
THE

House of Assembly Debates

(OFFICIAL REPORT)

FIRST SESSION 2003 – 2008

HOUSE OF ASSEMBLY

Monday, May 3, 2005

Pursuant to the adjournment, the House of Assembly met at 10.00 a.m. on Tuesday, May 3, 2005.

PRESENT

His Honour I. A. ROETT, G.C.M., B.A., Dip. Ed. (Speaker)

His Honour J. M. EDGILL, J.P. (Deputy Speaker)

Hon. Miss M. A. MOTTLEY, Q.C., LL.B. (Deputy Prime Minister, Attorney General and Minister of Home Affairs) (Leader of the House)

Mr. L. R. TULL, Q.C., M.A. (Oxon.)

Hon. Dame Billie MILLER, D.A., B.C.H. (Senior Minister and Minister of Foreign Affairs and Foreign Trade)

Mr. G. W. PAYNE, LL.B.

Hon. R. C. EASTMOND, B.A. (Hons.), Dip. Ed., LL.B. (Hons.), L.E.C., J.P. (Minister of Labour and Social Security)

Hon. G. A. CLARKE, B.Sc., Dip. Ed., J.P. (Minister of Public Works and Transport)

Hon. R. D. MARSHALL (Chairman of Committees)

Hon. H. F. LASHLEY (Minister of Social Transformation)

Mr. R. St. C. TOPPIN, LL.B. (Hons.)

Mr. D. St. E. KELLMAN

Hon. Miss C. Y. FORDE, J.P. (Minister of State, Ministry of Education, Youth Affairs and Sports)

Mr. T. A. PRESCOD, B.A.

Rev. J. J. S. ATHERLEY, B.A., B.Sc., J.P. (Parliamentary Secretary to the Attorney General and Minister of Home Affairs)

Hon. A. P. WOOD, B.Sc., M.Sc., M.Phil., J.P. (Minister of Energy and Public Utilities)

Mr. C. A. MASCOLL, B.Sc. (Econ.) (Hons.), M.A. (Public Finance), (Leader of the Opposition)

Hon. J. X. WALCOTT, M.B., B.S., F.R.C.S. (Edin.), J.P. (Minister of Health)

Hon. K. D. SYMMONDS, B.A., LL.B. (Minister of State, Ministry of Foreign Affairs and Foreign Trade)

Hon. D. D. MARSHALL, LL.B. (Hons.), L.E.C. (Minister of Industry and International Business)

Mr. R. D. JONES, B.A. (Hons.), M.A. (Ed.), J.P.

Dr. D. C. ESTWICK, B.Sc., M.B., B.S.

Mr. R. L. SEALY, B.Sc., M.B.A.

Prayers were taken by Canon Father Ivan Harewood.

Mr. SPEAKER: The House is now in session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, April 26, 2005.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I beg to move that the Minutes of this the Honourable the House of Assembly of its meeting of Tuesday, April 26, 2005, which Minutes have been circulated, be taken as read.

Hon. R. C. EASTMOND: I beg to second that, Sir.

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

ANNOUNCEMENTS BY HIS HONOUR THE SPEAKER

Mr. SPEAKER: I am to report to this Honourable House that I am in receipt from the Accountant General the Accounts and Statements for the month of December 2004.

PAPERS

Hon. R. C. EASTMOND: Mr. Speaker, I am commanded to lay the following documents:

1. Annual Report of the National Insurance Board for the year 2003.
2. Annual Report of the Sugar Workers' Provident Fund for the year 2003.
3. Annual Report of the Severance Payment Scheme for the year 2003.
4. Annual Report of the Unemployment Fund for the year 2003.
5. Annual Report for the Labour Department for the year 2000.

ORDERS OF THE DAY

SUSPENSION OF STANDING ORDERS

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I beg to move that Standing Orders Nos. 6, 8, 18, 20, 42(5), 43 and 44 be suspended for the rest of this day's Sitting.

Hon. R. C. EASTMOND: I beg to second that.

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

GOVERNMENT BUSINESS

ORDER NO. 5 – THE SECOND READING OF THE SAFETY AND HEALTH AT WORK BILL, 2005

Mr. SPEAKER: The Honourable Member for St. James North.

Hon. R. C. EASTMOND: Mr. Speaker, in the year 1938, in the North Atlantic common law world an event of some significance occurred. It occurred before the Honourable House of Lords where in a case called *Wilson and Clyde Coal Company vs. English* it was held that an occupier, who was an employer, held a duty of care and civil obligations to employees to provide a safe place of work, safe materials, fellow employees, safe system of work and all relative matters.

Sir, at first glance, coming as it did six years after Lord Atkin's famous statement in *Donoghue vs. Stevenson* on the duty of care, it was clear that the court was laying down a civil obligation on the employer. In time, despite the fact that other case law reaffirmed these principles about the duty of care owed to the employees, safe system of work, materials, place of work and fellow employees, it was nonetheless realised, as time evolved, that notwithstanding the enthusiasm of the courts to try to provide safety to employees, that in a civil law framework, many people who

suffered civil wrongs, were reluctant to come forward to the courts, could not pay, or for some other reason did not assert their rights.

Mr. Speaker, by 1960, in the United Kingdom and North America, there were moves to create a higher liability, higher than the normal civil law on employers to ensure the safety of their employees. Beginning early in the 1960s, different jurisdictions saw the introduction of Factories Acts and related legislation with the view to lay down particular guidelines in Industrial Relation Standards to employers, to indicate that they were dealing, not only in an environment where the manufacturing industry, in particular, sometimes presented threats but they were clearly dealing in an environment where, very often, human lives were at risk. As the world evolved, dangerous machinery came into play, dangerous chemicals came into use and a number of systems of work presented hazards; it was clear that to leave obligations of occupiers and employers in a civil law sense would have been insufficient.

In Barbados, there is some evidence that before 1966 there had been efforts to lift standards at work, to make sure that employees and other persons in workplaces could be protected legally. Those Honourable Members, who are old enough and sufficiently experienced in parliamentary matters, know that on March 1, 1984 a Proclamation was issued bringing into effect the Factories Act of Barbados which sought to codify the law, protect certain employees, defined factory in a particular way which, interestingly, despite its potential to correct some mischiefs, was seen, before the ink dried on the Proclamation as not being the proper mechanism. By the time the Proclamation was issued and the Factories Act of Barbados came into existence, the International Labour Organisation had indicated to the world that beyond the factories law, it was necessary to have a holistic legislative regime by which safety and health should not just be promoted in factories but should be promoted in every working environment.

Mr. Speaker, we have noticed, consequent upon investigations since 1984, that the Factories Act was not good enough to protect the vast majority of workplaces. Clause 3 of the legislation, which is before us, will spell out to this Honourable House that this new Health and Safety Act will treat to all workplaces except the Police, Navy and Military.

Sir, against a background where 80 per cent of all workplaces in Barbados were not covered by any type of legislation, Government has decided today, after years of careful study ... By Government, I do not only mean the Government of this day, there was a Government that preceded this Government which also gave its mind to the question of the protection of workers.
10.25 a.m.

Today, what we are going to do here, Mr. Speaker, is to set out to improve conditions at work, bearing in mind the sanctity of the human being and bearing in mind that the worker at work should be so respected as to ensure that the worker's person is not destroyed, mutilated, damaged or put at risk.

Mr. Speaker, the importance of this legislation is that it is to occur in a culture where we, over the years, have seen particular occurrences which we could have done well without.

I recall 35 years ago, Mr. Speaker, that a young girl in this Barbados died after having been suspected to have been over exposed to lead.

I recall, Mr. Speaker, in this country a mere three or four years ago around Christmas time, someone perished while working in a place which was experiencing a fire.

I recall, Mr. Speaker, another instance where someone working in a trench lost his life.

I am advised that quite recently, Mr. Speaker, some such other unfortunate episode occurred here.

We are saddened by these occurrences and we bear the suffering families in mind at this time.

Mr. Speaker, other things have also occurred in this Barbados to show that there have been instances where, in the absence of proper legislative protection, particular employees have been treated unfairly. Let me tell you of a case which occurred in this country recently on Broad Street.

Mr. Speaker, there was a building in Broad Street – and I will not use my Parliamentary privilege to name it but I can, if I want to – where employees were of the view that they were inhaling substances, which were causing them to get sick. One employee consulted her lawyer and asked the lawyer to write a letter asking the employer to correct the situation and that employee was dismissed. Sir, this cannot be right.

Mr. Speaker, all of us in this House have a social conscience and this is a clear case where an employee, in seeking to assert her rights, lost her job. Sir, among the many things we have to ask and answer would be, what would have motivated the employer? Was it spite or ill-will?

Mr. Speaker, in the days of the ancient Common Law, when the Common Law in industrial relations first evolved, every employer indicated that the employee owed the employer a duty of fidelity.

Mr. Speaker, a duty of fidelity vaguely expressed, or expressed in mere general terms is capable of many

connotations. It is highly probable that if the employer who dismissed that female employee in Broad Street had been asked why he dismissed her, in his defence he would have said that she went to a lawyer for me and she was not loyal and faithful to me as her employer so I dismissed her.

Sir, of course, in favour of the employee, the question must be asked if one's workplace becomes hazardous must one, labouring under some apprehension that one is to be faithful and loyal to the employer so compromise one's rights, as to grin and bear, as to cut the face and spoil the features, at the peril to one's health.

There would come a day, Mr. Speaker, in this country when employees will, for the first time, be able to refuse dangerous work. I shall revert to that later but suffice it to say at this stage that in the context of dangerous work over the years, there can be no question that many a worker had been overexposed to dangerous work and by being in an inferior bargaining position, Sir, would have continued to endure oppression at work, continued to get sick or would have been forced out of the employment.

10.30 a.m.

In the context of what we are looking at here today, Mr. Speaker, which is the right to refuse dangerous work, it must not be exercised willy-nilly or wantonly. Sir, even though it is a right, it must be subject to certain reasonable conditionalities that smack of fairness, conscience, equity and conditionalities that would suit the reasonable person.

Mr. Speaker, this particular piece of legislation is by no means, short. Honourable Members are encouraged to read any briefs they might have, but not everyone will have a brief. Sir, in the event that they find it very difficult to read through these many clauses, they are advised to read from Clauses 1 to 11, leave out Clauses 12 to 31, then read from Clause 32 to the end, and then get back to Clauses 11 to 31 which are very technical.

Mr. Speaker, the question arises as to what we are doing here today, in a situation where, by the time this Parliament passes this piece of legislation, if Parliament is so minded, the question will be, what will become of the Factories Act of 1984.

The Factories Act will be repealed but in a situation, Mr. Speaker, when there are manufacturing industries, what we are doing here is taking out the viable parts of the Factories Act and putting them into this new legislation. In instances where the Factories Act had proved deficient, we shall make provisions that will, of necessity, inure to the benefit of the working population of Barbados.

This country, Mr. Speaker, has seen persons of the ilk of the late Rt. Excellent Errol W. Barrow, the late

Rt. Excellent Frank Walcott, the late Rt. Excellent Sir Hugh Springer and the late Rt. Excellent Charles Duncan O'Neal who, in their visionary way had a programme for the working class. They are no longer with us but these National Heroes would, if they could, welcome what we are doing here today in the interest of the late Rt. Excellent Sir Herbert Grantley Adams as the founder of the modern Labour Movement, and the late Rt. Excellent Sir Frank Walcott, the doyen of trade unionists, because clearly, Sir, what we have had so far, have not been enough.

Mr. Speaker, with your permission, I shall quickly look at particular provisions which are rather novel. As I indicated earlier, I would want Honourable Members who have briefs to make use of them in the aim of a debate not for the Government but a debate for Barbadians.

Mr. Speaker, under the old Factories Act, there was a provision that the employer could not expose the employee to severely hot temperatures.

Mr. Speaker, that is all right. A person should not be exposed to high temperatures when they are clearly a threat to them.
10.35 a.m.

Mr. Speaker, the legislation that is being replaced today had a provision that extremely hot temperatures were undesirable and were hazardous to workers, but it had no provision that severe overexposure to extremely cold temperatures was a mischief to be dealt with. Today, with Parliament's blessings, we will provide that both, the excessively hot temperature and the excessively cold temperatures, are a no-no. Often, Mr. Speaker, people fall ill through exposure to incorrect temperatures.

Mr. Speaker, Honourable Members, if they had looked at the Bill carefully, would realise that for purposes of what we are doing today that a significant amount of this Bill is taken up with protection from fire.

Mr. Speaker, the Chief Fire Officer will have power to issue licences approving premises as being fit and proper for the conduct of business. The Chief Fire Officer's responsibility will be to inspect, evaluate and issue permission. Where the employer is going to modify or add to a building that was previously approved, the employer/occupier has to go back to the Chief Fire Officer and submit plans about the extensions or the improvements and solicits the Chief Fire Officer's permission for the expansion. The Chief Fire Officer must be satisfied that the expanded premises are in order.

Mr. Speaker, in every workplace, the employer bears the responsibility to train and prepare staff in the event that there is a fire. In addition, consistent with the provisions of this particular piece of legislation, every occupier/employer

is under a duty to indicate to their employees that the workplace has a policy on safety and health. Mr. Speaker, somebody might ask if you would leave it to the employer to enunciate a policy on health and safety, for after all the employer might be tempted to introduce his own narrow subjective policy. However, such a policy, Mr. Speaker, has to coincide with the provisions of this Bill and any regulations that may follow this Bill.

In instances, Mr. Speaker, where an employer feels aggrieved at the decision of the Chief Fire Officer, there is redress. If an employer feels that the Chief Fire Officer has rejected his or her application for a certificate of compliance or that he or she has been wronged, then as soon as is practicable and certainly within seven days of having been refused, the employer/occupier can go to a magistrate and asked for a review. The reason for allowing the matter to go to a Magistrates' Court is that Magistrates' Courts are courts of summary jurisdictions and are supposed to move faster than other courts. Courts of summary jurisdiction have been established with the aim to move cases fast, so rather than provide that an aggrieved employer should go to the High Court, we are permitting any aggrieved occupier/employer to go to the Magistrates' Court. This is without prejudice to either a review or an appeal from the Magistrate's decision or any other civil law remedy that may exist.

Indeed, Mr. Speaker, much as this particular Bill will introduce criminal sanctions for non-compliance, civil law remedies as they are and have been known in Tort, and Breach of Contract will continue to run parallel to the provisions here, so the employee now has double protection.

Mr. Speaker, there are provisions in this particular Bill respecting young employees. Earlier in this contribution, I indicated that many years ago in this country a young lady had been exposed to lead and had died. Mr. Speaker, where some workers are more vulnerable than others, there is provision in this Bill for the protection of them, especially young employees and the specially challenged.

Honourable Members, if they read Clauses 73, 74, 75, 76 and 77, will see that under this Bill the Chief Labour Officer will have power to appoint a medical person as a doctor or a panel of medical people with the view to allowing these learned and distinguished doctors to be classified as factory doctors or workplace doctors, if you want to call them that, with the aim to ensure that whenever there are suspicions of conditions that are injurious to employees' health and welfare, especially to very young people between the ages of 16 and 18, there can be medical intervention.

Similarly, there is provision that women, especially those who are pregnant, must not be exposed to oppressive conditions. May I highlight, Sir, for the benefit of

Honourable Members two particular provisions. Generally speaking, there is a ban against young people and women lifting excessively heavy objects. Where a lady is pregnant and can satisfy her employer, by medical evidence, that she is pregnant, the employer will be under a duty to ensure that she is moved from heavy work to lighter work on terms of employment no less favourable than what she was in. Sir, up to six months after delivery there will be protection for that mother who has given birth to a newborn child, so there is humanity in this Bill in respect of the vulnerable groups.

Mr. Speaker, we live in a Barbados that has achieved a measure of development over the years. I remember a calypsonian once singing some years ago in reference to particular buildings evolving 'they are malling we', and so, Mr. Speaker, the question arises as to high-rise buildings and malls.
10.45 a.m.

Mr. Speaker, there is provision in this Bill that where an individual owns a mall and that mall is divided into compartments, with each compartment being a workplace, the provision states that rather than requiring each employer of each compartment, the overall owner of that mall or business will be treated as occupier and will, therefore, attract the obligations which are necessary in the interest of justice.

Sir, there are some of us who know that there may be a situation existing in some malls where a business might open up in January and by March would have closed, and when a check needs to be made, it is found that the employer of that closed business cannot be located. Sir, the attitude of this Bill is to make the overall occupier of that complex to be responsible in law, so that the occupier could, in the first place, determine contractual terms with his tenants.

Sir, if a piece of legislation is saying that the corporate entity or that individual owning the mall is responsible to satisfy health and safety requirements, the question arises as to how fair it would be to that person. Sir, to use an example, a practical businessman knowing that he is going to be made legally liable and subject to particular obligations, will necessarily draw up or have drawn up contracts with his tenants, to ensure some sharing of liability or some indemnity. Sir, having addressed the issue of malls, we now look to address the question of high-rise building.

Mr. Speaker, it is well-known the world over that high-rise buildings with several stories, present particular challenges in respect of all types of hazards, and fire is one of those hazards. This Bill envisages a situation where as a particular workplace has several stories, that there is law provided to ensure that there are certain standards at every stage, with those standards rising and increasing as the stories ascend to the skies.

Sir, that is necessary to reflect the reality that we live in a sophisticated economy that will, from time to time, attract all types of investors. Therefore, in circumstances where there could be investors as employers who would not ordinarily yield ground, we have to ensure that what we provide for the protection and safety of our workforce, is sufficiently good to make sure that nobody's life is lost, mangled or seriously injured.

In addition, it lays down conditionalities and particular measures of protection where a worker has to go through an aperture on a floor, where that worker must not be exposed to explosives or to short-circuiting electrical wiring. Sir, according to this Bill, the flooring itself must be strong enough to bear normal weight. In addition, where there are stairs, these stairs must be properly protected with rails and where there is a stairway attaching to a wall with an exposed side, that exposed side has to have a rail.

Mr. Speaker, I indicated earlier that this piece of legislation treats to fires but it also treats to slippery floors. This particular piece of legislation lays down the law in relation to the need for the employer to ensure that the floors are free of slippery conditions and that, from time to time, particular steps are taken to clean and to ensure that the floors are always in safe condition.

Mr. Speaker, there is more to this particular piece of legislation which, as I have said, is novel and which, to some commentators, is a piece of legislation for the First World. It also provides a very interesting scenario in Clause 47 (1), to which I refer Honourable Members.

"Where, in connection with any process carried on in a workplace, there is given off any substantial quantity of gas, dust of any kind, fume, vapour or other impurity of such a character and to such an extent as to be likely to be injurious or offensive to the persons employed therein, all practicable steps shall be taken to protect those persons against inhalation of the gas, dust, fume, vapour or other impurity and to prevent it accumulating in any workroom, and in particular, where the nature of the process makes it practicable, exhaust and extraction appliances shall be provided and maintained as near as possible to the point of origin of the gas, dust, fume, vapour or other impurity so as to prevent it entering the air of any workroom.

(2) No gas, dust, fume, vapour or other impurity referred to in subsection (1) or given off pursuant to that subsection shall be conducted into the open air if they are of such a nature as to be likely to cause injury or to be offensive to the public."

Mr. Speaker, the question, therefore, arises as to how far should this Bill go in providing environmental

protection external to the workplace. Sir, I have cited one instance from Clause 47, where vapours, gases, dust and fumes leaving the workplace and going outside, causing nuisance and mischief, where the occupier of that building would be punishable according to this Bill.

Mr. Speaker, in a situation where there is concern in this country about environmental protection generally, I must say that personally, I am very saddened that we in this legal system of Barbados have been timid in relation to prosecution for public nuisance. In this country there is much noise pollution, some of which is called music. There is also a situation of pollution by vapours. Therefore, in a situation where every Honourable Member of Parliament, whether a normal Member of this Legislature or both a Member of the Legislature and the Executive, cannot dictate to an independent authority who it should prosecute, I must say that I am saddened that in a country that cannot afford public nuisances, we have never shown the courage to bring prosecution for public nuisance. Sir, as far as I know, public nuisance is a crime of strict liability and, therefore, there is no need to prove ill, *mens rea* and intent on the part of the perpetrator of that public nuisance.

Mr. Speaker, even though we are into an area of republicanism, permit me to read a portion of law written by the learned authors of Winfield and Jolowicz on Tort, 15th edition on Public Nuisance, at page 492:

“A public nuisance is a crime... a public or common nuisance is one which materially affects the reasonable comfort and convenience of life or a class of Her Majesty’s subjects, who come within the sphere or neighbour of its operation; the question whether the number of persons affected is sufficient to constitute a class, is one of fact in every case and is sufficient to show that a representative cross-section of that class has been so affected.

It is one which is so widespread in its range and so indiscriminate in its effect, that it would not be reasonable to expect one person, as distinct from the community at large, to take proceeding to put a stop to it.”

10.55 a.m.

Mr. Speaker, I read that there is in this community of ours, an organisation that has had to come into existence in an attempt to protect this country of ours from serious noise.

Mr. Speaker, I read it also where there are old people and sick people and young mature responsible people, who constantly complain about people tying kites and leaving them to fly throughout the night, with these kites being fitted

with a ‘bull’. These kites are fitted with these things and people fly these kites throughout the night, with these kites keeping noise, causing people not to sleep, yet we in Barbados do not seem to have the intestinal fortitude to prosecute the perpetrators.

Sir, until we can find law in the form of a statute to adequately deal with the many uses that affect the public, it is my respectful contention, that somebody here, despite their independence, and who has responsibility for law and order must take the bull by the horn and prosecute somebody for public nuisance, even though we are a culture where there is no case law on public nuisance, there is an abundance of public nuisance case law out of Toronto, Canada. There is an abundance of public nuisance case law out of England and neither you nor any Honourable Member can hesitate to note that in this Barbados which we all love, there are those who do cause discomfort and inconvenience to a class of the Governor-General subjects. Sir, it has to stop.

Mr. Speaker, however, in the context of any further public liability that this particular Bill, is going to propose, having already noted that Clause 47 does engender a measure of public liability, let me now say that in any event where a person who is not an employee comes onto the premises of an employer, this Bill, provides that when that place is a workplace, if a member of the public is a lawful visitor to a workplace, the employer is under a duty of care to that lawful visitor in that workplace, even though that visitor is not ordinarily an employee.

Mr. Speaker, the question arises as to if the employer/occupier is going to be liable to persons who are not employees and liable to persons who are not lawful visitors. In the United Kingdom there is an Occupiers Liability Act, 1994, which provides the framework for liability to trespassers. We do not have an Employers Liability Act or any equivalent legislation and so we must turn to the common law to determine what is the employer’s liability to trespassers.

Sir, in 1972, in **Herrington vs British Railway Board**, it was held that the old-fashioned view that a trespasser must take what he gets is wrong in law. Since **Herrington vs British Railway Board**, a case known to many Honourable Members who have done the law on nuisance and negligence, every occupier, including the employer, owes a duty of common humanity to a trespasser.
11.05 a.m.

Mr. Speaker, in your vast experience you will remember a case in St. Kitts, where an occupier of premises set a trap for a trespasser and the trespasser died and the occupier was found liable for that trespasser’s homicide.

Suffice it to say, that as much as the employer would want to keep out undesirables from the workplace, the employer still has some duty to those who enter other than as lawful entrants.

Sir, I mentioned that this legislation treats to fire, trenches, pits and holes in the ground. There was a time when the old Factories Act made this particular provision. The old Factories Act said that every vessel, sunk or pit shall be securely fenced if it contains any scalding, corrosive or poisonous liquids.

The old Factories Act said that in relation to pits and trenches, if the pits and trenches contain corrosive and poisonous liquids that such a state was not sustainable in law.

Sir, under what we proposed here, every vessel, sunk or pit shall be securely fenced. The difference is that the pit or sunk need not contain corrosive substances but by being a pit or sunk must be securely fenced.

Mr. Speaker, in a situation where people have to work digging trenches, there is a protocol provided that somebody on location must be trained in normal first aid. There is also provision that when you open a trench, there must not be no explosives or electric wires that are short-circuiting. There are also provision for removing the person from the trench, whether by rope or other means. These provisions have become necessary in light of the fact that we had in Barbados certain occurrences which required some discussion and debate.

Sir, I now come to the area of civil liability that has always proved controversial. For example, we have a principal employer called X, X agrees that Y digs a trench; Y digs the trench and sustains injury, loss and expense, then the employer tries to argue that Y was not really his employee. These are issues that must be addressed in this country.

Sir, whenever the employer seeks to escape liability in industrial relation matters, the employer is likely to say that the worker is under a contract for services as an independent contractor. This is even happening in the context of a number of employers who have employed persons for years and suddenly, one day, tell them that they are now independent employees.

Sir, I am told that in one Government department that certain young people...I have to be truthful to Parliament. The late J.M.G.M. Adams, may light eternal be always with him, said that no Member of Parliament should lie to Parliament. I have evidence that in at least one Government department, some employees working over a period of time

were suddenly told that they were no longer employees but independent contractors. If Government is to be the model employer, certain practices like those would have to cease.

Mr. Speaker, this particular piece of legislation also treats to boilers. Clearly, over time in our world of work there have been particular institutions which have to use boilers. Honourable Members are asked to go to study in great detail the enactments surrounding boilers and the provisions to ensure that there are safe. It is remarkable that amidst the detail about how to secure boilers, there is provision that an independent expert verifies that boilers are safe.

Sir, this Bill is saying that if a fellow called Joe works with the boilers and you need an assessment as to the efficiency and safety, do not hire him because he works with them. We need somebody who is independent. The provisions with respect to those things are clear.

Sir, you will recall that there was a spectacular and disastrous accident at Haymans Sugar Factory in St. Peter. Mr. Speaker, this happened a long time ago but you no doubt will recall because you are seized of a chronological maturity...

Mr. SPEAKER: Honourable Member, I get your point.

Hon. R. C. EASTMOND: Sir, you have waxed over the years and will remember that.

There was an incident at Haymans Sugar Factory, possibly between 1960 and 1962, where quite a few persons fell into a boiler and died and we do not want that type of thing happening. Therefore, independent assessment must be made of boilers.

Mr. Speaker, there are other hazards that are being dealt with relating to any system of work which presents dangers. In cases of employers who employ more than 25 people, there is provision in this Bill for a Health and Safety Committee in the workplace. Trade unions and employers organisations in Barbados have, over the years, demonstrated that they adhere to the principles of voluntarism. Voluntarism partakes of sitting down at the bargaining table and agreeing terms. It is now universally recognised that a species of voluntarism exists in the workplace situation where representatives of workers and management can sit down and resolve differences. So, we are taking voluntarism in this particular Bill to a stage where, rather than operate solely at the macro level of the big trade union who sits down with the big employer, in the workplace scenario; there must be a standing Health and Safety Committee, where the employer employs more than twenty-five persons, which deals with the concerns and difficulties.

Sir, all over the world, especially in Europe, there is a movement to solve difficulties in the workplace. I believe that in Germany, in 1948, they developed something called

co-determination where they always had a system of ongoing consultation between management and workers.

Mr. Speaker, the European Union has issued a number of directives on information and communication in the workplace. It seems, to me, to be becoming the norm whenever any difficulty, challenge, dispute or concern occurs in the workplace, to try and solve it there first.

Sir, this Honourable House might ask what happens in those workplaces where there are fewer than twenty-five workers. Then, this particular Bill envisions that where the employer employs less than twenty-five persons, there must be at least one person who wears the cloak of a shop steward and will speak for the workers in the context of discussion there without prejudice to engage the office of the Chief Labour Officer.

Sir, as a matter of fact, in these matters, the office of the Chief Labour Officer has an overall supervisory role to police this particular Bill. It is only outside of the office of the Chief Labour Officer that the office of the Chief Fire Officer has the type of responsibilities under this proposed piece of legislation.

Sir, I mentioned earlier that we are coming to a situation where we are going to provide, subject to particular conditions, that workers will be given the right to refuse dangerous work. Let me give you the history before I proceed. Under the existing Factories Act where there is a Health and Safety Committee, no employee shall be dismissed or disciplined for requesting an inspection of the workplace. We are providing that no employee shall be disciplined only for requesting an inspection of his workplace.

Mr. Speaker, we are saying that even in those businesses that do not have a Health and Safety Committee, that no employee shall be disciplined only for requesting an inspection of the workplace. Of course, the employee is expected to be requesting an inspection in circumstances where the employee fears for his/her safety.

Sir, on the question of the refusal of dangerous work, I mentioned earlier that in the ancient common law world, many employers in seeking to extract this duty of fidelity owed to the employer by the employee, often subjected the employee to onerous and oppressive terms.

Mr. Speaker, in the context of giving the worker a right to refuse dangerous work, the worker has to go through certain procedures. The worker has to draw it to the attention of the boss that the work is dangerous. Then the worker has to enlist the support of fellow workers or the union. Clearly, the employer is going to be given a chance to listen to the worker before the worker can say that he is

objecting to dangerous work and that he or she is not coming back.

Sir, the reason for inserting these conditionalities is that we do not want a situation to arise where a worker acting out of wild tactics or whim, decides one day that the work is too much for him. We have people of this culture who would get up one day and tell an employer that the work is too much for them and leave. We do not want that kind of situation. It must be a genuine case where responsible representatives of both sides of the industry are enlisted and brought on board before the employee exercises the right to refuse dangerous work.

Sir, this is a novel piece of legislation. It is predicated on the reality that there could be in a certain workplace a particular hazard so glaring as to require persons that would come into contact with it to move away from it. Sir, we are giving the employee the right to refuse dangerous work.

Mr. Speaker, this country has to come to the stage, therefore, where if an employer dismisses an employee for refusing dangerous work, that dismissal must be treated as being automatically unfair. We have to come to a stage soon where if an employer dismisses an employee for refusing dangerous work, that dismissal is to be treated by the law court as being automatically unfair.

11.15 a.m

Mr. Speaker, the Chief Labour Officer bears the responsibility for ensuring that her inspectors go around to workplaces to ensure that everything is in order. The inspectors are answerable to the Chief Labour Officer. The inspectors prepare reports and, naturally, where the inspectors sense wrong doing or negligence, they will draw such to the attention of the person in charge of the workplace.

Sir, in a situation where there can be threats and hazards that can be realistically dealt with, the Chief Labour Officer will be given the authority, where a hazard or threat can be improved, to issue an improvement notice, requiring the employer/occupier to improve the state of affairs, in the interest of safety and health.

Where, Sir, however, the threat is not only real but indeed exceptionally perilous, the Chief Labour Officer can issue a prohibition notice to shut down the place.

However, Sir, when power is granted and made exercisable, there always must be some constraining force holding back the exercise of that power. Therefore, any aggrieved person who is of the opinion that the improvement or prohibition notice has been issued in a wrongful way, will have redress. They will be able to challenge any improvement or prohibition notice that has been served recklessly or negligently.

Where, Sir, this particular Bill is seeking to do its utmost to protect people in the workplace, it is also a Bill that envisages and is aware of the fact that where you are requesting occupiers and employers to meet particular conditions, you must also ensure that these people are not made to suffer any unfair act.

Therefore, Sir, there are safeguards to ensure that any power exercised by any official, that under this Act that power is not absolute but it is constrained by the legislative reality that where there can be injustice or where there is injustice, there is a need for redress.

Mr. Speaker, I indicated earlier that this is a large Bill running into a couple dozen pages and having many sections. I am sure, Sir, it is a Bill that will attract some debate as people try in this Parliament to ensure that they offer contributions in the interest, not only of their narrow constituency but in the interest of a nation they love.

However, before I conclude, I want to say that there used to be a philosopher called Hohfeld. There are some members in this Honourable House who love philosophy and even if they are not members of my political group, I have enough in me, Sir, to respect their intelligence and the fact that they have read.

Sir, Hohfeld looked at the reality of living in civil society. Hohfeld said that where there is an obligation that somewhere near there, somebody has a right. Hohfeld was saying that if you subject a fellow called Ronald to an obligation that somewhere, somebody has a right over Ronald or in subjecting Ronald to an obligation, you have to give Ronald some sort of back-up rights.

Sir, looking at Hohfeld, I have been known in this Honourable Parliament from time to time to expatiate on certain matters of philosophy and jurisprudence.
11.20 a.m.

I recall an occasion recently, Sir, speaking about Roscoe Pound and natural law theory. Today, Sir, permit me to talk about Hohfeld who said that where there is an obligation, somewhere there is a right. The tones to have accompanied my many utterances today, Sir, can be construed as indicative of a partisanship on behalf of the employee.

Sir, until now, I can correctly be accused of being so pro-employee as not to look at the reality of the situation. I can also be described as a man that today has presented a case for imposing duties, liabilities and obligations on employers. However, Sir, bearing in mind what Hohfeld said that where the employee is going to be the beneficiary of many rights, the employee has, of necessity when it is

wise to do so, to be subject to certain obligations and the process gives rights to the employer.

What then are these obligations, Sir, of the employee? I want to refer Honourable Members to Clause 7 of the Bill which states that an employee, consistent with the provisions of the Law Reform Contributory Negligence Act, is under a general duty to protect herself or himself and do the utmost that the employee can, in the interest of his or her own protection.

Indeed, Sir, you might permit me to say that every workplace is supposed not just to indicate the policy of the security in the workplace, but to train employees in safety. If the workplace is to train the employee in safety and it does, then the employee must do the utmost to ensure his or her safety.

In addition, the employee is under an obligation to cooperate with the employer in matters of security, in the employee's interest. In other words, where the employer clearly has a protocol and a Programme for the protection of employees, the employees must cooperate with the employer on matters of employee safety. This is not asking too much of the employees.

In addition, Sir, I refer Honourable Members again to Clause 7, where the employee becomes aware of any malpractice that leads to a compromise of health and safety, the employee is duty bound to report it, Sir.

Permit me, Sir, to go over these threesomes. First of all every employee, consistent with the laws of Barbados that is contained in the Law Reform Contributory Negligence Act, has to act to ensure his or her own safety.

Secondly, Sir, where the employer has a proper programme for safety, every employee has to cooperate.

Thirdly, where the employee becomes aware of an abuse in the workplace that compromises safety and health, the employee is duty bound to take action, by letting supervisors and management know that somebody is playing the fool at the workplace.
11.25 a.m.

Sir, years ago there was a business on Broad Street which has now moved to Fontabelle where confirmed reports indicated that in a moment of levity at first, but fecklessness eventually, that one or two fellows so tinkered with the electrical wiring as to expose everybody to hazard. In this particular Bill, if employee A is cocksure that employees B and C have interfered with a fire alarm or with a warning device, and fire alarms and warning devices are provided for in this Bill, or is playing the fool and that act of supreme folly will compromise the safety and health and

ultimately put in peril lives and limbs, that employee is under a duty to report it.

Sir, for the avoidance of doubt, in instances where you have expectations of the employers and impose on them liabilities and in the process give employees rights, the employees are now required, in a reasonable way, to bear liability and in the process concede some rights to the employers.

Sir, in this Barbados we have had the very healthy history of cooperation between employers and employees organisations, in such a way that I would urge every employer to join the employers union and every worker to join a union of his or her choice. Sir, together in this Barbados, we have had but few severe industrial relations dislocations. Sir, you cannot call an instance in the last 10 to 15 years in which Barbados has had a general strike.

Sir, Barbados is in a mature industrial relations climate and all credit must go both to the employer class and the employee class who have worked, not in their own narrow sectional interest, but in the interest of Barbados as a whole. Since 1993 in this fair land of ours the employees class, as represented by the Congress of Trade Unions and Staff Associations of Barbados and other unions and the employers class, along with Government, have formed a particular union which is by no means a marriage of convenience but a union which the anvil of experience is going to justify.

Sir, I have to be fair. Sir, the late J. M. G. M. "Tom" Adams said not to lie to Parliament. The first person that I heard designed the term social partner was Sir Lloyd Erskine Sandiford. Sir, what we have today in this country is a social partnership of Government, employers and employees. This social partnership in the existing protocol, signed yesterday, has addressed the issue of what they called occupational safety and health in the workplace.

Sir, with your leave and by the generosity which possesses your bosom you shall permit me to cite the appropriate part of what the Social Partners have uttered in favour of a regime for occupational safety and health. I will read from page 18 of a document which, if you mandate, I shall willingly make a document of this the Honourable House of Assembly. This is a document which was signed yesterday by the Social Partners. It states at:

"5.17 The Social Partners acknowledge that disabilities and absences through illness are costly at the levels of the worker, enterprise and state, and therefore agree to co-operate to promote health awareness programmes with a view to building well-being and morale and preventing lost of workers' productivity due to disability and unavoidable illness.

5.18 The Social Partners agree to develop a meaningful tripartite approach to confront the new and varied

occupational health and safety challenges that affect the workplace, particularly repetitive strain injuries and mental health disorders.

5.19 The Social Partners recognise that the high costs associated with work-related injuries, accidents, chronic and degenerative diseases, life threatening illnesses and general ill health continue to place an unacceptably high burden upon individual workers, enterprises and the national economy."

They go on in Paragraph 5.20 to welcome effective safety committees.

Mr. Speaker, our Social Partnership, despite being no more than 12 years, is a mature partnership.

Sir, as I said, Sir Lloyd Erskine Sandiford was the first person I ever heard mention the words social partners but yet again academic and intellectual as he is, hailing from fair Porters that has produced many a noble son, what would you expect. Sir, today This Side of the Honourable House has the distinction of partnering with Sir Lloyd in the interest of our affirmation that the Social Partnership saved Barbados.

Sir, I assayed a promise to you that I do not propose breaking. I think that your generosity must not be strained or the frail flesh possessed by me taken to unacceptably high levels of strain and, so, Sir, I assay to come home.

Mr. SPEAKER: You still have 25 minutes to go to 12 o'clock.

Hon. R. C. EASTMOND: Sir, me thinks that might be asking too much of this frail mortal frame.

Mr. Speaker, what Honourable Members must know, as one of the defining features of this legislation, is that this legislation so seeks compliance that where persons do not comply they can be faced with sanctions by way of fines or even confinement. What is the rationale behind this? Sir, at the start of my contribution I said that in *Wilson and Clyde Coal Company versus English*, the employer was found civilly liable. I also said at the start that over the years it was proven and found that civil liability by itself did not offer enough of a sanction against persons who might not want to protect their premises from being hazardous.

Mr. Speaker, there are some criminal penalties most of which are found towards the end of the Bill but at various points between, you would notice that the Bill, for the most part, imposes penalties of the order of \$500 or sometimes \$2 500. Naturally, somebody might ask why no more severe fines.

Mr. Speaker, if I adhere to the principles of equity, and if equity is based on conscience, the reality is that many employers are going to have to meet particular cost getting their premises right. In circumstances where they would bear something of a financial burden, then conscience is required, certainly in the early stages, because many of these employers are going to have to incur some cost which will vary from place to place. However, Mr. Speaker, there are employers who are already on board with health and safety, who will not have to incur cost.
11.35 a.m.

Mr. Speaker, in a situation where cost is going to be incurred, certainly in the early days of the administration of this Bill, we thought that in the interest of conscience and equity that we ought not to extract oppressive penalties from employers. In addition, this Bill imposes criminal sanctions without prejudice to the employees taking civil action. Therefore, some employers might say that the Act imposes criminal penalties, along with the fact that employers themselves can be civilly liable.

Sir, bearing these things in mind, we have kept these penalties very low. However, we live in an era where, in their creativity, insurance companies have been able to design, to devise and to offer many types of insurance protection. Therefore, in a culture where insurers exist as meaningful non-bank financial intermediaries, where they attract savings, investments, *et cetera*, perhaps the time has come for every employer to join the employers union of their choice and to purchase the type of public liability and other insurance which would be necessary for them to continue their operations.

Mr. Speaker, in any event, wherever employers can satisfy Government that they have been made to face a high financial burden to take their premises to a level of safety not previously known, they are invited to make representation to Government.

Mr. Speaker, Government also has to bear cost for this legislation as set out at Clause 3(1):

“Subject to subsections 3, (5) and section 4 this Act applies to all workplaces in Barbados.

- (2) Notwithstanding the provisions of any relevant legislation, this Act applies to all seaports and airports.
- (3) Without prejudice to the generality of the application of this Act, it is hereby declared that this Act shall apply to persons employed by or under
 - (a) any department of the Government of Barbados other than

- (i) members of the Police Force or the Barbados Defence Force; or
- (ii) such persons or classes of persons, not being members of the Police Force or the Barbados Defence Force employed by or under any department of the Government of Barbados as may be specified by the Minister by order.”

Mr. Speaker, there are Honourable Members who, over the last three or four years, would have heard of work stoppages in Government departments, where those workers would have complained about their workplaces not being safe and the health conditions not being good. This legislation also invites Government to assert itself as being the model employer in this country.

Mr. Speaker, Government is going to have to face the increase cost of a larger factory inspectorate, generally to police workplaces. Already we have a number of trained factory inspectors in Barbados. We will need now to train some of our people in ergonomics, indoor air quality, engineering matters, *et cetera*. We are also going to have to train more public officers to police this Act.

Mr. Speaker, the question would arise as to the quantum and level of the cost to which I have referred but the short answer would be that no amount of money is too much to save human lives or to prevent that comely young bride from having to face a future of her husband having lost a most important limb. Sir, no amount of money is too much to deal with scenarios and contingencies, where in consequence of bad indoor air quality, somebody goes into an asthmatic attack.

Mr. Speaker, I am concerned about the increasing incidents of asthma and respiratory problems in Barbados. Sir, we know for a fact, we cannot go into denial, that a lot of these conditions are being experienced in workplaces. Therefore, no amount of money is too much to ensure that the safety, health and comfort of our workers are continued.

Mr. Speaker, we are in a culture where, despite a measure of social stratification, almost all of us in Barbados are workers in many forms. This morning I heard someone from the business world saying that managers too are workers. In a culture where the vast majority of us are workers and where there is no known real aristocracy here... Sir, my understanding of a true aristocrat is that he does not have to work but that he would employ workers.

Sir, I mentioned porters earlier. In times past, in the days of Ronald Roundtree and other rich people who came here in the days when tourism for Barbados was a rich

man's game, those aristocrats from England who could not have told you when last they had worked but could have told you how much money they had inherited, would have come to Barbados and did not stay in hotels. They would rent a separate house or apartment and have valet, maid, cook and bar services catered to them.

Mr. Speaker, we in Barbados have this notion that in this world there are aristocrats somewhere in Barbados. The reality is that even the very rich in Barbados are not aristocrats but are workers. Therefore, to the extent where we have the vast majority of our population being workers and even when there is management on one side interacting with the working class on the other side, there is so much integration and connectivity and such strong relations that ultimately this legislation bears potential to touch the lives of almost all.

Mr. Speaker, I take it that the rules of this Honourable House are going to permit me, either today or another day, to make a second speech, during which I propose to identify particular persons in this country who would have demonstrated a particular interest and enthusiasm for health and safety. Sir, one of the things that has impressed me is that I have come across people who have never worked in factories but have expressed an interest in working on a Health and Safety Committee. These people were expressing this interest at a time when their workplaces are not covered by any legislation.

Mr. Speaker, I have come across many aggressive females who have done well, who want to make a contribution and have pledged support for our health and safety law of the future. Sir, even though I am told I can come back later, if there is one person who deserves honourable mention in the context of health and safety, would be Orlando "Gabby" Scott. Sir, later I will pay due respect to others but Orlando "Gabby" Scott, who apparently has some International Labour Organisation training in health and safety matters, has for years trumpeted a policy where we, according to "Gabby", should have intensified our efforts to promote health and safety to a stage where we have not yet been.

11.45 a.m.

Sir, there is no doubt that later today, without anticipating the debate, some Honourable Member might say that this legislation is not legislation for the Third World or Second World, this is First World legislation. Sir, permit me to say that under this legislation regulations are going to have to be made to set out the fine details of technical matters of health and safety. Also permit me to pay respect to NATOS, an organisation that is largely voluntary of which Orlando "Gabby" Scott is a member. It has for a long time put its head to the task at hand.

There are separate employed environmentalists in Barbados who have shown an interest in health and safety.

Sir, in the last twenty years a few persons have come forward, unemployed and unemployable, declaring themselves to be environmentalists in the same way that some unemployed, unemployable persons used to call themselves marketing specialists and public relations specialists. Sir, there are employed environmentalists who have put their hands to the plough and have urged that we do something to foster greater care of our community in the workplace.

Mr. Speaker, it only remains for me to say that in a situation where the question would be asked whether this piece of legislation was not first floated in 1988 and why the delay, I would say in the words of Tom Adams that one should not mislead Parliament. Yes, this piece of legislation was first floated in 1988 but today, 17 years after, we have had the benefit of the fullest possible consultation. We have also had the benefit of advice and expertise generated from within Barbados. Almost all the advice, expertise in putting together this and the revelations which would follow, came from within Barbados. I had difficulties, despite my affection for the law in finding anything like it. We did not import particular persons and pay them enormous sums of money to do this.

Sir, as I move the second reading of this Bill, the Health and Safety Bill at Work, 2005, I want to caution that this piece of legislation is necessary but by itself not sufficient to do all that has to be done for workers and that more has to follow. For example, we have to find ways and means to deal with instances where particular workers are discriminated against for having HIV/AIDS.

We have to find particular ways of protecting those people who assert their rights to refuse work and to be told the next day that they are made redundant. We have to measure the going-ons out there in the world of work and work on matters of sex and gender where there could be discrimination and harassment based on sex and gender. Sir, as I said before, this piece of legislation by itself is necessary but by itself not a sufficient piece of legislation to carry workers all the way.

Mr. Speaker, I want to thank the workers of Barbados for their patience because they have waited since 1988. I want to thank all Barbadians who have offered encouragement to Government to press on with this particular legislation, and to say that Government is a continuum. There was a time when a previous administration was seized of the need to deliver this. I shall not cast any aspersion on that Government but suffice it to say that today 2005, we have had the benefit of full consultation with the Social Partners.

Yesterday, I said at signing of the Protocol at page 18 that a declaration was made in respect of health and safety

I conclude by saying that until now the Factories Act was confined in its influence on but 20 per cent of the workforce. Today, we set out that the Minister of Labour will have a discretion with this Act in times of national emergency. Sir, I say that for what it is worth. Today we can truthfully say that despite the long wait and anxiety on the part of some, despite a few unfortunate episodes along the way, for which I feel deeply sorry... I went back as far as the Hayman's tragedy. I mentioned the tragedy of the young girl who inhaled suspected lead. I mentioned tragedy in the workplace afflicted by fire where someone died and I mentioned other tragedies.

Mr. Speaker, it gives me no pleasure to reflect and remind this Honourable Parliament of those occurrences. I do take comfort in the fact that an indulging House of Assembly, minded to support this measure, will succeed in bringing relief and comfort to posterity.

Sir, I am deeply obliged to you.

Mr. SPEAKER: The Honourable Member for St. Michael North West.

Mr. C. A. MASCOLL: Mr. Speaker, I rise to make my contribution to this debate. As far back as the 1930s, the rights of workers were being fought for in this country and throughout the region. In the 1960s, we saw workers being given certain privileges and comfort under a then Democratic Labour Party administration in the form of the National Insurance Scheme, Severance Payment and adequate pay.

Mr. Speaker, perhaps today's debate brings the best example of the meeting of economics and law. Permit me to say before I explain my position that they start from diametrically opposed positions, that is, in law, there is certainty of conclusion in discussion. Sir, the prosecutor knows where he wants to go in spite of the evidence and the defense lawyer also knows where he wants to go, so there is certainty of conclusion in where the lawyer wants to go. Sir, in economics, there is certainty of assumption but you are not quite sure what the outcome would be and, therefore, the premise is on the assumption.

Mr. Speaker, you can begin to see from the inception, the conflict that can occur between these two worthy professions. One reaches a conclusion without putting any particular assumption in place and the other makes all kinds of assumptions and proceeds thereon.

Mr. Speaker, in this particular debate we are trying to cater to the safety and health of the worker but the legislation makes a heroic assumption that there are existing conditions in place to permit the worker to be in a position of safety.
11.55 a.m.

I say that because we know in this country the underlying conditions that would permit for this legislation

to reach its level of effectiveness do not necessarily exist at the workplace. Those underlying conditions would include duties and responsibilities of the worker. Where do we start and stop as workers? Are we permitted to do this or not? Can we do it given the contract which we have? Are there contracts which have been fully outlined, written and given to the workers in this country to clearly demarcate where their duties and responsibilities are?

Sir, as we heard from the Honourable Member for St. James North, the extent to which we can now seek to enforce this safety and health legislation would depend on the ability of the employer and employee to cooperate in the interest, not only of the employee's safety and health but in the interest of the output for the employer.

Mr. Speaker, what we have here is a piece of legislation that really makes the assumption that all of the conditions necessary for the effective execution of this legislation are in place. This is something that I will address later in my contribution.

Sir, I said in the beginning that, in a very strange way, this area of labour meets law and economics and to some extent it has not been fully defined. Again, that will form part of my discussion in this debate. Sir, for example, you can have a false premise and reach a true conclusion. You do not have to correctly construct to reach a truthful conclusion. Let me explain that.

Mr. Speaker, a lot of people believe that in order to reach true conclusions you have to set up truthful arguments. It does not have to be so. False premises can in fact lead to truthful outcomes. For example, my granny might be able to say that it would rain because she is experiencing some degree of arthritic suffering. She might have been able to forecast that it would rain based on the fact that her bones are aching. Now, are we quite sure that there is a correlation between arthritic pain and the falling of rain? We are not sure but the thing is, she might have been able to predict quite accurately over the years when the rain will fall. Perhaps, a false premise may lead to a true conclusion.

Therefore, I want to develop my contribution in this debate because at the heart of this legislation is the ability to enforce. Does the Department of Labour have enough resources to be able to carry out the enforcement of this legislation? I would say from the inception that I doubt whether the Department of Labour has the ability to enforce the legislation.

Sir, we have to understand the gravity of what we are talking about here. We are taking a Factories Act which was specific to factories and we are now talking about the

workplace, which is now general. Therefore, this legislation would not now be confined to any few sets of employers. This legislation would now be embraced by all employers in Barbados. Sir, unless something has happened miraculously over the last few months, there is no way in which the Labour Department will have the number of officers to be able to enforce this legislation.

I hope that some consideration is on the cards because to put this kind of ground-breaking legislation in place without having the necessary resources to be able to carry out the context of the legislation, is, in fact, a major source of concern for me. Again, we would have loaded the law books of Barbados with legislation but not being able to enforce. Unless we are able to enforce, the very persons who ought to benefit from this legislation will not be able to benefit, those would be the employees and workers of Barbados.

Sir, that discussion would have to take place, I suppose at governmental level, as to how we are going to make and provide for the necessary infrastructure to allow for the enforcement of this legislation.

Mr. Speaker, let me develop the question of whether certain conditions currently exist within the workforce. For example, there is no degree of flexibility in the labour market or even in a specific firm that permits a clerk, in the department of research, to move to the department of accounts or human resources and that flexibility is permitted within an individual entity so as to allow for better management of the available resources in that particular firm.

Sir, for example, in a bank of a credit union where there would be a collision of holidays at the end of the week and the pay for monthly workers, then there is an over-demand for transactions to be carried out on particular work days. Is there sufficient flexibility among the employees, permitting within the law or legislation to allow for a clerical officer who may not be under such pressure to switch to become a teller for the day to allow and permit for the free flow of resources, information and services to persons coming to a credit union at a particular point during the course of a month when a bank holiday coincides with a weekend at the end of a month?

I ask the question because that kind of flexibility has to be written within the contract of the worker. If the truth is to be told, there are not many firms or companies in Barbados that really give contracts to workers and where there is fully defined a blueprint as to the duties and responsibilities of the employees. Therefore, this legislation presumes that conditions for employees at the workforce are well established, fully outlined and detailed so that an employee knows his/her responsibilities at any given point in time.

Mr. Speaker, I think that within the context of the labour market, as said by the Minister, this legislation is only part of a more comprehensive framework of legislation required to really make the worker or employee safe, secure and, indeed, provide a state of comfort or health that he/she can execute his/her duties in his/her interest and the employer's interest.

Sir, of course, while we give support because this legislation seeks to advance and enhance the safety and health of the worker, we understand that it is only limited in its ability to truly deliver what is required for the general worker or even the employer of Barbados. That is the sense in which I am suggesting that the conditions that should predate this legislation may not be in existence at this time. 12.05 p.m.

I wish to see a more detailed programme, looking at the overall contractual arrangements, such as the duties and responsibilities, in addition to a clearly defined safety programme within the workplace.

There are very few employers who have actually fully outlined the safety and health conditions for workers, as I speak, in Barbados. While this legislation seems to be holistic, it is not going to translate into an immediate resolution of the problems that ought to have already been in place, prior to the introduction of this more elaborate legislation that we have before us today.

I can begin to see the gravity of the problem that is going to confront the labour department, regarding the question of regulations. It is going to require each and every firm or company to have a specific set of regulations at the workplace. Sir, to what extent can the Government assist them in giving this kind of direction?

Sir, being more specific, how can the Government help in the peculiar needs of the individual firm or company, which may not have the resources to be able to fully document the regulations that are necessary to carry out the legal framework required, for that firm to operate within the context of the new legislation that is being put before us today? Therefore, as said before, there has to be more resources devoted to this exercise.

Certainly, it is going to become an issue of cost because a man or woman who works in a small company ought to have the same degree of safety as one who works in a much larger company. Sir, understand the extent to which it is going to bear on the small businessman to be able to provide the kind of infrastructure that is required to execute this legislation.

Mr. Speaker, you are talking about having Committees but it may be very difficult to get a Committee to meet after it is already established, and a small firm may not be able to afford the time needed to devote to a meeting of a

committee, even as important as a health and safety committee within the workforce. Therefore, you can begin to see that the smaller the company, the more difficult it is going to be able to carry out the legislative framework that has been put before us this morning in this august Chamber.

I therefore am suggesting, Mr. Speaker, that enforcement not only at the national legal level but at the individual specific firm level or company level, is going to be a very hard task for the Ministry of Labour to execute at this given stage.

Sir, of course, we know that notwithstanding the desire to have safety and health within the workplace, the single most important factor in this regard is adequate pay. I do not want to discuss the issue of a minimal wage but, certainly, an environment in which workers are more satisfied with their pay, is going to be an environment which is more conducive to allow for this legislation to be enforced, even at the individual specific company level.

Therefore, a state of dedication and a desire to participate in the workplace must all be conditioned on the comfort of the worker, and the extent to which the worker feels adequate within the environment and believes that he or she is benefiting from the environment within the workplace. Then, this worker is able to give to the environment in order to get even greater benefits eventually, as a result of giving of their time, expertise or advice, and having even a simple staff meeting.

12.10 p.m.

There are several institutions where not even a staff meeting can be convened in totality because of the nature of the business. This is especially true within the Government departments.

Sir, before I get to cost, I want to discuss in more detail this whole question of what we call in economics, externalities. The Minister said that if indeed it is found that a company is emitting smoke which goes across the street and affects another company on the other side of the road, or some other hazard that impacts on the ability of another company to produce, then this legislation seems to have within it, the framework for which the offended party can now seek to get compensation.

This constitutes the real collision between the economics and the law and has been, in fact, an area of study, sufficiently so to allow for a man called Coles to become a Nobel Prize laureate on bringing together how externalities impact on the production space of companies.

Sir, while I appreciate and understand the enthusiasm of the Minister, I can also begin to see the extent to which it can be very difficult, in terms of cost of litigation for a company to be able to go to court to seek justice, if some other firm is in fact imposing on its production space.

We know within the context of Barbados that things are very costly and the truth is, legal cost is no less so, Sir. I want to really find out how we can expect that this legislation is all of a sudden, going to give rise to an upsurge in individuals who are impacted on by noise or some other pollutant taking action to be able to get benefit from the person who is imposing that pollutant, or action on the particular firm or company. This is a very major area of concern.

In fact, while the Minister was speaking to the matter, I asked myself these questions, as a result of this legislation. If a firm or company can clearly identify a public nuisance, is it in a position now to take such action in the court of law? Am I, as an individual, in a position to take similar action on another individual who is smoking next to me, and to my mind is a public nuisance and is intruding on my space?

Therefore, Mr. Speaker, I am really asking very serious questions and I repeat. Does this legislation now permits a firm or company to take action with respect to an externality impacting on their production space and becoming a discomfort to them? Do I as an individual have similar rights in the public domain to be able to say that the smoke which you are releasing is now impacting on my health and, therefore, I am able to take such action as well.

I am no lawyer but I am asking. Is there not a common thread running between the action that will have to be taken against a firm, as opposed to what the individual will have to do, with respect to the other individual who has become a public nuisance? I leave it for the lawyers to deal with, Sir.

Mr. Speaker, let me go further because while the Government is seeking here to introduce legislation, the Government needs to set the example with respect to intruding on the productive capacity of others.

12.15 p.m.

Mr. Speaker, when public service vehicles are involved in personal injury cases, Government has to step to the plate to ensure that persons who are affected by such injuries are adequately compensated, not within five or ten years, but within reasonable time. What has happened there Mr. Minister is that a public service vehicle has restricted the ability of an individual to earn and therefore has impacted not only on the health of the individual but the safety of the individual in terms of the individual's ability to survive and to live well. Therefore, in this instance, that becomes an externality to the individual who has been affected by the public service vehicle.

Mr. Speaker, I am suggesting that in this regard Government needs to set the example because it cannot put

legislation in place addressing an issue as critical as how another firm can impact on a firm's production space by a pollutant or some other kind of externality and not see the wisdom in ensuring that individuals affected by injury through public service vehicles are not adequately compensated within reasonable time. This therefore becomes an area for consideration by the Government. The Government therefore needs to be able to set the kind of example that is necessary.

Mr. Speaker, while on the question of Government, it was established that the Factories Act never allowed for the Public Service to be included but this Act now broadens the base of inclusion and therefore is able to cater to concerns pertaining to workers within the Public Service with a few exceptions, the Police and some other groups of individuals.

Sir, there is no doubt that the level of morale within the Public Service has always been a problem and continues to be a problem. Therefore, the very cooperation that is necessary for this legislation to become effective is going to be even more demanding to achieve within the Public Service than within the private sector. Therefore, Government's responsibility is going to be major in being able to set an example with respect to the power of this legislation and the effectiveness of the legislation by ensuring that it is adequately pursued and carried out within the Public Service of Barbados because, as we know, unlike the private sector where you could cut a worker based on the lack of performance, it becomes a very grave issue to remove a public servant from the Public Service even when that person is not performing. Therefore, the question is, are we going to have a conducive environment within the Public Service to be able to set the example to the private sector with respect to this legislation now. Sir, no one can even fault or begin to fault the importance of this legislation.

Mr. Speaker, the question of insurance was raised by the Minister at the end of his contribution, but when you look at the actual contents of the legislation and at the fact that in this new legislation an occupier now has the duty to prepare and enunciate a general policy on safety and health at the workplace, it means that there has to be some kind of literature available to employers for them to be guided by.

Mr. Speaker, it is going to be very difficult to ask each and every employer in Barbados to construct a prototype on this question of safety and health in the workplace. Therefore, it must be the role of the Ministry of Labour to provide a general framework within which some adjustment can be made here and there to execute this particular objective so that a general policy on safety and health can in fact not only be enunciated but be prepared because small businesses are not going to have that kind of expertise within their walls. Therefore, Government has to provide the

framework for it to be executed particularly among smaller businesses in Barbados.

Mr. Speaker, even to conceptualize a general policy on safety is going to be very difficult. Therefore, what the Ministry needs to do is to simply get going with respect to outlining in booklet form the general framework and make such information available to employers. It has to be done that way, if it is not, then there would then not be the kind of enforcement or cooperation which you are seeking and therefore the legislation is going to sit on the books without being effective or without reaching its objectives.

Mr. Speaker, another general duty is that any person who undertakes the design, import or manufacture any article for use at work shall have such research done as may be necessary to discover, eliminate or minimise any risk. Again, one must understand the extent to which one is asking for a commitment. Mr. Speaker, this means that you are really asking each and every importer to be able to go into full details with respect to what it is he is importing, whether or not it constitutes a risk and whether or not it would be a problem to the workers.

Mr. Speaker, could that kind of research data be really done by an individual employer or firm? Ought we not now to be looking at upgrading the Barbados National Standards Institute in such a way as to give it a large enough complement of staff to be able to do this kind of work because to ask an employer to have fine details with respect to all the specifics of material and whether they would be hazardous to workers is really asking a lot on the part of the individual firm.

Mr. Speaker, while I can understand the need to have the specifics I can really understand how difficult it would be in a very competitive world where firms are seeking to get an advantage by going to alternative markets to get a cheaper product. Sir, you may be hoodwinked into believing that the commodities are homogenous and that you are really substituting one commodity for another, when in actual fact the specifics may very well differ and therefore you may not be able to say, in true character, whether it had material that may be hazardous to your workers or not. It is really a very serious task to ask each and every firm to ensure that such does occur.

Mr. Speaker, I will come back after lunch.

SUSPENSION OF SITTING

Hon. R. C. EASTMOND: Mr. Speaker, without prejudice to the Honourable Member being able to continue at 1.30 p.m. I humbly beg to move that this Sitting be suspended until 1.30 p.m. today.

Hon. G. A. CLARKE: I beg to second that.

The question that the Sitting do now suspend until 1.30 p.m. today was put and resolved in the affirmative without division and Mr. SPEAKER suspended the Sitting accordingly.
12.30 p.m.

RESUMPTION

Mr. SPEAKER: This House is resumed. The Honourable Member for St. Michael North West may continue.

Mr. C. A. MASCOLL: Mr. Speaker, in the pre-lunch Session, I had indicated a general support for the legislation but I think that the question of its enforcement will present a major problem to Government. I think that is generally accepted and that Government needs to look at how it will enforce this new legislation. It is a comprehensive legislation but the reality of life is that for it to be implemented, it is going to be particularly costly, not only to Government but to employers.

Mr. Speaker, before we broke for lunch, I was indicating that there are several realities which we need to look at, with respect to this legislation and the question of safety policy and general duties, along with other matters which have been identified in the legislation.

Mr. Speaker, it is known that the employer is required to ensure that there is provision of information and that the employer ought to put a framework in place to instruct the employees as to what kind of information will be pursued on the question of safety and health in the workplace. In addition to providing such information and instruction, the question of supervision would also be necessary in effecting the legislation that is before us.

Mr. Speaker, one cannot expect that the employer would look to supervise and to train individuals without it being a cost in terms of time spent, in terms of acquiring information and education, and in terms of giving the employees time to be trained and, therefore, the employees would not be able to perform their substantive tasks. Therefore, this aspect will also constitute another tier of cost to the employer.

Mr. Speaker, Government certainly must take such things into consideration and must understand the need to be patient with the employers of Barbados, if this legislation is to be effectively put in place.

Mr. Speaker, there is another area of concern which includes the question of assessment of risks, to which I alluded in the pre-lunch Session. This must be a major area of concern for employers in Barbados because as I

suggested, it will not be easy for an individual to know precisely the specifications of materials and other things about imports, for which the employees would be responsible for handling. In addition, on the question of risks, it is said that:

“No occupier/employer shall put into use any equipment, material, article or substance, unless a suitable assessment of risk has been undertaken and steps put in place to eliminate or minimise such risk.”

Mr. Speaker, that is laudable but it will not be easy to achieve because it is going to constitute time, effort, knowledge, *et cetera*, for it to be implemented.

Mr. Speaker, there is another area that has engaged the attention of not only Barbados but the entire world, as a result of the abundance of computers now being used in the workplaces. There is the question of whether the impact of ergonomics on workers, ensuring that work spaces and processes are adequately specified with respect to the ergonomics, to ensure that the disease or illness such as Carpel Tunnel Syndrome, where, because of inadequate ergonomics, it has affected quite a number of persons who use computers for long periods of time, is also being addressed in this legislation.

Mr. Speaker, it is also a question of understanding the changes that would have occurred in the workforce of Barbados. I am on record of being critical of EduTech, not because it is bad in concept but because it seeks to replace the basics of education. In fact, I have said that we have to be careful not to put too much emphasis on computers, in terms of being an instrument for education. Computers are more valuable in terms of information and their capacity to store and to retrieve data, than they are with respect to teaching anybody anything. I have that view, and will continue to hold that view because I think that computers are overrated.

In addition, computers only become critical when processes become complex. I would not add 2 plus 2, using a computer to do so, but certainly if I had to add 2 to the 10th power, plus 15 to the 15th power, I would need a computer. Therefore, I am suggesting that we need not put too much emphasis on computers because they are designed to simplify matters that would become too complex for the human being to contemplate. They are not designed to replace the ability of human beings to think. Therefore, I am suggesting that they may simplify processes but do not permit anybody around the world to think. I, therefore, understand that there would be increasing use of computers in the workplace. In fact, I can see a time coming when we may move away from the emphasis that we have been placing on computers because there will be other such gadgets designed in the foreseeable future, that will minimise the need or the use for computers.

1.35 p.m.

In actual fact, workers will become important once again for their capacity to think, concentrate and how they can improve the well-being of the workplace so as to spend a lot of time playing patience and other card games on the computer.

Mr. Speaker, people do not want to admit the truth but the reality is that so-called big computers are being used in several places not to advance the cause of any department but to relax the mind and get involved in trivia. Sir, as I said before, the processes carried out by a computer are so simplified that they give you time to think.

I can cite an example from years ago. As a central banker, I would go to Government departments. At the time, the Central Bank of Barbados was fortunate to have Pentium computers which were big things in that day. The departments of Government had 286 computers at that time and when programmes were being run on those 286 computers, they would take hours to process. It meant that those persons working with the computers were able to 'lime' and await the outcome of the computer. Sir, within less than ten years, the same kinds of programmes can now be done within less than one hour. Sir, the time now is going to be more critical for the worker to use his or her powers of thinking than when the so-called big computers were utilised.

Mr. Speaker, I am saying that we cannot get away from the need to have an environment in place that allows the worker to contribute in other ways outside of the use of computers. Sir, in the not too distant future, the computers will become not as critical to the processes because the information that we would put on the computer would become so complex that we would only need to retrieve it and analyse it so that during the course of the day, we would not have to interact unnecessarily with the computer.

The other thing required in this new legislation is for employers to have data sheets available and to provide information. This is a big requirement once again for employers in Barbados. Sir, even in the process of wage negotiations, when a firm ought to be providing information on accounts to allow for better negotiation between the worker, employer and trade unions on behalf of the worker, you are hardly able to get the kind of information you want from small firms in particular. Where information is available in large firms and companies in Barbados, the information is kept as a big secret.

Mr. Speaker, you are now asking the employer to provide data sheets and information about materials and tools, articles or substances intended to be used in the workplace as well as any other applicable precautions to be observed because the legislation says that all workers likely to be affected by such shall have access to that information.

Mr. Speaker, you are asking for the data available in the firm to increase considerably. Therefore, I wonder to what extent we are going to be able to get employers in a position to be able to make such information forthcoming to employees. It is going to be an enormous task that we have to pursue and we have to understand that it comes back to the issue of enforcement.

Sir, how are we going to go into a firm or company and get the employer to be able to provide the kind of detailed information that we are requesting of them in this legislation? This constitutes another tier of cost and complication in the firm that would ultimately mean that enforceability would be even more difficult to attain within the legislation.

Mr. Speaker, the intent is not to be critical of the legislation but to look and do a critique of what is being requested within the legislation and whether or not we are prepared for the implications of this legislation brought before us. Let me say again that it has to be the responsibility of the Government through the Ministry to put such information in place and to be able to educate the employers on the kind of data required to be able to effect this legislation. Mr. Speaker, having done this at the level of the employer, how is such information communicated to the employees to get the kind of cooperation being requested of this particular piece of legislation.

Mr. Speaker, no one can fault me for having these kinds of reservations. No one can fault me if I attempt, within the context of the legislation to understand whether we are going to be capable of executing the objectives of the legislation and how effectively we can do so. I repeat that it is going to require extensive training for workers at the Ministry itself to be able to carry out this legislation to its fullest extent. We do not simply want to put the legislation in place but the Ministry should want to get it out among the people and not for it to remain within the walls of Parliament because it is not going to be effective here. We need to educate both the employer and employee with respect to the intent of this legislation.

Mr. Speaker, I want to cite an example because during the presentation of the Minister, he referred to a young lady dying as a result of overexposure to lead. Within my constituency there was an entrepreneur *par excellence* in Barbados, who took old metal and all kinds of things and was able to make a living from exporting so-called dumped garbage to the United States of America and Canada and he made a good living from doing this. I think he died from overexposure. Sir, for years he could only speak with the assistance of a machine attached to his throat. This is an outstanding man called "Burdoo".

Sir, the business continues to thrive and his son has now taken over the business but he has been an environ-

mentalist all his life. He was able to go around to firms which were dumping all kinds of valuable metals, export those metals up to the United Kingdom and make a lot of money, so much so that he was considered to be the Mayor of Brandons. Mr. Speaker, as I speak, the business is now being better run by his son than by him.

Sir, I do not want for that company to be used as a scapegoat but I want assistance for the company because the National Sports Council has now barred off part of the access to Burdoo's place and his son is no longer able to get the vehicles in and out as easily as they used to.
1.45 p.m.

Perhaps, it is more important for the Ministry of Labour to use that particular activity as an example of how this legislation can be implemented, not in an attempt to destroy "Burdoo" but in an attempt to show how the legislation can effect greater safety and health considerations within the workplace. I think that firm constitutes an ideal starting point for this legislation.

Sir, here we have a very small company doing a very effective job. Let me warn that there have been some foreign investors who have shown interest in getting involved and providing venture capital to that particular entity. I warn against using venture capital which is not required. For years you have been doing a job effectively, earning substantial revenue from it and now all of a sudden a foreign company of much larger proportions is willing to come in and get involved in this venture.

Sir, on what basis would a Canadian counterpart be able to assist "Burdoo" in doing what he does anymore effectively than he does it. What would be the implications of the venture capital being used for the family business that has been established over a lifetime? I, therefore, invite the Ministry not to go looking to reduce that firm, close it down or do any such thing but, in fact, to use that particular venture as a case study, an example in which you can take a small company or firm and as a result of this legislative framework seek to improve the health and safety considerations within that firm.

Sir, this is just a plea to the Minister. This is not a plea to get rid of or believe that we are becoming so sophisticated that such a business cannot continue to exist where it is but to see if we can, within the framework of the legislation, provide a safer and better environment for his staff to operate and increase the level of profitability.

Mr. Speaker, the example cited by the Honourable Minister this morning with respect to the overexposure of lead being responsible for the death of a young lady in earlier times has prompted me to think about that particular example where this legislation may be appropriate. Sir, several things

can be done to enhance the opportunities there.

We were told that the legislation permits individuals now to refuse dangerous work but then the Minister in his presentation became very defensive to say that it would require the employer to fully cooperate with the employee in a case where the employee felt that work at that particular firm had become too dangerous to do.

Sir, we saw the philosophical side of the Honourable Minister when he dealt with the question of obligations and rights which workers may have within the firm, that employers also have obligations to ensure that those rights are executed in an environment, the need for cooperation between the employees, who would have particular rights but they also have obligations to the firm as well. In that respect the Honourable Minister went on to wax about Hohfeld, the philosopher.

I must confess that I always enjoy listening to the Honourable Member for St. James North. In fact, I will say here publicly that I believe that he is one of the more underrated politicians in Barbados, especially with respect to what he brings to Parliament and the abilities that he brings to Parliament and over the years might not have been fully recognised for those talents. Sir, I enjoy his contributions every time he speaks in Parliament and I must make that public.

I really do think that the Honourable Minister is fully underestimated within the realm of the political battle in Barbados. He has demonstrated over the years the capacity to reason and to argue where very few in this Honourable Chamber can meet and match. That is a fact.

Asides

Mr. C. A. MASCOLL: I, therefore, wish to suggest that while the legislation can be lauded and we understand its intent, that it is not going to be an easy feat to accomplish the objectives of the legislation, but I would hope that the Minister would get the full cooperation of the employers in Barbados, in trying to execute it.

In recent times across the workplaces and even at the Central Bank of Barbados there is a fear that something is amidst because there have been several cases of cancer at the Central Bank of Barbados in recent times. There has been a fair amount of illness especially among young individuals.

Asides.

Mr. C. A. MASCOLL: I have been told that in recent time the hospital has witnessed among its staff an

increase of breast cancer. I do not know if it is coincidental, epiphenomenal or what. It is possible for the two events to run parallel but it is strange that there is no correlation between the movement of these two events over the years. However, there has been an upsurge in the number of employees at the Queen Elizabeth Hospital who have breast cancer.

Mr. Speaker, if you travel around Barbados there are several workplaces that are considered sick buildings. I do not have the expertise to elaborate on that issue but certainly I think that we ought to be concerned with respect to the number of health cases that have emerged over the last few years, especially within the public sector of Barbados. Sir, the question of safety and health is very much on the cards within the public sector.

Sir, we have seen what is happening and I raise it, not out of mischief but out of concerns that have been expressed with respect to staff members at these various institutions across Barbados and this becomes an area for immediate concern. Sir, a large part of the profitability, for example, the Central Bank, perhaps, can be rerouted to understanding what are the sources and causes of the problems that may exist at such an institution. Mr. Speaker, rather than trying to restrict wages of individuals, they should be concerned more with safety and health of the workers at that institution.

We are also told that the question of protection from fire has been dealt with comprehensively in this legislation. Yet, we also know that as we speak there is not a piece of equipment in Barbados that can reach the tenth floor of the Central Bank. In the event that there was a fire or some other disaster, there is not a piece of equipment that can reach the 7th to 10th floors of the Central Bank building. This must be a source of concern with respect to safety and health of workers that with all the good intention of the management of the Central Bank, with the prototype of this legislation, and what is requested in this legislation, with respect to ensuring that you not only enunciate a plan for disaster, but you train your staff, making information available in book form that in the event of such a disaster, there is still no opportunity for the plan to be executed.
1.55 p.m.

I would think that this should be an area of serious concern for either the Government itself or an institution that has made considerable profits over the last several years.

Sir, you can no longer expect to put such legislation in place and to be talking about initiating measures that can look at the health and security of workers, and in an instance where there is a tall building like the Central Bank, in a period of disaster you cannot even seek to deal with the problems that you will confront. Therefore, it must be addressed.

Sir, the question has to be asked, how do you devote some of the financial resources towards that eventuality or possibility, knowing full well that it may never occur? However, if you invest in such equipment, it may be able to be used on the Treasury Building and other tall buildings in Barbados but at least, you would have had such equipment around.

Therefore, there is another cost to be incurred, as a result of putting this legislation in place. It is not only a question of legislating for the workplace. It is also a question of being able to do something about any such event if it does occur, so it is important for the Government to know and to get rolling with respect to this particular matter.

Mr. Speaker, this angle has not been addressed by the Minister but given the extent to which the labour market is now open, and given the extent to which we may be able to accommodate temporary workers who may not live permanently but who may work temporarily in Barbados, are there real provisions within the legislation to take care of workers who, though not being permanent in status, may have concerns about their safety and health considerations.

I wish to extend that now beyond Barbados, because others may visit our shores to work. We have been engaging on the question of exporting labour for a long time. In fact, we are now engaged, when we should have been engaged before because I well recall the debate on nurses. Sir, rather than train nurses and export them overseas, there was a discussion with respect to restricting nurses moving from Barbados.

Mr. Speaker, if you have a comparative advantage in training persons like nurses and policemen, why not emphasise it but the concern for this legislation is this. What is the status of a Barbadian worker in Canada, if he encounters a particular situation of health and safety, while working only for a couple of months on the Canadian Farm Labour Programme? Is he really in a position, within the laws of Canada to be able to seek proper legal advice, or proper remuneration or compensation for some event that might have occurred?

Mr. Speaker, now that I have spoken to the Canadian Farm Labour Programme, is there any attempt at all to look to see how such legislation can be married with legislation within the Caribbean Single Market and Economy (CSME)? Sir, safety is safety and health is health and if we are seeking to build the CSME, then we also have to be looking at the whole question of what are the provisions within CARICOM for our workers when they migrate or go to some other CARICOM country to work. Should we not be seeking to secure their safety and health considerations in the same way that we are doing at home?

Sir, if it works well, I can see that one day, it might be possible for a worker to work for some months in Barbados and go to some other place in the region and work. Would that person be able to carry with them the same kind of work environment or expectations, with respect to legislation regarding their safety and health within the region itself?

2.00 p.m.

Since the Minister was boasting that this is really seminal legislation, and ground-breaking stuff with respect to health and safety matters in Barbados and the region then, perhaps it needs to be looked at within the wider Caribbean context and not be restricted to being applied only within Barbados.

Mr. Speaker, questions were also raised with respect to legislation and what constitutes a child and what constitutes a young employee. Apparently, there were discrepancies or differences in legislation with respect to what is a child. This legislation apparently now seeks to rectify that, by suggesting that any person below the age of 16 will be a child and a young employee is between 16 and 18 years old.

Sir, I cannot really get involved in the demarcation but I suppose it has something to do with the ability to vote as well. If between 16 and 18 years old, you are not able to vote but you are able to be employed, what is happening here is that there are special provisions within the legislation separating out a young person - on the basis of my reading - whether the person would have to pay for the medical examination or the medical examination would be paid for, depending on the age of the individual and that was the differentiation.

Certainly, within the context of health and safety, it should not really matter whether or not an employee is 17 or 18 years old because the health considerations are the same. Safety will also be the same so it cannot be that this distinction here between 16 and 18 being a young employee is with respect to issues of safety and health within the workplace, but more so with respect to whether or not that individual has the responsibility for his or her own medical examination. This was my understanding for the categorisation of the young employee.

Sir, there are some other issues that were raised with respect to pregnant women, who have a major responsibility and during that period, of course, have to be protected even more so because of their physical growth and their restriction in terms of movement. They become more vulnerable not only in terms of incurring, perhaps, diseases but also because of the frailty of the body at that particular time. Therefore, the protection for the pregnant woman within the legislation is clearly understood.

The other issue is nursing mothers who decide to continue to nurse after returning to work, and if they would also be given a special privilege. Sir, I have not delved into

the privileges that they would be given and therefore I cannot say in detail in this discussion. Would they be allowed to take the milk off and store it? It makes all sense and that is how it should be and how long would they be permitted this privilege? Sir, it has been said that some children have been able to nurse for up to a year and that the longer you nurse, the healthier you are, Sir.

Therefore, if we can combine safety and health in the legislation and give nursing mothers an opportunity, while they are back at work still to participate more effectively in the rearing of the child, then I think it is legislation that we can all understand and respect.

2.05 p.m.

Mr. Speaker, while I understand and respect that this legislation was in the contemplation of the other Government since 1988, and has now taken almost 17 years to fully mature, it nevertheless is important legislation, but there is a major challenge of enforcement. How are we, at every level within the manufacturing sector, the tourism sector, the agricultural sector, the Public Service, the banking system and the teaching profession, going to be able to enforce health and safety standards?

Mr. Speaker, when you go now to the school level, the employee becomes the schoolchild because in an issue of safety and health in the workplace while a school is a school, a school really is a workplace for a teacher, therefore the children become part of the employees. Therefore, it is going to be also vital not only to go into workplaces to parade this programme or this legislation but to be able to execute it within such environments. In a hospital, for example, at the Psychiatric Hospital, the patients become part of the safety and health environment. Sir, even to stretch it within the Prison, the prisoners become part of safety and health of the work environment.

Therefore, I am simply enforcing or reinforcing the extent to which it will be a challenge to enforce this legislation and the kinds of challenges that the Ministry would have in so doing. Therefore, the Ministry needs not to underestimate the degree of work that is in front of it to be able to execute this legislation. Mr. Speaker, Government has to respect that reality and therefore needs to work hand in hand in trying to get this information not only as I said within the workplace but also within institutions that have children, prisoners, patients or whatever because they have to become part of this reality as well.

Mr. Speaker, staff complement is important and training is critical for the staff of the Ministry of Labour. There is also that question of adequate remuneration and compensation. Mr. Speaker, now that this responsibility has been added and now that employees are no longer restricted to their particular task and they have now to extend

themselves beyond their particular task, what would be the implications for the staff of the Ministry of Labour with respect to the new responsibilities that they obviously would have to have in executing the legislation before us.

Mr. Speaker, this is only part of a more comprehensive framework for the labour market because there are other things that have to be considered. As I said at the start of my speech, it is going to be very important for the morale at the various institutions to be right because people are not going to participate in this kind of activity that is not going to bear any major financial fruit for them, even though it is critical to their safety and health, unless they feel part of an organisation that is seeking to enhance their quality of life on the job. Therefore, it becomes necessary for them to feel comfortable about their wages, about being paid on time, about getting adequate vacation and about being able to work comfortably within such an environment. Mr. Speaker, the other thing to which I referred was the question of regulations. There are going to be regulations required not only within the legislation, but at every individual firm or workplace. Mr. Speaker, this is going to mean that someone would have to take the responsibility to be able to put such regulations in place. I have already offered the Ministry the idea that they have to get a prototype and allow firms to fashion their regulations within a clearly specified set of regulations that they can anticipate would be standard across the board and may not necessarily be specific to a particular individual, company or firm.

Mr. Speaker, I therefore would wish to say that we in all fairness would support this legislation while respecting that there are other serious conditions that are necessary for this legislation to become effective when implemented across the board. There are conditions that must exist as a precondition to this legislation not only becoming enforceable but when enforced becoming effective as an instrument of health of safety in the workplace.

I thank you, Mr. Speaker.

Hon. K. D. SYMMONDS: Mr. Speaker, perhaps I should begin by saying that the point on which the Honourable Leader of the Opposition ended is both a fair and accurate one and reflects, I think, a certain level of mature consideration on his part insofar as this particular issue before us is concerned.

However, Mr. Speaker, we need to put this matter into its most thorough and appropriate context. Barbados today is beginning a legislative process which comes on the tail end of over 18 years of industrious effort and 11 incarnations of a Draft Bill. It is a process which in effect will see the fundamental transformation of the nature of the law in this country with respect to safety and health in the workplace. It is an effort which, needless to say, had to bring on board the trade unions, the private sector in its entirety, academia

and a wealth of interest groups. Mr. Speaker, I am happy to say that it has also superseded the efforts which have been made elsewhere within this region.

Mr. Speaker, while we are on that point it is perhaps useful for this Parliament to note and to recognise that the Bill which we are contemplating today is the most expansive health and safety piece of legislation which is now known to the English-speaking Caribbean. It overtakes its predecessors in terms of scope and content which would have been the Trinidad and Tobago legislation and that of Guyana, which was modelled to a large extent off the Trinidad and Tobago legislation.

Sir, I want to begin by congratulating the learned and able Minister of Labour and his entire staff at the Ministry whom I know must have obviously toiled tirelessly in order to bring this legislation to the Chamber. Sir, in addition to that, we are going to have to recognise that the observations made by the Leader of the Opposition are wise.

Mr. Speaker, as a result of that, this piece of legislation contemplates another series of regulations. The last I heard from the Ministry of Labour was that as many as 11 consequential pieces of regulation will be brought to this Chamber in order to lend weight and body to the substance of that which is already here before us to make this a living reality.
2.15 p.m.

Mr. Speaker, the Honourable Leader of the Opposition made the point at the beginning of his discourse that there was much to be proud of within the bosom of his Party, insofar as work on labour-related matters were concerned. Sir, I do not think that there is any gainsaying on that point but I would prefer for us to take an even broader perspective on this issue, other than the issue of Party politics.

Sir, I say so because of the fact that I am satisfied in my mind that the dichotomy in this country throughout time immemorial has been one between labour and capital. Therefore, it is only within more recent times that the mature level of understanding which is seen in the tripartite arrangements and in similar initiatives has come to the fore in terms of labour-related and industrial-related policies in Barbados.

Mr. Speaker, if we were to be true to ourselves and to history, without leaning overwhelmingly on the comfort zones of partisan politics, we would realise that in 1956 there was a Factories Ordinance Act in this country and that under that Factories Ordinance Act, there was but one labour officer. Sir, that unhappy state of relations in terms of labour, Government and industry in this country,

continued until into the 1980s, when, in my respectful view, as a result of the impetus of external relations on this country and a growing sensitivity within the labour movement, more response was seen within this Honourable Chamber in which we now stand, and that is when we came to pass a Factories Act.

Sir, the convention which gave birth internationally to the legislation which we are contemplating domestically here, the Health and Safety Convention 155, was adopted in 1981. Sir, I think the time between then and now can only be adequately explained in the context of the abundance of work that has had to be done, to bring the philosophical and contractual commitment of all the relevant interest groups to the table, in the understanding that there is a common denominator in Barbados, whether on the side of labour or on the side of capital, and that is the well-being of the people of this country.

Mr. Speaker, the Factories Act which this legislation is going to replace, was, in many ways, very limited. Therefore, the first critical advantage of this Bill, in my view, is that its provisions will now cover all workplaces and merely not workplaces under the Act. Sir, that is all workplaces, exempting those where labour and essential services are conducted, which would be the Police Force, the Defence Force and similar services, as they will fall under a separate regime, and quite properly so.

Sir, therefore, we must ask ourselves what is the rationale behind this legislation. Why do we wish to broaden the scope today in 2005? Why do we hasten in order to ensure that there is a broader scope and a wider coverage, insofar as industrial relations well-being is concerned? Sir, those answers lie in the fact that there are over 80 per cent of the workforce of this country, who are not adequately covered or at all covered under the Factories Act or under any other related occupational health and safety legislation in this country. Sir, that cannot be a happy state of affairs.

Mr. Speaker, we also have to recognise that within recent times in Barbados we have seen a movement away from an agricultural base of our community, a movement away from an industrialised effort in our community, to one which is more computer and intellectual property related. We have seen an expansion of a services sector in Barbados and, therefore, there is a new realm of economic or work-related activity which needs to be adequately responded to and protected under the legislation.

Mr. Speaker, therefore, in light of the coverage and shift in workers' activities, the issue for the millennium has to be why do we focus on the nature of the enterprise. Would it therefore, be wise to focus on the nature of the enterprise as we did under the Factories Act, when we said that this was a factories operation, or is it instead more wise or more

erudite to focus on the hazards which obtain within the workplace?

Mr. Speaker, my respectful submission and that of This Side, is that it is more wise to focus on the potential hazards which obtain within the workplace. Sir, in that way, one does not limit oneself merely to a Factories Act, as described under a piece of legislation that is static and does not respond to the changes of the society but to one that speaks in a holistic way across the economic spectre.

Mr. Speaker, the second advantage, I think, is that there has to be legislation which addresses existing social and economic concerns in the society. Sir, those concerns are highlighted and have, from time immemorial been highlighted through case law in this country.

Sir, one of the roles of Parliament is not only to come here and debate issues but I think that a legislature must be responsive to some of the weaknesses and deficiencies in our system of governance which are highlighted on a daily basis by certain institutions, one of which would be the Press and another being the Judiciary. Sir, the judicial system of Barbados has been hearing and trying cases of this nature for a long time and in a number of their decisions, have pointed to weaknesses in our structure, weaknesses which happily the able and learned Minister of Labour has responded to, by trying to plug the hole.

Sir, several cases, for example, reflect the failing on the part of employers to thoroughly and adequately train their employees on issues relating to operational aspects of machinery, dangers of machinery and more importantly, as is manifested by the case of a young man in St. Lucia by the name of Charles, the failure to adequately understand the precautionary steps that needed to be taken in the use of machinery. Sir, the consequences of that failure was that young man losing a limb.

Mr. Speaker, I had the unhappy experience, in my fourth year of practise, to have to sue the Attorney General of Barbados on the behalf of a woman from St. Philip who had lost a thumb, by virtue of the fact that she was working in the School Meals Department with a piece of equipment, which she was not thoroughly trained to use. She did not understand the precautionary measures that she should have taken and, therefore, she was the victim of having her thumb severed and had to be compensated heavily in damages. Sir, those weaknesses had to be plugged.

Asides.

Hon. K. D. SYMMONDS: Mr. Speaker, the point is, that kind of weakness has to be corrected and this legislation, I am happy to say, addresses the need by making it mandatory and compulsory that thorough training of employees in operational aspects of equipment and in

precautionary measures, is undertaken. In addition, there is an economic cost attached to training, which we accept. Therefore, there has been a tendency, which has been noted by the media and the judicial system, that short cuts have been taken by employers. People have even approved of certain short cuts, knowing that there is a risk associated with such short cuts. We, therefore as legislatures, find it necessary to come down on the side of an abundance of caution, in ensuring that the law now prohibits that kind of short cut and places an onus on the part of the employer.

Mr. Speaker, I want to say that in addition, it is an understanding that no employee is to be disciplined for merely requesting an inspection of his or her workplace. Sir, the well-spring of experience in the law reflects that this is an issue at which the Courts have had to look. Sir, if this Bill passes Parliament, whether or not a Health and Safety Committee is in place, no employee shall be disciplined merely for requesting an inspection of his workplace.
2.25 p.m.

The practice in the past has revealed that in instances where employees have done so, they have been treated as though they are delinquent, not interested in work and are trying to bring an unnecessary burden on the employer. When you get to the court, issues of access have been taken against the same employee who often is protecting his rights in terms of his health and the rights and well-being of his co-workers in terms of their health.

Sir, access to information is a point which is taken against the employee. He would want to ask that the employer provide safety reports or that he has access through his counsel to maintenance records and the court would say it is not relevant. What then does the employee do? How does he sustain his case if the very tribunal to which he is applying for relief is chasing him from the seat of judgement by saying that his application is not rooted in relevant evidence. What does the employee do when he seeks access to records relating to previous complaints about a hazard which he is saying exists and which the employer says does not exist?

Mr. Speaker, the need for us to recognise what the judges of Barbados and the Caribbean have been saying and to translate it into a lived reality for the people within this jurisdiction becomes important. Again, I applaud the effort being made by the Minister. Sir, one attractive piece of this legislation is one that speaks to the question of reducing harmful noise and providing hearing and protective devices.

Again, the unions have made this point repeatedly that many employers have chosen to take a diminutive position. They will do as little as possible because often to control the level of noise emission, harmful though it may be, may mean

a greater financial encumbrance. Sir, the choice between well-being and finance often falls unhappily on the side of finance and those persons who find themselves on the wrong side of that divide, therefore suffer.

This new Bill seeks to mandate the Chief Labour Officer in conjunction with the Chief Medical Officer to issue independent directives on noise levels for the first time in the history of Barbados which are aimed at ensuring the best of practice in protecting the rights of the employee.

Mr. Speaker, I personally want to say that there is a concern on my part that employees must not run away with the view, once this legislation is passed, that Government is blind to the potential for abuse. Sir, Barbadian employees, as a whole, must in my view, be cognisant that there remains a desired balance between rights and obligations, that the employee has rights, that this Government will stop at nothing within the law to ensure that employee's rights are promoted, protected and entrenched, that the employee, having won and secured those rights and knowing that the Government would defend those rights must also live up to certain levels of obligations.

Mr. Speaker, it is an unhappy thing for the Ministry of Foreign Trade to be trying to negotiate market access in the United States of America working in conjunction with the Ministry of Labour so as to ensure that Barbadians have an opportunity to get access to jobs which are good paying and of a good quality in the hotels of Canada and the United States of America.

Sir, once the employee gets the benefit of that opportunity, he or she decides that she would only be looking at the issue of rights and not at the issue of obligations. Therefore, you get unhappy complaints about workers who decided unilaterally that they are varying the contract and refusing to do legitimate and traditional aspects of the job which they left Barbados to do and which was obtained under contract through the negotiating efforts of the joint parties of the Government.

Mr. Speaker, these things are not good and they make ill for the country. Sir, word has to go out from Parliament that as much as Government would defend, promote and entrench the rights of the employee in Barbados, we do believe that it in the best interest of the people of Barbados, its reputation and society that employees recognise that they are obligations which have to be maintained.

Mr. Speaker, one has to be mindful of one of the great successes of this legislation insofar as the capacity it creates now for further public policy evolution. It is now a well-practised refrain in this country that we need to have a building code, that there should be some sort of provision

which governs the way we build and the regulations surrounding buildings. Sir, I wholeheartedly agree and I am happy that this matter is attracting the attention of the Cabinet. It must also follow that there is the introduction of rights and responsibility with respect to the protection of people who work in those buildings referred to by the Leader of the Opposition as “sick buildings”.

Sir, as public policy continues to evolve, this country must equally become concern of the fact that there is in Barbados no adequate fire safety regime or adequate fire code which would speak to the well-being of those individuals who on a daily basis have to work in a multi-storey building.

Sir, the Minister referred to the fire which took place in Newton at the “sleep factory” as it was called. Sir, a gentleman, Anthony Robinson, a father of two children, at the age of 34 died at that factory in an unhappy incident.

I am very grateful to my friend for placing before me a copy of the extract from the court. Sir, I will not read it but would simply glance at it from time to time. I remember the learned coroner, Magistrate Faith Marshall-Harris made the ruling of accidental death. There were certain salient features of the case which jumps out at us and must command the attention of Parliament. One such feature was that in that building, though there were a number of persons employed, there had been no fire drills. There were a number of pieces of equipment which could in fact through the industrial process cause fire, there was a construction process in which wrought iron was on the windows and bars were on the doors.

Sir, in that building there were no alarms or early fire warning signals. There were four fire extinguishers but there was no adequate training for the staff. There had been a practice, as is the common case in many homes in Barbados let alone places of work where there is a fire extinguisher but you would be hard-pressed to determine the quantum or percentage of people in the building who had knowledge of how to use the extinguisher.

Mr. Speaker, I will use the analogy of the Leader of the Opposition. I do not think that Barbados needs to have equipment to get to the tenth floor of the Central Bank of Barbados in order to put out a fire.
2.35 p.m.

In fact the *sotto voce* remark from the Honourable Minister of Health during that aspect of the presentation that, for example, you would never get a piece of equipment that could reach the top floor of the Twin Towers. However, we need to have an adequate fire warning, fire detection and fire prevention policy which will enable us in such an outbreak to have access to means of escape.

Sir, this piece of legislation, at Section 34 and onwards, speaks almost tirelessly to a new approach in public policy in Barbados where for the first time the Chief Fire Officer will have access annually or, if he determines that it is necessary, would have access on more regular occasions on shorter notice to examine workplaces, to conduct inspections, issue certificates of compliance with his views of requirements so that these things are done in the aid of advancing the purposes of ascertaining the existence of adequate escape routes.

Mr. Speaker, therefore we are entering a new realm of public policy in this country. The Robinson case should be no more in Barbados. The requirement and power now vested in the Chief Fire Officer is very similar to that which is practised in the so-called industrialised world. Sir, if you are in a school experiencing conditions that are against the building code; an example comes to mind in New York where a principal overwhelmed by the presence of drug pushers in his school, decided to close the doors with a chain to keep out the drug pushers. The difficulty, it was a violation to have a door chained and the Chief Fire Officer was able to compel and mandate that issue be corrected. Therefore, for the first time in this country, we are moving health and safety in the workplace to that First World Industrial standard.

Sir, while I accept that the rest of the Caribbean still languishes behind, I want to state my extreme pleasure and sense of honour to be part of Parliament which is bringing Barbados to this level of governance, respect and responsibility for the rights and well-being of the people who we are elected to govern.

However, I have a concern of a brief nature and it is to be found on Page 127 of the Draft Bill. The investiture of power which allows for the closure, if need be, of a workplace. It is a power which is vested in a Chief Labour Officer.

“113. (1) Where the Chief Labour Officer is satisfied that

- (a) any part of the ways, works, machinery or plant used in a workplace is in such a condition, or is so constructed or placed that it cannot be used without risk of bodily injury;
- (b) any process or work is carried on in any workplace would cause risk of bodily injury or endanger health...”

Sir, then he can issue a prohibition notice. The effect of that prohibition notice is found at Section 113 (2). Effectively, it means that the Chief Labour Officer can, if need be, with immediate effect put a stop to that particular aspect of the business which is called into question.

Mr. Speaker, it is a very overwhelming power because we are talking about the right of Government to intervene in a fundamental way and, perhaps, almost final way with the interest of the business. It is, however a judgement, in my view, which has to be exercised with an extreme sense of balance on the part of the Chief Labour Officer. Though there may be in his view good reason and cause, we must always bear in mind that there might be substantial economic hardship caused as a result of such an intervention.

Sir, the courts, when faced with these issues, have long worked out that you have to have a balanced approach. You have to take into consideration the rights and interests of both parties and the practicality of that request which is being made.

I would want to think that substantial exercises in training will be conducted by the Ministry of Labour; that the Chief Labour Officer and his staff will be the beneficiaries of exercises in training so as to ensure that the execution of this kind of power will be done as close as possible to a judicious and judicial way that we can afford.

Mr. Speaker, I think that outside of that one small consideration, this Bill is well worth the time that we have waited for it to come to this Parliament. I also think that the Honourable Chamber has been visited today by a Minister of Labour who can feel justifiably proud that he has been at the forefront of pioneering a piece of legislation which can substantially and fundamentally transform the nature of industrial relations in Barbados. I give him my support in this effort and commend it once again for the attention and support of this Honourable House.

I thank you.

Mr. SPEAKER: The Honourable Member for St. Philip West.

Dr. D. C. ESTWICK: Mr. Speaker, I rise to make a contribution to this debate largely because I believe that this piece of legislation is long overdue. I believe that for too long in Barbados we had, not only environmental abuse but employee abuse without redress by an institutional structure that allows for these matters to be dealt with. That is the reason I will support this draft piece of legislation.

However, while looking at the legislation there are a few areas that I would want the Honourable Minister to bring some clarification to. In particular, there are a few areas that appear to be somewhat discriminatory and I believe that if the legislation is to be universally applied, therefore giving it an ethical underpinning, then there should be no sector being left out.

Sir, I speak specifically to Part I with respect to the definitions when we look at what the definition of an

employee is. We further looked at definitions with respect to agricultural purposes. Sir, when I look at those two definitions, I want to understand where sugar workers would be featured in the legislation because agricultural purposes identify specific categories quite clearly and I want the Honourable Minister to grant me some clarification.

Mr. Speaker, my reason, within the sugar belt there are many health and safety issues.
2.45 p.m.

The health issues relate to many bacterial infections risks, parasitic risks, and risks involved with heavy machinery. There have been for a long time, discussion with respect to the provision of changing facilities, and toilet facilities, *et cetera*, and I would want the Minister to explain, now that the Bill is drafted, whether that particular sector can be brought clearly under this draft legislation.

I also give my support, Sir, because I grew up below Carrington Factory in St. Philip, and I remember distinctly the soot that would blacken the homes indiscriminately. Yet, in other territories, Mr. Speaker, such industrial activity would be forced to introduce technology to minimise the impact upon residents. Therefore, I have no problem with this legislation if it brings to bear the introduction of legal requirements to force such entities to comply with doing what is in the interest of people.

Mr. Speaker, I remember distinctly that in the last election, while canvassing in the area of Foursquare Valley below that rum refinery that all the houses below that rum refinery were blackened, and the residents brought their doctor bills to me for sinus problems which they had to have treated. I would hope, Sir, that after the passing of this piece of legislation, this type of activity in Barbados is laid to rest.

I would also want to bring my support to the legislation because while canvassing, I visited areas that were adjacent to quarries in Barbados, where not only people were suffering from sinus-related problems but they were suffering from dermatitis secondary to the dust. I would hope that when the legislation is all proclaimed many of these type actions would stop.

I would not want to be here in this Chamber debating this piece of legislation and two years from now – hopefully it would pass through the Senate – the people in Sunbury and Foursquare Valley would still be complaining. Otherwise, what is the point of being in here? Sir, this is just a caution.

Mr. Speaker, I also have an area of concern with respect to sections 6 and 7 of the Bill. I tried to understand it and I think in a lot of ways, I can appreciate why one may very well want to specifically target young people in trying

to define a piece of legislation, and it is because of their possible vulnerability.

I am not too sure that I would accept the definition of the range being between 16 and 18 years, Sir, and where many areas of this piece of legislation crafts with specificity, areas with respect to employment of young persons, I do not believe that discrimination should exist.

I am sure that in recent ILO Charters, Sir, there had been a fundamental movement to the removal of ageism and sexism, when one looks at the application of legislation. Mr. Speaker, I would like to know if this legislation will address the issue of young females that are presently gas attendants in Barbados, who may be pregnant and in their first trimester and are inhaling gasoline fumes morning, noon and night, if there have been any studies to indicate whether or not any of the components within gasoline are carcinogenic.

I am being told about lead and the implications of young people working with respect to lead and possibly pregnant young persons. Sir, my medical knowledge suggests to me that persons of any age, can be affected by lead.

I believe very strongly that if one is going to impose in this Bill, for example, Clause 68(5) where there is supposed to be an annual medical examination so as to determine fitness...Mr. Speaker, what about the old people who suffer with obesity, diabetes, hypertension and heart disease, working in the same sorts of stressful conditions of employment?

I want to understand the logic of singling out a particular age cohort, with respect to the specific application to the legislation. I hope that the Honourable Member would explain that to me because I really do not understand it, Sir.

Mr. Speaker, Clause 68(1) says specifically that no young person shall be admitted to employment in a factory for a period exceeding two weeks, unless after a medical examination, he has been found fit for the work he is employed to do, Sir.

I am saying that should not be that narrow and it should not be as specifically defined. There can be no basis for excluding those who are to be employed, because all employees will have some psychological or physiological negative response, if the conditions of employment will develop such.

I do not believe in situations where an employee has to be involved in repetitive work that a young person is any more subject to the stress, than a middle-aged person or an old person. I do not think there is any evidence of that, Sir. In fact, the opposite may very well be true in Barbados.

Mr. Speaker, I would want the Honourable Minister to just explain to me the rationale for it or whether it happens to be a convention that is done in another territory and as a result, it is therefore being applied in Barbados. If that is the case, well so be it but I am not too sure that is how we should be applying our legislation to our people.

Mr. Speaker, I do not believe anyone on the Opposition side has any problem with enhancing the environmental conditions at work. We have all had the experiences of having friends in factories, not only where there are inappropriate applications of things like washrooms or where there is significant exposure to noise, *et cetera*... 2.55p.m.

I do not think that is any area of divide. The same is true with respect to changing facilities *et cetera*.

I have had the experience of having discussions with several persons who were on strike at the airport because they had to dig foundations and spray some form of material on the foundation without masks and what they were using to spray with had no labels on them at all. Therefore, I have no quarrel, Mr. Speaker, if legislation is brought to bear where these types of matters are dealt with. I also do not think we have a problem with respect to toxic substances and fumes.

Mr. Speaker, I am quite happy to hear the Honourable Minister indicates that such legislation will be applied to public intuitions as well because I have had the experience of treating many public sector employees who have been suffering from chronic sinus problems. Their bosses seem not to appreciate the significance of the impact of air-conditioners, unclean air and the use of substances to clean the rooms, as they may impact on those susceptible to those types of antigenic materials. So I hope that after the implementation of this Bill that the Ministry would do its job and through its inspectorate make sure that the incidence of these types of walkouts that we have been seeing over the years would be much reduced.

Mr. Speaker, I would want to ask the Minister how he is going to address the type of sickness that is associated with stress in the workplace. Sir, the stress I am talking about now is not a stress with respect to a toxic substance or an environmental dynamic; it may be a stress of being underpaid and having to work too long and hard; it may be the stress that results in obesity because nobody serves the type of food that is required to give you the type of nutrient base that you need in the environment; it might be the stress related to the fact that your son or daughter is at home sick and nobody 'pays you any mind' in Barbados or it might be the stress of not knowing whether somebody is going to take care of your children or not. If the Honourable Member is going to tell me of moving Barbados into a first world type of legislative framework, well I would hope that these

dynamics become just as pertinent as to whether you have running water or toilets.

Mr. Speaker, I would want to see the day when many of the institutions in Barbados look not only to nurse stations and medical capabilities but at introducing elements with respect to child welfare in Barbados. I think we need to go down that route because all of this affects your productivity. If you are mentally compromised, it affects your productivity. There are some in here who have no children so they would not understand the anguish of having a child ill at home and feeling that anguish at work, worrying about whether they are well taken care of.

Asides.

Dr. D. C. ESTWICK: That is a pseudo feeling, that cannot be a true feeling because he does not have the experience.

Asides.

Dr. D. C. ESTWICK: Mr. Speaker, I would want the Honourable Member for St. James North to tell me how he intends to deal with the stress from verbal abuse from employees and how he is going to deal with the type of harassment that exist. Am I to hear that he is going to bring the sexual harassment legislation that was languishing for all the years?

Certain remarks made by the Honourable Member for Honourable Member for St. Philip West were ordered to be expunged from the records by Mr. SPEAKER..

Asides.

Dr. D. C. ESTWICK: Mr. Speaker, I have always said that people in glass houses should never throw stones. I live as an average man suffering with the frailties as any other man and I have no problem with that, and as a result of that, I would speak at that level.

Mr. Speaker, this matter of verbal abuse and harassment in the workplace is important and it has to be dealt with. However, I am not too sure that legislation can be framed to deal with it. Therefore, I would want the Minister and his team of advisors to look into these matters on a serious note. There are many people who go to work on a daily basis and are afraid to go into the office. These are facts and unless we appreciate that these are matters that we have to deal with, well then moving ourselves into the 21st Century along those areas are not going to do much good.

Mr. Speaker, I would want to find out also whether these types of amendments apply to offshore companies when they are operating in Barbados and what assurances could be given to the people of this country that such would

be the case because we have seen offshore companies come to this shore and refuse to entertain the traditions that we have had with respect to good labour practices. As we move into the realms of the CARICOM Single Market and Economy and negotiations with respect to the European Union and the Free Trade Area of the Americas, then it becomes important that we look at conditions of harmonizing these elements. Sir, unless these elements are effectively harmonized and are brought under some regional body, possibly like the Caribbean Congress of Labour, we could be putting ourselves in a situation where 14 of the other Honourable Members may be far removed from where we are.

Mr. Speaker, the Opposition supports the improvements in the general welfare in the workplace that is brought by this legislation. The Opposition also supports those improvements that relate and have a direct impact upon health related matters in Barbados.
3.05 p.m.

Mr. Speaker, I want to say to the Honourable Member for St. James North that this piece of legislation is timely and that the Honourable Minister should press on and bring the other associated legislation that would give it more significant meaning. Sir, I believe that this piece of legislation, even though important on its own, would be more significant if it not only had with it minimum wage legislation so as to protect the interest of Barbadians as we deem to deal with the movement of labour throughout the Caribbean and it should also be accompanied by sexual harassment legislation. Sir, these would all be important elements to protect and to preserve what Barbadians have worked so hard for over the years. Therefore, it becomes important that we not allow movement into these regional Free Trade Agreements to reduce what Barbadians have worked so hard for over the years.

Mr. Speaker, I have argued that any time there is a regional integration process, as is occurring within the CARICOM Single Market, and there is no political component to manage the resources and the output from those resources, we are looking at potential exploitation and are reducing everybody to that of being a common denominator. Sir, that has been the experience of negotiations in the South. It has also been the experience of Latin America, as well as African territories, and I am not going to fool myself because I understand such dynamics. Therefore, I want to make sure that minimum wage legislation is there.

Sir, even though the United States of America is encouraging and arguing that we should move into a multi-lateral arrangement, that country is increasing its minimum wage legislation, to protect its people's standard of living. Sir, we must learn from those experiences and must move towards that direction in quick time.

Mr. Speaker, I am obliged to you.

Mr. R. D. JONES: Mr. Speaker, I think at the outset and in keeping with the agenda as outlined by the previous speakers from the Opposition, I would want to commend this comprehensive piece of legislation which speaks to the protection of the health and safety of all persons in the appropriate workplaces across Barbados. It is a substantial and major piece of legislation, deviating in some ways from that to which we are accustomed under the Factories Act. It gives wide and important scope for the work of the Labour Department and the relevant personnel, whose job it would be to police, to supervise or to manage this important piece of legislation across the length and breadth of Barbados.

Mr. Speaker, in the meantime, one has to go very quickly beyond that. We have to move the Barbadian mind set from the laconic state in which it has been for a very long time, where concerns about their own health and safety were tertiary to the presence of money in their hands or to the presence of increasing equity within businesses across the length and breadth of Barbados.

Mr. Speaker, it says how we can move a people who were so accustomed to a particular state of functioning or state of behaviour, to a new dimension where the health and safety of individuals will now become paramount in the whole sphere of things, as proposed by this very important piece of legislation. Therefore, the first thing beyond what is contained here, is that of a mass education exercise programme done across the length and breadth of Barbados, by utilising all the available accepted media within the country, to ensure that persons are conversant with the legislation, and that the knowledge of what to do with the available policies and practices would reach all levels of the Barbadian society.

Mr. Speaker, it is important for us to do that, otherwise what we do here and what the Labour Department would seek to carry out, would become meaningless within the given context of their actions or of our behaviours here within Parliament. Therefore, it is important that as soon as this Bill reaches the assent of the Governor-General, that there would be the commencement of serious education programmes across the length and breadth of Barbados, in relation to the passing of this Bill.

Mr. Speaker, in a very fundamental way, this touches very much the heart and soul of the work of persons such as Orlando "Gabby" Scott, who the Honourable Member has spoken about in his presentation, a person who I would call a friend and a brother, along with some persons whose voices have not been as long in the wilderness as that of Sister Undine Whittaker. Sir, let us not forget those whose voices have been added to the call for important pieces of legislation such as this, and if we are going to recognise one person, then we must also recognise the other, even though

one person would have been of longer vintage and possibly more forceful. It is important, nevertheless, that a feminine voice be also added to this excursion in relation to the protection of the health and safety of workers in Barbados.

Sir, I want to underscore the point, and I believe that the Honourable Member was at some pains to point out that when we speak of workers in Barbados, that it is inclusive of managers, directors and chairmen, along with all persons who inhabit workplaces or work spaces in Barbados. Sometimes when we speak of workers, because some persons are captured in that small group called management, they somehow see themselves as being exclusive and, therefore, what is done within the context of the particular work space might be for management personnel to exclude themselves from whatever difficulties or problems that might have arisen within those workplaces.

Mr. Speaker, following that particular trajectory as was established by the Honourable Member, I want to add to his own appeal, by suggesting that all persons who visit those work spaces for the conduct of legal and legitimate businesses, would also fall within the ambit of the protection which this piece of legislation would give. I wish that all persons would see it within that particular context and would work so that the effort would be maximised by all who work, who study and who carry out general behaviour within all the spaces we have within this country.

Mr. Speaker, the Honourable Member has also spoken to the issue of noise pollution, *et cetera*, and I believe we await a more substantial piece of legislation relative to environmental protection which will cover issues such as noise, smoke, or noxious compounds within the atmosphere. We await that piece of legislation because it is important that we need not only to sanitize or to clean up our work spaces but also to clean up the total environment which we inhabit, one in which we try to survive on a daily basis.

Mr. Speaker, I know for a fact that along major stretches of our highways there is massive noise pollution, with some persons taking pleasure in revving up their cars and racing along stretches of the ABC Highway; persons who, as soon as the police descends on them, shift their assembly spot from one place to the other.
3.15 p.m.

Sir, they shift their noise from one spot to the other as soon as the police arrive. The irrational behaviour of these persons cannot be commended in any form or other. Sir, we await that piece of legislation.

Mr. Speaker, there is another group, those who are self-employed, who seem not to have any regard for their own health. As a result of the decay in their own health,

it impacts on the wider society. These persons work at auto body repair men, paint houses and get involved in this type of activity. It is amazing that you can go to these private bodywork shops and persons are using polyfilla and are sanding cars without the appropriate coverage on their noses when fine particles are emitting from the sanding machine which go into the system.

Sir, I am not a scientist or a medical doctor by any stretch of the imagination like the Honourable Member for St. Philip West or the Honourable Member Christ Church South.

Asides.

Mr. R. D. JONES: the Honourable Member for Christ Church South is my representative so I have to include him in any praise given to my colleague and brother from St. Philip West. I hope the Honourable Member for Christ Church South would respond to the areas of difficulty when I speak to the issue of environmental pollution. Sir, yesterday as a drizzle of rain descended on Christ Church to green the brown which surrounded us, we were flooded again.

I know the Honourable Member for Christ Church South has been at odds to invite the Honourable Minister of Transport to see the conditions which I have drawn to his attention. I know the place of the Minister of Transport is full but he should eat off some and therefore, have time to journey with us to look at those conditions because, in itself, it is an environmental hazard which breeds mosquitoes and the sensitive skins of persons who live in that particular area.

Mr. Speaker, this legislation should give coverage to those persons who are self-employed as they perform their various tasks to make a living. I am not speaking for draconian conditions which would deprive them from making a living within Barbados but they must be encouraged to adopt health and safety standards in order to protect themselves so that they can continue to earn a living for themselves and family.

Mr. Speaker, these are extreme health issues. When we talk of health and safety, persons do not see them as fundamental health issues and, therefore, do not respond in the kind of way that become necessary for their protection.

Mr. Speaker, the Honourable Member for St. James Central spoke about the young man who was consumed by the fire. It touched me personally because when I ventured into the classroom for the first time in my life as a young teacher, he was my first student and eventually became a good friend of mine. If he had survived the tragedy, I would not have had to ask for his X. Therefore, it touched me personally and I remember leaving Christ Church Boys' School on that day in April and venturing into Newton to be told that Tony was consumed by fire.

3.20 p.m.

Sir, in that instant one recognises that many of our plants create hazardous conditions for workers. They continue to be for the protection of their stock but it creates difficulties for workers who might need to escape particularly if you do not have the kind of excavation procedures built into your system and the kind of drills that allow persons to move in an orderly fashion for their own safety to ensure that on any given day, if there are 60 workers on plant and you need to move persons out because of a hazardous problem, that you can, in a matter of minutes, account for those 60 workers inclusive of management. If one or two persons are missing, you should be able to make the necessary alarm. It is important that the factory inspectorate be able to move around quickly...

Asides.

Mr. R. D. JONES: Yes, that is absolutely... you cannot pass a major piece of legislation like this and it does not impact on the need for more monetary and human resources in order to carry out the task and function.

Sir, we have in Barbados a particular snobbery level where persons believe that as they go into the workplace, they do not have to pay regard to anyone. We have to make sure that the regulations which flow out of this Bill will give the factory inspectors the amount of power to command Operations Managers and Chief Executive Officer so that they understand that they are in breach of the law. When these inspectors carry out their work for the protection of workers nobody takes up a telephone, calls someone to say that the factory inspector is giving trouble and they are given a job behind a desk to work with paper or the factory inspector receives a call on his cell phone telling him to leave Mr. Jones alone because he is one of our clan.

Sir, we know these kinds of things can happen in this country because we have not yet reached the stage where certain aspects of corruption are not embedded within the society. Mr. Speaker, everyone should conform and comply and the first one to make the call who is rebuffed and the legislation is brought to bear, then everybody will get the message.

Mr. Speaker, the Honourable Member for St. Philip West, competent doctor as he is, spoke to the issue but I will now speak to the dynamics of education because, when I am about to slide, the Honourable Member for St. Thomas always keeps me on the straight and narrow path.
3.25 p.m.

I am speaking to this because there are schools in Barbados, over the last few months, that have been, according to them and reports, suffering from serious health

issues. I am sure that the Honourable Junior Minister of Education understands exactly what I am talking about because she might be called from time to time to interface with these particular issues.

Sir, for example, Louis Secondary School, where parents in the exercise of their democratic rights and the protection and safety of their children, removed them from the school which is alleged suffered from some noxious components coming from a neighbouring business. Thankfully, those students have returned to school to continue their education but that does not mean that we must abandon the process of seeking to find out what the things are within the environment that impact on their health and safety.

Sir, the same thing applied to students, teachers and ancillary workers at the Parkinson Memorial School. There were complaints of itching eyes and skin, sickness and also the lost of voice. All of these are complaints that were received from time to time. Sir, even the water was turned off, which is important to cleanliness, survival safety and health. Sir, the left hand seems not to be aware of what the right hand was doing. I know that the Honourable Member for St. Michael West, would tell us that though the Good Book says that the right hand should not know what the left does but we are aware that if we want to clap we have to bring them together in the praise of His holy name. In this instance the right hand should know what the left hand was doing and the water at five schools should never have been turned off and the health and safety of those students compromised.

Sir, I do not understand how that could have occurred in a modern Barbados at this time, particularly in an economy, as touted by the Government, rolling with dollars. Therefore, all of these things must work hand in hand. They must be synergistic in their movement and nature. The right hand should know what the left hand is doing in all of these instances.

The Honourable Minister of Health who would then have the burden of all these sick people on his hand may be capable or incapable of responding appropriately to satisfying those health issues. I do not know if left or right so I have to put plus or minus on both sides of the scale to make sure that there are equally balanced. I would not be harsh to him at all as a Minister of Health.

Sir, these are fundamental issues which come from the centre impacting directly on what we are talking about and which is important to the health of the nation and individual people within their domestic environment. It is also important that the health and safety committees in every workplace are established as soon as possible with the right type of personnel, once the appropriate number of persons are employed. I hope that managers and owners would listen

to the voices of those committees which they have established.

The Honourable Minister, as he piloted the legislation, spoke to ergonomic issues. As we speak to ergonomic issues, we have a growing sector of Barbados that is concerned with information technology and call center activity. Sir, this activity is highly repetitive in the very description of what we call a job. Persons have to move their phalanges over a keyboard for a prolonged period of time in order to maintain a certain earning capacity.

There are employers in Barbados who do not understand that we do not want to end up with a nation of crippled persons, particularly our women, and that they should have appropriate breaks and times to exercise, to stand up from the uncomfortable chairs and to walk around for five minutes. Sir, if you do that, you do not restrain productivity but you enhance it. Therefore, the women of our nation will not become crippled and will not have to wear all kinds of braces on their hands, with their fingers sticking out as though they want to touch you all the time. Sir, these are important issues.

Mr. Speaker, as we promote sectors such as these, those who come must understand that relative to the protection of the rights of workers of their health and safety, they must comply with the legislation which this Honourable House would pass and which would get the assent from the Other Place.

It is important that we speak to prospective employers and as we invite them to be part of our employment landscape that they are made aware upfront. If we lose them because we have progressive legislation, then we lose them. They will be of no benefit to our landscape because we do not want them to cripple our people. That is important and I would want to underscore that point and appeal to employers and employees because I would not want to stand here and heap lashes only on the employers.

Sir, there are some rascal employees, even though you provide them with safety helmets and nose pieces, would make the comment that they are uncomfortable and they would discard them. There are persons working on construction sites without wearing harnesses attached to their bodies in case they slip. Sir, there are persons who go down into 80 feet wells where gases are developing and they are being poisoned and collapse from these gases. These are serious things within the country.

Sir, do not allow our voices to be just thrown aside. We need to appeal, control, manipulate, beg and beseech to bring the employers and employees to a christian understanding that these things are important for the health and safety of our nation, the preservation of our people, people who are moving forward into the 21st century with important standards for human life and existence.

Therefore, like all the other Honourable Members on This Side who have spoken, we will support this most progressive piece of legislation and urge the Honourable Minister, now that he has commenced serious work, that the things which have been spoken to by the Honourable Member for St. Philip West, Employment Rights legislation and the Sexual Harassment Bill, now that you are sprinting, continue to sprint but consider your own health and safety because as you carry large girth, that could cause you to collapse and we would not want that because we love you.

Mr. Speaker, I thank you very much.

Mr. SPEAKER: The Honourable Member for St. Thomas.

Hon. Miss C. Y. FORDE: Mr. Speaker, I wish to add a few comments in my support for the Safety and Health at Work, Bill, 2005 and at the outset applaud the Honourable Minister of Labour, the officers in the Labour Department and the officers of the National Advisory Committee on Occupational Health and Safety for the advice that was offered in the preparation of this Bill.
3.35 p.m.

Mr. Speaker, there are tremendous upgrades in the employment sector in Barbados when we look at the present time compared to the past. I fully support every effort that is made, not only by the Government but indeed the private sector and the whole tripartite approach, in ensuring that there is safety and good health standards upheld within the workplace.

If we look at the past, Mr. Speaker, especially if we look at the agricultural sector which was the mainstay of the economy at that time, there were numerous challenges that the employees of that day confronted.

I certainly can remember, Mr. Speaker, having been raised in a rural community, where almost every field contained sugar cane. Much to my dismay now, there is only one field in the parish of St. Thomas that carries any cane but I will not speak to that now, except to say that I had the wonderful experience of observing quite a lot in the agricultural sector. Sir, I also had an important role to play, helping with the reaping and indeed the growing of the sugar cane. Therefore, I know of the many workers, particularly women, who climbed the ladder during the crop season to be able to 'load-up', as we called it, the big Bedford trucks.

Mr. Speaker, my mother had the experience and I remember women who were seven and eight months pregnant climbing the ladder. This was a very dangerous exercise but that was the only way they could fend to raise large families and, indeed, to hold their dignity intact. They

were not mendicant people who relied on the Welfare Department and other agencies for maintenance but they ensured that they worked and, as my old parents would say, by the sweat of their brow, they ate bread. Therefore, I know of the danger those workers experienced at that time.

Mr. Speaker, there were no toilet facilities available or running water near those agricultural fields but, of course, efforts were made by the plantation owners to have buckets and tanks of water for use, depending on the need at the time.

Mr. Speaker, the incidences of serious or fatal accidents at times in the agricultural sector were also experienced, especially when we started with the mechanism of the industry. We knew that almost every year, we could look for one or two tractor drivers to die, and we could look for a truck to run off the road at Springvale Hill and injure individuals. I am happy to see that this legislation is going to help with the upholding of standards that will benefit employers but more particularly, the employees.

I can remember trucks that came from Springvale Yard and a man called, "Night Driver", and when that truck was overheating coming over Springvale Hill, he would take off the cap and add water. I am not sure if it is the radiator where you would put the water in, but he would put it in and sometimes it was scalding. All of those dangers we know, Mr. Speaker, emanated as a result of the poor working conditions that many of our foreparents experienced.

Mr. Speaker, the same occurred in the manufacturing industry where many were maimed, or disfigured or persons' hands were cut off. It is no wonder that in most of the communities we live, we know people whom we call 'oney' or you would say the fellow with 'nah' fingers because they would have lost their limbs as a result of feeding materials into the machinery. Perhaps some of them were not well trained or some machinery may have been malfunctioning. I am glad, Mr. Speaker, that we are moving away from that kind of danger.

Mr. Speaker, I can tell you of the Rocklyn buses with the running board, where my sister was a conductress and how she had to span the back tyre, in order to collect the fare to ensure that all of the finances were adequately delivered to the owner of the bus. This was also a very dangerous exercise, particularly when it rained.

Mr. Speaker, again, I want to say how happy I am that we are moving forward from those dangerous situations where our workers would leave home on mornings, not knowing if they would get back home at all or if they would

return after a while having been hospitalised, losing limbs or being injured in some serious way.

Mr. Speaker, I am happy that no effort is being spared to ensure that persons in the workplace are safe and their health is paramount. I refer, Sir, to Clause 102 of the Act, which requires the formation of the Safety Committee. In the Factories Act, it has to be approximately 50 people or more and in the Safety and Health at Work Act, at Clause 103(2) there is the establishment of a Safety Committee for 25 or more persons.

It further mandates that these committees meet at least quarterly so that if there are challenges in the workplace, some formal attention is paid to them as quickly as possible, to ensure that no one is left with any injury or with any sad fallout. Sir, we know of the breakdown in industrial relations, if the workplace is unsafe and workers are uncomfortable.

Mr. Speaker, we know that the construction industry continues to boom. I believe that the legislation which is being instituted would surely help individuals in the industry to take cognisance of the importance of conforming to rules and regulations.

We know that within the last four to five years, there were many tragic deaths. We know that at an industrial plant up the street, two men drowned in circumstances that had all of us extremely concerned. We know that in the environs of another new hotel, individuals lost their lives or were seriously injured.

I believe that if employers ensure that there are safety measures put in place every time, it will help to minimise some of the injuries and dangers that affect our people. Therefore, I want to take this opportunity to caution but also to encourage workers in the various environments, whether they are in the school, the hospital, the construction arena, in agriculture or wherever, that they conform to rules and regulation. They should wear their protective gear, such as helmets, goggles, and earplugs.

There is nothing more frightening, Mr. Speaker, to see men working on the Barbados Water Authority projects, cutting the roads or replacing the pipe mains, where they are using big jackhammers which make a lot of noise, and the workers not wearing the necessary equipment to safeguard their health and the health of others. I believe that proper scaffold should be used in various areas, and individuals should be wearing masks and rubber boots to safeguard their health.

Mr. Speaker, I also want to indicate my dismay that there are hundreds of workers in Barbados who almost every week, speak to the challenges they experience in the National

Insurance Office. I receive complaints and I am sure that other Honourable Members on either side also receive complaints from our residents and friends living in different communities, and from their constituents.

Indeed, there are many employers, Sir, who are refusing to pay in the National Insurance Contributions even though they are withdrawn from people's salaries. I believe that is a very serious breach of the law, Mr. Speaker, because when individuals work and they become injured, or if it is a natural aspect of life where a woman goes on maternity leave or a male comes down with some form of illness, I believe that he or she has the right to be able to carry the information to the National Insurance Department and receive the benefits in a timely manner.

This is one that gives me particular concern, Mr. Speaker, because if the employer is not paying in, then an investigation has to take place as these are ordinary people who are suffering. They have no bank account because most of them have children, or they have other expenses like mortgages so it is very difficult.

I believe that everybody, not only the employee but the employer has to carry out his responsibilities to ensure that the monies which they collect are paid to the National Insurance Department, and that the benefits which accrue from the money that is paid in, filter down to the individuals who have earned it through their blood, sweat and tears.

I believe that the PAYE funds as well should be paid in, so that these individuals can benefit. I believe that the National Insurance Department has to ensure that it re-examines its role and pay out money on a more timely fashion when that money has been paid in, so that the employee does not have to stand on the line and beg, while borrowing from family and friends in order to be able to survive.

3.45 p.m.

Mr. Speaker, there are some other work related issues which heavily impact on the welfare and lives of individuals. I wish to refer in particular to some of the schools as was mentioned by the Honourable Member who spoke before me, as well as a real serious constituency matter that is related to the fungus that is emanating from a manufacturing firm in the communities of Melrose and Arthur Seat. The residents in those communities have been pleading for assistance for the last five years. Yes, the Environmental Division has done its research and handed down its investigation but the problem still exist.

Mr. Speaker, I am sure that this problem is not only affecting the residents of Melrose and Arthur Seat but indeed the employees and perhaps other employers in that

general environment. I know that efforts have been made through the owners of that property to relocate to another parish where there is not that kind of dense population but the challenges are tremendous and I feel very upset over the slow pace at which the effort is taking. I believe that the residents should continue to do what they have to do to ensure that their rights are upheld.

The Honourable Member spoke about the Parkinson Memorial School, which is being affected by noxious fumes that are emanating from a business plant on the other side of the street from it. There are also challenges with noise pollution and vehicles that are travelling on that highway near the Caribbean Broadcasting Corporation. The Ministry has undertaken various steps to reduce the challenges and will therefore continue to work assiduously because at the end of the day, the teachers, other members of staff, students, parents and others who use the facility must feel safe and comfortable in that environment.

Mr. Speaker, the same holds for the Louis Lynch Secondary School. Mr. Speaker, for more than 15 years there has been the challenge of fumes from the laundry in the area that has been impacting in a very negative way on the lives of individuals who are schooled in the area and indeed the residents who live around the school and down wind from the company. I know that there has been dialogue and that the Ministry of Housing, Lands and the Environment, the Ministry of Health and the Ministry of Education have been working assiduously to minimise that challenge. The operator of that laundry has made many efforts to change the type of fuel that is being used in the industry to minimise the challenge and new arrangements have been made. Mr. Speaker, I trust that within the next month, and it should not even take so long, that efforts be made to relieve the exercise that is taking place there that is so seriously affecting individuals.

Mr. Speaker, I believe that there are many workers in Barbados who continue to make every effort to be productive in the workplace. They come to work on time, they are seldom absent and they have a real professional approach to their work. However, there is a percentage that prefer to cut corners, and it is when they cut corners that these challenges arise. I believe, Mr. Speaker, when the corners are cut and they circumvent the instructions for use of materials by not using the manuals or if employees are not, which is really their responsible role, maintaining and ensuring that equipment that is malfunctioning is removed or repaired so that the workers can get the best advantage and indeed the most productive, that is the time when we find people get seriously injured or maimed.

Mr. Speaker, we know that there are many pretenders among us in this society. There are people who perhaps rise a morning and say that their back hurt who might have had a fall, and they are some that are really very genuine.

However, there are others who, because they want to come out medically unfit, would hem and haw and do all kinds of strange things until they are made medically unfit or they are boarded as we call it. Mr. Speaker, I call them hypochondriacs though because as soon as they get up on morning they say the rain looks as though it is going to fall, they are going to catch the flu and there is no flu, no illness or nothing. They just play and act out to be recognised and to stay at home instead of producing.

Mr. Speaker, I believe that this habit should come to an end. What it is doing is really putting a tremendous impact on the funds and the relationships in the workplace because there are other individuals who see them and know that nothing is wrong with them and then they get the invalidity benefits or whatever and then they go and do other jobs knowing that they have been made medically unfit. We see it every day.

Mr. Speaker, there are certain Government institutions from which a lot of strong and sturdy individuals want to come out medically unfit. They pursue every channel, they have doctors, they do what they feel like and then when they come out medically unfit and you see them, they are lifting heavier bags than they have ever lifted before and are doing all forms of strenuous activities, getting the benefits from the invalidity pensions as well as getting from the additional job and not paying any National Insurance Contributions because they know that if National Insurance Contributions are being paid for them, then they will lose that opportunity. Mr. Speaker, that is a false action and people should hold their integrity intact. I am sure that there are other ways that they can function other than telling lies on their health because when the time comes for the health to really go, it will go and leave them.

Mr. Speaker, there are those who would say that they got a whiplash and they cannot work but yet they end up doing all kinds of strange things. Mr. Speaker, you just need to watch court television and you would see the people who walk into the offices with crutches to get the insurance money but by the time they get out they would throw the crutches in the trunk of the car, lift up the wife and put her in the seat, yet they have just said that they cannot even lift their handbag. We are going that route, Mr. Speaker.

Mr. Speaker, just now with the technology people's photograph are going to be taken when they are sturdy and lifting and doing things compared to when they crawl in to say their back hurt or they have to have a brace on their neck. Mr. Speaker, God does not like ugly, that is the best way I could describe it. I believe that all Barbadians should be true in whatever aspect of life they are in. I am sure that in the real cases where people are genuinely ill and deserved to get the invalidity benefit, they will get what is deserving of them.

Mr. Speaker, I talked earlier about invalidity and accidents. Industrial accidents causes people to become invalids, there is no doubt about that. I am not questioning that at all. However, I do not want anybody who is hearing me to believe that I am criticizing them because I am not referring to any particular individual. Sir, I know that whenever employers do not conform to rules and regulations that it can impact on the employees in the workplace causing them to get serious falls, broken limbs or to hurt the spinal cord which creates many respiratory ailments and so on.

Mr. Speaker, I support every effort that is being made in this regard. I believe that those stores in Bridgetown and those schools that refuse to go through the Child Care Board or the Ministry of Education or any other establishment that refuses to conform to the reports and the recommendations of the Fire Department or the Ministry of Health should conform to the rules and regulations after having heard this discussion.

Mr. Speaker, there is a store in Bridgetown which for the last 25 years has left the front door open but closed off the exit and all forms of merchandise is packed alongside the exit and if there is a serious fire or incident in that store nobody can get out. I do not know why nothing has happened. All I can tell you, Mr. Speaker, is that if I had the store I would have to conform. I believe every Barbadian small or big in business should conform to the rules of a country. It is scandalous, it needs to be attended to immediately. I am not concerned with who is a friend of the person or who they know in high or low places, if it has to stay for Paddy it has to serve for Paul as well. I believe that people should conform to the rules and regulations in this country.

Mr. Speaker, I also want to make mention of some aspects of the discussion that I want to highlight. I know that there would be imbedded in it, but I have a particular concern for glass doors that you push to go in and out. 3.55 p.m.

Mr. Speaker, there are many businesses in Speightstown, Bridgetown and communities around us which do not have any signage being displayed on their glass doors and, therefore, as a result, people sometimes walk through them, resulting in sustaining very serious injuries. Sir, markings of some kind should be placed on those glass doors to avoid those kinds of industrial actions. Sir, the more our economy expands and develops, one can see more and more businesses using glass doors, but I believe that there should be clear signage so that persons using those business facilities, would be aware that there are glass doors.

Mr. Speaker, I believe that fire extinguishers, which are full and well serviced, should be displayed. There are many

businesses which have empty fire extinguishers, as many of them have not been refilled or serviced for many years.

Mr. Speaker, I believe that instructions should be displayed for the use of equipment. Sir, in the School Meals Department, we have worked very hard for management to have on display a sign which reads: "Fire Extinguisher", where workers and cooks would know where the fire extinguisher is located in case of a fire. We have also ensured that specific instructions for the use of the automatic slicer for slicing ham, cheese, *et cetera*, is fully displayed. We have also ensured that training is done for persons who are expected to use this slicer on a regular or daily basis.

Mr. Speaker, I mentioned exits and entrances which I believe should be clearly marked. I believe too that labels should be placed on all chemicals, and that each business house should have a medical kit displayed, so that members would know exactly where to find medical supplies, in case such need should arise. Sir, there are some business places which do not have those kinds of equipment or medical supplies readily available.

Mr. Speaker, I believe that there should be proper provision for equipment and that equipment should be constantly maintained, because it is the malfunctioning of certain equipment which helps to create serious accidents where people may lose a limb.

Mr. Speaker, I believe that workers, especially persons with long hair or Rastafarians should have their heads properly covered when operating such machinery. I believe this is the policy of the Samuel Jackman Prescod Polytechnic, where, in areas of mechanical engineering and auto mechanics, these people are expected to have their heads covered to avoid having their hair drawn into these machines.

Mr. Speaker, I believe too that there should be user-friendly booklets which would be prepared outlining aspects of the legislation. Sir, no ordinary employee would be able, at all times, to read and to internalise all of the aspects of this Bill to which we are now referring. Therefore, in the same way that we have taken the Caribbean Single Market and Economy document and have highlighted certain aspects of it in bullet form, I believe that the Labour Department has to go that route, if it has not yet done so, by having pamphlets or booklets being well documented in simple form, so that individuals can have the opportunity of noting some of the important points for their own general living.

Mr. Speaker, in closing I want to speak to an item that I saw this morning on CNN, which ties in nicely with what we are doing here. That item showed a customer, having gone into a store and bought something to eat, found something hard in his food. He then took it out, thinking it

might have been a piece of hard candy, only to learn that it was the joint of somebody's finger.

Sir, as simple as that may sound, and the fact that we will empathise with the person who has lost that joint, one has to understand the kind of liability to which that business would be exposed, taking into consideration the fact that the customer would have already eaten the food, or what would have happened to the person who had lost that joint. Therefore, we know that business house would be faced with a law suit from that customer, upon finding that joint in his soup.

Mr. Speaker, with those comments, I give my full support to this Bill and would want to encourage all employees to work assiduously. I also wish to say that when challenges arise, as we know they will, we know that these employees would want to report them, so that those specially formed committees would be able to deal with those reports. I think it is instructive that all employers be given some opportunity for special training, so that they too can understand that workers are not complaining simply because they want to but that workers want the best standards under which they can work, in order for them to be able to give the highest productivity possible.

Mr. Speaker, I thank you.

Mr. R. L. SEALY: Mr. Speaker, I rise to make my contribution in this debate on the Safety and Health at Work Bill, 2005. Sir, I wish to say that I join with all Honourable Members in saluting the effort at attempting to improve our occupational health and safety well-being in Barbados, as far as our workplaces are concerned and, of course, by extension, the entire society.

Mr. Speaker, as has been mentioned in the introduction by the Honourable Minister of Labour, there has been a lengthy gestation period that has brought us here. In fact, it is almost fair to say that as soon as the Factories Act was passed in 1984, that by 1988 it had almost become obsolete as it was deemed necessary to be worked upon.

Sir, I would not say that it became necessary as a consequence of the inadequacy of the law being passed, but that it speaks to the nature of the society in which we live and to the fast rate at which things happen in this society. In fact, it is even quicker now in these times. Therefore, no longer can we concern ourselves with issues such as missing limbs and industrial accidents, we now have to think of repetitive strain injuries and the issue of stress, things which we have heard much about. We also have to look at the scourge of HIV/AIDS.

Mr. Speaker, I know that this Government has done a tremendous amount of work – and I have no problem in

giving Jack his jacket – in terms of increasing awareness amongst the civil service and the whole society, in promoting the need for a healthy lifestyle and the need for HIV/AIDS prevention. That is all part and parcel of the process because we have to determine how to deal with this issue on the workforce.

Mr. Speaker, I would crave your indulgence and say that I think it appropriate that I should congratulate Dr. Carol Jacobs for her ascension to high office, in dealing with this issue of HIV/AIDS. The Government of Barbados has recognised the potential that this Barbadian has insofar as this field is concerned, and now she has been chosen to chair a global fund, which not only deals with HIV/AIDS but also with tuberculosis and malaria, diseases which we do not have to deal with in this region but which are certainly problems in other parts of the world. She is, of course, no stranger to the constituency which I represent.

Mr. Speaker, having said that, we must look at the issue of health and safety in the workplace in the context of the overall well-being of the workers. Sir, contributions were made from This Side to that effect and, therefore, in the same way that I can give Jack his jacket, I believe that the Government must recognise that concomitant with the work of improving health and safety, must be the long promised legislation dealing with unfair dismissal.
4.05 p.m.

Mr. Speaker, how can you tell me that an employer should shiver in boots because he may face the wrath of an improved factory inspectorate if he comprises the health and safety of his employees but can still dismiss them willy-nilly and not have to face the wrath of the same law for unfair dismissal practices.

Mr. Speaker, this legislation was promised by this Government but we have not seen anything with respect to the minimum legislation. I have heard from the Minister of Labour that this is going to Committee so the workers of Barbados, saddled with astronomical increases in the cost of living are being told that they must wait for minimum wage legislation. Sir occupational safety and health is fine but it is only part of the overall picture.

Mr. Speaker, in the 1999 Manifesto of the Barbados Labour Party when they won many seats, they expressed that they were going to bring legislation to deal with the minimum wage. The Shadow Minister of Labour's aunt has passed away so he is not in Parliament today but if he were here today, he would pull out the Manifesto and show the part where it clearly says that Barbados will enact a minimum wage in an effort to make sure that all working Barbadians are ensured a satisfactory standard of living.

Sir, they said that by 2003, they would enact minimum wage legislation in selected areas after consultation with the Social Partners. In 1999, they said they would do it but they will now only do it after they have consulted with the Social Partners. Mr. Speaker, the Social Partnership consists of labour, Government and the private sector. I think that Government needs to consult with themselves because they know how they feel and there is no need to consult with labour on this issue because we know their feelings as well.

Mr. Speaker, they have been calling for minimum wage legislation from time immemorial so it is simply telling me that they have to check with the private sector who are bitterly opposed to the concept of minimum wage legislation. They now have to find a way to appease their sponsors in the private sector before minimum wage legislation can be passed in this country.

Mr. Speaker, this is a serious matter because I have constituents who tell me that they are working for ridiculous salaries of approximately \$100 a week on a full-time basis. Sir, this type of behaviour is unsatisfactory and, in the same way, that much enthusiasm can come to this Parliament on the issue of safety and health, the first issue in ensuring the safety of someone is to ensure that they are comfortable, free of stress so that they can take care of their families and basic needs. This is why it is important that the issue of a minimum wage be instituted in this country as a matter of urgency.

Mr. Speaker, the question of unfair dismissal was also dealt with. The Government promised to set up a tripartite tribunal to deal with dispute Resolutions. Mr. Speaker, these things go along with safety to ensure that we deal with it in a holistic way and not in a piecemeal manner to try to look good because something sounds right.

Mr. Speaker, I am in no way trying to assail the tremendous work that has been done by a host of individuals to bring this voluminous piece of legislation to this Honourable House. The Minister, the civil servants and the National Advisory Committee on safety and health, to name a few must be recommended but we need to look at the overall context and to ensure that the interest of the workers are kept uppermost in mind.

Mr. Speaker, I want to deal with a few specific matters in the Bill. I would like to deal with what the Health and Safety Committees proposed under the legislation. These committees, as I understand it, would comprise of representatives of the employer as well as from the employees. Sir, in the instance where there is a union or staff associations, they will nominate members to serve on the committees.

Mr. Speaker, my simple query is this. If under the Old Factories Act, this phenomenon existed and there are health

and safety committees, I want to know what has changed. Was it a minimum of 50 employees but it is now being lowered to 25 employees? I also want to know if the committees were not functioning under the old dispensation, what assurance do we have now that they will function under the new dispensation. I do not think that merely lowering the minimum number from 50 to 25 will work any magic. Sir, in addition to lowering the minimum requirement, they are required to meet quarterly.

The monitoring exercise on the part of the Labour Department would increase. We have already expressed concern on This Side of the capacity of the inspectorate of the factory to monitor such activities.

Mr. Speaker, the occupational safety and health section which is the new term for the factory inspectorate, according to the report of the Department of Labour seems to be stretched because in 2001 there were a total of 409 breaches of the Factories Act. Unfortunately, I have no recent information than this, because today the Minister of Labour laid the report for the year 2000 and a few weeks ago, the Minister laid the report for the year 2001. Sir, I will not hold that against him. He is a big able, competent man and I know his predecessor did not exactly set the place ablaze so there would be a backlog. We understand that the report of the Department of Labour would not come as rapidly to this House as we would like them to.

Mr. Speaker, I sincerely hope that since the Party that forms the Government, just like the Party that forms the Opposition has the word "labour" in the middle of its name, it should mean something and that some degree of priority would be taken insofar as getting the Department of Labour up to speed to deal not only with the matter before us today on health and safety but in general, the rotten industrial relations climate that we have in Barbados.

Sir, we have to be frank. There are wildcat strikes on a daily basis and, unfortunately, Government is the largest offender. Sir, it says in the report that Government departments are where the most amount of work stoppages and sick-outs are occurring.

Mr. SPEAKER: Honourable Member, could I ask a question. These strikes that you mentioned, are they because of health and safety.

Mr. R. L. SEALY: Mr. Speaker, in many cases, there are because of conditions, matters relating to health and matters relating to safety. Mr. Speaker, I will tell you something else as well. If the factory inspectorate only has four officers and one Chief Inspector, and twelve labour officers working under the Chief Labour Officer according to the Schedule of Personal Emoluments, it is obvious that

the resources are stretched. I presume that where it is possible, the labour officers will supply human resource support to the factory inspectorate and, therefore, the industrial relations climate related directly to the ability of the Government to make this legislation a reality.
4.15 p.m.

Sir, it is all well to have a lovely piece of legislation like this but unless institutional strengthening occurs we really are just 'spinning top in mud'. Sir, when you have five civil servants how can they really implement such a wide-ranging piece of legislation, although they are well qualified. I understand that many of them have graduate degrees and have been exposed to various courses through the International Labour Organisation.

The Honourable Minister of Labour spoke to the need to increase numbers but I sincerely hope that resources as well will be provided. For example, insofar as taking action and prosecuting employers who are found in breach, it would seem to me that you could very well overload an already overworked Attorney General's Chambers in matters that may have to go the legal route. Therefore, it might make sense, as I understand happens in other jurisdictions, for the Labour Department to have its own legal department so that it can at least carry the matters to a certain extent, even if then the Attorney General's Chambers can take it from there. I think it makes sense because I believe that a lot of these wonderful provisions that we have here will amount to nothing unless that issue of institutional strengthening is taken extremely serious.

Sir, there are a few specifics that are dealt within the legislation. I know that the Honourable Minister, Member for St. James North, suggested that we should avoid Clauses 11-32 because of their technical nature. It is true that it speaks to properties of steam boilers, air receivers, pressure testing machines, hoists and the parameters under which such equipment should operate. However, I want to say, without getting too technical, that the provisions that require used equipment to be properly certified are something that should be lauded. Sometimes we speak about the era of globalisation, trade liberalisation and the advent of the internet as being an extremely positive thing that has occurred, and it is. However, we must be cognizant of the fact that people are ordering equipment on the internet from all parts of the world, sometimes from places where English is not spoken. In the same way that we have reconditioned cars, you will be surprised of the pieces of reconditioned equipment that have worked their way into many industrial plants in Barbados, and I know this for a fact.

Sir, whenever an employer is installing a piece of equipment that has been used or pre-owned, he has gone through a process approving that the equipment is adequate

and the Chief Labour Officer has to be satisfied. Of course, he can bring the necessary specialised help on board to assist him to ensure that equipment is capable of working with, for example, our electricity system. Mr. Speaker, very often there are different things that can occur and can lead to accidents of a fatal nature.

I believe that is a good idea but I would say again that it can only be as effective as it is given a chance to be implemented and to that extent I wait with bated breath to see when an Occupational, Safety and Health Officer slaps a prohibition notice on the door of some prominent business place in Barbados.

Asides.

Certain remarks made by the Honourable Member for St. Michael South Central were ordered to be expunged from the records by Mr. SPEAKER.

Mr. SPEAKER: Honourable Member, I am going to ask you to withdraw that statement. There are making some serious imputations against Honourable Members.

Mr. R. L. SEALY: I will withdraw the part about the Members.

Mr. SPEAKER: You must withdraw the whole statement, Sir.

Mr. R. L. SEALY: I withdraw the statement insofar as I spoke of Members of the Frontbench.

Mr. SPEAKER: Sir, I am asking you to withdraw the statement. Your implication is involving all Honourable Members of this Assembly and I am asking you to withdraw that statement and it must be struck from the record.

Mr. R. L. SEALY: Mr. Speaker, I spoke about the issue of prohibition and the improvement notices. This is a very serious point. I am saying that many times we have seen legislation passed in here, and it is necessarily meant to be an imputation on you, Mr. Speaker, or anyone in here as an Honourable Member, but the issue of implementation is a fair issue for us to raise. I am only saying that I hope that the necessary fortitude would be found within the depths of these men and women that would be given this very important task.

Mr. SPEAKER: Honourable Member, that is well put. Sir, Let me ask you this question, if you could command language so well, why must you go so low down? Just proceed, please.

Aside.

Mr. R. L. SEALY: Mr. Speaker, I thank you for the compliment. I did not go low at all. Sir, we will discuss your speakership another time.

Suffice to say that USHERA, the similar body in the United States of America is feared by employers because these officers have the power to shut down entire plants and sections of plants. I hope that when we have serious issues in safety and health, as many Honourable Members have highlighted, that the fortitude can be found to confront such breaches wherever they may occur.

Sir, I want to speak on the issue of the construction sector because it is my understanding that the National Advisory Committee on Safety and Health (NACOSH) did not have a representative who was directly nominated by the construction sector. They had someone who represented the construction sector and the reason for that is that there is no representative body. There is no contractors' association or no association of contractors' managers in Barbados. There have been informal groupings who have come together to deal with specific issues of the moment but no ongoing association. Sir, it is my hope that such would become a feature in Barbados for more reason than one. Mr. Speaker, construction is a leading sector and I think that it is worthy that they should have a grouping as happens elsewhere.

Mr. Speaker, this is not an original idea that I am bringing here. There are very powerful associations that can represent the interests of contractors and persons involved in the building industry where they can have their case put, not only where NACOSH and safety and health issues are concerned.

Sir, for example, we presumably, according to the Honourable Member for St. George North, will implement a building code in short time. Of course, that sector would have had involvement on an *ad hoc* basis through various individuals but did not have the representative body to put their position. Let us face it, where safety and health are concerned, there will be some direct cost involved and I think that it is only reasonable that they be given a chance to put their case as well. That is not in anyway to excuse employers who wilfully and deliberately practice methods that are lacking in any way. I am not excusing bad behaviour or incompetent behaviour in any way but given the importance of the sector to Barbados and to what we are discussing here, the majority of the work that would be covered under this legislation would be in essence going on in that sector.

4.25 p.m.

Construction occurs literally in every community and in various sizes and that really and truly is where the brunt of the work is, in terms of the industrial type work that will require health and safety, so we have to keep that in mind.

Mr. Speaker, as I said earlier, I think that this legislation is a step but we want to see some other things. I

mentioned already that in terms of legislation dealing with the whole unfair dismissal practices, minimum wage and labour legislation generally, we want to see that whole body come in here.

Certainly, the Democratic Labour Party has always articulated its view where that is concerned. When we had to join hands with labour and tell them to hold strain, and when we had to make unpopular decisions we did it, Sir. The Honourable Member for St. James North in his introduction spoke of the social partnership, which was developed through the foresight and insight of the Democratic Labour Party's Government at the time, and which also established the National Productivity Council. Now, these very same instruments are working to help to develop a more harmonious work environment.

Mr. Speaker, this is of course a week after May Day, the workers' day. In a couple of days, Thursday to be precise, Christians will be celebrating Ascension Day, when the Lord ascended back into Heaven, 40 days from Easter. In the days proceeding Ascension Day is a Rogation period, where many in the Anglican community of which I am part, actually pray and thank God for the gift of the land, for the gift of life and for the gift of labour.

Indeed, Mr. Speaker, it is truly a gift and I think that we on This Side are indeed happy to see, as we pray for the gift of labour, some effort on the part of the Government to deal with what is a crucial issue. We look forward to this Government continuing to put these measures in place, which we have been pushing for some time.

I am grateful to you, Sir.

Hon. R. C. EASTMOND: Sir, I am begging to move that further consideration of this Bill be deferred.

Hon. G. A. CLARKE: I beg to second that, Sir.

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

ADJOURNMENT

Hon. Miss M. A. MOTTLEY: Mr. Speaker, this brings us to the end of Government Business for today's Sitting and I beg to move that this House be adjourned until Tuesday, May 10, 2005 at 10.00 a.m.

Hon. R. C. EASTMOND: I beg to second that, Sir.

The question that this House be adjourned until Tuesday, May 10, 2005 at 10.00 a.m. was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.

4.28 p.m.

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