
THE House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 2003-2008

HOUSE OF ASSEMBLY

Tuesday, May 10, 2005.

Pursuant to the adjournment, the House of Assembly met at 10:20 a.m.

PRESENT

His Honour I.A. ROETT, G.C.M., B.A., Dip.Ed.(Speaker) His Honour J. M. EDGHILL, J.P. (Deputy Speaker) Rt. Hon. O.S. ARTHUR, M.Sc.(Econ.) (Prime Minister, Minister of Finance and the Civil Service) Mr. D.J.H. THOMPSON, LL.B.(Hons.) Mr. L.R. TULL, Q.C., M.A. (Oxon.) Hon. Dame B.A. MILLER, D.A., B.C.H., (Senior Minister and Minister of Foreign Affairs and Foreign Trade) Mr. G.W. PAYNE Hon. R.C. EASTMOND, B.A.(Hons.), Dip. Ed., LL.B.(Hons.), L.E.C., J.P. (Minister of Labour and Social Security) Hon. R.R. FARLEY, B.Sc., J.P. (Minister of Education, Youth Affairs and Sports) Hon. G. A. CLARKE, B.Sc., Dip.Ed., J.P. (Minister of Public Works) 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. Mrs. H.E. THOMPSON-McDOWALD, LL.B. (Minister of Housing, Lands and the Environment) 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. N.A. LYNCH, B.Sc., M.B.A. (Minister of Tourism and International Transport) Hon. A.P. Wood, B.Sc, M.Sc.,

M.Phil., J.P. (Minister of Energy and Public Utilities) Hon. Miss C.Y. FORDE, L.C.P., J.P. (Minister of State, Ministry of Education, Youth Affairs and Sports) Hon. J.X. WALCOTT, M.B., B.S., FRCS (Edin.), J.P. (Minister of Health) Mr. R.D. JONES, B.A.(Hons.), M.A.(Ed.), J.P. Dr. D.C. ESTWICK, B.Sc., M.B., B.S. Mr. C.A. MASCOLL, B.Sc.(Econ.)(Hons.), M.A. (Public Finance) (Leader of the Opposition) Hon. D.D. MARSHALL, LL.B. (Hons.) L.E.C., (Minister of Industry and International Business) Mr. M.A. LASHLEY, LL.B.(Hons.) Hon. K.D. SYMMONDS, B.A., LL.B. (Minister of State, Ministry of Foreign Affairs and Foreign Trade) Dr. W.F. DUGUID, B.D.S. (Comm.), F.D.S., FDRCS, J.P.

Prayers were led by Rev. Cannon Ivan Harewood.

Mr. SPEAKER: This House is now in session.

MINUTES

Mr. SPEAKER: Minutes of Tuesday, May 03, 2004.

Hon. R.C. EASTMOND: Mr. Speaker, I beg to move that the Minutes so cited be confirmed, subject to any omissions, observations and/or corrections.

Hon. R.R. FARLEY: I beg to second that,

Sir.

Mr. SPEAKER: If there are no corrections, observations and/or omissions, then let those Minutes stand confirmed.

STATEMENTS BY MINISTERS

Hon. K.D. SYMMONDS: Mr. Speaker, I have the Honour of rising to propose that the Joint Parliamentary Committee on Foreign Affairs and Foreign Trade be reconstituted.

The purposes of Parliamentary Committees, Sir, is to enhance the transparency and accountability in the handling of Government Business. To this end, Mr. Speaker, you will recall that in the last term of this Government, a Joint Parliamentary Committee on Foreign Affairs and Foreign Trade was convened under the Chairmanship of the Honourable Member of the City of Bridgetown.

Mr. Speaker, it is the view of the Ministry of Foreign Affairs and Foreign Trade, indeed the Government of Barbados as a whole, that Committees of this nature provide us essentially with an opportunity to establish supplementary checks and balances on the legislative process and also, Sir, a second opinion on any proposed Government action.

This Committee can therefore serve as something of a safety net, in terms of policy creation in the sense that they usually have, Sir, the power to raise in the House of Assembly or for that matter in The Honourable The Senate, any concerns that may counter the proposed actions of the Government.

We also believe, Sir, that these Committees can play a major role in the decentralisation of the Government activities by allowing academics, practitioners, specialists and ordinary men and women in the community to

share their expertise on any particular issue.

In respect of this proposed Joint Parliamentary Committee, Sir, it is now proposed that its members be increased from nine, as they were in the last term, to twelve, in order to widen the opportunities for participation that its members will have in these critical matters of national development by all interest groups represented in this Parliament be they Opposition or the Government or as is the case in the Other Place, Independent.

The proposed Committee of twelve persons, Sir, would see seven members coming from the Honourable House of Assembly and five Members from the Other Place.

Mr. Speaker, I will list the names of the proposed seven members from the House of Assembly but, I speak subject to correction because the Honourable Leader of the Opposition is not now in his seat. Sir, we had spoken on this matter and I would want to at least give the House notice that if it is necessary, the Leader of the Opposition would wish to have his right reserved to make any amendments to the proposed list that I now put before the House.

The list to be drawn from this House of Assembly would be as follows:

The Honourable Member for City of Bridgetown.

The Honourable Member for the constituency of St. Joseph.

The Honourable Member for the constituency of St. Philip South.

The Honourable Member for the constituency of St. Michael North.

The Honourable Member for the constituency

of St. Philip North.

The Honourable Member for the constituency of St. Michael South Central.

The Honourable Member for the constituency of St. James Central.

Sir, The Honourable The Senate, will indicate to Your Honour at a later date, the five Members which it would wish to propose to sit on this expanded Joint Parliamentary Committee on Foreign Affairs and Foreign Trade.

I am much obliged to Your Honour.

SUSPENSION OF STANDING ORDERS

Hon. R.C. EASTMOND: Mr. Speaker, I beg to move the suspension of Standing Orders 6, 16, 18, 20, 42(5), 43 and 44 for the remainder of today's Sitting.

Hon. R.R. FARLEY: I beg to second that, Sir.

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

GOVERNMENT BUSINESS

ORDER NO. 5 (Resumed) THE SAFETY AND HEALTH

AT WORK BILL, 2005

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

Hon. D.D. MARSHALL: Mr. Speaker, I believe some individual once uttered a now famous phrase, what is in a word, perhaps,

more accurately he said, what was in a name. This morning, as we debate the provisions of the Safety and Health at Work Bill, I think that is an appropriate place to begin.

I think everyone in this Honourable House is aware that this Safety and Health at Work Bill is designed to replace the current Factories Act. I therefore would like to argue that the simplest fact of recasting this legislation in terms of Safety and Health at Work Act, as opposed to the Factories Act, is indicative of the approach that this Government proposes to take, in relation to employees situations at work.

I am sure that when one speaks about a Factories Act, the image of a bustling, noisy and sometimes a dark and stuffy industrial plant comes to mind. I am sure that a plant full of whistling and moving machinery would also come to mind. In today's environment though, Mr. Speaker, much of Barbados' landscape has moved away from that kind of industrialisation. I think it useful to reflect on the fact that in early factories, employees did much of the lifting and moving and they were subjected to a significant number of risks, as they went about their daily exercise.

As a small boy, Mr. Speaker, I had the opportunity, living near Lower Estate Sugar Factory of going into the factory. The factory no longer operates but I remember only too well, the sense of panic that overcame me as my parents held my hand and tried to guide me into this dark, noisy factory with giant-size pieces of machinery everywhere. In fact, that feeling of dread has stayed with me and so, when I speak about a factory, unfortunately that is the kind of image which comes to my own mind.

Mr. Speaker, while I accept that my own predilection may be somewhat faulty, the fact of the matter is that in today's Barbados, our commercial and industrial environment is very

different. The advent of new technological methods has meant that a lot of the machinery and heavy and dangerous equipment which would have been used in industrial practices some ten, twenty or forty years ago, have now been taken out of the processes. Equally, areas in which human beings had to stand and manipulate valves, gadgets and all kinds of various dials so as to cause the machinery to operate, those things have now been replaced by the computer.

Today's factory, Mr. Speaker, is a significantly and qualitatively different place for people to work.

House 63, sequence 03, 10:3014

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Continuation of Hon. D. D. MARSHALL:

Mr. Speaker, notwithstanding this fact, there are still substantial risks to human beings, not just in the factory setting but in work settings that we would consider to be innocuous. As Minister responsible for industry and international business, I reflect on the fact that we had a large number of data processing companies in Barbados in which people work in airconditioned comfort, the rooms were carpeted, there were small cafeterias and one or two of them may even have had daycare facilities. Mr. Speaker, I cannot think of a more innocuous picture that you could paint of a workplace.

However, Mr. Speaker, our experience shows that in such working environments, even with the greatest level of creature comforts, that the kind of work individuals were doing gave rise to something called Carpel Tunnel Syndrome. Mr. Speaker, the point I am making is that even in the most innocuous and pleasant of

workplaces there may still lurk substantial risks to the health and safety of the employees.

Mr. Speaker, I believe that example underscore the shift in emphasis. We are moving from a piece of legislation that concentrated on protecting the life and limb of employees in factories to a modern piece of legislation that recognises that there is risk and danger to life and limb in the most innocuous of places. Perhaps, I dare say, Mr. Speaker, even in this Honourable House. I do not mean to impugn the state of your House, Mr. Speaker, but the fact that this Honourable Chamber would qualify as being a workplace, perhaps not for parliamentarians, but inasmuch as it is a place of work the fact is that there may be risks and dangers. This legislation therefore underscored that fact by moving us out of the old image of a factory and bringing us into a new paradigm.

Mr. Speaker, our experience with data entry operators is one I believe as a Government anybody would be ambivalent about. Certainly, Barbados looked to these data entry businesses as being good sources of employment for thousands of our young men and women. They contributed significantly to the development of this nation but on the other hand the repetitive strain injury, Carpal Tunnel Syndrome, has had a damaging effect on the health of some of those young people. Mr. Speaker, I acted on behalf of several of them who were so severely injured that they were forced to stop work. This causes us to consider the relative merits of these kinds of operations. The fact, Sir, is that our approach about it is of necessity ambivalent because we recognise that some of our young men and women are today unable to go back into full employment simply because of the damaging effect of the repetitive strain injury.

Mr. Speaker, I think that this legislation is one where it is clear that the Government is leading, as we say, from the front. I would like

to draw Honourable Members attention to the provision of Section 3 of this Bill where it stipulates that the only entities that are exempt as of right from the provisions of this legislation are the Royal Barbados Police Force and the Barbados Defence Force.

Mr. Speaker, I believe that the Honourable Member for St. James North in his capacity as Minister may well have in his contemplation an exemption in relation to quasi entities. It may well be that the Barbados Fire Service and Her Majesty's Prison might also be considered. Sir, I think that it does not need any great explanation as to why these two agencies are exempt. I believe that we all recognise that the very nature of the work that they both have to do requires them in times to be in less than comfortable situations. I hardly think that the spatial requirement of having 3.5 cubic metres of space could be considered as one applying to a member of the Barbados Defence Force who is out on a patrol of some kind. Mr. Speaker, there is provision that the Minister can, in his discretion, exempt other agencies.

Mr. Speaker, it is my understanding that this Act binds the Crown so that Government departments wherever they operate shall be and can reasonably be expected to fall under the purview of this legislation.

Mr. Speaker, it is an easy thing for people to conclude that legislation such as this would only deal with things like putting guards on equipment and putting nonslip devices on floors and so on. Mr. Speaker, in addition to those provisions, I am attracted to various sections of the Bill and I would like to start with section 49. Section 49 (1) of this Bill says that:

“Every workplace shall be kept in a clean state and free from effluvia arising from any drain, sanitary convenience and from nuisance.”

This is only one of a class of new provisions dealing with such things as proper ventilation, overcrowding and the existence of washing facilities and lunch rooms. These are things that are as critical to the health and safety of an employee as provisions requiring a company to put guards on machinery and as provisions requiring an entity to put safety devices around wells. The provisioning of safety devices of the kinds that I have just mentioned would certainly protect an employee from damage to life and limb.

However, Mr. Speaker, ensuring that the workplace is clean, is well-ventilated, that the spatial requirements of employees are met and that washing facilities and lunch rooms are available to members of the staff. These are critical to the well-being and welfare of the employees.

Mr. Speaker, I am satisfied that this legislation, though technical, is of a kind that causes Barbados to meet the minimum international standards that have been set. I think it is noteworthy that while many of the terms in this legislation may well elude the average citizen, things like teagle - I must confess I have no idea what a teagle is - it is has been framed in the context of having had international standards set at places like the International Labour Organisation and others. So it is not only a modern piece of legislation but is one that seeks to establish the Barbadian working environment in such a way as to ensure that it would be comparable with the minimum standards that are found in other countries that subscribe to the standards of the International Labour Organisation.

House 63 Sequence 4

10:40 a.m.

Tuesday, May 10, 2005

Continuation of Hon. D. D. MARSHALL: Equally though, I think it is important to mention that employees too have an obligation to see to their safety and welfare. Mr. Speaker, as a student of Combermere School, I have had the great honour of spending many of my summer and Christmas vacations doing a number of odd jobs at various places, such as supermarkets, et cetera. I believe that from those personal experiences, I can think back to situations where I might have been a little more than careless in relation to what I was doing, but I can also think back to circumstances where colleague employees, whether permanent or part-time, displayed such a cavalier attitude that on reflection, it is frightening.

Mr. Speaker, section 9 (1) of this legislation states unequivocally that:

“It shall be the duty of every employee

(a) to take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions at work.”

Mr. Speaker, I think this is of tremendous importance because employees may well be of the view that the responsibility lies entirely on the employer, to ensure that the place in which they work is safe. Sir, carelessness on the part of employees can sometimes have a more damaging effect, not only on the health of the employee in question but on his colleagues. One can think of a situation where an employee might callously spill something on the floor, or might have failed to dispose of another item and in so doing, creates a state which could lead to illness, injury or perhaps death. Therefore, I want to call upon employees to see themselves as partners with their employers in this quest to ensure that all Barbadian workers

have a quality of setting in their workplace that is second-to-none.

Mr. Speaker, there can be no place for carelessness, nor for cavalier attitude on the part of employees in this environment. I will concede that in today’s working environment, it is far safer than of years past, but we have to ensure that all employees understand that they not only have a solemn obligation but that they have a legal obligation under section 9, not only to take care of themselves but to take care of their colleagues and workmates.

Sir, this offence is so serious that it is enshrined in this Bill as a criminal offence. Therefore, an employee who contravenes this duty of care, if convicted, would be liable to a fine of \$500 or imprisonment of one month, or to both. I think this is an important signal to send to employees in today’s environment because there are too many dangers that might lurk and, of course, a careless employee might cause another individual, not himself, to suffer injury.

Mr. Speaker, I recall going into such places as supermarkets and seeing spills on the floor. Therefore, a good proprietor will, of course, put up a sign and ensure that someone is dispatched immediately to remedy that situation. At the same time, in environments such as that, I have also seen employees acting so carelessly that you would almost want to report them to management for the very fact that they have created a risky situation.

Mr. Speaker, I am encouraged to refer to section 10 (1), which is of similar importance:

“No person employed in a workplace to which this Act applies shall interfere with, or use in an unauthorised manner any appliance, convenience or other thing provided in pursuance of this Act for securing the health, safety or welfare of the persons employed in

that place.”

Mr. Speaker, today we are here on a mission that might not be seen as being grand, but we on this side of the Honourable House see it as being a significant piece of employment legislation. We stand wholeheartedly behind the efforts of the Honourable Member for St. James North in his efforts to so reform the working environment of Barbadians, that he has brought this important piece of legislation to this Honourable House.

Mr. Speaker, I wholeheartedly support this legislation. I accept the fact that much of it is going to be technical but I am also satisfied that he has the expertise within his Ministry and within the other agencies that are called to deal with this legislation, so that those technical things, we can be sure of, will be dealt with by individuals who have the requisite skill and training, to ensure that this legislation is properly administered.

I have no doubt that we are going to be bombarded by a great deal of questions. People who own a small business or a cookshop, who may employ two or three persons, will be calling to find out if the legislation applies to them. Sir, I believe that there is a definition which says that as long as there are more than two persons being employed, it is termed a workplace for the purposes of this Act.

Therefore, I believe that we are going to have to go on a significant public education campaign, to point out to the Barbadian public that this legislation is an attempt to ensure the safety of all employees; our mothers, brothers, fathers and sisters, and that the De Minimis rule at section 5 (1) sets out:

“Where 2 or more persons, with the permission of, or by virtue of an agreement with an owner or occupier of a place of work, engage at that place of work in activity of such

a nature as would constitute that place a workplace, if the person engaging in the activity were in the employment of such owner or occupier, then

(a)that place is to be treated as a workplace for the purposes of this Act; and

(b)this Act applies as if

(i)the owner or occupier were the owner or occupier of such a workplace, and

(ii)the persons taking part in the activity at the place of work were persons employed in such a workplace.”

Mr. Speaker, the point is that we need to let Barbadians know that this legislation not only deals with the big conglomerates and big enterprises but that it also reaches into the small operations. Sir, that is not something for which this Government considers an apology is necessary because the smallest of enterprises that employs two persons must take every measure to ensure that the safety of those two persons is safeguarded.

Mr. Speaker, in fact, there are occupational therapists today, who are visiting workplaces and are advising employees that their desks are too cluttered; that they need to switch to flat screen monitors, rather than the regular deep screen, or that the secretary’s chair needs to be changed. These are all things that are being considered today, not only by Government but by way of independent enterprise and independent expertise, as being things that are important for employees.

H:No.63(5) 1050 a.m.

Tuesday, May 10, 2005

Continuation of Hon. D.D. MARSHALL:

These things are being considered today not just by the Government but by way of independent enterprises and expertise as being things important for employees.

We have to get out the idea that we are dealing with only commercial enterprises and places that, by their nature, present a risk. Sir, we are dealing with every single kind of workplace in Barbados no matter how big but equally, Mr. Speaker, no matter how small because the health and safety of every Barbadian employee is important whether employed by a multinational corporation or by a two-man office.

Mr. Speaker, with those few words, I commend this legislation to this Honourable House and give it my wholehearted support.

Mr. SPEAKER: the Honourable Member for St. Michael East.

Mr. T.A. PRESCOD: Mr. Speaker, thank you for the opportunity to speak on this legislation. I would be fully guilty of a breach of my responsibilities if I did not speak on such a progressive piece of legislation as it relates to the workers of Barbados.

Mr. Speaker, I have spent my entire life trying to represent the interest of marginalised persons in the society because, in a capitalist environment workers are always considered as those who can be said to constitute part of the marginalised. Sir, the term marginalised is normally used in relation to matters relating to social issues. This is a social issue although we are putting it into legislation on behalf of the workers.

Sir, workers are also operating in a labour and business environment nobly classified as a capitalist environment. We purport not to be

exponents of the vulgarity and raw approach to the capitalist system of Government and we have found a compromise called democratic socialism. Mr. Speaker, in democratic socialism there is a reformist approach to how we mix capitalism, which is impregnated with exploitative elements. At all times, as long as you operate within a capitalist framework, the intentions and objective is to achieve maximum profit even if it is at the expense of the abuse of the marginalised workers. Sir, most of the time when there is difficulty in achieving profit margins, the workers suffer as a consequence of a society trying to preserve capitalism.

Mr. Speaker, some of us might not be fully in agreement with a capitalist form of Government but I believe that recent history has caused a number of persons to reconsider other alternatives within the system. Sir, this piece of legislation speaks to some strong and credible principles that must be admired. Even when the words are not clearly expressed, it infers to the intention of having some level of justice and equality within the system in a relative sense within the so-called capitalist framework.

Mr. Speaker, I am extremely happy to see that in this piece of legislation that we have attempted to address the problem of the workers and both dispensations have had the opportunity to do so since the 1980s in the introduction of the Factory Act. Therefore, I perceive this effort as a progressive approach, not as a piecemeal approach because to use the term piecemeal would discredit this new instrument and would not recognise that it is addressing a specific anomaly in the system. Sir, instruments and institutions usually emerge in a society in response to the relevance of time. We will see an evolutionary process to the introduction of labour legislation over a number of years.

Sir, the legislation is adequate at this time and

replaces what was perceived as inadequate. We are at the crossroads in the system because the Factory Act did not address the concerns of the new changes that have emerged as a consequence of economic and political transformations in system as a result of the service industry becoming central to what is happening in Barbados.

The legislation which speaks exclusively to matters relating to Factory Act would not be relevant. This is why it was clearly indicated that 80 per cent of the working population was excluded from the opportunity under statutory provision to take action against an employer who did not recognise his responsibility and duties to the worker.

Mr. Speaker, with the limitations of the Factory Act, the individual had to respond to issues of this kind by taking action within the perimeters of Tort as a civil form of action. Sir, he had either to use the subsection of negligence, nuisance or one of those areas of Tort. Sir, I speak as a layman but out of my ignorance there is an element of wisdom.

This legislation seeks also to make it an offence under statute for those persons in the excluded 80 per cent to take the required legal action. It also places what the employer may perceive as a burden to be a duty. While he could have neglected his responsibilities before, he now has to respect the provisions in the statute where he must provide a safe and healthy environment for his employees. It speaks to humane characteristics and to introducing a new form of ethics in the business sector of Barbados and to changing their behaviour of abuse and exploitation. They now have to put the required structures in place to provide a healthy and safe environment for employees.

Sir, we have to give credit to the Barbados Workers Union, the National Union of Public

Workers and to those unions which emerged and collapsed for fighting on behalf of the workers. Sir, over the years, the Clement Payne Labour Union, BIGWOO and many other dispensation rose up in order to counter this form of abuse and neglect of the rights of the workers.

H63/11:00

Sequence 6

Tuesday, May 10, 2005

Continuation of... Mr. T.A. PRESCOD: .Some of them collapsed because of their approaches and methodologies and some survived. It is debatable why some survived and some collapsed, but in reality, the intention of all the unions in this country, was always to fight for respectability and equal status of the employees, in relation to that of the employers in this country who are perceived as capitalists, in its vulgar description.

Mr. Speaker, we have also created, as a result of encouraging external individuals to invest in our society, people with some very crude and unfriendly behaviour patterns. So, we have an alien investor who comes into the environment and who believes that he can disrespect and exploit the worker and have no respect for the workers' institution. As a result of that kind of individual, whether this has motivated the persons who drafted this legislation, we have to be aware and make sure that the legal instruments are in place to give workers the right to take a stand against those individuals.

Sir, this piece of legislation can only be meaningful to workers if the required advocacy or public information is dissimulated across this nation, to make workers fully aware of

their rights under this new piece of legislation. In most cases the workers are ignorant of their rights. I do not mean that in any pejorative sense. Sir, even in some cases when they understand their rights, they are reluctant to enforce their rights because of fears within the system.

In this Legislation, it is clear that workers have the right to make a request for the inspection of the premises to see if the environment is safe. Sir, how many workers in a society like this will be prepared to do such a thing when the employers are very duplicitous and likely to take action in a very subtle way against any employee, who would attempt to take a stand to force the employer to change the physical and social environment in which they work. They would find all types of means of ridding themselves of this senseless radical in the workplace.

Sir, you would then hear employers say that the post is now redundant. This happens in the workplace.

Mr. Speaker, the new alien type in the workforce, who is attempting to form special committees within the business sector, are saying to the committees that they have a right to represent the interests of the workers, therefore, they do not have to go to the trade union for support. Sir, you have a 'lucky' in the workplace who sees himself as the Chairman or President of this small committee within the workplace, representing the interest of the workers and is prepared to compromise and sellout the workers because he is seen as the employer's 'hatchet man' or an agent of the employer pretending that he is representing the interest of the workers. Therefore, the employer can always identify who is the conscious individual in the workplace fighting for a radical change, in response to the changes in the economic order that we normally get from people who bring foreign behaviour into

the working environment. Sir, we are aware that this type of behaviour comes from the expatriate in Barbados. They have no respect for the workers' institutions.

Mr. Speaker, the State has to intervene and make sure that it puts at the disposal of the workers, the unions, various departments, an instrument, that will enable them to take legal action for this legislation can be seen in such a light.

Sir, I am very sorry that this cannot be extended to the Government of itself as it stops short at the parastatal level. The Government must set examples especially in new areas where many workers in this country are suffering from Carpal Tunnel Syndrome. Sir, because of our attempt to attract offshore companies, we tend to condone the injuries that occur as a consequence of working in the Information Technology Industry, where persons are suffering from Carpal Tunnel Syndrome. Mr. Speaker, I believe that both the wise and unwise are fully aware of what I am talking about. It is important that I am able to identify the injury that is occurring to workers across Barbados and I hope that this legislation addresses that.

Sir, as a consequence of not being an attorney, I am also concerned about when a penalty is placed on an individual, if the provision is not in the legislation and the knowledge is not shared or if the agency in Government that is responsible understands that it must take the responsibility to inform the workers of Barbados that apart from what is established within the provisions of this legislation, they also have an additional course of redress in the form of civil action to employers who might cause harm as a consequence of their indifference and negligence to the concern of workers in this country. Sir, I am more concerned about that, than the fining of employers.

Sir, there are people who work with chemicals at their workplaces without the safety mechanisms in place. We also have persons working in the Agriculture Industry in unsuitable conditions, where some of the Plantation Managers still believe that they are second class citizens in this country. They must be knowledgeable and must be facilitated to take legal action against anybody who shows disrespect for the legal instruments put in place by the Government.

Sir, those are some of my concerns, narrow as they might appear to be. I am concerned about the rights of the workers. I believe that we can establish a new paradigm within the region of the western world, where a more humane approach can be developed between employers and employees.

H63:11.10 a.m.

Sequence 7

Tuesday, May 10, 2005

House 63, sequence 08, 11:10 a.m.

Continuation of Mr. T.A. PRESCOD:

This can only survive if there is a clear understanding at the level of the educational system of putting the correct programmes or curriculum in place to make people understand that the principles of equality and justice must be taught to them. Sir, what is more important, there must be a high degree of national consciousness that as we do things for the development of the country, the individual and the investor will benefit.

Sir, they must develop a high level of national consciousness which will enable them

to understand that when they invest in this environment, they are doing it for the development of the people of Barbados, the people of the CSME and for this pooled Caribbean civilisation. I think we need to do all that we could, Sir.

Sir, essential to people respecting these things, especially in this vulgar environment...I am saying that because of the new changes in the environment today, when a Government takes a stand to introduce a piece of legislation relating to labour, it is a courageous attempt. The reality is that there are other parts of the Caribbean where people do not care anything about putting this kind of legislation on the statute books because they believe it serves as an encumbrance to the investments from overseas. Therefore, they want to have an open economy with no restrictions so that they can attract large investments.

I have to respect a Minister, even if he brought one piece of legislation in his entire lifetime to Parliament - that is not the case - he would have done something so mammoth that he ought to be respected for having the courage and the vision of doing something that is progressive and can be helpful to the majority of people in Barbados.

The data itself says that 80 per cent of the working population was excluded from these benefits. The Minister now brought a wide percentage of the working population into the mainstream by this humane approach of the Barbados Labour Party's Government. It would be unwise for anybody to address it from the perspective of what I heard from an Honourable Member, whom I would not identify because everybody would know who said that, but any Parliamentarian who is worth his salt would not classify this as piecemeal. What is the meaning of piecemeal?

Asides.

Mr. T.A. PRESCOD: The truth is that this legislation would not be introduced in total isolation from what has happened before, in terms of labour legislation. This enhances those pieces of legislation that existed and, in addition to that, there are other pieces of legislation that will come to create the kind of harmonious and civil environment that we need.

There will be sexual harassment within the workplace. If I were that individual, I would be very reluctant to make a demand, if that piece of legislation should come to Parliament because...

Mr. SPEAKER: That is, if you were sexually harassed?

Mr. T.A. PRESCOD: No, Sir.

I am saying that I would be a bit reluctant because there are certain cultural practices within the workplace in this society, Sir, and especially when women are very curvaceous and appealing, men find them very irresistible. Therefore, some of them who call for the legislation might become the first victims of the legislation, if it comes to Parliament.

Sir, if I was on That Side and I were that Member, I would be a bit reluctant to make a demand of the Minister or charge him for not bringing this piece of legislation to Parliament. Progressive as it is, he can be the first one to spend some time in one of the State's institutions in St. Lucy.

Asides.

Mr. T.A. PRESCOD: I really do not want him to be in that position because he is my friend and I would not want him to be faced with those charges as a consequence of the temptations.

Asides.

Mr. T.A. PRESCOD: Sir, I want to compliment the Honourable Member of St. James North. This legislation mirrors a long trend in his political career. I have known him for many moons and he has always spoken on behalf of the workers of Barbados and the ordinary man in the street. I believe this stems from his own experience as a consequence of coming from the same orientation as the persons who normally have to face the discriminate and inhumane practice sometimes within the workplace of Barbados.

I would hope, Sir, that as a society, we would have been so highly developed that pieces of legislation which we have to bring to Parliament to force people, almost using a legal instrument to coerce employers to do what is right, would not be recorded in the modern history of Barbados but this is not the nature of man. Man has the propensity to show great inhumanity to his own.

Therefore, it is a necessity and imperative sometimes that we come to Parliament with instruments of this kind, in a great attempt by the Minister and this Government to introduce progressive and civil engineering. This instrument must be perceived as one that is progressive and I want to support this piece of legislation and respect the Minister for his contribution in this regard.

Thank you very much, Sir.

Mr. SPEAKER: The Honourable Member for the City.

Hon. Dame B.A. MILLER: Mr. Speaker, I wish to lend my support to this very important piece of legislation, which is engaging us in debate in this Chamber at this time.

The 21st Century workplace, Mr. Speaker, has enormous implications for the Caribbean Single Market and Economy (CSME). It also has significant implications for the trading arrangements, the trading agreements and the trading partnerships which we, as part of CARICOM, as part of this hemisphere, and as part of the African Caribbean and Pacific Group of States are currently negotiating with our developed country partners.

Mr. Speaker, if we are going to produce world class goods and services and we must, which are going to be competitive in today's global marketplace, then we are going to have to meet global labour standards in order that we are not disqualified.

Therefore, the timeliness of this legislation coming before us, is just right and I wish to commend the Minister of Labour for recognising the important place within the context of trade negotiations that the International Labour Organisation of which we are a part and have been very active members for many decades, must play.

It is equally important in my judgment, Mr. Speaker, that labour standards, not only be used by the developed countries, but the highly industrialised developing countries. I am speaking about the G-20 developing countries of this world, such as Brazil, India, China and Thailand.

House 63, sequence 08, 11:2014

Tuesday, May 10, 2005

Continuation of Hon. Dame Billie MILLER:

These are the so-called developing countries. However, they cannot be developing countries to be compared with the so-called middle

income developing countries such as ourselves in the Caribbean. Barbados cannot be compared to Brazil in the context of which I speak. Trinidad and Tobago cannot be compared to India or to China in the context of which I speak. Certainly, the countries of the Organisation of Eastern Caribbean States, Grenada, St. Lucia, St. Vincent and the Grenadines, Antigua and Barbuda and St. Kitts and Nevis, cannot be compared with the highly industrialised developing countries.

Mr. Speaker, we have to be very careful that the developed countries are not permitted to use this whole business of labour standards as another non-tariff trade barrier. They do it even now and would wish to accelerate that process. This is an issue which we have been fighting in the negotiating process over the past several years and will continue to fight. We fight it in the developing world. They have had the better part of 60 years to develop the high-class standards and quality, measures which they already have in place. To expect us to be able to do that in less than 10 years is not humanly possible and we do not have the resource base to do it.

Mr. Speaker, I would wish that Honourable Members on both sides would speak more often and more volubly to these issues. We have established a standing committee on foreign affairs and foreign trade with Honourable Members from this House and the Other Place which would put its members in place. We need to get to work within that parliamentary committee as soon as possible because these are some of the issues which must come to the table.

Mr. Speaker, the developed countries would wish for the World Trade Organisation to have governance in respect of these labour issues. We in the developing world are saying no to this. These issues are to remain with the International Labour Organisation which has

managed them perfectly well in the past. For as long as I can remember, from the time of the Right Excellent Sir Grantley Adams right through to the Right Excellent Sir Frank Walcott right down to today with Sir Roy Trotman, Barbados has been sitting at the highest council of International Labour Organisation.

It is right and fitting that we in Barbados be in the forefront leading by example. It must not be an embarrassment to the likes of Sir Roy Trotman, sitting in the highest levels, that in our domestic legislation we are trailing. Therefore, I wish to compliment the Honourable Member for St. James North in recognising the importance of this legislation. I know that there are other complementary legislation which must come quickly behind it.

Mr. Speaker, this legislation is important not only for all of the reasons that I have already stated but also for the reason that Barbados has been a leader in matters of workers' rights, human rights and good governance. What is happening here in the beginning of a 21st century workplace is that we are not trailing but rather we are leading.

Mr. Speaker, we are adamant in the developing world and certainly within CARICOM that in all of the theatres of negotiations in which we are engaged that labour standards must not be used as non-tariff trade barriers which would deny us market access for our goods and services to the markets of the developed countries. Within the single market, we have established a regional organisation called CROSQ to govern standards and quality. Barbados is the headquarters for the Caribbean Regional Organisation for Standards and Quality (CROSQ) which is located on Pine Road in St. Michael. Mr. Speaker, on the 26th of this month, on behalf of the Government of Barbados, I will sign on to the headquarters

agreement for the Caribbean Regional Organisation for Standards and Quality (CROSQ).

Mr. Speaker, our own Barbados National Standards Institute which is well known together with CROSQ will seek to observe the highest and the most excellent standards. I say it so often in here and I will say it again today that excellence has got to be the Barbados brand and hallmark as it is the only thing now that would give us the competitive edge. In the Caribbean we are all selling the same goods and services. We are selling the same sun, sand and sea. We are also selling the same colonial history, and we are exploiting it now to our economic advantage. We are selling the same sugar as long as it is possible for us to do that, if not for bulk export for energy and other purposes. We are now looking to diversify within sugar agriculture as well as non-sugar agriculture, seeking always that excellence as the competitive edge.

Mr. Speaker, if we are all selling the same things, the only thing that would give us the competitive edge is that our product, whether it is a good or a service, must be of the highest possible quality. This is not new to us in Barbados. I say it and I must continue saying it because there is a young generation who thinks that Barbados began in the year of their birth, whether it was 1980, 1990 or 2000. We have a niche there already. We have a reputation which is international for excellence that we must build upon.

Mr. Speaker, yesterday was Europe Day and I had to speak at the celebrations which every year the European Union delegation puts on here. I made this point then and I am going to make it again now that as badly as we are doing in cricket now, cricket is one of the best products that we have to sell and our team has got to regain that competitive edge. They need to understand that they are setting an example

not only for small boys who are watching them and who want to become world players like them, but for other goods and services that we want to sell. Mr. Speaker, I am speaking about the little boys who were sitting down in the pavilion and saying that so and so is a fantastic player, I am not going to call names because I do not want to be invidious, while all the time the fellow was out there making a duck.

Mr. Speaker, from the time the word rum was invented over 300 years ago Barbados rum has had that reputation for excellence. Wherever you go in the world, the name Sir Garfield Sobers represents excellence at the highest level. Sir, we must not pretend that we cannot reach up to these levels, we can and we must reach up to them.

House 63 Sequence 9

11:30 a.m.

Tuesday, May 10, 2005

Continuation of Hon. Dame BILLIE MILLER: Mr. Speaker, in the developing world, including CARICOM, Africa and Asia, we are producing similar goods, pursuing the call that we need to increase South-South trade.

Mr. Speaker, Mr. Peter Mandelson, the new Trade Commissioner in the European Commission, is now saying that he is not disposed to take on our call for more North South trade before he can see more expansion in South South trade.

Mr. Speaker, when people were still celebrating the New Year, the Trade Ministers of CARICOM were in a meeting with Mr. Mandelson, who was newly elected, explaining to him what are our priorities, our needs and our concerns. Sir, the reality is that

over the past 15 to 20 years, the South South trade has been growing more rapidly than that of that North South trade. We can see it happening in Barbados. Sir, if one would look at the shelves in shops and in supermarkets, one would see products that are manufactured in China, Thailand and Taiwan being displayed. Sir, even President Bush is complaining about it now.

Mr. Speaker, so driven by these more highly-industrialised and highly developing countries such as Brazil, Argentina, Chile and China, South South trade is growing more quickly than North South trade, but the fact is that we are selling much the same thing and there is a limit to what we can sell to each other but at the end of the day, we still need market access to the markets of the North because the finance houses are in the North. The trade routes developed 300 or 400 years ago are still North South routes, whether they are sea or air routes.

Mr. Speaker, what we are doing today goes to that process. People may not easily make the linkages, and I am trying now to help Barbadians to understand that what a worker does, while standing before a machine or with an agricultural implement, whether it is a good or service, when it says 'made in Barbados', it must be of the highest quality. Sir, excellence is what we have to aim for, and we cannot take an attitude that because we are developing countries trading among ourselves, that we can afford to let standards slip. That is where we would make the worst mistake because the northern scouts who are looking for quality goods, are not going to find our products attractive, if the labels are peeling off because the proper machinery was not used, or the worker had been 'slap-dash' about it.

Mr. Speaker, in the same way that in the Caribbean, and I speak more specifically to Barbados, we have a good and a hard-won reputation for excellence, in terms of our

participatory Parliamentary governance, this Honourable Chamber in which we are privileged to sit within the Commonwealth and even beyond, has a reputation that is at the highest level. This is a Parliament that meets on a regular basis, while there are Parliaments in the Caribbean that meet only two or three times a year. This is a Parliament where people do work.

Mr. Speaker, when we look at the amount of legislation that flows... I remember when I used to lead Government business. There was no other Parliament in the Caribbean, neither Jamaica, Guyana nor Trinidad and Tobago, that has ever passed the quantity nor the quality of legislation that this Parliament has passed. The institution of this Parliament is nearly 380 years old. It was not always as democratic as this but this legislation today is very intimately related to these matters, which not only include good governance but also the Social Partnership.

Mr. Speaker, a parliamentary colleague in Trinidad and Tobago said that system cannot happen there, while a parliamentary colleague from the United Kingdom told me years ago that in the United Kingdom, they cannot even begin to think about it. Therefore, we are talking about a certain level of maturity, and this Bill is all part and parcel of it. This is part of what goes to the maturity and that special Social Partnership.

Mr. Speaker, it pleased me greatly when the Honourable Minister introduced the legislation, that he was able to say to us that the greatest consultation took place within the Social Partnership and beyond, and that is important. Sir, the reputation that we have for human rights, with that right including the rights of workers and, of course the rule of law. The workers now will have recourse to a piece of legislation, while being confident that this will protect their concerns, their interests and their health. Therefore, Barbados must get that

reputation that the workplaces here are superior and that they reach up to that hallmark of excellence. Therefore, how could one not bring support to this piece of legislation.

Mr. Speaker, the Honourable Member for St. Michael East spoke quite eloquently to these matters, bringing a different perspective to them, and I want to congratulate him in particular for what I thought was a most excellent intervention in this debate.

Mr. Speaker, this legislation is also going to help not only Barbados but other developing countries, and I hope that this would become a model piece of legislation that other countries would wish to adopt, not only within CARICOM but beyond it. Sir, this legislation is also going to help us to realise many of the goals, targets and indicators of the Millennium Development Goals, of which they are eight. Therefore, the way in which we treat our workers' health and the safety of the workplaces within which they must work... and Barbados is soon going to come to a place where virtually everybody is going to be on a shift system, where we are going to have to work a 24-hour work day. Therefore, if we are going to achieve and to maintain that competitive edge, we have to be prepared to increase productivity, and one of the ways to do that, is that you work the whole 24 hours that they Lord hath given you. You would not expect a worker to work the complete 24 hours. I work a 14-hour day regularly. I still sometimes work a 16-hour day. It is only about five years ago that I discovered what tiredness meant. I hear young people in the 20s and 30s crying out for tiredness. I never knew that. I belong to a generation that has never known that. People get tired when reaching retirement age, and I am approaching that stage now.

Mr. President, productivity is not going to increase until we are prepared to address these matters.

H:No.63(10) 1140 a.m.

Tuesday, May 10, 2005

Continuation of Hon. Dame BILLIE MILLER:

I am hoping that these are now complementary matters to this legislation which the Honourable Minister would, in due course, in the not too distant future, bring to Parliament for our debate and input.

Mr. Speaker, Barbados aspires as a developing country, even if it is the only developing country in this world, to achieve all of the eight millennium development goals. I think it can be done by the year 2050 and this legislation which speaks to the health and safety of workers in their workplace goes to satisfy some of the targets and some of the indicators.

Mr. Speaker, in respect of the first five of the Eight Millennium Development Goals, I believe Barbados is already what I call NDG-plus. Sir, from the time I knew myself, we had universal primary education but there are countries in the developing world where that is not so. I have always thought that it is a terrible indictment on humankind that the third Christian millennium would have opened and we still do not have universal literacy and primary health care. Mr. Speaker, we went to the moon and discovered so many other things, we travelled faster than the speed of sound but we still do not have universal literacy and numeracy nor universal primary health care.

Mr. Speaker, I went to Russia in 1978 where countries of the world signed onto a declaration that we would work to achieve primary health care for all by the year 2000 but, Mr. Speaker,

we failed. Sir, within UNESCO, the attempt for universal primary education has failed for the year 2000. Now the leaders of the world in the United Nations have set these goals for the year 2015 but it is already 2005 so there are only ten more years to go. I believe that Barbados has the possibility, even if it is the only developing country in the world, to achieve the eight goals and we are working towards that.

Mr. Speaker, the Minister of Social Transformation has that as a special remit.

Mr. Speaker, the first five will not be too difficult for us but the last three will be difficult for us. We have to halt the spread of HIV/AIDS and also reverse it within the next ten years if we are to achieve the millennium development goals. Sir, this has implications for these workers and I hope that the HIV/AIDS Unit would find its role within this health and safety package which we are debating today.

Mr. Speaker, it is critical for Barbados to maintain its place in the world now for us to halt and reverse HIV/AIDS. I want to make the point again that when the President of Botswana visited Barbados this year and in June last year when Prime Minister Arthur visited Botswana, a country parallel to ours in Southern Africa, that life expectancy had already dropped from 67 years to 47 years because of HIV/AIDS. Sir, by the time the President arrived in Barbados in February this year, life expectancy in Botswana was 30.9 years. Mr. Speaker, this means that a child born today in Botswana cannot live much beyond 30.9 years.

Mr. Speaker, when our parents were our age, life expectancy in Barbados was 60 years. I have seen it risen to 78 years on average in the social revolution in Barbados of which this legislation is a part. Sir, traditionally women

will live longer than men but on average, between men and women, it is 78 years in Barbados today but this will drop if we do not halt and reverse the spread of HIV/AIDS.

We now have Dr. Carol Jacobs to be much congratulated as the Chair of the Global Aids Fund and we have a duty now to make globally that millennium development. The Minister of Social Transformation is looking at me and smiling because he and I have had long discussions and will continue to have long discussions on this matter because it is very critical. Sir, if the workplace goes, Barbados goes.

Mr. SPEAKER: the Honourable Member has two more minutes.

Hon. Dame BILLIE MILLER: Mr. Speaker, the seventh goal speaks to the environment. This will be difficult for us unless we can do something about turning around our public and private health habits.

I have been making the point for long years but I now see people writing letters to say how dirty is the capital city, Bridgetown. Sir, I watch children and adults throwing garbage around the city on a daily basis. We have to change these habits because we have come a long way when it comes to public health. In fact, Barbados is used as a model in the world when it comes to public health but we still have a long way to go. Mr. Speaker, natural disasters will make it difficult for us but it is not beyond our ability and competent to reach that millennium development goal. Sir, we get everything in the Caribbean, volcanic eruption, earthquakes, hurricanes, mudslides, landslides and floods. We have to find a way to manage and mitigate the damage done by natural disasters.

Mr. Speaker, I now come to the last development goal, the partnership for

development, which can be dealt with in less than one minute. Sir, unless we can get what we are asking for in all these trade negotiations then the partnership for development, of which I have spoken earlier in this intervention, is not going to happen.

Mr. Speaker, I want to commend this legislation to all members and again to say very warmly to the Honourable Member for St. James North that this is an important benchmark in the continuing democratisation of Barbados.

Your Honour, I am very much obliged to you.

Mr. SPEAKER: the Honourable Member for St. Lucy.

Mr. D. St.E. KELLMAN: Mr. Speaker, I rise to speak in this debate. I want to say that today I am not here to be an apostle for the Government neither is it my duty to decide whether this legislation is good or bad. Today, I want to say how I see things from the perspective of the workers. I have to admit that I was reading the newspapers to find out the opinion of the unions and the private sector on this legislation. Sir, I have also been trying hard to find out what is the opinion of the social partners on this piece of legislation.

H63/11:50

Sequence 11

Tuesday, May 10, 2005

Continuation of... Mr. D. St.E. KELLMAN: I think it was a bit insulting to the Honourable Minister that we did not get a public opinion from the Social Partners on this legislation.

Sir, sometimes I am happy that I did not get involved in this debate earlier.

Asides

Mr. D. St.E. KELLMAN: I was told that the workers' representatives welcome the legislation. I cannot quote from the newspapers because they have no relevance in these debates. I cannot say it is true that the workers' representatives agreed with the legislation.

Sir, Dame Billie, the Honourable Member for the City of Bridgetown, made a very important point. We have to recognise that this is all about trade and developed countries trying to find a way to dominate those countries seeking to become developed. We have to be careful, in a small country that is trying to become developed, not to use legislation to pass jobs outside of the same countries where we seek to protect workers. Let me explain that, Sir.

Mr. Speaker, when I worked in the Sugar Industry, there was a gentleman named Dr. Biddlestone whose job was to provide equipment for workers. When the equipment was installed, instead of four persons being employed to look after that particular area, the equipment replaced the workers and one person did the job. We transferred the jobs of three person and replaced them by foreign equipment. Therefore, we replaced our local workforce by globalisation.

Mr. Speaker, we have to understand what Globalisation is and how people pretend to present a good argument on behalf of workers and the workers' representatives accept these arguments, only to realise later that they were not only replacing workers but also themselves.

Sir, when we dilute the workforce, we are diluting the workers' representatives. We have to be very careful how we see legislation. At face value it looks good but when you

implement it you will realise that what was thought to be assistance was actually the removal of our brothers and sisters in the workforce. Sir, the Sugar Industry is a good example. If you compare Portvale Sugar Factory and the former Porters Factory, when it was in operation, you will note that the protective clauses were responsible for the job losses. We must be careful with these particular matters.

Mr. Speaker, when we read the legislation we cannot find fault but we must have the ability to move a step further to understand how international politics operate and how the workforce would be replaced. Today, we bring legislation in the interest of the workers but this legislation will replace them sooner rather than later.

I believe that the Honourable Minister's heart is in the right place but I am not here to judge where his heart is. I know, coming from the college on the hill looking down on the rich and famous, can appreciate the points that are being made by one of his students. Sometimes it takes the student to teach the teacher and not the teacher to teach the student.

Aside

Hon. R.C. EASTMOND: On a point of order. It is true that I went to school at a school on a hill but in those days I looked down on vegetables, coconut trees and Heywoods Beach. I never looked down on the rich or the famous or, indeed, have I ever looked down on the poor.

Mr. SPEAKER: Honourable Member, you have never been on that hill since you left school?

Asides

Mr. D. St.E. KELLMAN: Mr. Speaker, I am

very glad you acknowledged that there are some people who get a good foundation and forget where they got the foundation. I am very grateful to you for that particular point.

Sir, we do not necessarily need all this labour legislation. We need a stronger relationship between the Social Partners, where the capital owners have an appreciation for the unions and members. Government, at the same time, also has an appreciation for the workers.

Sir, if you were to ask me what this legislation is about, I would have to say that this legislation is about the public sector unions seeking to get justice from the Government, moreso than the private sector unions seeking to get justice from their employers.

Sir, we need a good working relationship between ownership and workers. Mr. Speaker, love is lacking at the workplace. If love was in the workplace, we would not now be discussing this particular aspect of the legislation. The Unions of Barbados should have been able to go to the employers in Barbados, present their cases and share some kind of common understanding. Since this does not happen, the Honourable Minister is now being forced to come to Parliament and admit that the Unions were unable to achieve what they have been fighting for.

Mr. Speaker, I would like to believe that is not true because the unions do not have wages on the front burner, so, it would have to be other working conditions on the front burner. It is interesting to note now that we got a call from Government not to discuss wage increases. At the same time a call was made in Parliament this morning to the unions that they need not discuss labour matters because we are bringing legislation to deal with it. Sir, the question is, if this is true, what can I expect of the unions in Barbados? What will they be discussing at the workplace on behalf of the

workers in Barbados? I am saying to the Unions that they have to be very careful because if they cannot discuss wages or the working conditions of workers, the Government is saying to the unions we have legislation, we have the authority to replace you and we are now the workers' representatives so there is no need for the unions. This is dangerous.

Sir, I remember that the workers of Barbados were told to accept wage constraints and allow the private sector and Government to amass what they wanted and they would look after them. We have seen that after the union accepted that argument there was a different situation. Sir, we saw merges and downsizing, among other things.

Sir, I am saying that training in the workplace could avoid the things that we are now legislating. We need to train workers to deal with equipment, without having to put in these safety clauses that will replace the workers.

H63: 12.00 p.m.

Sequence 12

Tuesday, May 10, 2005

House 63, sequence 13, 12:00 Noon

Continuation of Mr. D. St.E. KELLMAN:

...without having to put in all these safety clauses that will replace the workers. What we need to do is to have a better trained worker so that they can deal with the particular problem, without the employer having to go to the instruments.

Sir, in the beginning I was told that when the computer was introduced, cost would be

reduced but nobody said it would be reduced at the expense of employees and we are seeing that technology is now replacing employees. In other words, we are seeing technological changes without human faces and, I am saying that we have to be very careful.

Sir, if we continue to replace the worker, we are putting more people on the 'block', and the project OASIS would become a major capital project in Barbados, as it has started already. I said in a previous debate that Project OASIS is to remove the people from the block and the derelict buildings from Barbados for 2007, so that we can present a pretty-looking picture at 2007 and look as though we do not have any unemployed people or derelict buildings in Barbados.

Mr. Speaker, that is not what we need to do, Sir. We need to find productive ways of employing people. We also need to find ways to make workers go on the job, well-trained.

Sir, do you know what is amazing about this? While we speak about training, we have a large vote every year coming to this Parliament for training, and at the end of the year, 50 per cent of that vote is not spent because that money is about workers. Sir, there is no other Head where you would find 50 per cent of the vote going back to the Treasury every year, untouched.

I am saying, Sir, that we need to understand the importance of human resources of Barbados and human resources management. We also have to understand that training must be the key because if we do not do it, we will continue to be a consuming country and not a producing country. Our number one priority is to use the educational system we have, and enhance it with training to make Barbados a productive place.

I heard the Governor of the Central Bank

speaking about wages restrain but because you have wages restrain, it does not mean that you cannot get an increase in disposable income. If the Governor of the Central Bank, as she said two years ago, believes that you could counter wages restrain with reduction in taxes to increase disposable income, I have no problem with that argument.

I have already written on many occasions indicating that we need to increase the disposable income of workers without increasing cost to the product. The only way you could do that, Sir, is by having a shift in the taxation system, which allows workers to have more of what they work for and by giving them a belief that the more they work, the more they get.

We must stop punishing workers for producing. We must stop punishing investors for investing. What we need to do is to punish them for consuming. We also need to allow them to be self-sufficient, so that they grow what they eat and eat what they grow, and this is very important.

I must admit, Sir, that during a site visit with the Honourable Member and St. George North and myself in Cottage, St. Lucy, one of the conclusions we came to, after seeing the agricultural land attached, was that instead of just providing lots, we had to provide lots with an additional piece of agricultural land, to keep the frame of mind that the citizens of that particular area knew from the time they were growing up.

Sir, suggestions and ideas like those cannot go untouched. I will agree with you that this particular suggestion is for a greater housing debate which we will deal with at some later time, and show the difference in policy on the Other Side. We will see south to south dialogue and we will see one intent, where people from the south understand what the

south wants because there is love between the people of the south.

Asides.

Mr. D. St.E. KELLMAN: What we need now is to build on the framework that was set in train because at one stage, we saw a north to north relationship. They have now been able to take what we had from us and have been able to expand it, Sir, in a way that they have now been able to develop the economies in a selfish way, using us. They have also been able to use the Cold War to their benefit. We in the Caribbean must understand that we have to find things that are in our interest and do likewise.

Sir, I have always argued coming out of the IMF Report, that the best thing the Caribbean has to offer investors will be their taxation policy. We will always get a particular problem with that and that is why workers would not be able to increase their disposable income, and employment will not be labour friendly for the workers, because what we give to outsiders, we do not want to give to our local people and this is wrong. We have to understand that the number one priority will have to be our workers in Barbados, and we must protect the interest of our workers and protect the jobs of our workers.

Sir, it does not matter how you look at mechanisation and that is why I have said that the main problem facing Barbados and smaller developed countries and economies, Sir, has nothing to do with revenue. It has to do with foreign exchange. We went and minded the big players in the globalised world, speaking about mechanisation for everything, not realising that all we were doing was solving a revenue problem and creating a foreign exchange problem which in the end, Sir, will not be in the interest of the workers of Barbados.

Sir, we have to understand that our first call is

a foreign exchange call and not a revenue call. The Caribbean leaders are looking after revenue and giving up foreign exchange. They are creating bigger debts for the future generation to have to pay off. The solution to all of our problems, Sir, will have to be the workers within the region.

Asides.

Mr. D. St.E. KELLMAN: You will repeat it three weeks from now, do not worry because that is high economics and at your level which you will not understand at this present moment.

The Minister of Tourism, the Honourable Member for St. Michael South is saying something to me that you cannot hear but as you would know, Sir, it is a customary habit that whenever he hears a point he likes, it must be recognised in the House. He cannot do it by thumping the table, but he must do it by verbal abuse.

I am saying, you have to understand that instruments and labour legislation are the things that will destroy the workers and the unions of Barbados. The Unions must be very careful how they endorse things at face value. I want to warn the unions that if they do not understand this particular legislation, they need to speak to the resource persons so that they can take advice and reverse themselves on it, Sir.

I will not want to be saying three years from now that I told you so, because it pains me whenever I have to say it, Sir.

House 63, sequence 13, 12:1014

Tuesday, May 10, 2005

Continuation of Mr. D. St.E. KELLMAN:

When I spoke about the isosceles triangle, everybody said that I did not know what I was speaking about.

Asides.

Mr. D. St.E. KELLMAN: Sir, at that time I was speaking in the present form not of the past form, therefore it is know and not knew. I cannot speak about knew in the present form, I must speak of it in the past form.

Asides.

Mr. D. St.E. KELLMAN: I understand my errors and I can correct myself. Mr. Speaker, they said that I never knew what I was saying. The evidence is here now, Sir.

Asides.

Mr. SPEAKER: Please, I am trying to follow, please.

Mr. D. St.E. KELLMAN: The beauty of a man is the ability to correct himself with his own errors and to show that he can correct himself.

Sir, I am saying that at first glance the unions are looking at 50 per cent of the equation, that is, the workers' safety. What they are not looking at is the job protection of the workers. Sir, if an employer has a properly trained worker they would not have to worry about the workers' safety because they would know how to protect themselves when they are on the job. Sir, what is lacking today is not job safety but training for the workers to protect themselves from any wrongs that they might find in the workplace.

I thank you very much, Sir.

Mr. R. St.C. TOPPIN: Mr. Speaker, I wish to

begin by complimenting the Honourable Member for St. James North for bringing such a good, relevant and revolutionary piece of legislation to this Parliament at this time.

Mr. Speaker, mention was made of the fact that it took some 17 years after first conceptualising that this piece of legislation was needed for it to get here, but I think it speaks volumes for the character of those who would have worked through those 17 years particularly the character of the current Minister who was able to actually get it before us.

Mr. Speaker, I can speak with some authority on the fact that when one is attempting to bring a piece of legislation that is revolutionary that sometimes the difficulty in getting it here has nothing to do with the volume of work involved in getting it here but has to do with the number of obstacles that are placed in the way as a serious attempt is made to get the piece of legislation advanced to the point where it can be introduced in Parliament. Therefore, I want to commend the Minister who ensured that no obstacle at all got in his way and held firm to the task of ensuring that this very important piece of legislation was presented here last week to inure to the benefit of workers across Barbados for generations to come.

Mr. Speaker, with Barbados having an unemployment rate of just over nine per cent it is arguable that more people in Barbados spend more time in the workplace than they do anywhere else, even at home. Therefore, there is definitely a need to deal with the issue of health and safety in the workplace.

Mr. Speaker, if we were to look at certain global statistics published by the International Labour Organisation, we would see that each day an average of some 5 000 people died as a result of work related accidents or diseases globally making a total of between 2 to 2.3

million work-related deaths per year. Every year, Mr. Speaker, workers suffer from approximately 270 million occupational accidents and some 160 million non-fatal diseases that lead to absences from work for more than three days. Further, Mr. Speaker, approximately four per cent of the world's Gross Domestic Product is lost with the cost of injury, death and disease through absence from work. Mr. Speaker, these are some very startling statistics which show that all over the world every country needs to ensure that it adequately addresses the issue of health and safety in the workplace.

Mr. Speaker, as an attorney-at-law, and the Honourable Member for St. Philip North can confirm, I can speak of the number of claims one has to deal with whether one is working for individuals who come off the street, as it were, or whether one is working for insurance companies. One is finding now that a large amount of one's portfolio in the area of personal injuries has to do not only with car accidents and so on but with accidents occurring on various work sites across Barbados. Therefore, it was imperative that something be done to ensure that measures were put in place to deal with issues of health and safety in the workplace.

Mr. Speaker, we have to recognise that there is really a need for what I call a preventative safety and health culture in which the right to a safe and healthy working environment is respected at all levels and by all the relevant parties. Mr. Speaker, Government has played its part. Government has not only brought before this Chamber today an important piece of legislation dealing with the whole issue but Government has actually ensured in the Bill that the legislation will apply to all Government agencies with the exception of two. So Government is being forthright and is displaying utmost good faith in playing its part in the issue.

Mr. Speaker, it is now left to the employers and employees to demonstrate that this culture that I spoke of is embedded deep in their psyche so that the process can satisfactorily advance and progress. We need to see a spirit of cooperation between employers and employees. For example, you do not want to see instances where employees are nitpicking and complaining that everything that they are being asked to do is dangerous work.

Mr. Speaker, while I am on this, I would like to ask the Minister if he could explain more about this issue of dangerous work in his wind-up speech because there is a lot of scope in the absence of some clearly defined boundaries for employees especially to refuse to do things they are asked to do on spurious grounds or in their own subjective opinion because they deem it or see it to be work that is dangerous. Mr. Speaker, things like that can frustrate the good intentions of this piece of legislation.

Mr. Speaker, employees must not go overboard in requesting a health and safety inspection at a workplace every two minutes. They have the power in the legislation to do that, but they must not overuse, as it were, their rights in this regard to frustrate a piece of legislation.

Mr. Speaker, in the legislation it is expressly stated that an employer cannot discipline an employee because he seeks to exercise his right to seek a health and safety inspection. However, Mr. Speaker, discipline is not the only way to make life difficult for an employee. Mr. Speaker, an employer may well know that he cannot resort to any formal disciplinary measures against an employee who seeks to enforce his rights but he may do many other things to make life very intolerable, difficult and stressful for an employee who seeks to exercise his genuine right. Therefore, there is a need for a spirit of cooperation which is the

only way in my view that what we are doing here today will inure and result in the benefits that we really expect to bestow upon workers across Barbados.

Mr. Speaker, though the focus of this legislation is on workers, I am pleased to see that there is still some mention in the Bill of the consumer or those persons who are not workers as strictly defined in the legislation.

House 63 Sequence 14

12:20 p.m.

Tuesday, May 10, 2005

Continuation of Mr. R. St.C. TOPPIN: Mr. Speaker, there are two areas, one in relation to noise, where it is mentioned that no work site is to be used in such a way as will damage the hearing or otherwise affect the health of persons within the immediate vicinity of the premises. Sir, I am pleased about this because noise in Barbados is a serious issue. Barbados is too noisy, everywhere and at all times, there is noise. Sir, I do not subscribe to the view that we can never have noise, I think there is a time and place for noise. I go into certain places, for example, some Government Housing Areas, and I am fascinated to see that as I would visit Block 1A, the music would be blasting so loudly that one can hear it for several hundred yards away. That noise goes on into the night, sometimes into the morning and that is considered to be something that a person has deemed he has the right to do, that is to affect his neighbours and who would want to enjoy the peace and quiet of their homes.

Mr. Speaker, this legislation does not deal with noise in the context of a Government housing estate but it deals with noise in the context of a workplace, where some employers

would deem it necessary to employ whatever means they would wish, to get a job done irrespective of the noise that they would be generating and the impact that noise would have on persons in the immediate environs.

Mr. Speaker, there is also a clause in the legislation that requires an employer to take such precaution as is reasonable in the circumstances, to ensure the safety of every person in the workplace, including someone visiting the premises to conduct business or for whatever reason.

Mr. Speaker, I am glad to see that there are clauses in this Bill which take the consumer into consideration. Sir, some years ago, the Government set out to ensure that the consumer was central to its focus and much was done to enact and to shore up consumer rights in this country.

Sir, in recent past, one is getting the impression that there is a little whittling away of consumers rights in Barbados and the benefits to which consumers were growing accustomed. Sir, perhaps this is because of recent decisions given, which did not go the way in which the consumer was expecting.

Mr. Speaker, one may also be tempted to say that we are seeing signs of instability and fragmentation in the institution which was set up, the Fair Trading Commission, which was central to the consumer protection movement. We know there has been a number of resignations, which, as far as I have been informed, were for valid reasons but for whatever the reason, it is clear that one is beginning to sense a little whittling away in this area of consumer protection, and therefore any help in the area of consumer protection would be appreciated.

Mr. Speaker, I am pleased to see that in this legislation, the Minister has recognised that

though the focus is on workers, that there was still time to put clauses in the legislation for consumers to work in conjunction with the other rights that have already been bestowed on consumers across Barbados.

Mr. Speaker, another area in this legislation on which I would like to touch is that of the disabled. The Act specifically states that employers must ensure that all employees with special needs must be given the necessary directions and notices, et cetera, so as to enable them to function in the context of a work environment. Sir, I fully support the need to have disabled persons on work sites because they need to live and to earn a living like anybody else.

Mr. Speaker, there is another category to which I will refer. There are those who, unfortunately on many occasions, through no fault of theirs, have become infected with HIV/AIDS. Sir, I can fully understand the cry that these HIV/AIDS persons must still be allowed to function in a work setting, to earn a living for themselves but Mr. Speaker, I want to say today that while I fully support it, I want to make the point that insofar that on hiring an employee, any employer knowing that person is HIV positive, the employer should know that he has a duty, not to walk down Broad Street and to shout it out, but to make it known to other employees on the work site. I think that is imperative.

Mr. Speaker, there are some Honourable Members who would not want to agree with that statement but it is a fact that someone going on a work site with a communicable disease that is fatal, should be entitled to go on the work site and work but at the same time, if we are talking about a Bill which deals with safety and health on the work site, it would be only fair that fellow employees should be informed of the state of health of that particular employee where it is known.

Sir, this applies to both work sites and to schools but it is imperative that if there is a teacher or a child in a school who is HIV positive, one should not shout out the condition of that child or that teacher but there is a duty to let others know about that person's condition.

Mr. Speaker, the reason being that if that person should ever suffer an injury on the work site or in the school, there would be other students, teachers or workmates, who would invariably be expected to render assistance to that individual. Therefore, in all fairness, that person must know the condition of the person with whom he has to deal. Sir, for example, suppose someone in that condition were to suffer an injury from which they were bleeding profusely, it would only be fair that those persons rendering assistance to that injured person, should know of their condition.

Mr. Speaker, I believe training in this area is very important. There is a HIV/AIDS Commission and various agencies which seem to think that in every advertisement, the only thing that they can say is how fatal it is and how to prevent contracting it. Sir, training is not only about the use of machinery, it is also about interacting with others, especially when in a case such as I have outlined, where one has to deal with another who is in a very special position.

Mr. Speaker, I believe the HIV/AIDS Commission needs to stop putting so much focus on the gloom and doom aspect of HIV/AIDS and recognise that they need to get the message across to people in the various work sites and institutions, so that people can become knowledgeable in the area of handling and dealing with situations relating to HIV/AIDS. These institutions must stop preaching the gloom and doom aspect of HIV/AIDS, where people operate basically in a

climate of fear. Sir, these agencies are trying predominately to cultivate a climate of fear in people, but there is more that they should be doing, including engaging in more public education and more hands-on involvement.

H:No.63(15) 1230 p.m.

Tuesday, May 10, 2005

Continuation of Mr. R. St.C. TOPPIN:

Sir, I am not advocating that anything should be put in the newspapers or anything of the sort. Quite frankly, some people openly declare it if they become HIV/AIDS positive but everyone might not want to do that. Mr. Speaker, where there is a work site and it is known that someone has HIV/AIDS, in all fairness to employees and school children, it should be known so that other persons would know how to protect themselves and maybe even prolong the life of the person who is HIV positive.

Sir, many people would look at me as I make the statement knowing deep down that they are in agreement with me but are afraid to say so. Recently, I have become known for the fact that I speak what I believe and I truly believe what I have just said and stand by it. Sir, Honourable Members of the Opposition are nodding in agreement and I hope that those who agree with me would echo similar sentiments if and when they get the chance to speak.

Mr. Speaker, there is a principle which says that much is expected from those to whom much is given. This piece of legislation is going to be conferring substantial rights and protection to workers in the workplace. A lot of ground is being broken and workers would stand to benefit tremendously from this piece of

legislation. Therefore, it is right that workers raise the standard of their work in many ways and ensure that they serve the public of Barbados with greater pride and better than they have done in some areas.

Mr. Speaker, I want to see the standards raised where we can go into working establishments and feel more welcome than before. This applies to Government as well as to the private sector because many people feel that it is only in the Government service that you get shoddy treatment. Sir, in dealing with the private sector, we must not fool ourselves that a lot of ignorance and ill-mannered behaviour abound there as well by workers. Sir, the private sector would benefit in the same way that employees of Government benefit and I want to know that standards are raised. Sir, I do not want to see people putting their hands in ice buckets to take out ice when serving a drink to me.

Mr. Speaker, workers will feel more comfortable and relaxed in the environment that is created by this legislation. I believe that workers can be justly proud and will hold their heads up with pride when we are finished with this debate.

Mr. Speaker, workers should thank the Honourable Member for St. James North knowing that their children, grandchildren and generations yet to come would benefit from the good work done by the Honourable Member for St. James North in whom myself and others in this Chamber are well-pleased.

SUSPENSION

Hon. R.C. EASTMOND: Mr. Speaker, Sir, I beg to move that this House be suspended until 145 p.m.

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

The question that the House be suspended until 1:45 p.m. was put and resolved in the affirmative without division and Mr. Speaker suspended the House accordingly.

H63/13:35

Sequence 16

Tuesday, May 10, 2005

RESUMPTION

Mr. SPEAKER: This Honourable House is resumed. The Honourable Member for Christ Church South.

Dr. J.X. WALCOTT: Mr. Speaker, I want to commend the Honourable Minister of Labour, the Honourable Member for St. James North, for bringing this progressive and enlightened Bill to this Honourable House for us to discuss today. It shows his commitment and dedication to improving the conditions for those workers in Barbados in all spheres of activity. No doubt, he has his detractors on the other side, who have spoken and criticised him and have said that this Bill has been too late in coming, and we expect this. Mr. Speaker, they criticised him and say that he is not bringing legislation and when the legislation is brought he is criticised by saying that it has been too long in coming. It is a situation, if you do you are damned and if you do not you are still damned.

Sir, I would say that these detractors of the Honourable Minister had two terms to look at this legislation. I believe that they looked at it, but I do not know if they made any substantial changes or made any amendments to it but they looked at it.

Mr. Speaker, you would appreciate that in important labour legislation there would be a need for extensive discussion and consultation, and indeed some degree of consensus among the parties involved. I am pleased to see that in the development of this legislation there was this consensus, discussion and consultation with the Congress of Trade Unions and Staff Associations of Barbados, the Barbados Employers Confederation and the National Advisory Committee on Occupational Safety and Health. Sir, all of these entities have played a very important role in the development of this very important piece of legislation at this point in time.

Mr. Speaker, I must also commend the Government, of which I am a part, which shows its commitment, not only in providing jobs and reducing the unemployment statistics in Barbados but by showing its dedication in ensuring that the welfare of the workers across Barbados is looked after; ensuring that there is healthy working conditions for the people Barbados.

Mr. Speaker, with the advent of the industrial revolution towards the latter half of the 18th century in Britain, it became clear that there would be a greater increase in the relationship between health risk and death at the workplace as the industrial revolution proceeded. In 1775, I believe it was Percival Pott, who was the first person to link a certain type of cancer with occupation. He did this by linking cancer of the Scrotum of some unfortunate men whose job was to clean chimneys in the industrial estates and houses. He found that those persons who were exposed to the grease, grime and the soot in the chimneys, absorbed them into their clothes and the residue became lodged into the Scrotal skin and this formed a niche for the formation of Cancer of the Scrotum. He was able to prove this in 1775.

H63: 13.50 p.m.

Sequence 17

Tuesday, May 10, 2005

House 63, sequence 18, 1:50 p.m.

Continuation of Hon. Dr. J.X. WALCOTT:

Obviously later on, the specific chemical agents that were involved became noticed and were identified as the hydrocarbons. Perhaps my learned biochemical colleague from St. Philip West would be more adept at these matters.

Subsequently, with the expansion of industrialisation, Sir, it became clear over the last 100 years there were a number of industrial chemicals that were in use, which would predispose individuals to various health risks and indeed cancer. In fact, there was a causal relationship between a number of these substances and cancer of various organs within the body. Within the last 50 to 60 years, cancer of the bladder was very common and which it was found that those persons who work in the dye industries, those who work with paints, rubber and tyres and indeed those who work with bitumen, coal and tar were predisposed to the developing cancer of the bladder.

We all know of the problems of asbestos and this is very popular, Sir, even in Barbados we talk about exposure to asbestos. Certainly in that time was developed not only the problems with asbestosis but also the development of the association of asbestos with cancer of the lungs and indeed cancer of the kidneys.

We also know of the recurrent problem with contact dermatitis as persons come into contact with various things like sawdust. There are

certain skin cancers that can result from contact with substances such as chromium, copper and indeed arsenic.

I heard my colleague, the Honourable Member for St. Michael North West last week alluding to a predisposition for people who work in the hospitals to developing breast cancer and it startled me. I believe the Honourable Member for St. Philip West would agree with me that the people of the hospitals that are usually exposed to increase risk of cancer would be those persons dealing in radiology, x-ray, and oncological medicine. In that case they are basically things like leukemia, and bone cancer and not really breast cancer so I think the old adage, a little knowledge is a dangerous thing, is appropriate here in the case of the Honourable Member for St. Michael North West.

Sir, there are also other areas of industrialisation where PVC is very popular. It has been shown that those persons who have been exposed to PVC have the likelihood of developing certain types of liver cancers.

Indeed, throughout Barbados, we have people working in furniture and it is again documented that people exposed to sawdust can develop various cancers of the nasal pharyngeal region and these are things that we need to address. Suffice it to say, Sir, it is well-recognised that about 4 per cent of all cancers globally are related to some sort of occupational hazard and this is well-documented.

Moving away from cancers, over the last 20 to 25 years, the Carpal Tunnel Syndrome has become very popular and very common. Certainly, in the days of the old typewriter, it must have been occurring at that point in time but it was not recognised in the medical sphere as a sort of repetitive strain injury.

It was said earlier in this Honourable

Chamber that the Governments had been encouraging the set up of these data processing companies in Barbados, knowing about Carpal Tunnel Syndrome, and this is not correct.

Certainly, in the time of the factories, nobody considered or spoke about Carpal Tunnel Syndrome and it being related to the use of the computer and the computer key board. In fact, this is something that is new and the whole concept of ergonomic and the ergometric standards are completely new and hence the importance, Sir, of this piece of legislation in 2005.

The Factories Act of 1983 has served us well but in the light of the technological and industrial advances, and the changes that have been occurring in terms of employment, and the need to ratify the ILO Convention 155 dealing with occupational safety and health, it is obviously necessary that we move towards this sort of legislation at this point in time.

A number of my colleagues spoke about the responsibilities of the employer to provide safe and conducive conditions for the workforce. I was particularly pleased to see the emphasis that is placed on the responsibility of the employees in providing and enduring this safety at the workplace. In this regard, I am going to speak to four specific areas.

Sir, far too often throughout Barbados, we see people at work who are provided with the appropriate and proper protective gear and they are not wearing it or they are wearing it incorrectly. You will see people lifting heavy loads with lumbar supports and these lumbar supports are hanging loosely around their waist, unfastened.

There are also persons who are provided with ear guards and, rather than wearing them to cover their ears, they are wearing them around their necks like a necklace. Sir, do not talk

about goggles to protect their eyes, because often you see them being worn on their scalp. Sir, these things need to be addressed and the employees need to be more concerned, because they also have an important role to play in their health and safety.

I was pleased to see the inclusion of the section speaking about working with machinery and equipment and the need for safety both of the employer and the employee in regard to this, Sir. Over the years, there have been far too many cases of partial and complete amputation of fingers in this society. I know that this aspect of the Bill should help to reduce the occurrence of this practice in Barbados.

The weed-whackers are extremely common in Barbados being used both in the public and private sector. You can say that sometimes they are being used relentlessly. People feel that they are given a weed-whacker and they should just whack and do whatever they can, with no regard to wearing the proper safety equipment, such as boots and goggles. Of course, this endangers the health of innocent people who may be just passing and are struck by a missile from one of these weed-whackers. I am pleased that this Bill will stand to stem this aggressive behaviour of persons using the weed-whackers, who put not only themselves at risk but persons who may be innocently passing at the time.

The Bill speaks to the use of rope and tackle devices, traditionally called block and tackle, devices and enhancing and strengthening the safety features and guidelines in relation to these, Sir. I am particularly pleased in this regard again because I have seen the effects of severe crushing head injuries of persons who were working with block and tackle devices, which unfortunately crushed them from above, Sir.

Another area I am concerned about, would be

those persons who operate the jack hammers throughout Barbados, in the expansion of the construction industry. A lot of us do not realise the danger that these individuals who operate jack hammers put into their lives everyday, not only from the point of view of noise but from vibration and potential damage to joints, neurological damage and nerve injuries.

I am also pleased to see that in some regard, the Bill speaks to the protection of these individuals who are taken more or less for granted. I believe in some cases, they should be specified, as is being done for those who have to look at computer terminals for long periods of time, that those jack hammer operators should be allowed a break intermittently from their work.

Sir, you would expect me to focus on health and Part IV of the Bill speaks specifically to health and health issues. Sections 49 and 50 speak to cleanliness at the workplace and the disposal of waste and I believe that my colleague from St. Joseph earlier this morning spoke about this at some length. This is absolutely necessary to avoid creating unnecessary health hazards and I would cite one example in the disposal of waste.

I mentioned earlier that throughout Barbados, the issue of asbestos is a popular one. Everyone has heard a little about asbestos that it should not be in the roof and if it is in the roof, it affects your health. It can cause you lung problems, it can cause you cancer and it can cause you all sorts of things, so there is a move generally to remove asbestos, but not realising that there is a protocol and procedure for the removal and the disposal of asbestos.

House 63, sequence 18, 14:0000

Tuesday, May 10, 2005

Continuation of Hon. Dr. J. X. WALCOTT:

Mr. Speaker, in our country people are hired to change asbestos roofs and they just ripped up the asbestos sheets not realizing that the solid asbestos in situ is not problematic, but the asbestos fibers are the ones that we should be concerned about. They are the ones that you can breathe through your nasal passage which then becomes trapped in your lungs. We have a situation where a person would remove and break up asbestos which is not causing a problem in situ and then would put it in a heap near to where children are playing and leave it there for weeks without worrying about the fibers, without worrying about ensuring that it is wet before it is transported and without ensuring that those persons who are handling it are wearing the correct protective suits and that the eyes and the nose are protected. These are some of things we have to avoid in dealing with asbestos and the disposal of waste.

Mr. Speaker, the Honourable Member for St. Lucy has left because he knew that I was coming to him shortly. Mr. Speaker, the Act in sections 51 and 52 speak to temperature regulations and temperature control. The Honourable Member for St. Philip West spoke at length about the proliferation of airconditioning units and central air-conditioning throughout the country and raised the issue that you need not only to provide air-conditioning but to ensure that there is proper maintenance and servicing of these equipment. He also went on to speak about the causes of sinusitis, asthma, hay fever and even bronchitis in some of these cases. Mr. Speaker, all of this is absolutely true. Therefore, I want to agree with him in this regard that this Act will strengthen this whole area where it has specific requirements of the employer to ensure that these units are cleaned and serviced frequently.

Mr. Speaker, the Act also speaks about

conditions where it is too hot. There are a lot of restaurants, eating establishments in Barbados and some that are even called towns in the north of Barbados, I believe Moon Town is the name of one of them, that are too cramped and hot. We speak in the legislation about space. Mr. Speaker, too often in these situations there are persons working in cramped, hot and uncomfortable stuffy conditions preparing meals for people. This certainly needs to be addressed. Therefore, I am pleased that the Act would be dealing with the space in which people must work and ensuring that the temperature is one that is comfortable not only to the patrons but also to those who are employed in these facilities.

Mr. Speaker, the Act spoke also about the issues of noise and vibration. There is one aspect of this that has always bothered me. We speak about noise, excessive noise and the blasting of music and I always think about those persons who have to work as cashiers and barmen in nightclubs. I understand that this Act would assist these individuals, but it would be interesting to see how the noise and vibration that these people are exposed to in bars, restaurants and nightclubs would be dealt with.

Mr. Speaker, I mention earlier about the need for people to have breaks as it relates to jackhammer operators. I am told that this would be addressed in the regulations that come with this Act. It is also recognised across the globe that those persons who work at computer terminals should be given a break away from their screen, I believe it is, every two hours, and I look forward to this being introduced into Barbados. Sir, the issue of the medical examination and the issues of confidentiality caught my eye and I believe the eyes of the Honourable Member for St. Philip West. I am being told that the examination would be a basic examination. Mr. Speaker, that might be so, but I am concerned about the

reporting and who would have access to these medical records. This whole area of confidentiality regarding medical illness is one that we have to be very careful with. We certainly can have a situation where every person in a workplace would know everything about a new employee who is coming on-board like their pulse, their blood pressure, if they were hospitalised and all of those things. Mr. Speaker, we cannot afford to have that.

Mr. Speaker, I did not planned to deal with the whole issue of HIV\AIDS or the testing for HIV\AIDS, I understood that this is not acceptable. However, I must disagree with my colleague, the Honourable Member for St. Michael North, who made the startling revelation - I do not believe it came from any sort of enlightened thinking - that in a workplace in 2005 persons should be told if there is somebody who is HIV positive.

Sir, could you imagine that you went to work and if you are HIV positive everybody who you are going to sit down and work with must know about your status in a country like Barbados in which we malign and destroy people's character, in which we believe in character assassination and in intruding into other people's business when it suits us from time to time. Sir, for example, if this Chamber can be compared to be a working environment that you would say that perhaps the Honourable Member for St. Philip North is HIV positive. Can you imagine in a working environment that sort of thinking?

Asides.

Mr. SPEAKER: Just a minute please. Honourable Members what is happening here?

Hon. Dr. J. X. WALCOTT: Sir, certainly I thought that it was known to all Honourable Members that HIV is not transmitted by a cough, by a droplet or by rubbing your skin

against somebody. HIV is not chicken pox, the flu or the common cold, therefore, it cannot be transmitted like that. Sir, I became quite worried and I would certainly not entertain that, and I am pleased that the Act does not even deal with that.

Sir, Section 73 speaks to the issues of lead and exposure to lead. I have a little problem with this and I raised it with the Minister. Asides.

Mr. SPEAKER: Order please.

Mr. R. St.C. TOPPIN: On a point of order. Mr. Speaker, the Honourable Member is misleading the House if he said that I said that there was any possibility of contracting HIV or the AIDS virus by contact like that. I specifically said that there might be cases where someone so inflicted might in fact be bleeding and that therefore others with whom that person would have to come into contact should know what they are going to be dealing with. That is what I specifically said.

Hon. Dr. J. X. WALCOTT: Sir, if I may continue, I believe that in 2005 it is recognised across all workplaces that if somebody is bleeding, how it is dealt with. Whether or not you know that a person has HIV/AIDS or not, there are necessary precautions which are taken in the year 2005, and this occurs in Barbados.

Mr. Speaker, when I read Section 73 which focuses on lead it seems a bit archaic. We have moved away from lead paint and lead pipes - not the edible ones - the ones that were used in plumbing, yet in 2005 we have dedicated a section essentially to lead and lead poisoning.

Sir, I might just wish to caution that in 2005, we might be looking at some of the other industrial chemicals which are more potent than lead and can have more deleterious effect on the human body. Again, I am being told that

these are being covered in the regulations to the Act. I did not like how the whole section dealing with lead was reading, especially where it says that women and young people would not be allowed to work with lead. One got the impression from reading that section that all other adult men would be okay if they were exposed to lead. Sir, as you read on in the section, it speaks to the need to have protective clothing.

Mr. Speaker, when I researched it further, I realised that it came from an International Labour Organisation's provision of 1990, so perhaps that explains the whole process that we want to carry something from 1990. Sir, certainly we need to look beyond lead and to look at the more hazardous industrial chemicals.

Mr. Speaker, I am also pleased to see that the Act speaks to the need for a joint employer/employee safety health committees. These, no doubt, would have a very vital and important role to play, and I do not envy them. They will have to be engaged in monitoring and evaluating the workplace and ensuring that the aspects of this Act are enforced. Mr. Speaker, this will not be an easy task in Barbados or anywhere else with the variety of problems, some of which I have highlighted.

House 63 Sequence 19

2:10 p.m.

Tuesday, May 10, 2005

Continuation of Hon. J. X. WALCOTT: Mr. Speaker, I would like to say how pleased I am to see that the Congress of Trade Union and Staff Association of Barbados (CTUSAB), Barbados Employers Confederation (BEC) and the National Advisory Committee on Safety

and Health(NACOSH), were involved in the process of this legislation, and that they have all endorsed it. I believe that CTUSAB has publicly endorsed this legislation, although based on earlier comments from the Honourable Member for St. Lucy, the Honourable Members on the other side had not noticed it in the newspapers.

I must again praise the Minister of Labour, the Honourable Member for St. James North, for this very enlightened legislation in 2005. Sir, I know from discussions with the Honourable Member - and this should please the ears of the Honourable Member for St. Philip North - that this should form but one part of a triad of a very important labour legislation which we expect to bring before this Honourable Chamber in the coming months. Therefore, we would expect to hear more on that from the Honourable Member for St. Philip North.

Mr. Speaker, I hope that the tragic and unfortunate conditions which have occurred at workplaces throughout Barbados over the years, would now become a thing of the past, and that we would see a drastic reduction in these incidences.

Mr. Speaker, I have no doubt that the benefits of this Bill will redound to all Barbadians and that it will help this Government, as we move on to develop the good society, a society which we all yearn to see. Therefore, this Bill is part of that development of this good society in this country.

Mr. Speaker, I am obliged to you and I have no hesitation in supporting this Bill.

Hon. R. C. EASTMOND: Mr. Speaker, with that excellent medical/legal presentation, I beg to move that further consideration of this Bill be postponed.

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

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

ADJOURNMENT

Hon. R. C. EASTMOND: Mr. Speaker, in the circumstances, this brings us to the end of Government's Business for today. I beg to move that this Honourable House be adjourned until Tuesday, 17th May, 2005, at 1000 a.m.

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

The question was put and resolved in the affirmative without division and MR. SPEAKER adjourned the House accordingly.

H:No.63(20) 213 p.m.