if their day of worship is Sunday, they do not have to work on that day. If they are Adventist or whatever and their day of worship is on Saturday, they will not be allowed to work. So therefore, the law is recognising all religions.

We go a step further. There are people who believe that the Sabbath is a Saturday and any democracy has to respect that right. If we respect the right of a person to have their own religion, we have to go a step further and

say that if you believe that your Sabbath is Saturday, the law has to make provision for it, and it says that you will not be required to work on the day that you observe as your religious day of worship. In addition, you will not be required to work overtime. So the Act is cognisant of all of these different considerations that are essential in any democracy. A Parliament such as we are, is duly bound with these issues.

Sir, I would not even want to address the fact that we are not at variance on these matters. We all know, Sir, that the last Government, when it was in power, wanted to introduce Sunday shopping. That is well known, and it would have been introduced by the Honourable Member for St. Michael East who was very enthusiastic about it. I have no problems with that. I am making a point that we are all speaking the same language, because we all adhere to the true principles of democracy which says that you should allow freedom of choice. We have no problem with this. So it is not a matter of arguing whether we should have it or not.

I am just speaking, Sir, to elucidate certain points that have been raised particularly by the Honourable Member for St. Michael South Central. I am not dealing with the Honourable Members for St. Michael West or St. Philip South. They support it. I know that they do. I just needed to clarify certain points and to have them placed on the record, that Bill is not about ignoring the Sabbath. As a matter of fact, it gives full recognition of it when it states that a worker should not be asked to work on his Sabbath, whether it be Saturday or Sunday.

Another point, Sir. The Bill seeks to level the playing field in that you cannot have a situation where these convenience stores owned by people who have a lot of money, will be allowed to open 7 days a week 24 hours, and a shop down the road will not be allowed to do the same thing if the owner so desires. It is not fair. The Bill therefore seeks to address that inequity where a lot of small businesses have gone out of business because of the competition by the bigger fish who have come into these convenience stores which are just a sophisticated way of not being a little shop in a village. That is all it, which will cut out the small business person who was traditionally dominating the small village market.

This Bill also seeks to reinforce our programme of economic enfranchisement. To make sure that the poor man with his shop can have an equal opportunity, since in his marketing strategy, he decides that he is going to open on a Sunday instead of a Wednesday or a Thursday. He will be free to do that without breaking the law once his workers are prepared to work on a Sunday. There may also be a case where a person may be an Adventist. They can work on Sunday, not on Saturday. So they may open on a Sunday instead of opening on a Saturday. I can see nothing fairer than this Bill.

I think that it has been well worded. I think that it recognises the various factors in society, but the point must be made clear that the Bill is not asking the shops to open on Sunday. It is not asking workers to work on Sunday, and at the same time it is saying that if you have your Sabbath on a Saturday and you do not want to work on a Saturday, they cannot make you work on a Saturday.

The Bill is in no way offensive to religion as it is practised in Barbados, and we are speaking about a wide range of religions. We are not just talking about Sunday worshippers, we are talking about a wide range of religions. So it shows respect for a wide range of religions. You cannot ask for something that is fairer than that.

At the end of the day, Sir, the market forces will determine whether stores open on Sunday or not. It will be better in some instances for some of these stores not to open on Sunday, because the volume of business they would get may not merit them opening. At least if the workers want to work, they can do it without falling foul of a law which could stand in their way.

The church, which may have a concern about this, will have to use its own medium to encourage its worshippers not to breach the rules of the specific church. If Sunday is their Sabbath, people will be advised that they do not shop on Sunday. Just as Adventist who believe in Saturday as their Sabbath, would not go shopping on Saturday. They do not get involved in anything on Saturday. They let you know clearly. Look, this is my Sabbath. From 6 o'clock on Friday evening until 6 o'clock on Saturday. Anything between there, I am sorry, that is out. Anybody who goes to an Adventist will know that they tell you that. Even if it is work, they tell you that they cannot come on a Saturday. So that is quite clear. If your church is saying that Sunday is your day, and you strongly believe in it, you will say Sunday is my Sabbath, very sorry, Sunday shopping out for me. Anything on Sunday is out for me, that is an issue which church leaders will have to take up with their worshippers to ensure that they are keeping holy the day that they believe to be the Sabbath day whenever they think it should be.

Another concern raised, Sir, is that of making sure that employers do not victimise workers because they cannot come to work on their Sabbath. I believe that there is some merit for the concern that some employers who might want to force workers to come to work on their Sabbath, might want to use other means of sidestepping these workers, or who might not hire people who cannot work on these days. This would require vigilance on the part of the workers' unions within the institutions itself, to make sure that workers are not disadvantaged because they cannot work on their particular Sabbath.

4.55 p.m.

I believe, Sir, that in a society such as this, common sense will prevail, because the grape vine is very effective and I do not believe that employers will be so naive as to try to discriminate against workers simply because they cannot work on their Sabbath day whenever they perceive it to be.

Sir, I have no problem in supporting this Bill, and I believe that it should not seek the kind of discord that certain scaremongers would want us to believe that it would have. I believe that it is a regulatory mechanism, and I believe that since our society is so ordered, order will prevail, that the church will continue to perform its role, that workers will continue to have the same principles they have always had, and that the society, once this keen institution continue to perform its role, would keep on the same path.

It may bring us unto another discussion as to whether keen agencies within the communities are performing the traditional role which they played for many years. That will be another issue for consideration. Perhaps the answer might lie in whether these agencies are performing their role or not, or whether they need to be more enthusiastic about pushing whatever cause there be, and getting involved in the mobilisation of people when it comes to moral issues.

I want to say once more that I support this Bill. I have no reservation.

Mr. J. O. TUDOR: Mr. Speaker, Sir, this amendment today is another example of the present administration seeking to outdo the previous administration in presenting a position, that clearly was the vision and foresight of the former administration.

The exercise today, Mr. Speaker, is probably some 2 years late. Most of the preliminary work, clearly all of the work preparatory to this Bill being introduced, had already been put in place. There are some areas of the Bill that have been amended in addition to what was intended at the time, and I would speak very briefly to that. In principle, I think that we have and must accept that Barbados has got to, somehow, move with the times and to understand that at some time that you have to take a decision regardless of the views for or against the Sunday shopping or any other issue for that matter.

Now, when I was the Minister of Labour and Public Works, this matter held my attention for some time. Even though I would have been the person introducing Sunday shopping, I certainly would never be incline to want to go and shop on a Sunday because as far as I am concern on Sunday my day is first spent at St. Barnabas Church, and in the afternoon with my constituents in St. Michael East. That is design precisely on a religious basis every Sunday.

When this matter was first raised in the House of Assembly, it was done under the debates of the Estimates of 1994, and I indicated at that time the views of the various interest groups around Barbados. I had indicated that we had put together a council, and we had members of the Barbados Christian Council, the Royal Barbados Police Force, the Barbados Employers Confederation, the Supermarket Groups, the Shop Wages Council, the Barbados Chamber of Commerce, the Barbados Workers' Union, the Barbados Advisory Council on Women and Vendors Association. I indicated then that the rationale behind having this kind of committee, as obviously to determine a position that was generally accepted to the society because it is an issue that is very broad and wide, and may have a number of complications for various groupings.

5.00 p.m.

Now, if I can pick out the Barbados Christian Council, for argument's sake, they themselves, Mr. Speaker, and I am referring to the Hansard record on page 4657 of 1994 because most of the debate today centred around whether it was morally right or immoral to have shopping on Sundays, held the view, and I think a few others indicated that because of the diversity of denominations, it was not possible to obtain an absolute position of the churches in Barbados. This is what I said:

"Their spokesman expressed the view of the four large denominations, that is, the Anglicans, Methodists, Moravians and the Roman Catholic, stating that the churches are concerned about the observance of Sunday as a holy day and the deleterious effect on family life and worship which may result from constrained business activity on Sundays. However, these denominations would not oppose limited opening hours on Sundays."

Aside.

Mr. J. O. TUDOR: I do not move away from the position I held because I felt strongly about it.

The Barbados Labour Party spokesman at the time and the person who challenged me was the Honourable Member for Christ Church West who took a position at the time and said that the Government of the day had some fear in bringing legislation. I challenged him then and I said there was no fear that as far as I was concerned if we had to make a decision we were going to make a decision. I can tell you now that there are Members on my side that were bitterly opposed to it, including the Honourable Member for St. Michael West, and there were Members who were very supportive of having opening hours as far

as that was concerned, and I would not go any further than that. There was a divide certainly within the administration but as the Minister, I still had to take a decision. I felt it was right and proper to progress the legislation and I thought that the compromised position would have embraced all the interest groups and we would have been in a position to have, at least, a palatable situation placed at the disposal of the people in this country.

There was no fear, but what we saw today was the Minister displaying a fear of having to introduce this legislation today. I believe they are reckless when they just seek to open the door as they probably will shortly as there is a by-election and they may even consider declaring a bank holiday on the Monday as a gesture to the people of St. Michael North West instead of celebrating it on a Saturday. They may even go to be as ridiculous as that, but I expect that kind of behaviour if they are going to function in an irrational way.

Aside.

Mr. J. O. TUDOR: It has come across my mind but I do not know if they will do it. I do not put it beyond them because they will say that we gave a bank holiday in 1991.

There was no fear when we were introducing this. As far as I am concerned, we needed to have a compromise position because it would have given persons who were going to be working 3 or 4 hours on the Sunday a chance to either worship in the morning or evening and we certainly would not have discriminated against them in that way.

The Barbados Workers' Union expressed bitter objection to the opening of Sunday shopping and they had good reasons to object. They had reasons to object because of all the complications that were discussed today including the exclusion of legislation that would seek to protect the workers from any discriminatory acts by employers. It is a major concern.

One of the other concerns as well is that from an economic point of view, if the supermarkets, for example, decide they are going to open on Sundays, it just means that they are increasing their operating costs by having to open on Sundays but it does not mean they are going to make more money as a result of opening on Sundays, so it is not in their interest to open. The market will determine that because if one supermarket opens then everybody will feel compelled to open. But if they can sell all the goods they would have sold on Sundays it means they would have reduced their operation cost and spread it over the increased sales they would have had on either the Friday or the Saturday. There is no real benefit to the supermarkets or to the stores to be open on Sundays.

I still support the fact that Government itself should not put a block in the way of the society and this legislation should be brought as an open door policy and let the moral fabric of the society do the rest because it is really a nuisance to have applications coming every week into the Ministry of Labour applying for a licence to open Sunday or next Sunday. It is really ridiculous. Set a policy as we have done here today and let the moral society do the rest because if the supermarkets are of the view that it makes no economic sense to open on Sunday, even though the legislation provides for it, will leave their doors close and let the moral society take its natural place.

We will find out if Barbados is moral or immoral because those people who want to go to church will go to church. Those people who want to gamble on Sundays will gamble on Sundays, if you are not going to change your society that way, but I have no offence by the legislation. I think the only thing the Minister failed to do was to congratulate me for having conceptualized it in the first place. It is not too late. He has time to wind up and I expect he will do that properly and show good faith as far as that is concerned.

Mr. Speaker, I want to make this point right now. There is a problem affecting us in Barbados right now in Government. There are some employees in the Government service who are seeking to attend healing services on some Thursdays. There are some special services where they have healing on Tuesdays and Thursdays during working hours, 11.00 a.m. to 12 noon. There are some employees who are being victimised by supervisors, not by Ministers or by senior Government officials, but by supervisors when they are asking for time to attend these healing services or upliftment services.

I have written two Ministries about the problem because it came to my attention. I am concerned that if there are persons who want to worship or attend special services during the week they should be granted that time without any interference. But there are persons, and I am going to privately talk to the Minister if he would speak – but the Minister does not like to speak to me. I mean that particular Minister. I am not going to call names, but if he would speak to me I would teach him a lot.

We have to be conscious that there are persons being affected today who would like to attend special services, not necessarily on Sundays, but they are being discriminated against. Some people will take advantage of it too. Some people will tell you they are going to church, or they are going to do that and then go somewhere cooling off and doing something else. People do take advantage of the system but clearly what we have to recognise in the society is that Barbados must not put blocks to development. If we are to see Barbados move into the 21st century where there are scenarios, if you can take Bridgetown as an example, where the streets are

properly lit, where there is entertainment, where there is activity extended beyond 4.00 o'clock, where visitors and locals alike and entertainers can walk in a promenade-like environment, where there are all kinds of activities beyond the normal hours, where I have seen it in Germany, Berlin, Canada, all over the States and even in Trinidad ...

Aside.

All of these cities come alive at all kinds of hours. Even in Africa there are lot of these promenade type scenarios where there are properly lit and there are all kinds of entertainment, people are singing in the street together and showing a lot of love and harmony in the society. I would like to see Barbados to the point where we have open activity morning, noon and night but the choice must be reserved at the dictates of the society.
5.10 p.m.

Aside.

Mr. SPEAKER: Just proceed.

Mr. J. O. TUDOR: If they did not turn around Nelson they would not have found gold. They are worth a lot of money today.

Mr. Speaker, I am going to conclude by just simply saying that I support this legislation because it makes sense and the Minister would have done a complete job in terms of bringing it to this level.

The point made by the Honourable Member for St. Philip South regarding the protection of the workers is a point that must be seriously addressed because we know that this legislation for all intents and purposes will seek to say, okay if I do not want to work on a Sunday, no problem. But you know the next week they will find another reason to send you home. That is how employers will operate. They might not send you home for not working on a Sunday but they might send you home for looking at the Manager too hard, or they would find some other reason to send you home and that is a case in point that I think most administrations over the years have failed to address. It is about time that we, as Parliamentarians, put that to rest and the Attorney General has promised us he would look into that matter but I hope that that promise is not like the promise of his resignation about closing the dump at Mangrove.

Hon. D. A. C. SIMMONS: That is really out of order this time, Sir. Mr. Speaker, you will note that since September 7, 1994 I have deliberately refrained from making any statement at all to do with Greenland landfill so do not get involved. Do not say anything for certain reasons. The Honourable Member has now told a barefaced lie again about I threatened to resign.

I am sorry, Sir, I withdraw.

Mr. SPEAKER: It has been withdrawn.

Hon. D. A. C. SIMMONS: The person who threatened to resign was the Honourable C. V. Walker. In February 1994 on a visit to the dump, Sir, he said, if it was not sorted out by August he was going to resign. Well we took care of that otherwise in another way. Not me, I have never spoken on the dump since I have been on this side.

Mr. J. O. TUDOR: Mr. Speaker, Sir, maybe my memory is failing me but I recall that it was so reported in the newspaper that Honourable Members on that side...

Mr. SPEAKER: Could you proceed, please?

Mr. J. O. TUDOR: Mr. Speaker, I just want to make the point that this legislation as it stands, as far as I am concerned, is palatable, very acceptable and what I am going to suggest to the society is that it should fall in place. If you feel morally bound and the point must be made, and if collectively we feel that we should not be actually shopping even though the law provides for it, let us do what we feel is morally right. And that call must go out to the society. I do not think it should be a dog eat dog world but the reality of the situation is that once you start to go and one person opens on Sundays the whole door will be wide open so it is a matter of controlling the society, monitoring it, putting checks and balances in place, working with the police and those other institutions to ensure that there is proper structured implementation of this amendment.

I hope those few words would indicate that I am going to support this legislation and I really have no difficulty in joining Members with its safe passage.

Hon. R. St. C. TOPPIN: Mr. Speaker, I wish to make a few points in this debate. A lot of ground has been covered already but I want to say that I give my full support to the Bill before the House especially since it really moves us away from a very old system rooted in something I understand was some Sunday observance laws in England which are outdated even there today.

Now, there are many who feel and who say in opposition to the Bill that nothing at all should be done on a Sunday except worship but I think that it is clear that merely opening a shop on Sunday will not in anyway prevent people who want to do so from going to church in the same way that there has been Saturday shopping now for many, many years and it has not prevented the Seventh Day Adventist from practising or observing their particular religion.

I really did not expect, during the course of today, any partisanship coming from the Other Side and we really

did not see any of it. The Honourable Member for St. Michael East referred to his comments during the 1994 Estimates when it was he who mentioned the whole question of Sunday shopping and he said that we are two years too late. In fact the said Honourable Member from back in March 1994 informed the House back then that his Cabinet had already approved of the amendment to the Shops Act and he said that within a short time an amendment would have been brought to the House and that was March. The fact is, Mr. Speaker, I just want to set it in its proper context because what was being said at the time by the Honourable Member for Christ Church West and rightly so was that there was a fear to introduce the legislation that would not limit it in the way in which it was being proposed to be brought. The Honourable Member can say that the origin of the legislation in fact can be found in 1994 but in fact not an origin in the form in which it is being presented today. I just want to clarify that. So, Mr. Speaker, there is really no room for any politics today. This matter really has to be approached by...

Asides.

Hon. R. St. C. TOPPIN: Mr. Speaker, if the Honourable Member for St. Michael West wishes to speak I can give way and let him speak.

Mr. J. O. TUDOR: Mr. Speaker, I made that point very clearly. I indicated that there would be a divide between where we stood because our position was a compromise position and the position being taken which the Honourable Member is referring to is an open-ended situation which was opened without any restrictions. I made it very clear that I understood that there was a divide between the two of us, that we were going for a compromise position with limited opening hours and the suggestion was being made that we should open the doors all day anyhow.

Hon. R. St. C. TOPPIN: It is clear that the Honourable Member really at the time wanted unlimited shopping. That is clear from the speech he made in the Estimates. So I am saying really, Mr. Speaker, that today we would want to approach and we did approach it from a position of common sense and already in Barbados we have cricket on Sunday, football on Sunday, cinema on Sunday and shopping on Sunday. The problem is that shopping on Sunday, as it is now, is discriminatory and what this legislation seeks to do is to level the playing field in such a way that all shops will have the right to open on Sunday.

Now what I really want to do today, Mr. Speaker, is to look at this new policy in relation to cruise tourism and the policy of the new Bill is really a step in the right direction because tourists quite often make decisions as to what destinations they are going to visit, sometimes solely on the basis of their accessibility to shopping facilities

in the particular destination, and that is a fact. So this provision is really a step in the right direction insofar as it assists cruise tourism. The Barbados Port Authority will be able to approach the issue of discussions in relation to the rescheduling of cruise vessels now with more conviction and with a view to having them come to Barbados on weekends including Sunday because of this legislation. Now some might jump to say as was said earlier today that you could have always gotten the necessary licence to open on Sundays. But the fact of the matter is that you had to apply and pay a nominal fee and you had to get your licence which was cumbersome and tedious and, not only that, it was a disincentive to some shops to open on Sunday. This now removes that obstacle and in my view clearly will better serve the interest of the local retail sector.

5.20 p.m.

Sir, having acknowledged that we will assist the sector, what we must now do is to urge retailers of shops to fully capitalize on the opportunity being provided here to get people, and I am speaking in the context of the cruise ship people, to spend more money in Barbados so that they the shop owners, the people of Barbados and the economy of Barbados can in fact benefit. Firstly, we hope and we expect that as a result of added shopping hours and so on we are really appealing to shop owners across Barbados to take the opportunity to employ some of the young people and others who are presently unemployed to work in their establishment when they open on Sunday, even if in the first instance it is only part-time employment. That will still nonetheless ease the situation that we presently have which is already being eased, but any ease we can get we appreciate.

Secondly, and what I am going to spend a bit more time on, it relates to getting cruise tourists to spend more money in Barbados as a result of this measure being introduced today. Now at present, Mr. Speaker, the number of cruise tourists visiting are increasing and at present the prospects are good. Last year we had on the information of the Barbados Port Authority over a half million cruise visitors to Barbados. This year as of October 31st we had 424 636 cruise visitors compared with 396 162 over the same period January to October last year which represents 7 per cent increase this year compared to last year.

Mr. Speaker, a number of studies have been done but a study has been done by BMS – Total Research Strategic Marketing Services 1995 commissioned by the Barbados Port Authority which confirmed that Barbados cruise tourism is satisfactory when compared with other Eastern Caribbean destinations. Another study found that there really were no apparent weaknesses in Barbados' port operations and facilities and generally cruise ship passengers have a very high regard for Barbados as a port-of-call. Now in light of all of that, Mr. Speaker, the

challenge is to get visitors to spend more time in Barbados. It cannot just be a continuation of business as usual because merely opening a store for an extra couple of hours or an extra day will not automatically result in increased sales especially *vis-a-vis* cruise ship passengers.

As it now stands, Mr. Speaker, on the basis of a study commissioned as well, it was found that the average cruise passenger now spends in Barbados U.S. \$61.00 per visit and the average crew member spends U.S. \$33.00 per visit, a total of U.S. \$94.00. That has in fact put Barbados 8th out of 10 ports surveyed earlier this year in the Caribbean. Places like St. Thomas in the Virgin Islands had figures like U.S. \$255.00 per passenger and U.S. \$73.00 per crew member and other countries who are ahead of us are San Juan, Ocho Rios, the Bahamas and Curacao in spending by passengers and crew members when taken as a total. So what is significant is that while the overall level of satisfaction for Barbados is said to be good by visitors, we were 4th in that regard. But when it came to shopping some 34 per cent of the people interviewed said that they would have shopped more in Barbados if there was more value for money in Barbados and 20 per cent said that they would have increased shopping in Barbados if shopping would have been more varied in Barbados.

The further finding was that in fact cruise passengers were spending \$3.00 more on ship than on shore while the ship is in Barbados as compared with other jurisdictions where in fact the obverse was obtained. So you have the concept of value for money and not getting value for money being mentioned by cruise passengers. So shops and stores in Barbados have of necessity to look at the product that they are offering people who come to visit us in Barbados especially when you are dealing with the cruise market where people come on shore for shopping. They must be conscious of the product that they are offering and it is very serious and at the same time a very delicate issue.

If you look at a place like St. Thomas in the U.S. Virgin Islands, they have for example a number of international shops because of their relationship with the United States. We do not have those types of international shops which appeal to some cruise visitors. On the other hand, that is compounded by the fact by a comment also made by cruise ship visitors that there really was nothing unique about the product that was being offered in Barbados to them especially in the duty free shops. This really in my view presents a challenge to the stores and the shops to really come up with the right mix and provide value for money for the shoppers. It is therefore necessary for a number of persons in Barbados, including and perhaps especially the small businessman in Barbados, to provide a service as well to benefit under this Act and to come up with ideas, products and services which will be unique and offer that mix and value, the visitor

is coming to Barbados to get, who can come up with the right mix and provide a value for money.
5.30 p.m.

I will be doing all I can to assist the craftsmen from Eden Lodge, for example, to ensure that they can play a role in supplying a product to these people. Areas like Cave Hill Main Road with that beautiful look-out again should in my view come within the area of services to be offered to tourists.

Mr. Speaker, as I said this evening, I fully support the Bill. It is a Bill, as the Member for St. Michael East said, that will give options to everyone and we will take it from there. Mr. Speaker, I totally support it and would urge Members of the House to do likewise.

Hon. R. N. GREENIDGE: Mr. Speaker, I rise to wind up and in so doing I want to thank all Honourable Members who spoke on the Bill. To be quite honest, Mr. Speaker, I think the debate went as smoothly as I would have hoped and indeed even more smoothly than I had anticipated. I think most Honourable Members were very sincere and I do believe that it was only the position coming from the Honourable Member for St. Michael South Central with which I had some problem.

I want to give all Honourable Members the assurance that the Labour Department will monitor the situation to ensure that workers are not victimised as far as possible for refusal to work overtime or refusal to work on their day of worship. We also see it as absolutely necessary that we put in place some checks and balances. We now have for the first time since I was there a full complement of labour officers at the Department and we intend to make full use of them. It may even be possible, as was suggested, that we may have to get a few more for this particular purpose.

The whole idea of educating workers and public awareness programmes of what will transpire under the Shops Act, is not forgotten either. Indeed, when Cabinet met it was the will of Cabinet that we put this in place, that is, some public awareness policy programme as to what will happen now under this new Shops Act. So consideration is already being given to some of the concerns which some Honourable Members have raised.

The next point, Mr. Speaker, I want to refer to is the idea and the point raised by the Honourable Member for St. Philip South first and then by the Honourable Member for St. Michael West. They all spoke of the need for employee protection legislation. This, I agree, is absolutely necessary and I must say that when the CARICOM Ministers of Labour met one year ago one of the things that concerned us was to harmonise the legislation where employee protection is concerned. We did not want to have a situation where Barbados had one set of employee

protection legislation and Bahamas had another and St. Vincent had another. So we thought it best to harmonise them and pull them all together and come up with a common position as to employee protection in the Caribbean.

Barbados obviously has its part to play as we are all part of the same forum and we all intend to put our heads together and come up with a common position to have effective employee protection legislation in this region.

I believe why both sides would have been a bit tardy in getting employee protection legislation on the statute book is because we seem to be in a relaxed situation where this area of the law is concerned. We seem to be satisfied with the fact that we have the wrongful dismissal law and we seem to say that once that is there or once we can go into the court and we can have a decision one way or the other then that is sufficient. But the odd occasion arises when the common law can be a bit nebulous and employee protection legislation can be that more specific and exact. In a case where a person could very well lose a case because there is no effective employment protection legislation, we want to ensure that that does not happen. Therefore we think it absolutely necessary to have employment protection legislation on the statute book as soon as possible.

Mr. Speaker, where the minimum wages is concerned I think that point was raised by the Honourable Member for St. Michael South Central when he spoke and his concern was that it is high time in Barbados that we increase and do something with the minimum wage. I want to say that long before he thought about that we at the Ministry of Labour had thought about it as well. Indeed, the Wages Council actually met. That was a tripartite situation you are talking about where you have members from the employers and members from the unions and the Government is also represented because the Minister appoints 3 persons to the Wages Council. Therefore you had these persons meeting and they have already come up with some figures and if the Honourable Member for St. Michael South Central was really following he would have realised that that was published in the *Gazette* on October 17 and 24th and these figures are now out to the public for comment. We hope to have comment and discussion on it and then we are going to have a new position on the minimum wages in Barbados.

A lot of the points which have been raised by Honourable Members we are already addressing those at the Ministry of Labour. As I said, I want to thank all Honourable Members who spoke on the Bill and to give them the assurance that we are cognisant of their concerns and that we will do whatever possible to ensure that there is no obstacle or obstruction placed in the way of seeing that this Bill has a very smooth operation as time goes on.
5.40 p.m.

Having said that, Mr. Speaker, I beg to move that this Bill be now read a second time.

Hon. D. A. C. SIMMONS: I beg to second that, Sir.

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

Hon. R. N. GREENIDGE: Mr. Speaker, I beg to move at this point that Your Honour do now leave the Chair and the House resolves itself in Committee.

Mr. SPEAKER left the Chair and the House went into Committee with Mr. W. C. C. CALLENDER in the Chair.

Mr. CHAIRMAN: This Honourable Chamber is now in Committee.

Hon. R. N. GREENIDGE: *Clauses 1 – 5 inclusive were called and passed.*

On the motion of Hon. R. N. GREENIDGE, seconded by Hon. D. A. C. SIMMONS, Mr. CHAIRMAN reported the passing of one Bill in committee and Mr. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. R. N. GREENIDGE, seconded by Hon. D. A. C. SIMMONS, the Bill was read a third time and passed and cited as the Shops (Amendment) Act, 1996.

QUESTION TIME

Hon. D. A. C. SIMMONS: Mr. Speaker, I beg to move that Question Time be now taken.

Mr. SPEAKER: The Honourable Member is not in his seat, so will the answer be laid, please?

Rt. Hon. O. S. ARTHUR: Mr. Speaker, I beg to move that the Reply to Parliamentary Question be laid.

Hon. D. A. C. SIMMONS: Mr. Speaker, Sir, this is the end of Government Business.

ADJOURNMENT

Hon. D. A. C. SIMMONS: Mr. Speaker, I beg to move that this Honourable House be now adjourn until Tuesday, November 19, 1996 at 11.00 a.m., Sir.

Rt. Hon. O. S. ARTHUR: I beg to second that, Sir.

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

CONTENTS

MINUTES

Hon. D. A. C. SIMMONS 3908

Confirmation of Minutes of Tuesday, November 5, 1997.

MESSAGES FROM HIS EXCELLENCY
THE GOVERNOR-GENERAL

Mr. SPEAKER 3908

Message from His Excellency the Governor-General issuing the Writ for election in St. Michael North West.

PAPERS

Rt. Hon. O. S. ARTHUR 3909

1. The Duties, Taxes and Other Payments (Exemption) (No. 16) Order, 1996.
2. The Duties, Taxes and Other Payments (Exemption) (No. 17) Order, 1996.
3. The Duties, Taxes and Other Payments (Exemption) (No. 18) Order, 1996.
4. The Duties, Taxes and Other Payments (Exemption) (No. 19) Order, 1996.
5. The Duties, Taxes and Other Payments (Exemption) (No. 20) Order, 1996.
6. The Duties, Taxes and Other Payments (Exemption) (No. 21) Order, 1996.
7. The Duties, Taxes and Other Payments (Exemption) (No. 22) Order, 1996.
8. The Customs Duties (Dumping and Subsidies) Order, 1996.
9. The Annual Report of the National Insurance Board for the year 1995.

FIRST READING OF BILLS

Hon. D. A. C. SIMMONS 3909

1. The Civil Establishment (Amendment) Bill, 1996.
2. The Pensions (Miscellaneous Provisions) Bill, 1996.

OBITUARY SPEECHES

Hon. D. A. C. SIMMONS 3909

Tribute to the late Mr. Maurice Ward, former Member of Parliament.

Rt. Hon. L. E. Sandiford, 3910; Dr. R. C. Haynes, 3911; Hon. Sir Harold St. John, 3912; Mr. B. M. Taitt, 3914, 3915; Mr. D. Carter, 3916; Dr. R. L. Cheltenham, 3917; Mr. J. O. Tudor, 3918.

SUSPENSION OF STANDING ORDERS

Hon. D. A. C. SIMMONS 3919

Suspension of Standing Orders 6, 16, 18 20 42(5), 43 and 44 for the remainder of the sitting.

GOVERNMENT BUSINESS

ORDER NO. 2 – THE SHOPS (AMENDMENT)
BILL, 1996 3919

Hon. R. N. Greenidge, 3919, 3920, 3921, 3923, 3942; Mr. F. J. Stuart, 3925, 3926, 3927; Dr. R. C. Haynes, 3928, 3929, 3930; Mr. B. M. Taitt, 3932, 3933, 3935; Mr. W. C. C. Callender, 3935; Mr. J. O. Tudor, 3937, 3939; Hon. R. St. C. Toppin, 3940.

QUESTION TIME

Rt. Hon. O. S. ARTHUR 3943

Laid Reply to Question No. 36.

SUSPENSION 3919

ADJOURNMENT 3943

Hon. D. A. C. Simmons, 3943.

SPEAKERS IN THIS ISSUE

ARTHUR, Rt. Hon. O. S. (St. Peter)
CALLENDER, Mr. W. C. C. (Christ Church East)
CARTER, Mr. D. (Christ Church East Central)
CHELTENHAM, Dr. R. L. (St. Joseph)
HAYNES, Dr. R. C. (St. Michael South Central)
St. JOHN, Hon. Sir Harold (Christ Church South)
SANDIFORD, Rt. Hon. L. E. (St. Michael South)
SIMMONS, Hon. D. A. C. (St. Thomas)
STUART, Mr. F. J. (St. Philip South)
TAITT, Mr. B. M. (St. Michael West)
TOPPIN, Hon. R. St. C. (St. Michael North)
TUDOR, Mr. J. O. (St. Michael East)