
THE House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 2003-2008

HOUSE OF ASSEMBLY

Tuesday, May 17, 2005.

HOUSE OF ASSEMBLY Pursuant to the adjournment, the House of Assembly met at 10:15 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) Mr. D. J. H. THOMPSON, LL.B. (Hons.) Mr. L. R. TULL, Q.C., M.A. (Oxon). Hon. Dame Billie MILLER, D.A., (Senior Minister and Minister of Foreign Affairs and Foreign Trade) Hon. R. C. EASTMOND, B.A. (Hons.), Dip. Ed., LL.B. (Hons.), L.E.C., J.P. (Minister of Labour and Social Security) Hon. G. A. CLARKE, B.Sc., Dip. Ed., J.P. (Minister of Public Works) Hon. R. D. MARSHALL, (Chairman of Committees) Hon. H. F. LASHLEY, (Minister of Social Transformation) Mr. D. St.E. KELLMAN Hon. Mrs. H. E. THOMPSON-McDOWALD, LL.B. (Minister of Housing, Lands and the Environment) Hon. Miss M. A. MOTTLEY, Q.C., LL.B. (Deputy Prime Minister, Attorney General and Minister of Home Affairs), (Leader of the House) 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. Miss C. Y. FORDE, J.P. (Minister of State, Ministry of Education, Youth Affairs and

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

Prayers were taken by Canon Father Ivan Harewood.

Mr. SPEAKER: The House is now in session.

MINUTES

Mr. SPEAKER: The Minutes of Tuesday, May 10, 2005.

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I beg to move that the Minutes so cited be confirmed subject to any omissions, observations and/or corrections.

Hon. R. C. EASTMOND: I beg to second that, Sir.Mr. SPEAKER If there are no corrections or observations, then let those Minutes stand confirmed.

ORDERS OF THE DAY

SUSPENSION OF STANDING ORDERS

Hon. Miss M. A. MOTTLEY: Mr. Speaker, I beg to move that Standing Orders Nos. 6, 16, 18, 20, 42(5), 43 and 44 be suspended for the remainder of this day's Sitting.

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

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

GOVERNMENT BUSINESS ORDER No. 5 (RESUMED)

SAFETY AND HEALTH AT WORK BILL, 2005

Hon. H. F. LASHLEY: Mr. Speaker, I would first like to begin by offering congratulations to the Minister of Labour and Social Securities and his staff for this Safety and Health at Work Bill, 2005 which was presented to this Honourable Chamber approximately two weeks ago.

Mr. Speaker, in my view, this Bill is indeed very revolutionary and timely as it seeks to promote a safe and healthy working environment for all employees in Barbados.

House 55 Sequence 1

10:20 a.m.

Tuesday, May 17, 2005

Continuation of Hon. H. F. LASHLEY: Mr. Speaker, this Bill will promote the equipping of persons with the necessary knowledge, skills and access to resources, for them to be able to manage more effectively and efficiently in the workplace.

Mr. Speaker, Government is certainly

committed to the social and economic development of Barbados and to the creation of policies and programmes which seek to enhance the standard of living and well-being for all Barbadians. Sir, this Bill is evidence of such a commitment, as it will promote workplace safety and health, with a view to ensuring that all workers are able to work and to produce in a healthy and safe way, thus contributing to an increase in productivity and to the continued economic and social development of this country.

Sir, good governance requires that focus be placed on the strategic benefits of workplace, health and safety aspects. It depends also on how all persons and groups can benefit and can enjoy a safe, sound and healthy working environment.

Mr. Speaker, the success of this Bill will depend on good governance at both the public and private sector levels, which will seek to ensure effective leadership to safety and health activities within both the private and public sector working environments. It will, therefore, depend on effective leadership, which recognises its obligations to keep people at work in a safe and healthy environment. Sir, the impact of this Bill can only be beneficial to this country as it will, in my view, contribute to an increase in productivity and an enhanced working environment for all employees.

Mr. Speaker, it will be very remiss of me, as Minister of Social Transformation, if I did not pay particular focus to our most vulnerable group in this discussion. Sir, this group to which I am referring is that of persons with special needs. These persons with disabilities experience social disadvantages and economic deprivation within most societies, and no longer can it be denied that this is caused by restrictive environments and disabling barriers.

Mr. Speaker, the Ministry of Social

Transformation, through the National Disabilities Unit, has undertaken an intensive awareness programme, which seeks to minimise, and we pray and hope eventually to eradicate this type of inherent institutional discrimination.

Mr. Speaker, I want to remind this Honourable Chamber that this Government, in its 2003 Manifesto, has committed itself to implement safety measures and to encourage self-reliance among persons with disabilities. This is to be done through skills training, enterprise development and by expanding employment opportunities. Sir, in the presentation made by the Honourable Minister of Labour, persons with special needs are referred to at section 7(1)(C).

Mr. Speaker, we have also committed ourselves to creating a disabilities foundation for persons with disabilities, to ensure that they have access to a wide range of social and economic services. Sir, we said that it is going to be a disabilities foundation but I want to say that a disability is not an inability and, therefore, we have changed the name to that of an Abilities Foundation.

Mr. Speaker, we want to dedicate this foundation to the late Gregg Nurse, who, despite his disability, worked for a number of years as a chartered accountant at Ernst and Young Chartered Accountants. He was a wonderful human being, though he suffered from Multiple Sclerosis, and I think that dedicating this foundation to him will be a fitting memorial.

Mr. Speaker, the emphasis of this foundation is on the person's ability and not their disability. Sir, we will have a fully equipped demonstration office, with all modern office equipment and devices. This will be used to demonstrate to prospective employers, the capabilities of persons with disabilities in a

modern office environment. Sir, for instance, there will be a telephone system which will be used by the visually impaired and the hearing impaired. There will also be braille keyboard and TTY machines. It will also serve as a functional office, providing secretarial and other services to the public, as a means of income generation for persons with disabilities. There will also be the necessary telephones for sight impaired receptionists and computers for sight impaired persons.

The foundation will also have an Information Technology programme, which will be held for the visually impaired, the hearing impaired and the blind. Sir, I would also like to say that the time has come when our television station must engage itself in close-captioning, to assist hearing-impaired persons.

Mr. Speaker, this programme is intended to provide extensive computer training for persons who are blind or visually impaired. This will allow for approximately 12 persons to be trained at any one time, as this will be the first step towards being part of a productive office, which will focus on desktop publishing, typing and photocopying for businesses in the surrounding areas. Sir, this Information Technology programme for those persons will be integrated into a comprehensive Information Technology programme at the community based level.

Mr. Speaker, we will also have a multi-purpose training room which will be used by the various organisations of the disabled communities, for instance, sign language classes and sensitivity training classes can also be accommodated in this facility.

Mr. Speaker, there are very few people who are aware that more than 1000 Barbadians have graduated from our sign language classes. Sign language is one of the best alternate use for spoken language which can assist us in

communicating effectively, if we would learn to use this medium.

Mr. Speaker, it is at this stage that I would like to say to Government or to subsequent Governments, that we must examine the criteria for entry of persons with disabilities into the workplace. As it is presently, based on the type of disability, there are many persons who are being discriminated against, in an environment that is certainly hostile and unfriendly towards them.

Mr. Speaker, the purpose of the Ministry of Social Transformation is that we want to make Barbados the most disabled friendly nation on this entire planet. We have the capacity to do so but we have to have the political will and institutional framework, so that we can achieve this most noble task in committing ourselves to helping one of the most vulnerable sectors in our country.

Sir, it is against that background that I would want to use this occasion to congratulate the National Union of Public Workers for the excellent collaborative effort with the Ministry of Social Transformation, through the National Disabilities Unit. I would also like to congratulate Mr. Derrick Alleyne, who has also been piloting this course for civil servants, by using the National Union of Public Workers in partnership with the Ministry of Social Transformation.

H: No.64(2&3)1025 p.m.

Tuesday, May 17, 2005

Continuation of Hon. H. F. LASHLEY:

Mr. SPEAKER: Honourable Member, I am sorry to interrupt you. I want to take this opportunity to welcome to our Parliament the

Foreign Minister of Brazil, Mr Celso Amorim and his delegation.

Hon. H. F. LASHLEY: Mr. Speaker, I want to continue to look at braille which is an essential component of communication as it relates to the disabled community. Sir, training in braille and large print office procedure would be provided for another 12 persons. This would be part of the process of making our tourism product and all the areas of Barbados accessible to braille and large print especially in the Ministry of Education and Minister of Tourism. It is important that the Hansard Debates be available in braille so that persons with disabilities can know what goes on in Parliament. If we are talking about making the society compliant, Parliament has to lead by example and has to be the first institution of Government to have such a facility so that all debates can be transcribed into braille.

Mr. Speaker, we always talk about compensatory education for persons with disabilities and we tend to look at this as a package specifically designed for community-based activity. Sir, TVET Council and ourselves would be looking at remedial classes for persons with disabilities within the setting of the community.

Mr. Speaker, the foundation would also be looking at a tangible and important programme, the screen printing programme, which is an income-generation programme catering initially to two dozen persons. This is all part of creating an enabling environment for persons with disabilities as part of our overall work programme for persons with disabilities.

Mr. Speaker, at this point I want to offer my sincerest congratulation to Casuarina Beach Hotel for partnering with us in our work experience programme and making their hotel accessible for persons with disabilities and for

having devices so that persons with disabilities can stay there. Sir, other hotels are also doing this so that the environment is conducive to persons with disabilities. Sir, within our work experience programme, we are hoping to attract more private businesses so that we could cater for the persons within the disabled community.

Mr. Speaker, persons with disabilities must, therefore, be included in all aspects of our society and in any discussion relating to health and safety in the workplace. Sir, persons with disabilities must be viewed as part of our workforce and, I reiterate that they must be included in these discussions.

Mr. Speaker, the disabled community has a slogan “Nothing about us without us”. This speaks to all-inclusion, that they be part of the process of planning and implementation, Sir, they continue to be a useful and good partner with Government.

(H64/10:30/Sequence 4)

I want to use this occasion to laud the Special Envoy for Person with disabilities in Barbados, Miss Rosalind Hurley, for the wonderful work which she is doing. She operates from the National Disabilities Unit. She suffers from multiple sclerosis, has limited mobility but despite her impediment, she is extremely articulate and a worthwhile ambassador for persons with disabilities in Barbados. I want to laud the work which she is doing in terms of the sensitization and awareness of the issues of accessible and those which surround the workplace to the forefront of persons in Barbados.

Mr. Speaker, one of the main culprits in terms of accessible for persons with disabilities is our Ministry. There are thirty flights of steps and the building is not conducive for persons with disabilities. I want to say in this Honourable Chamber that we are to move to a

more conducive environment and I hope that it would be totally accessible to persons with disabilities. Sir, I have been informed and persons with disabilities can now relax knowing that there will have a business which is totally accessible to them. If it were not totally accessible, this Minister, Hamilton Fitzgerald Lashley, III from the Pine, would not be moving to it because I have made this commitment to myself.

Mr. Speaker, there are various types of disabilities present in our society. The National Disabilities Unit should be used in a more proactive manner and, therefore, should be involved in the prevention of disabilities by working with other agencies and spearheading the dissemination of information in relation to adaptation and to include all areas of work.

Mr. Speaker, the sharing of this information and consultation will certainly raise the awareness of health and safety issues both in the workplace and wider community. I have been speaking constantly about sensitisation and awareness so that persons in Barbados would become more aware of the stress and trouble that persons with disabilities face particularly physical disability in accessing the workplace.

We have signed on the document from the United Nations, “The Equalisation of Opportunities for All”. It speaks to making disabled friendly all our buildings, houses and available resources. I believe that once we have signed on to a particular agreement that we must honour the agreement.

Mr. Speaker, improve health and safety at work needs to be supported by hazardous risk management skills developed from an early age. Sir, programme should be developed to include general education in prevention of injury and risk management as an objective and educational programmes and resources should

be developed for early childhood education, primary and secondary school education. This should contribute to a secondary school sensitisation and awareness programme to specifically address the environment of the workplace.

Mr. Speaker, education at the secondary school would also help people to remain safe and healthy during their early work experience and in the transition from school to the workplace.

H64/10:35

Sequence 5

Tuesday, May 17, 2005

Continuation of... Hon. H.F. LASHLEY: Mr. Speaker, I want to urge the Ministry of Public Works to prioritise its programme to provide adequate sidewalks and curbs for persons with disabilities. I know that this process has begun but I believe that, particularly in Bridgetown, we should focus on a pilot programme where every sidewalk and curb should be accessible to persons who use wheelchairs and other disabled persons.

Sir, there are some business places in Bridgetown and some Government buildings that have provided access to buildings for disabled persons, but we need a more holistic programme in Barbados, particularly Bridgetown, catering solely to persons with disabilities. This can be achieved through collaboration with the Ministry of Public Works.

Sir, there are some companies that have designated parking for persons with disabilities, however, there are some people who continue

to ignore these parking areas. I remember telling some person that he could not park in an area that was provided for persons with disabilities and I was abused. Certainly, we now need the legislative framework that would provide the White Paper on disabilities with the necessary teeth that violations such as these can be dealt with in a serious way. Sir, health and safety must apply to all types of employment.

Mr. Speaker, in instances where persons are disable and continue to work, the employer needs to be apprised of their special needs to ensure that their condition does not deteriorate while in the workplace. Similarly, employers familiar with the maintenance of employees who suffer from hypertension. This will require good governance and leadership in our organisation. I am not a doctor but there are two doctors in this Honourable House to whom I listen carefully and try to apply the knowledge in a practical situation.

Sir, there is a need for provision of necessary computer adaptations to ensure that their use is beneficial to the office requirements but not harmful to the employees. There is also need for the Software to allow persons who are visually impaired to function formally in the workplace.

Mr. Speaker, we can overcome this hurdle by introducing the JAWS computer model. The JAWS computer model speaks to the visually impaired and guides directing their fingers to the various keys on the keyboard. I have seen this system working in Jamaica and I have also seen the JAWS models here in Barbados. We want to have this technology available for the disable at the Abilities Foundation.

Sir, over the past three years, the National Disabilities Unit embarked on a work experience programme. I want to use this opportunity to thank Banks Barbados Breweries, the Barbados Public Workers

Cooperative Credit Union and a number of supermarkets across Barbados who have been partners with us in the Work Experience Programme. We have also started a partnership with the Barbados Industrial Corporation in a Micro Enterprise project for persons with disabilities, which is a direct response to the Millennium Development Goals, 2000 of which goal one speaks to the eradication of poverty globally. Sir, we wanted to find a mechanism where we could have our disabled fraternity engaged in an activity, that they love which could earn them a living.

Mr. Speaker, we introduced this programme, in partnership with the United Nations Development Programme, the Barbados Industrial Development Corporation and a number of key agencies responsible for persons with disabilities - is a flower arranging programme which currently has a dozen employees. In addition, some persons are also in training. This programme is financed primarily through the resources of the United Nations Development Programme, which has helped to get the project going. Sir, I say that against the background that Barbados has the responsibility of ensuring the Millennium Development Goals are achieved by the year 2015.

Mr. Speaker, I want to refer to the Shelter Productive Facilities that was included in the 2002-2003 Estimates. This aspect of the Barbados Industrial Development Corporation Incubator Programme for persons with disabilities will form part of an Annex Programme of the Abilities Foundation which we want to dedicate to the late Kregg Nurse. I want to compliment the Honourable Minister for helping to facilitate the process.

Sir, this programme is a good example of small business activity and it is intended that persons with disabilities will be involved, in other micro and macro enterprise programmes.

These include basketry for fruits, wine, flowers and macrame for hanging plants and house plants. We hope that the Incubator Unit will also serve and facilitate these projects.

Sir, to date this project has not been met with the necessary bureaucratic support to propel it to the great success that we want it to be. While our most vulnerable citizens wait for the opportunity to contribute financially to their families and access employment within a mainstream setting, our bureaucratic processes deny these persons the ordinary opportunities and facilities of everyday life.

Sir, in my view, the inherent bureaucratic system that we as politicians have to function under, retards progress. The Honourable Member for St. John also spoke about it in a serious way. Many politicians are held captive by this bureaucratic system that very often prevent many good projects and programmes from happening in a timely manner.

I believe that the only way that we can avoid the trap of the bureaucratic system is through partnerships at the international and local NGO and CBO levels. There are some people who would not agree with me because they have become slaves to the bureaucratic system and some people are afraid to challenge the establishment and its systems are but I am not afraid to do so. Sir, I am not prepared to live in a society where there are persons who have been waiting for services and are being held back because we have a lethargic bureaucratic system in place that impedes progress.

H64: 10.40 a.m.

Sequence 6 & 7

Tuesday, May 17, 2005

House 64, sequence 08, 10:45 a.m.

Continuation of Hon. H.F. LASHLEY:

Mr. Speaker, I can speak because I am an elected Member of this Honourable Chamber and I just want Honourable Members to know that I came in through the same process as they, with Xs. They did not come in with Xs and I came in with Ys.

Asides.

Mr. M.A. LASHLEY: My friend is saying that he came in with votes, Sir, which are Xs. You have to put down your X.

Mr. Speaker, I want to say that I am honoured to be able to serve as the Minister of Social Transformation, which is a Ministry that has been given the overwhelming mandate to redefine the social landscape of Barbados. If this goal is to be met, people's choices need to be expanded by the creation of a conducive environment, so that they can develop to the fullest, their latent potential and talents to lead productive and creative lives. This certainly applies to all people and to all groups.

Mr. Speaker, in conclusion, it will be important therefore for information to be forwarded to all workplaces in regard to health and safety. This is to be done via a medium that is clearly understood by both employer and employees. This may require information in braille, large print and on tape, as part of the integration of persons with disabilities.

I want to take this opportunity to congratulate Barbados' blind cricketers who played in the Intermatch Series in Trinidad over the weekend and won both matches. I also want to commend the Ministry of Labour and Social Security for bringing this Bill to this Honourable Chamber.

Finally, Mr. Speaker, I always say that there is no greater force than an idea whose time has come. The time has indeed come for the introduction of this Safety and Health at Work Bill, Sir, and I want to say to the Minister to let no obstacle be greater than the cause, and to all fellow Parliament one love, despite who loves me and who do not, Sir.

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

Mr. M.A. LASHLEY: Mr. Speaker, I rise to make my contribution to this debate. Basically when we are dealing with health and safety at work, we have to deal with workers' rights. I want to say respectfully that when we deal with workers' rights, we are dealing with certain issues, such as the right to a safe and healthy environment, the workers' rights to know the potential hazards and risks in their workplace, and the right to refuse dangerous and unsafe work.

I want to side with those persons who said that this legislation took too long in coming. It is a fact, Mr. Speaker, that I got up on many occasions in this House and called for this legislation and asked why it was taking so long, this was based on the fact that there was an abundance of evidence which supported the urgent and immediate call and the need for this legislation.

Sir, I pointed out the promises made in Manifesto after Manifesto and that it remained on the books in the Manifesto since 1994 but it has now come to light. Now that we are in the midst of a debate on Health and Safety at Work, look at what is happening at the Louis Lynch Secondary School. Sir, for the first time in the history in Barbados, more than half the teachers at a secondary school decided that they cannot take the environment any longer.

House 64, sequence 08, 10:5014

House 64, sequence 09, 10:5014

They remained off work, Sir, because of the unsafe and unhealthy working environment.

Sir, there was evidence, year after year and even in the 2001 report made up by OEH Consultants, entitled: Indoor, Air Quality Survey at the Louis Lynch Secondary School, White Park Road, St. Michael. Sir, with your indulgence, may I refer to what it says? In short, it states that many of the teachers were complaining time after time of the conditions at the Louis Lynch Secondary School.

There was an abundance of evidence from that, Sir, although the teachers were complaining about the unsafe and unhealthy environment based on the facts that I have outlined to you that there is a fundamental right of the worker to refuse dangerous work or an unsafe working environment.

I want to say, Sir, that in all of these allegations that were made, the then Government or this Government told the teachers to go back to work because their health and safety were not threatened.

Hon. Miss C.Y. FORDE: Mr. Speaker, on a point of order. I would wish for the Honourable Member to please clarify what is being said. I am not aware of the Ministry of Education making that kind of allegation.

I would like as well for the Honourable Member to please indicate from which document is referring and to make it a document of the House because I am not fully aware of what he is referring.

Mr. M.A. LASHLEY: Mr. Speaker, I said that an allegation was made and if the Minister was on top of what was happening in the Ministry of Education, she would be seized of

this document.

Mr. SPEAKER: You would make it a document of the House, Sir.

Mr. M.A. LASHLEY: Yes, Sir. I did not quote from it but the substance of it states that the teachers complained and it is public knowledge that the teachers complained.

Hon. D.D. MARSHALL: Mr. Speaker, I am challenged to follow the arguments of the Other Side. I am objecting on the grounds on relevance.

Mr. Speaker, the Bill that we are dealing with today has to do, quite clearly, with the relationship between an employer and his employees at the place of work...

Mr. SPEAKER: Are you on a point of order, Sir?

Hon. D.D. MARSHALL: I am indeed.

Mr. SPEAKER: But that is no point of order. Do not let us get out of hand. That is no Standing Order, Sir.

Hon. D.D. MARSHALL: If that is your ruling, so be it, Sir.

Mr. M.A. LASHLEY: Sir, although the teachers complained, look at what has happened. Thirty temporary teachers were sent back to that same unsafe and unhealthy environment.

Asides.

Mr. M.A. LASHLEY: I want to challenge any one of them to say to us that temporary teachers were not sent back and what happened, Sir, was that one or two of the temporary teachers became ill. Sir, what kind of attitude is that?

Hon. Mrs. H.E. THOMPSON-McDOWALD: Mr. Speaker, on a point of order. The Honourable Member seeks to give the impression that the Government or the Ministry of Education acted callously in this matter.

In fact, when an allegation is made, the Ministry of Education is under a duty to get health personnel to investigate the environment to make determinations as to what the problem is, and that was done.

House 64, sequence 09, 10:5514

Tuesday, May 17, 2005

Continuation of Hon. Mrs. H. E. THOMPSON-McDOWALD:

The Ministry of Health sent technical expertise to investigate the work environment to determine what the source and the cause of the problem were and how it can be rectified. In that situation, Sir, the Ministry cannot be said to have acted callously and without sensitivity to the members of staff.

Mr. M. A. LASHLEY: Mr. Speaker, the temporary teachers were not sent to the Princess Margaret School or to some other school, they were sent back to the same school and they got sick.

Hon. Miss C. Y. FORDE: On a point of elucidation. Mr. Speaker, the temporary teachers were sent to the school because almost 100 per cent of the children were attending school every day during that period and the Ministry has a responsibility to ensure that the children's safety is protected and that proper supervision be made of those students. Those temporary teachers were assigned to the school to make sure that the Barbadian children who

were on the premises and who were not reporting ill everyday in the same way as the teachers were properly supervised.

Thank you.

Mr. M. A. LASHLEY: Mr. Speaker, as an Honourable Member of this Chamber I would not get up and challenge any Ministry for sending temporary teachers to teach the nation's children. Sir, there is evidence that the environment was unsafe and unhealthy. Therefore, I want to tell the Honourable Member that she can confess and plea guilty to it and accept the responsibility.

Sir, I was going to ask whether the decision to send the teachers back to that environment was discussed and made in Cabinet, but that was answered by the Honourable Member. Sir, if this had happened in another jurisdiction, heads would have rolled. Sir, they sent temporary teachers who had no security of tenure and no bargaining power to that environment to work. Sir, that is why I side with my colleagues when they asked about the need for an employment protection Bill because if they had that Bill, the temporary teachers would probably have had some recourse under that Bill to refuse to work.

Sir, is this the way we are treating teachers who have the future of our country in their hands. Sir, they must confess and plea guilty to what has taken place. Sir, that is the compassion and the mercy that they show for workers in this country.

Sir, it is only after the temporary teachers were sent, after all the protest by the unions, after all the absenteeism as a result of the illness of teachers and after the statements by the Parent Teachers Association that the school was closed. Sir, in that short time a teacher's working career could have been shortened by being exposed to that environment. Sir, there

was a confession from the factory of the adjoining building that they are using a cancer causing agent and we do not know if it could have affected them within a minute or a second of they entering into the environment. Sir, those temporary teachers who never ever taught at a school stand the possibility now of having their working career shortened as a result of being sent into that environment.

Sir, this Government has fallen short of standards in relation to health and safety at work. I recall that at the start of Assizes a judge complained of getting wet in Chambers. We had situations where nurses at the Black Rock Polyclinic were working in unhealthy conditions. We had the staff of the National Library Service and the Licensing Authority complaining of unsafe and unhealthy environments. Sir, if the Government is not complying with the standards which the legislation contemplates, how can we enforce this legislation against the private employers? Where is the credibility?

Sir, what is being displayed at this present moment by Government tells me that if employees complain about the conditions at work that employers, instead of closing the plant or whatever, can go and get some replacement workers. Sir, that is the natural inference that can be drawn based and confirmed by statements made by Honourable Members. Sir, this is the respect and the mercy that is being shown toward workers. Sir, does this mean that if a worker falls sick at work they should not complain, they should go back to work?

Sir, when I raised questions about this legislation in this Honourable House I was challenged and called certain names, but that never kept me back. What I did was to journey to the Law Library at Cave Hill where I spent about ten hours researching health and safety at work. Sir, when I examined this Bill especially

Section 110 which deals with penalties, it amazed me because subsection 2 of that Section states:

“(2)If the contravention is an act or omission of the owner or occupier as the case may be, and causes death or injury that results in permanent injury, such owner or occupier is liable on summary conviction to a sum of \$5 000 or to imprisonment of 12 months or to both.”

Sir, the mischief that this Act seeks to remedy is to prevent employers from breaching the health and safety standards at work. Sir, we believe that where there is a penalty section in a piece of legislation that it should be severe enough to have a deterrent effect. Sir, a \$5 000 or a \$500 fine is not a deterrent effect. An employer can get up in one half of a second and make \$500 and pay it and walk away scot-free. Sir, both sections classify that act as a summary offence.

House 64 Sequence 10 & 11

11:05 a.m.

Tuesday, May 17, 2005

Continuation of Mr. M. A. LASHLEY: Mr. Speaker, it is trite law that less serious offences are classified as summary offences, while the more serious offences are classified as being indictable offences. Sir, this Act is now saying that the act or omission on the part of the owner which results in death, injury or permanent injury...

Asides.

Mr. M. A. LASHLEY: Mr. Speaker, that section makes it an indictable offence. Sir, clearly this section states to me that the

observance of the health and safety at work regulations is not taken seriously.

Sir, the Act sets out that if the employee receives a scratch or a burn at the workplace, that the employer would be entitled to pay a fine of \$500. If the employee comes from the working-class district and has a child or five children to support, the fact is that we know that employee can take a civil action for damages against that employer but the question, therefore, would be the cost of litigation to that employee, in the execution of that civil litigation. Sir, that is why I have argued some time ago that we should look at expanding the Community Legal Aids Programme, to give assistance to that employee who might be a man or woman of straw, who cannot afford or who does not have access to legal services, for them to be given access to legal services. Sir, if we are to balance it properly, the employer would only have to pay \$500 for contravening the Act.

Mr. Speaker, from my interpretation, the British legislation makes the offence to which I refer, a hybrid offence, in that it can be treated summarily or at the indictable level. In addition, the British legislation sets the fine for committing that breach of the legislation at £20 000, when compared to the \$500 and \$100 daily penalties, as set out in this legislation which we are dealing with today.

Mr. Speaker, I want to say that the rationale for the increase in fines in Britain was that the employers were continuously breaching the Health and Safety at Work requirements and were benefiting, while, on the other hand, the employees were being disadvantaged. Sir, even within in the Organisation of Eastern Caribbean States, the fine is greater than \$500.

Mr. Speaker, in the Bahamian and St. Lucian legislation, there is legislation called the Workmen Compensation Act. Therefore, if an

employee were to obtain an injury during the course of employment, that employee would be entitled to compensation for partial, temporary or permanent disablement under that act.

Mr. Speaker, under the previous Factories Act, not all accidents were reportable. Sir, in relation to this Bill, I get the distinct impression that there is no duty on the employer to record or to report accidents which may occur at the workplace.

Mr. Speaker, when we examine what happened during the 10 years of this Government, I can recall one Chairman of the National Insurance Scheme voicing his concerns about the millions of dollars that were being paid out yearly, due to injuries sustained on jobs. Sir, all that has again supported my argument for the passing of this legislation.

Mr. Speaker, mention was made some time ago about contractors and I have some concerns about the way in which contractors remove asbestos roofs. I have witnessed where contractors had workmen removing asbestos roofs, where those workmen did not wear masks, respirators, or any kind of safety equipment and were, therefore, exposed to risks. I know that there are some units at Sayers Court, which belong to the National Housing Corporation, where there are asbestos roofing, and I hope that whoever contractor gets the job of removing those asbestos roofing, that he would conform with the standards of health and safety requirements. Sir, even if there was the allegation of removal of those asbestos roof at Eden Lodge, we hope that full compliance was made in relation to the health and safety at work requirements.

Mr. Speaker, if we want to look at the future, there are some jurisdictions that have the compulsory recognition of trade unions in their legislation. Sir, in this culture, we would want to see the day comes when there is compulsory

recognition of the trade union for employees, although at this stage they are fully protected and represented.

Mr. Speaker, I want to say that on the behalf of the teachers and students at the Louis Lynch Secondary School, that the Opposition supports them in their desires and demands for a healthy and a safe environment. Therefore, if Government wants to have some credibility in that regard, there then must be some assurance or apology by Government, who sent those temporary teachers back into that environment.

Mr. Speaker, over the years, even when we examine the 1994-2001 Annual Reports of the Labour Department, with regards to the types of complaints in relation to employment, one sees that there were 311 in 1994, 341 complaints in 1995 and 911 complaints in 1998. Sir, when we look at the complaints from January to December, 2001, there were 734 complaints out of a total of 3 448. Sir, there is much evidence of all this. We have seen where the Licensing Authority, the Registration Department, along with a number of other Government departments, have breached the Health and Safety at Work requirement.

H:No. 64(12&13)1115 a.m.

Tuesday, May 17, 2005

Continuation of Mr. M.A. LASHLEY:

Mr. Speaker, every department of Government has breached the healthy and safety at work requirements. In conclusion I want to say that the Bill was long in coming and that we give critical support to the Bill.

Mr. Speaker, I thank you.

Mr. SPEAKER: the Honourable Member for

St. John.

Mr. D.J.H. THOMPSON: Mr. Speaker, Sir, after such an excellent presentation by the Honourable Member for St. Philip North, my parliamentary representative, I am still reluctant to get into this debate. I want to thank him for the great service he had done to this Chamber and to the people of Barbados by pointing out some of the behind-the-scene events, perhaps inaction, almost negligence, that took place in relation to the issue of the Louis Lynch Secondary School.

Mr. Speaker, I want to thank him for doing more than Honourable Members on the side of the Government would have done by making a document of this House, a very important document so that the public can come to their own conclusion about whether this Government acts in the interest of the people of Barbados or whether, as usual, coming from the Government is another of these publicity stunts. Sir, there are a lot of publicity stunts in the name of workers. I do not speak for the Government or private sector, and the trade union movement has its own spokesperson both in the private sector and in the Government.

Mr. Speaker, in Barbados there has to be some voice on behalf of the workers in this country. We do not test that by legislation being passed in this Parliament which, when looked at, is unimplementable, toothless or simply a public relations exercise. I hear members on the other side using words like "path-breaking" and "courageous minister".

Sir, a courageous minister is one who fights to bring legislation to Parliament that everybody seems to appose. I do not mean anything against the Honourable Member for St. James North because there are many respects in which he is courageous but I have not heard one criticism anywhere in the world, not just in small Barbados, of this legislation.

Mr. Speaker, this legislation does not require any courage. There is a suspicious, deafening silence because if it requires such courage and the private sector, the union, Government and all the workers in Barbados support it, then it means that all is well. Perhaps the young man who died in a fire at Newton cannot speak now because he is gone already and the tour by the then Minister who bestirred himself into action at that point to that factor to see the conditions that would have led to the death of that young man, followed by a complete failure by the Government to present to this country any report, despite promises, of any investigation into his death. Sir, they have been other persons operating tractors and heavy equipment as well as untrained workers using equipment for private purposes. Sir, we have seen all that happened.

Mr. Speaker, people in this country have been maimed and then employers tell you that it is contributory negligence and that the person could only get 20 per cent because he was operating the equipment outside of working hours despite the fact that they knew it was happening for years.

H64/11:20/Sequence 14

Mr. Speaker, years ago a man injured himself making Afro-combs. The employer was helping him to sell the combs but when he got hurt, they said contributory negligence and that the machine was not to be used for that purpose. This legislation does not require to put in place insurance for their worker, that would be path-breaking. Mr. Speaker, like the Road Traffic Act, it should be mandatory that employers put in place some kind of insurance for their workers who might be injured, by using equipment for which they are not trained, or without protective clothing or for whatever other reason they might suffer injuries.

Mr. Speaker, it is not even optional. Sir, it is only large business in Barbados that might put in place the kind of insurance that would protect workers from those kinds of things but, very often, the workers who most need to be protected in Barbados are working in enterprises for which there is no insurance to cover them from any serious injury. They have to rely on National Insurance Department and we know how long those procedures take. They also have to go through the process of hiring an attorney to do an assessment for them and, in that process, very often, workers have to wait as much as eight years to do what essentially appears to be a non-contentious settlement because of the nature of their injuries.

Mr. Speaker, I listened intently to the whole debate. I listened to the Honourable Member for St. James Central talking about how path-breaking was the legislation. The Honourable Member for St. James Central used to write a column in the newspapers every week about globalisation, the multilateral agreement, WTO and GATS. Sir, he knew everything there was to know about the subject. He used to make the point that the persons who are going to be most affected by international trade agreement and the movement towards globalisation are workers.

In those days, he was standing shoulder to shoulder with the workers of Barbados in their interest pointing out all the terrible things that were being done internationally to marginalised workers. Sir, yet in this debate he acts as if he were the beacon on behalf of those changes that weak-knee legislation suddenly became path-breaking and revolutionary. It was in advance of the OECS legislation in which the penalties are much higher and in advance of legislation of the Bahamas. Sir, that gives some people in the legal fraternity great satisfaction to compare legislation here and there, without any concept as to whether the legislation can be

implemented or whether we have the resources in Barbados to do it. Do the Chief Labour Officer and the Labour Department have the staff and have they been adequately trained to police the legislation to their satisfaction? Sir, they have a job to do and they do not want to hear people criticising them when things happen that is assumed came under their purview and, very often, if their hands are tied, there is nothing that they can do.

Mr. Speaker, when you look at the provisions of this legislation, if it is the intention of the Government, as the Minister hinted, to go the route of prevention rather than compliance, then he is going to have to provide the primary resources that are going to be necessary to deal with the issue of prevention. Sir, you can go that route or you can have heavy penalties.

H64/11:25

Sequence 15

Tuesday, May 17, 2005

Continuation of... Mr. D.J.H. THOMPSON: Sir, three weeks ago in America, the Manager of a business, in which employees die as a result of failure to put in place certain corrective mechanisms, was charged with murder. There are many instances in Barbados where employees had suffered great injury and where criminal charges should have been brought against the owners and occupiers of the business, but you could not get the evidence because when you go back into the workplace and tried to check on what happened, nobody wanted to talk because there is no adequate protection for the workers. There is no new employment legislation that would assist them in being able to stand up erect and defend their colleagues.

Sir, the environment is one of crabs in a barrel, how best can one get to the top, if at all. Therefore, even though you work in an environment in which the colleague next to you would defend you to the end, once something wrong happens, very often that colleague starts to fear for his own job and pressure is brought to bear on him in that regard. Sir, you cannot get proper witness statements, et cetera. Yet, the Government is talking about path-breaking legislation.

Sir, next week you will hear the Ministry of Foreign Affairs say that they went to a conference and somebody asked them for a copy of our legislation. Somebody is always asking somebody from Barbados for a copy of our legislation because we have the best Government in the world.

Asides

Mr. D.J.H. THOMPSON: Sir, the Honourable Member who is now on the Backbench was then a Member of the Front Bench but he is still clapping hard on the Backbench.

Asides

Mr. D.J.H. THOMPSON: It has obviously improved since you are not in the Cabinet.

Asides

Mr. D.J.H. THOMPSON: I did not know that but by your actions you have let us know that it has even improved, because it was not the best then. For about a year, now, I have been trying to make the point that Honourable Members on that side believe that they have the best Government and the Honourable Member on the Backbench believes that this Government is the best Government, even though he is not in it.

Sir, that is the extreme to which Honourable Members on that side carry the illusion that greatness has been thrust upon them and they are so adept at public relations, at using words to give the impression that they have such a deep commitment to the people of this country, that it does not matter whether this legislation works. We have to go through this public relations exercise now of extolling the virtues of the Minister, who for eleven years, since, apparently we signed onto commitments that Barbados knew nothing about and then years since the Government had been elected.

The Honourable Member for St. James North never wrote the priorities of this Government, so, I do not blame the Honourable Member for St. James North. He was never in the inner Cabinet and barely in the Outer one for the ten years that they have been in office but, Sir, there are others on that side who claim that they penned the Manifesto and set out all the priorities of this Government. Yet, labour legislation to protect workers, to enhance the status of trade unions in this country, to provide for minimum wages so that people cannot come to Barbados and exploit workers by paying them \$90 a week, leave when they are ready to leave and say what a wonderful place Barbados was, none of that bestirred the Government and now they have brought weak-knee legislation.

Sir, the legislation has some good provisions but to my mind it is not good enough. I am not going to say that it was too long in coming. The workers of Barbados will speak to that. The spirits of those who have passed on and were most affected by the almost criminal negligence of people who failed to act when they should have to protect workers in this country, those spirits will speak to that. The families of those people killed, maimed and injured, suffering from cancer and all kinds of other diseases as a result of what has been happening in the workplace will speak to that. Sir, people are required to work in sub human

conditions of heat, no light, broken furniture, no lunch rooms, dirty sanitary facilities, although that is not unusual in Barbados or anywhere else in the Caribbean...

Asides

Mr. D.J.H. THOMPSON: If you do not believe in spirits, you would not erect a statue of Grantley Adams and every year talk about National Heroes who have passed on. I assumed that you believe in something that they have left behind.

Asides

I do not want spirits to work you. I want the spirit of goodwill and the spirit on behalf of the workers of this country to be imbued in this Government, not the spirit of public relation gimmicks, facades and stunts. I want a genuine spirit to be imbued in the people, who have to interact on a daily basis, make investment decisions in Barbados and provide proper conditions of work for workers in this country to overcome all of us in this Honourable Chamber.

Mr. Speaker, we do not have to praise any Honourable Minister for doing what is his job. If it was being done more efficiently the previous Minister, my former parliamentary representative, and regrettably so, would have put in place legislation of this type.

Sir, to complement this legislation, the Government needs to look at training programmes, certification and physical exercise programmes for workers. The cost of joining a gym in Barbados is going to be out of reach of the average worker in this country. It is true that they could do like the Honourable Member for Christ Church West Central and save some money by walking around the Garfield Sobers Gymnasium but that is retirement exercise. He keeps well for it and sets a good example.

Asides

Mr. D.J.H. THOMPSON: The Honourable Member sets a good example and I compliment him. I am talking about workers who have a very small time span in which to exercise. In this country even school children do not want to exercise and it is frustrating for people working in a school environment to get the children to be involved in any physical exercise. He keeps well for it and sets a good example.

Mr. Speaker, everywhere in the world people are talking about inland tourism and are planning leisure time. We have the East Coast of Barbados where people are trying to find a house in Bathsheba, Bath, Glenburney, Martins Bay, where staff members can have a social but none of those facilities exist. The few that exist circulate in a very narrow community of persons.

Sir, I have been saying to the Government for a very long time that if the East Coast is part of the Barbadiana, let us assist by providing the kind of incentives and motivation to people to build beach houses and facilities to lease to Barbadians but that has fallen on deaf ears.

Sir, this Government is so intent not to do it, that when in the 1950s the late Wynter Crawford said that the then Democratic Labour Party Government would build holiday homes on the East Coast for Barbadians the Democratic Labour Party was laughed at for almost 50 years because of those pledges. There were referred to as pie in the sky promises. We have now lived to see a situation in which substantial jobs could be created on the East Coast of Barbados and in other parts where there is still a window to the sea by allowing for small holiday homes and villas to be built for Barbadians to use. This would create jobs such as maids, et cetera and a whole

set of spin-off activities.

Mr. Speaker, Bath, which Government owns...

H64 11.30 a.m.

Sequence 16 & 17

Tuesday, May 17, 2005

House 64, sequence 18, 11:35 a.m.

Continuation of Mr. D.J.H. THOMPSON:

All down Bath which the Government owns, the houses are running to ruin and derelict, including those owned and controlled by the Government.

Yet, Sir, in our platitudinous speeches we tell workers about leisure time and how they need to have a wholesome personality. All this pretty talk is unsupported by a regime that focuses on the total development of the individual, and the link to the workplace and the kind of workplace stress that they have to face. I think those kinds of things are very important.

Sir, I appeal to the Minister to look at the issue of mandatory insurance in the workplace, particularly where there are lots of employees. This would be path-breaking and a very important development. Of course, the private sector is going to complain that you add to labour cost and workplace costs and so on but you have to determine whether or not an environment is suitable for a Barbadian worker.

Of course, Sir, we live in an environment where we have to sit in a tripartite arrangement.

Even though the Government is supposed to be above that and has to set standards that even the trade unions and the private sector may not want, we have so levelled the Government's role in the tripartite arrangement that the Government acts as if it is an equal with the private sector and the trade union movement, and talks as if it is only an equal.

People who are elected to this Honourable house, I heard the Honourable Member for St. Michael South East, by votes on pledges and promises to do things that might 'mash the corns' of the private sector but justly and legitimately so, that the labour unions might not want and like, but are in the national interest.

Asides.

Mr. D.J.H. THOMPSON: Yet, in supine retreat, and I have warned about this, I am saying that the Government has a preeminent role in the social partnership and that there are times when it will do things that neither the trade union movement has the foresight to support nor the private sector, but it must do it, Sir.

Mr. Speaker, what I expected to hear from the Government today, is its labour policy and not what it is able to hammer out by giving the private sector something reducing the fines and pandering to nonsense about labour cost. Then, on the other hand, pandering to nonsensical requests that have no basis in reality which come from other quarters.

It is not a question of if I heard the Minister, it is very often a question of whether or not I believe you all. I hear all of you and I read what you say. The big question is, Mr. Speaker, do I believe it. Can the workers in Barbados believe it? Can they expect better?

Asides.

Mr. D.J.H. THOMPSON: You believe it too.

Sir, I ask if I can believe it. You all will believe anything. Left up to you all, we would hear that people are licking down the doors of Ministers to get a copy of this Act.

Sir, I would assume that the obligation of the Minister of Labour is tough because he has to manage the conflict between the need for safety in the workplace and the need to avoid placing onerous conditions on either workers themselves or on employers. Sir, I do not think that case has been totally answered in this legislation.

House 64, sequence 18, 11:4014

House 64, sequence 19, 11:40 a.m.

The Minister has said - to show that I listened to him even though I was not in the Chamber - that this Act is to be followed by almost 18 additional pieces of regulations.

The late Sir Harold St. John always used to comment on the fact to show the point about non-implementability, that the Government passes legislation and makes all kinds of lofty statements - it is true he said it more when we were in Government than when he was in Government - and then that legislation is seldom followed by the kinds of regulations and resources that can make it implemented.

The task for the Minister of Labour is not to make pretty speeches and try to convince anybody about what cannot be done. He should make the comments and tell us what the labour cost is, put in place the legislation and regulations and follow it very quickly by the resources to do the job, so that the people of Barbados can feel that this Parliament is truly acting in their interest. This is what the test is, Sir.

Thank you, Sir.

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

Hon. Miss M.A. MOTTLEY: Mr. Speaker, I welcome the opportunity to speak in this debate in relation to the passage of this Bill. I truly do want to commend the Minister for bringing this legislation to this House. If one were not seized of the political backdrop against which this debate takes place, one might be tempted to feel that the previous speaker was motivated purely by genuine concern in these issues.

I take the speech for what it is and his peppering throughout his speech of allegations of public relations on the part of Government, and his peppering of allegations in relation to whether or not the Government takes a preeminent role in the tripartite arrangement, and his comments on the Minister and the previous Minister, whom he still seems to be obsessed with, have to be taken in that context.

As debates go, it was a good speech. If you therefore mark it by reason as to whether or not it was a better speech than that given by the Leader of the Opposition, he probably would get a far greater set of marks than the Leader of the Opposition.

Unfortunately, Mr. Speaker, that is not his only responsibility to this Parliament, as a seasoned and aged debater. Indeed, as I look around the House, he is perhaps the most senior Member of the Members of the House in their seats at this point in time. Sir, when one reflects on these issues, the speech becomes even more diabolical because he is familiar with the fact that legislation sets out...

Mr. SPEAKER: Honourable Member, are you saying that the speech became more diabolical? You cannot say that, you have to

withdraw it.

Hon. Miss M.A. MOTTLEY: Yes. I withdraw but not the sentiments which underpin it, Sir. I believe that people find it difficult to understand how a person seized with the wisdom and experience that he is to have which underpin his ambitions for the resumption of greater participation and leadership in this country, would cause you to believe that he would want also to speak in a forthright manner to the people of this country, in relation to the passage of legislation and how it works.

Sir, he would have you believe that a serious Parliament, bringing serious legislation is engaged in a public relations exercise because it does not lead to change tomorrow. Mr. Speaker, you and I both know that there is no single piece of legislation that can mandate and change behaviour overnight.

Mr. Speaker, legislation sets out a body of rules that is capable of interpretation and allows people to understand, in a transparent way, what are their obligations and responsibilities.

House 64, sequence 19, 11:1514

Tuesday, May 17, 2005

Continuation of Hon. Miss M. A. MOTTLEY:

Mr. Speaker, legislation in and of itself will not change the behaviour of workers, employers or anybody. That legislation has to be buttressed by a serious public educational programme in terms of workers rights and by a programme of training and an understanding of the obligations such that the employers understand what the legislation requires of them and what the Chief Labour Officer and

others would be seeking to measure them against as we go forward in this country.

Mr. Speaker, there are those among us in this society who are old enough to remember the slew of legislation which were brought by the Grantley Adams Government of the early 1950s. They would also be able to tell you that legislation took time before it changed the normative references for behaviour on the part of employers in this country. Sir, the fact that it cannot be achieved tomorrow, next week or next month does not absolve any Government from putting in place the framework that will forever hereafter change the obligations of workers and employers in this country.

Sir, we have had a situation where the Factories Act reflected the economic activity of the country at the time at which it was passed. Since then, the structure of the economy has changed. The reality is that this legislation speaks to the hazards that workers face in their working environment as opposed to simply speaking to the issue of what happens in a factory in the context of a manufacturing, an agro-processing or mechanical driven framework.

Mr. Speaker, this Government or any Government for that matter would be negligent in not realizing that the hazards which workers face go beyond the mere malfunctioning of equipment, to issues as we have seen in recent times relating to the quality of the environment within which they work, particularly the air quality, and other hazards. We live in a world where most of the goods that we use and most of the buildings that we occupy have elements of man-made substances that mankind have not necessarily had the benefit of sufficient test to be able to determine what are the long term consequences of the many chemicals and different processes being used in today's world. Mr. Speaker, any politician who could get in here and tell you that they know all the answers

in respect of that would mislead not just this Parliament but indeed this country.

Mr. Speaker, while I give the Honourable Member for St. John higher marks in terms of debating skills, I really must give the Leader of the Opposition higher marks in terms of the content of his speech and the level of responsibility shown in relation to treating to this debate in the serious way in which it requires. We have a situation where the circumstances of our work environment are changing as a result of the changes in our economy. We have a situation, Mr. Speaker, where we are relying on processes of goods that we do not have all of the information about.

Mr. Speaker, there are people who use to take that medication Vioxx for the treatment of arthritis, which was a wonder drug to everybody who took it, but suddenly last year it was pulled off the shelves and all kinds of people all across the globe start to worry about what negative consequences it has for them. As a result of that, more and more people are recognising that there is value in natural substances and natural treatments.

Equally, Mr. Speaker, it is going to be the same in relation to the use of air-conditioning environments et cetera. If I had my way, Mr. Speaker, I would, in a country such as ours, build in such a way where we can reduce the reliance we have on air-conditioning and allow the natural air to flow. Unfortunately, when you seek to engage a lot of people in that respect, they tell you that you are being insensitive to the fact that it can get hot, but that is what fans are for.

Sir, I remember my father telling me as a child about the cow-shed principle. He said that air must flow in from the east and go out to the west and that if you do not have one place for the air to come in and one place for the air to

go out, the place would be hot. Sir, unfortunately, many of the architects who practice their trade in Barbados do not pay sufficient attention to many of these traditional practices that in the end assisted with our comfort levels, but we would now believe that air-conditioning would solve all the problems.

Sir, for generations people in this country were using air-condition units and they would service the units but very few people ever went into the vents to clean them. As a result of that, we now have an explosion of complaints about respiratory problems across Barbados, not just in Government buildings. Mr. Speaker, even in this Parliament you would be aware that Management Commission is challenged every year to be able to treat to the issue of air quality in here. If you barely come inside this Chamber sneezing, invariably you end up with a problem by the end of the day. Therefore, I believe that it is going to require far more than just treating to the problems, serious as they are, as they arise week by week across workplaces.

Mr. Speaker, we need to have a national dialogue as to those things which we as a country are prepared to adhere to such that as we build and as we design that we start to take into account that everything that increases comfort and one's enjoyment of the environment is not necessarily good for us. Those things that come fast and instantaneous, as this generation is wont to have, are not necessarily good for them. I say all the time that fast food gives you bad stomach. I say all the time that fast money puts you in jail or causes you to lose your life.

Mr. Speaker, our desire for the individual pursuit of comfort and happiness may well cause us to rely on a number of substances and practices that will in the long run be deleterious to our health at the individual and national level. Therefore, I hope and I trust that this is the kind of debate, across the aisle, that would

get us into discussing what is the kind of development model that we would wish to adhere to in this country that sees us not just following others, because, as the old people would tell you, 'follow pattern kills Cadogan'. Mr. Speaker, I would have hoped that we could start to engage in some of these issues.

Mr. Speaker, the one point that the former Leader of the Opposition, the Honourable Member for St. John, made which I think merits response from the Minister of Labour, is the issue as to whether the insurance covering workers should be mandatory or not. I think that he would agree with me that before a responsible Government can take those kinds of decisions that you really have to examine the consequences because the motivation behind the establishment of the National Insurance Scheme by the Democratic Labour Party in the 1960s, as I understand it, was to provide a comprehensive coverage of insurance for workers in respect of certain types of eventualities, with injuries being one of the key components, which it was designed to be able to take. Mr. Speaker, if he tells me that he would wish to see the procedures streamlined, that would be a different matter.

Mr. Speaker, the level of cost that the business must carry to ensure that level of coverage would only be exacerbated now because they are not absolved from contributing to the National Insurance Scheme because that is mandatory. Therefore, if you were to now put another layer of cost above it, it would cost even the Leader of the Opposition to have concerns about the competitiveness of the Barbadian economy not because we have an interest to help the private sector per se, although there is nothing wrong with that, but ultimately because the capacity to maintain levels of employment depend ultimately on people being able to make productive investments in this country and to be able to get a reasonable return for their investment while

respecting the basic rules of social justice and equity in terms of the quality of environment and the quality of work that is afforded people in this country.

House 64 Sequence 20 & 21

11:55 a.m.

Tuesday, May 17, 2005

Continuation of Hon. Miss M. A. MOTTLEY: Mr. Speaker, too far east is always west. However, I do take the point that it at least merits investigation, but to say that this legislation is a public relations exercise because it does not go that far, neither does it address this issue, is to ignore the intent and, in very many instances, the benefits afforded by the National Insurance Scheme in this country, to the many workers who have been injured on the job.

Mr. Speaker, is it perfect? No, it is not, but name me one other scheme or one other framework in this country that is perfect in relation to servicing the clients, which it is intended to serve. Therefore, if that is the call that is underneath the political rhetoric, then I agree with him and would work with the Minister of Labour, to see how best we could streamline the requests for injury benefits in this country.

Sir, the Honourable Member for St. Philip North, who is not in here, I regret, made a passing reference to the quality of police stations and other working environment.

Mr. Speaker, we believe that this Parliament is not about setting and marking people in respect of mere allegations and unrealistic agenda. Sir, what is the record of this Government in relation to police station or

schools?

We came into a Government where primary schools and the work environment in which teachers and others had to work in schools in this country, were in the most deplorable conditions. Sir, it is true that much of that was driven in the last few years, before we became Government because of fiscal difficulty, but the real truth is that successive Governments on both sides did not understand and did not provide for the comprehensive maintenance of buildings in this country. There is also a greater sensitivity in the world in which we live today, as to the need to provide safe and healthy working environments than there were 20 years ago. Sir, in this environment, if this Government were to continue to ignore that reality, then I would say that we would have to plead guilty.

Mr. Speaker, in relation to police stations, we could not change everything overnight, because the reality is that there is a competing demand across the board. Sir, every year since taking this Government, we have completely refurbished District 'C' Police Station; we have started refurbishment work at Central Police Station; we have completed refurbishment works at District 'A' Police Station; we have built a new station at District 'E', Speightstown; we are building a new Crab Hill Police Station, and we are about to build a new police station at Wildey. There are police stations, for example, Hastings Police Station, where other decisions as to the long-term location of that site has to be taken into account.

Mr. Speaker, the Honourable Member, even though he has more years in Parliament than I, may not remember a Commission of Inquiry called the Date's Commission of Inquiry, which was launched by the then Prime Minister of Barbados, Errol Barrow, into the conditions and circumstances of the Police Force. This

Commission made significant recommendations which both Parties, as they were in Government, have tried to follow over the years, but as we all say, Rome was not built in a day.

Sir, we have tried to treat to the fact that if a building is not maintained for 20, 30 or 40 years, there are going to be serious problems. The reality is that there was a time in this country where asbestos was the preferred building material, once again in pursuit of greater comfort for individuals. Since receiving the information on the dangers of asbestos, we have had a systematic programme for its removal, whether it is located in places where people live, or in buildings where people work.

Sir, there are issues in which we can engage, in terms of partisan politics, but I do not believe this is one. I believe that this Bill signals a significant departure in terms of philosophy as to the extent to which we are prepared to reduce and to mitigate the hazards of work within the working environment, and not simply to treat to it within a ritualistic and rigid manner, as was the case with the Factories Act.

Mr. Speaker, I also feel that we have a situation where Government and employers would continue to be challenged because of the nature of substances and the issue of legal liability arising from the use of products and systems, where the knowledge at the time when the decision was made to use those goods and systems was not available. This is now going to give the law courts in this country a lot of work because the issue as to whether they ought reasonably to have known, will, very often, become the standard by which liability is going to be held. Sir, that also can have negative and deleterious economic consequences to the competitiveness of the individual enterprises and not just the public sector.

Mr. Speaker, in relation to matters that now confront us, the most obvious is that of the Louis Lynch Secondary School, this Government has recognised, in spite all that the Honourable Member for St. Philip North has said, that there were issues that required serious scientific investigation because the present complaints seemed to be different from those of previous years. We have put provisions in place to allow for an investigation to be done, and once the information is made available, even on an interim basis, decisions are going to be taken.

Mr. Speaker, I do not think that any Government in this country can be properly accused of wanting to leave workers in this country to continue working under unsafe and unhealthy conditions. The Registration Department had problems and persons from the Environmental Engineering Department were brought in. We have spent hundreds and thousands of dollars in trying to deal with that problem, but the reality is that we are dealing with decades of development that did not pay attention to many of these environmental, health and safety concerns.

Mr. Speaker, the fact is that whether we are the Government or the present Opposition becomes the Government, these problems will continue into the foreseeable future and will have consequences in terms of the quality of environment and in terms of the competitive environment of the business, largely because of not only legal liability issues but the preventative measures which this legislation says must be put in place.

Sir, to the extent that we have put this legislation in place, the fact that we may have a recalcitrant employer, who refuses to accept his or her obligations under this legislation, the legislation deals with that breach by the employer. It also insulates the worker from being dismissed and from bringing it to the

attention of outside parties, in a way that most workers, more than anything else, fear dismissal because of that.

Sir, is that going to guarantee a change in behaviour overnight? No, it would not, but the Ministry of Labour, the Government Information Service and the Barbados Employers Confederation, all now have a responsibility to translate this legislation into a language that people can understand, one which reflects what are the nature of their obligations and what they must do.

Mr. Speaker, I want to commend the Honourable Minister for bringing this legislation to this Parliament. Sir, much has been said about the length of time the Government has taken to complete labour legislation. Much has also been said about the fact that Government should exercise its right to throw its greater weight around, while ignoring the private sector and the trade union movement but, Sir, governance is best when it is consensual. It does not mean that the Government will not take decisions when it has to, but to the extent that across the board we are asking people to change their behaviour, it is best when we can seek to develop that consensus. Therefore, this Government has sought to work with all parties in this country, in developing a framework for new labour legislation, recognising that 50 years after that initial raft of legislation that significantly defined our development path from those of other developing countries, that we are again treating to these issues in a serious way.

Mr. Speaker, I anticipate that before the end of the year there will be other forms of labour legislation, including the Employment Rights Bill, which died in the last Parliament and the Sexual Harassment legislation, which is critically needed, not to disadvantage men or women, but to treat to the fundamental issue of the abuse of power because essentially that is

what sexual harassment is about. It is like the act of rape which treats to an offence and an abuse of power, rather than treats to issues that can be generically referred to as disadvantaging men or women.

Mr. Speaker, my department has been working closely with the Minister of Labour, to make sure that by the end of the year, a number of areas treating to the labour legislation would be brought here.

H:No.64(22&23)1205 p.m.

Tuesday, May 17, 2005

Continuation of Hon. Miss M.A. MOTTLEY:

Mr. Speaker, a study is being done to treat to the issue of minimum wages in this country. It is easy to say that there should be a blanket minimum wage but does it extend to all areas of economic activity. If it does, what are the implications for employment? There are countries in the world who have prescribed these things as an executive fiat, as a form of legislation, without understanding the consequences.

Sir, there must be minimum wages in this country and there must be areas or protecting the rights of workers but let us do it knowing all the facts, rather than simply for the sake of political gallerying make allegations without explaining to the public what are the complexities involved in making many of these decisions.

Sir, this Government sought to reduce the burden on workers in this country in terms of disposal income. This country sought to give workers a stake in this country in relation to being able to own land with the cost of the land being subsidised by the Government or by

plantations when we passed the Tenancies Freehold Purchase Act.

Mr. Speaker, do you believe this Government would be reticent in relation to the protection and the setting of minimum wages if it were going to exclusively benefit workers and not have deleterious consequences across the board? Sir, neither Party would be hesitant to do it. The reason why it was not done by the Democratic Labour Party before and the reason why we are taking time to get it right is because there is an understanding that there might be implications for employment, for competitiveness and that we need to be able to treat to this issue in the serious manner it merits, while at the same ensuring that we treat to the issues of the protection of the dignity of workers in this country in a proper way.

Mr. Speaker, this particular Bill focuses on it from the point of view of health and safety in circumstances where the environment in which we are functioning is substantial different from twenty years ago. It, therefore, means that this piece of legislation will be the subject of amendments over the course of the next decade or two because of the evolving nature of the circumstances and the environment within which we are functioning as a country.

Mr. Speaker, I hope and trust there would be an understanding that what we are seeking to do is to change the baseline for what is expected of employers and employees and that Government will also seek to lead by example recognising that you cannot correct all wrong overnight or in one year. We are going to do so with the best will in the world, given the available resources such that the kind of working environment that people can enjoy in this country would be significantly different to that which we are seeking to change now because of the changes that have happened in the economy and the environment within which they function.

Mr. Speaker, I want to commend the Minister and I feel it merits the support of the country recognising that this will take time to bring about the kind of cultural changes and real changes in the workplace because it does not happen overnight. Sir, this is the start without which it could not happen.

Sir, I am obliged to you.

Mr. SPEAKER: the Honourable Member for St. Michael West Central.

Mr. R.D. MARSHALL: Mr. Speaker, I too would like to congratulate the Honourable Member for St. James North for bringing this piece of legislation before this Honourable House. Sir, it seems not to have met favour with some members on the other side but, as I said before, I congratulate the Minister. When I look at this legislation, Honourable Member on the other side should compare it with what they brought between 1986 and 1994.

Mr. Speaker, this Safety and Health Bill is geared towards correcting a lot of ills which existed in the workplace over the year.

Sequence 24

If I could go back to the late 1960s, there was a case at the Barbados Foundry when teenagers who worked were 'skylarking'. They took a hose and inflated one of their colleagues on the job and it almost took the life of that youngster. I do not know the legal outcome of the case. There was also a case at Rayside Construction Limited when colleagues threw a man in a mixer. Sir, sometimes we have to protect people from themselves.

Mr. Speaker, my concern today has to do with emission from employers. I will not speak about the Louis Lynch School because I know it is under investigation and I hope very soon

we could bring it to a climax. Sir, the provisions of this Bill are of absolute relevance to persons employed as sanitation workers, persons working on trucks and those persons who ply their trade as wayside mechanics and spray-painters.

Mr. Speaker, I am happy to see that sanitation workers and truck drivers are protected in that trucks should be in good working order, well-fitted with seat belts as this would protect sanitation workers who, although not in a factory atmosphere, are working in an atmosphere where they can be injured at any time.

Sir, I want to speak about wayside mechanics and about spray-painting shops. People should not believe that we are saying that there should be no wayside mechanics. We have to control how they work, protect the persons employed by them as well as persons who live in the environs where these workshops are situated. Sir, in some cases, there simply work alongside the road with parked cars.

Mr. Speaker, while I was Minister of Transport and Works there was an area in Jacksons which gave the Ministry endless trouble. After years of pleadings, the owner cooperated with the authority because these parked vehicles were impeding the progress of vehicles using the road.

Mr. Speaker, these people use all kinds of solvents and chemicals, there are oils from the engines running into the gutters, wells and gardens in the neighbourhood. Sir, as you know, the houses in St. Michael are built close together especially in the housing areas. I represent Grazettes and there are a number of mechanics in that area and the persons who live in these environs are at risk.

Sir, the residents in these areas have kitchen gardens but the oils and chemicals from the

engines flow into the water and run alongside the road into the gutters.

H64/12:15

Sequence 25

Tuesday, May 17, 2005

Continuation of... Mr. R.D. MARSHALL: Sir, when you have gardens and the engine oils go into the gardens, alongside the roads and into the water system it will affect people's health. Sir, many people in this country are suffering from asthma and we are very concerned about the situation.

Mr. Speaker, when I was the Minister responsible for Public Works and Transport it was brought to my attention that in one of the developed areas, someone was operating a business, the emissions from the which were affecting persons. Environmental Officers responding to this complaint, were treated with scant respect. I hope that very soon these matters would be brought under control.

Sir, I am aware that there are very few inspectors but I hope that with this legislation in place, more personnel would be employed.

Mr. Speaker, there are several things that we hope to get out of the way. However, I must refer to the situation at the Louis Lynch Secondary School. The Honourable Member for St. Michael North East stated that there are several places with similar problems, prompting employees to strike, which is of great concern to the Government. The Treasury Building is an example where, over the years, people went to work and in a short while, left in discomfort; the same thing is happening to the schools.

Sir, the students of Louis Lynch Secondary School are preparing for exams but cannot attend school because of the emissions from nearby factories or sometimes the lack of water. I wonder how children can learn when the environment so discomfoting that they cannot attend school daily.

Mr. Speaker, generally, we will be happy if the bodywork shops and mechanic shops would cooperate with their neighbours. Sir, in some areas, especially the housing areas, where people try to make a living by repairing vehicles, there is not enough land to erect a garage. Therefore, I am asking the Government to look at the possibility of acquiring an area where these mechanics can rent land from Government at peppercorn rent in order to ply their trade. They would be able to have a shed and the facilities where they can repair vehicles.

Asides

Mr. R.D. MARSHALL: Mr. Speaker, the Honourable Member for St. Michael North East said that this idea is part of the Barbados Labour Party's Manifesto.

Sir, if proper facilities are provided, these mechanics would be able to set up the equipment in a safe and secure manner, eliminating injuries to their staff. At the same time we would be removing these persons from areas where they are contaminating the environment and affecting the health of those living in these environs.

Sir, I believe that the Government should be in position to supply the land for the spray painters; mechanics to build shops. They would be responsible for the safety of their equipment and the payment of their utility bills. By doing this, Government would be helping those persons to help themselves.

I am obliged to you, Sir.

SUSPENSION

Hon. Miss M.A. MOTTLEY: Mr. Speaker, I beg to move that this Honourable House be now suspended until 1.30 p.m. today.

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

The question that the Sitting be suspended until 1.30 p.m. was put and resolved in the affirmative without division and Mr.SPEAKER suspended the Sitting accordingly.

H 64: 12.20 p.m.

Sequence 26 & 27

Tuesday, May 17, 2005

House 64, sequence 40, 1:25 p.m.

RESUMPTION

Mr. SPEAKER: This Sitting is resumed. The Honourable Member for St. George North.

Hon. G.A. CLARKE: Mr. Speaker, I rise in this debate to look at how this particular piece of legislation can benefit the worker, and set a framework for work-related activities in Barbados, and how the worker working with an employer can be beneficial to the productivity of the economic well-being of Barbados as a whole.

Mr. Speaker, this legislation is fundamentally different from the last piece of legislation, which dealt mainly with the Factories Act and

work related to that environment. Today, this Bill is looking more at the security and safety of persons at work, not necessarily in factories but workplaces in general. Therefore, this is a fundamental question that needs to be answered.

Sir, it is specifically about the safety, health and welfare of people at work and not necessarily in factories. We must thank not only the Honourable Member for St. James North who is now the Minister of Labour for bringing this to fruition, but I believe that all former Ministers of Labour must be congratulated for putting together this fine piece of legislation.

It is important for us to note that even though we may criticise the long delay, I believe a lot of work had to go into this piece of legislation, such as consultation with the unions, the Chamber of Commerce, the business entities and the workers.

Sir, this type of legislation would take time and a lot of work. It is not one in which you could rush through, gloss over and bring to Parliament. There had to be discussions with the ILO and a number of other international bodies as well. I want to say from the outset that it is a modern piece of legislation, which we would hope would withstand the test of time for a long time to come.

Mr. Speaker, the provision of this Bill would benefit the worker in the factories, manufacturing, and wholesale and retailing industries. It would benefit workers in the transport industry as well as those in Governmental organisations. It would also benefit Barbadians working in schools and in the various service industries across the island.

Mr. Speaker, this piece of legislation, puts the onus not only on the employer but the employee as well. The employers must

modernise their operations.

House 64, sequence 40, 13:3040

House 64, sequence 41, 13:3014

They are now to put in place modern features on high risk machines and some checks must be put in place to help those persons who are working in hazardous conditions.

Mr. Speaker, I want to focus my first comment on the worker. Many workers suffer from all types of ailments and problems within the workplace. Some of these can be work related. They are very stressful and I believe that in today's society, stress is an enormous problem that workers are confronted with from day to day. Such as stress of hours of work, stress of uncomfortable environment, stress of unhealthy sick buildings, stress of poor ventilation, noise level and pollution, and also a very important factor, stress of getting to work.

Mr. Speaker, we notice that hundreds of workers every year take a lot of sick hours from the workplace. One wonders why all of these sick leaves. It is accounting for millions of dollars every year, from the point of view of the Government and the employer as well as the employee.

One must look carefully at these continued sick leave. I noticed that one Honourable Member asked the questioned earlier today, about the number of persons taking sick leave over the course of the last year at many Government Ministries across the island. Sick leave seem to be rampant among workers and one wonders if in some of the workplaces, you should not have a psychologist, physiotherapist, and/or doctor-on-call to determine why the workers become so sick. Some workers call in sick after the bank holiday. Some workers do not want to go to work because it is very stress related. Therefore, it is very important for us to

stop and examine why all of these sick leaves are happening today.

We noticed the number of claims over the last ten years and we have to look at the rising cost of these claims to the National Insurance Scheme. We believe that a healthy worker is important. Therefore, everything must be done to determine why these various sicknesses are occurring across the work environment. Is it the environment itself? Is it the type of work they are doing? Is it the building?

Sir, Honourable Members talked today about the poor ventilation in the workplace. I believe it is time for the Ministry of Labour to carry out an investigation as to why all of these various sicknesses are occurring across the workplace.

I believe that the workplace should be conducive to high productivity. We know that some of these workplaces are very hot. There is poor ventilation and the environment is not conducive to work.

House 64, sequence 41, 13:3514

Tuesday, May 17, 2005

Continuation of Hon. G. A. CLARKE:

We understand the nature of putting a number of air-conditioning units or fans in these sweat shops.

Mr. Speaker, I believe that it would be better for us and the various inspectors of the Labour Department to make sound and serious recommendations to management. Mr. Speaker, a number of buildings that were built in the early century were built at a time when there were no artificial lightning or artificial ventilation and where most of these vents had to be opened to the wind. Today these are all

closed with artificial ventilation. Therefore, Mr. Speaker, I am wondering if some of these new tendencies could not be related to the problems that workers now face at the workplace.

Mr. Speaker, some of the onus must be put on the workers because in many cases the workers do not carry out instructions as they should. I think in terms of workers who are working in high-risk jobs, for example, in the transportation industry. There are many workers who are supposed to wear seatbelts, proper eye glasses and earmuffs and I am wondering if they follow these instructions in order to protect themselves. Are the workers who drive those long heavy-duty gas trucks and tractor trailers and those working on the public service vehicles using the equipment they are supposed to use? I wonder if employers are ensuring that their workers put on the gear that they are supposed to wear on a daily basis. Mr. Speaker, I am wondering if the unions and the various organisations are ensuring that the workers they represent are using the equipment as they should.

Mr. Speaker, every year we hear about workers going into wells and having problems with either the wells collapsing or with the workers on top not hearing what their co-worker at the bottom is saying. Therefore, I am wondering if the workers themselves are not sometimes to be blamed for not using the equipment and doing a number of things that they are supposed to do.

Mr. Speaker, the correct height and ventilation is therefore important. Mr. Speaker, workers are supposed to use the knowledge correctly but some of them cannot be bothered and then accidents happened.

Mr. Speaker, Honourable Members spoke today about compulsory insurance. Mr. Speaker, compulsory insurance is one of those

things that sounds very good and very fanciful. However, I am wondering if having compulsory insurance or mandatory insurance in the workplace would not push up the cost of doing business. Mr. Speaker, who will pay for this? Would it be the employer and the worker or would it be the Government? As one Honourable Member said today, if we introduce this mandatory insurance this would supplement what we now have in terms of national insurance coverage. Insurance is important to the workers and every employer should pay his or her contribution to the National Insurance Scheme.

Mr. Speaker, way back in the 1950s this Government introduced workers' compensation. In the 1960s insurance for workers and other benefits that workers now enjoy were given and through the years a number of benefits were given and we will continue to look for these benefits for workers. Therefore, to put a new insurance scheme in place would certainly push the cost of doing business in Barbados higher.

Mr. Speaker, we need to have preventative measures in place. I believe that the Ministry of Labour and Social Securities in conjunction with the Town Planning Department, the Fire Service and all the other entities, that this Act now speaks to, need to put a framework in place that businesses should adhere to. We have heard recently about businesses that need to put in place new mechanisms for the escape of workers if there is a fire. Businesses need to put in place techniques for workers working in hazardous places like on a hoist, in wells and in dangerous dark corners. This Act speaks to how techniques can be used for the installation of emergency lightning and telephone so that the workers can be informed about the problems. Mr. Speaker, we believe that if you put these mechanisms in place that regular checks should be made. For example, the Act speaks to the fact that if you are working on a

hoist you must check the chains and ropes once every year.

Mr. Speaker, I believe that the policing of this Act is important, therefore, the role of the inspectorate must be improved. I know that the work of the inspector from the Labour Department is backbreaking and tedious, therefore training has to be provided for persons who are going to police this Act to ensure that the employers keep to the law.

Mr. Speaker, I know that this is a very long piece of legislation, but I believe that every employer and employee across Barbados should be given copies of the relevant sections to be used as guidelines because both must follow the legislation to see how the workers must be protected.

Mr. Speaker, when you go into workplaces you do not see adequate notices. Notices must be placed in a visible place not only for the workers but also for the customers. Mr. Speaker, it would be a good thing if these signs are erected not only in standard English but also in Bajan dialect and other languages that may be appropriate.

House 64 Sequence 42 & 43

1:45 p.m.

Tuesday, May 17, 2005

Continuation of Hon. G. A. CLARKE: Mr. Speaker, sometimes the workers may not understand the standard English but may understand Bajan dialect. Some might not even understand written language and, therefore, signs might have to be erected in the workplaces, especially signs indicating wet floors, heights, steps, et cetera.

Sir, this new Bill speaks more in terms of the environment. It speaks to how we respond to noises and to those conditions which not only affect workers but, for example, how it affects the patients at the Queen Elizabeth Hospital. Sir, we, in the Ministry of Public Works, have been at pains to point out that there are certain noise levels that are set out for the hospital. Signs are posted along Martindales Road indicating such, yet one would find all types of drivers and motorcyclists driving and riding at some very high speeds, while blaring their horns. In fact, most public service vehicles now drive above the 50 m.p.h. speed limit that is set along Martindales Road. Sir, who can we blame for this? Do we blame the employer or the employee? In most of these situations, it is the employees who are left on their own, to carry out such an operation and who would do not necessarily adhere to these conditions. Therefore, this answers the question why there are so many accidents on our roads today.

Mr. Speaker, I started out by saying that a worker undergoes stress from the time he leaves home in the morning, until the time he reaches home in the evening, because of the number of problems confronting him on a daily basis by his co-workers and by the whole working community. Another area is that the stress of competition among workers may also lead to complications. Therefore, I believe that that there ought to be more public education, in order to sensitise workers and employers. I do not think that the onus should only be in terms of providing a beautiful building, a beautiful environment, or a new machinery, but that it has to be taken more in terms of how one trains workers today in a new global environment.

Mr. Speaker, if this Bill is to make a better worker or a better working environment in Barbados, it then becomes important that all of us play our part in ensuring that we do our best to move this country forward. It also has to do with how we as Parliamentarians can sell this

Bill to our constituents, because in the final analysis, we are all workers and employees of someone else and we get sick from time to time.

Mr. Speaker, in closing, I would like to say that this piece of legislation is good for the future of making Barbados a place where, if this Act is properly policed, it would become meaningful to the working environment but it would mean that every one of us must adhere to its provision.

Mr. Speaker, we know that adherence to this Bill will be very difficult for people because when people are accustomed to doing something one way, they will continue to do so. If people are accustomed to breaking the traffic law in terms of not wearing seatbelts or not driving within the stipulated speed limit, they will continue to do so, or if told that a worker should not go into a well without protective gear, people would continue to do so. Sir, the application of this Bill will be very difficult to adhere to but in the final analysis, we have to police the Act, to ensure that adherence by the public is being complied. I thank you.

Rev. J. J. S. ATHERLEY: Mr. Speaker, I thank you for allowing me to make some input into the discussion at hand, particularly so since I represent a working-class constituency which includes several districts in St. Michael West with which you, Mr. Speaker, are familiar, as our constituencies border each other.

Mr. Speaker, I am talking about the working-class people in Hindsbury, Bank Hall, Passage Road, Garden Land, Goodland, Parris Gap, Westbury Road, Alkins Land, among others. Sir, I am using the term working-class in this context, not so much as an economic characterisation but as a social characterisation, because I am not, in any way, seeking to suggest that I am satisfied with the numbers of employed persons in those districts. Therefore,

it becomes more of a social characterisation than an economic characterisation, and so any help that we can get from the Front Bench with reference to increasing the numbers of those employed and who could, therefore, be actually considered in economic terms to be the working-class people, would be very much appreciated.

Mr. Speaker, I would want to give kudos to the Honourable Member for St. Philip North, for what I consider to be a very passionate and well-structured presentation on this subject earlier today. I, however, think that the Honourable Member has erred in a number of respects. I think the test of honesty would suggest that it is not a new thing that institutions or facilities become subject to exposure from various negative effects operating in the environment around them. It is not new to hear that facilities, institutions or buildings, have problems because of an environmental dynamic within their precincts.

Mr. Speaker, I think that in part, the situation at the Louis Lynch Secondary School is to be understood in these terms. I think the test of honesty would have also suggested that in the Barbadian economy today, there is such a mix of elements which are present because of the development taking place in that economy, that a building or a facility which is today considered to be a healthy one...

Mr. D. St.E. KELLMAN: On a point of order. Mr. Speaker, the Honourable Member is misleading the House by giving the impression that the Honourable Member for St. Philip North would have been misleading in his approach. The evidence is that it is not only the Louis Lynch Secondary School that has a problem but in relation to the news that has reached us today by the Honourable Attorney-General, the Registration Department had to be closed because of a particular problem.

Rev. J. J. S. ATHERLEY: Mr. Speaker, I am in full concurrence with the Honourable Member for St. Lucy. That is the point which I am trying to make and, therefore, I am not at all attempting to mislead this Honourable House. I am, therefore, suggesting that there is such a mix of elements operating in the environment today, because of the scale of development in the Barbadian economy, that a facility which today is considered to be a healthy facility, would, by next week, become a facility which would be under threat and would be the subject of environmental negative impact.

H:No.64(44&45)155 p.m.

Tuesday, May 17, 2005

Continuation of Rev. J.J.S. ATHERLEY:

This has happened at Louis Lynch Secondary School and at the other place. Therefore, Mr. Speaker, it is nothing new to us which is all I am trying to suggest.

Mr. Speaker, when the electorate of Barbados last spoke and when they are given the opportunity to speak next time, we will hear forthcoming in terms of the results that we have an enlightened Government. This piece of legislation which is the subject of today's debate is a product of enlightened Government.

Sir, these days especially we want to have a Government that is sensitive to the dynamics operating in a rapidly developing economy such as ours. We want a Government that is enlightened as far as dynamics of social development and human development are concerned. Critical to that understanding of the dynamics of a developing economy such as ours, the dynamics of social development and the dynamics of human development is, a critical consideration is the extent to which

Government sees, understands and responds to the needs to protect its human capital.

Mr. Speaker, the Honourable Member for St. James North is seeking to ensure that we put the infrastructure of this additional piece of legislation in place so as to further the effort of protecting our human capital in today's world. Sir, that we are passing such legislation at this time is indicative of the fact that we live in a maturing industrial relations climate. The industrial relations climate whether mature or immature has implications for the behaviour of capital, the behaviour of potential investors and the well-being of labour.

Therefore, this particular piece of legislative mechanism must be understood and appreciated in those terms as having been derived from an understanding at the level of the Ministry and Government generally, that we do have that awareness as to what the implications are at this time for the behaviour of capital in an economy such as Barbados and what the implications are for potential investors now looking at Barbados and the interest and well-being which operates in this economy at this time. Mr. Speaker, our context is one in which a significant level of maturity is being reflected. I think the details and specifics of the legislation before us speak to that matter.

Mr. Speaker, I also happen to be of the view that organised labour must be credited at this time. A lot of those kudos are due to the principles and leadership of organised labour. Sir, credit is due to them in discussing this matter before us because they have long lobbied and have made these issues part of the front-burner agenda of the struggle of labour in a modern Barbados. Sir, that we are today brought to this point is to be credited not only to Government but to organised labour and the credit of leadership who have advocated in this regard and have ensured that this matter has become one for priority concerns in terms of

the agenda of Government and has brought us to this point.

H64/14:00

Sequence 46

Mr. Speaker, it is my view that much of modern Barbados is due to the efforts of the labour movement in this country. Sir, I make no bones to say that modern Barbados would not exist were it not for the robust efforts of organised efforts in this country. The cradle of much of our social thoughts is to be found in the bowels of organised labour in Barbados. The nursery for much of the social policy in Barbados is to be found in the struggle of organised labour in this country going back for several decades.

Sir, at this time when we are discussing this important piece of legislation some moments should be spent to give credit where credit is due and specifically in this case to organised labour.

Mr. Speaker, the Barbados Labour Party, in Government at this time and in its previous terms of office, has always shown itself to be the author of progressive legislation whether we speak about the justice sector, the telecommunications sector or whether it has had to do with other areas of socio-economic development, this Party has been the author of progressive legislation and social policy. Sir, that characterisation is to be given to this particular piece of legislation we are discussing today. Sir, it is very progressive and an important piece of social engineering in industrial relations terms.

I want to join with Honourable Members on both sides who have taken a moment to give credit to the Honourable Member for St. James North for bringing this piece of legislation at

this time whether you believe it is an act of courage or that it was too long in coming, it is a point not to be over-emphasised. The fact that the Honourable Member brought this legislation is to his credit. It shows that in terms of the exercise of his responsibility that he is reflecting a fair degree of understanding of what is happening around us in this economy at this time.

Mr. Speaker, we are now operating in the era of the more integrated international economy. In layman's terms, it is the most exposed economy in which we now operate. Sir, capital now exercises and manifests its dominance in new and strange ways having serious significance implications but, Sir, that is the time in which we live because the economy is more exposed and integrated with the international economy. Therefore, the place of origin or capital, is in the developed centres of that international economy and it will sometimes bring that type of behaviour into a developing economy context such as ours.

Mr. Speaker, perhaps, in some respects there are instances where one can see clearly manifested, the clash of cultures which operate at the level of the developing economy as apposed to the level of a developed economy. It cannot be gainsaid that we import from that culture. We do not only import out of the international economy commodities that we use for our sustenance and survival but we import cultural behaviour out of a foreign developed industrial context because of the nature of our own development. Sir, when aspects of that culture are imported into our economy, it speaks to significant implications for labour operating in the Barbadian context.

Mr. Speaker, to bring this legislation at this time reflects the understanding that we are more exposed and more integrated and that there would be aspect of industrial relations behaviour and practices imported from a

foreign culture which perhaps may not seek to serve the interest of labour operating in the domestic market. Therefore, we have to put mechanism in place to ensure that the interest of workers are looked after and served.

H64/14:05

Sequence 47

Tuesday, May 17, 2005

Continuation of... Rev.J.J.S. ATHERLEY: Sir, we are now operating in a new context with reference to Caribbean Single Market and Economy, with its right of establishment, and this will bring its own related to sensitivities.

Mr. Speaker, the matter of the freedom of labour had evoked discussion and passion to suggest that there are strong sensibilities and sensitivities operating around that particular dynamic, the movement of labour. Further, the right of establishment of Caribbean Single Market and Economy will also throw up its own industrial relations sensitivities. Again, increasing the need for this type of legislative mechanism at this time. Again, suggesting that the Honourable Minister is sensitive to the times in which we operate.

Mr. Speaker, if the Honourable Minister of Industry and International Business is to be believed, there is significant potential investment on the horizon and on the doorstep of this country. If the Honourable Minister of Tourism is to be believed, there is also significant potential investment on the doorstep in the tourism sector for Barbados.

Mr. Speaker, this type of investment, when it moves from the point of potential to the point of reality, will also help to create the

environment in which we would need to ensure that rights and interests are better served and protected. Therefore, this makes it an appropriate time for this legislation to be brought to this Honourable Chamber.

Sir, my secular background is in the area of political economics. Mr. Speaker, you also know that if you are looking to make money that is not the area of study or endeavour that you pursue. Sir, just like education, if you are looking to get rich and make money that is not the area of study and interest which one pursues, but that is your area of study you sought to serve. I have also prepared myself and studied because I seek to serve unlike my colleague, the Honourable Member for St. George South, whose training and background is in the legal profession, which I am told could be an area of significant potential for lucrative endeavour.

Sir, yours is education and mine political economics. Therefore, I bring a certain bias to analysing these things. Sir, in looking at this particular piece of this Bill, the things that matter to me fall into that realm of political economics.

I believe that the development of a democracy in Barbados is about the accommodation of human rights. I also believe that the development of a democracy is about civil liberties, human rights. The development of a democracy must also be about the accommodation of workers' rights, not just civil liberties or human rights but it must reflect itself in a growing accommodation of workers' rights. Therefore, in trying to appreciate the significance of this Bill, I have to ask myself from the perspective of the political economy, do I see a measure which is an attempt to further that accommodation and to expand that accommodation of the rights of workers. I think that I do. Therefore, this fits well into the exercise of building a democracy when you

expand and create a framework in wider terms, wherein the interests of workers can be protected and safeguarded.

Sir, a growing economy must be about the enhancement and embellishment of those rights. After this legislation is passed, and I am anticipating that it would be, then we have come to a place where, once those regulations have been put in place, the rights of workers operating the Barbados economic environment would have been expanded, adding to the building of that democracy of which I referred.

Mr. Speaker, you and I also understand that the development of a democracy also tends to facilitate and further entrench in many instances, the dominance of capital. Our history in the Colonial era especially, and to some extent in a post-Colonial era, is about the dominance of capital over labour.

Mr. Speaker, that history says in clear terms that dominance of capital, because of our particular style of economic development, had to do with foreign capital through the vehicle of investment and industrialisation. It had to do with the dominance of white capital because that was the ethnic source of the capital. It had to do with the dominance of planter capital. That is our history when we were more a rural community. Sir, it also had to do with the dominance of merchant capital as the character of the economy changed. It had to do with, what I call, kinship capital. We know of those prominent names, some of which are still fixtures in the Barbadian economy.

Mr. Speaker, we have seen the dominance of capital in our own history manifested over time in various guises, whether foreign, white, planter, merchant or kinship capital. Today, in our economy there operates a multi- mix of capital which still dominates labour to an extent that requires some redress. Again, I see this particular piece of legislation, attempting to

redress some of the imbalance existing in the context of the relationship between capital and labour in our small developing economy.

In the context of some countries, this particular measure, which is being discussed, would be seen as counter-cultural in industrial relations terms. It is against the grain and culture of industrial relations environment. In Barbados, it is part of the natural process of development. Therefore, though an important and significant piece of legislation which can strike at the heart of some of the issues that would have affected negatively the interest of workers for a long time, it is still not counter-cultural because the kind of culture that has obtained in our industrial relations environment, has been and is accommodating to this type of exercise. Again, that is testimony of our maturity as a people and the principle efforts of those who have been involved in industrial relations practice on either side of the spectrum in this country over time.

Mr. Speaker, capital still dominates and there is still some redress to be done because in some instances there is a preferred balance of relations that is likely to reflect itself in favour of capital over labour.

Sir, I think this legislation is correct, the Ministers and the Government are getting it right and at the end of the day I hope that we would be in a position to say that Parliament has got it right. Sir, that is the way that I see this legislation.

Mr. Speaker, some would suggest that it is long in coming and that can be debated. I believe the delay has given us an opportunity for consultation and caution. I think it is better that we consult and in our efforts reflect prudence and caution rather than to be hasty because we are dealing with the rights of workers, and capital and potential investment

opportunities for this country and we need to get this right.

Sir, we have a social partnership arrangement in this country, which is acknowledged generally to have worked in the interest of the country. A social partnership arrangement which was born out of expediency, at a point when the economy of Barbados had died and was awaiting burial. Having been born out of that...

H64: 14.15

Sequence 48 & 49

Tuesday, May 17, 2005

House 64, sequence 50, 2:50 p.m.

Continuation of Rev. J.J.S. ATHERLEY:

Sir, having been born out of that situation of contingency and expediency, this Government has sought to make sure that the social partnership arrangement has been put on a developmental footing and is therefore being used as a tool of development and not just some mechanism born of expediency. It is in that frame that this type of legislation has been developed and consultation has taken place. If that has been the case then I thought we were prudent to have proceeded with caution and we have happily arrived at this moment today.

Mr. Speaker, legislation places significant responsibility for the work environment on the employer. Sir, so often we think of the employer as having a responsibility with respect to provision of capital and resources. This legislation goes beyond that in terms of recognition that the employer has enormous responsibility with respect to ensuring that the

systems which are a part of the work environment do not operate to the detriment of the health and interest of workers.

The employer has an obligation under this Bill, when it becomes an Act of law to ensure that the processes which are part and parcel of the work programme, or the work environment, of the work ethos and of the whole process of production and manufacture, whatever aspect of endeavour it is, that these processes are such that they do not contribute to injury, hurt, risk, threats or operate to the disinterest of the workers of this country. The employer has to ensure that training is mandated for persons who necessarily in instances must use tools and equipment with which they are not familiar. It is important, therefore, that training is provided and is catered to in this kind of mandatory fashion and by means of legislation.

Sir, all of this is important, whether it is the proper upkeep and maintenance of equipment because, Mr. Speaker, we have people who are driving on the roads of Barbados in vehicles which are not functioning properly.

Mr. Speaker, a man ran into the back of my car on Hindsbury Road early one morning and apologised. He said that he told these people ever since that the brakes want fixing and they would not fix them. Sir, months later a man came down the road with another vehicle belonging to the same company and almost killed my son and wrote off my car.

Mr. Speaker, these employers do not take care of the property and they have employees who are mandated to drive them, because the employees want to keep a job so if they tell them to fix the brakes and they do not fix them, they go there driving them even if they kill somebody. Sir, that is the type of thing that is happening.

Sir, I am saying here that I see a piece of

legislation, which is suggesting that the employers have serious liability and responsibility when they do not ensure that equipment used by workers, processes in which workers are involved, systems which are part of the environment, and facilities provided for the work process are up to scratch and, therefore are in keeping with what we nationally perceive to be the proper interest of workers.

This does not in any way as I understand it de-emphasise the need for responsibility to self to ensure that as an employee on the job that you work according to the guidelines given, that you follow instructions and ensure that nothing you do would constitute a threat to yourself or your workmates. Therefore, employees are not absolved of any responsibility, while employers are brought squarely into fore, in terms of mandatory provisions for their employees and for creating a healthy work environment.

What I think we are seeking to do, Mr. Speaker, therefore is to create a new culture. It is imperative that we create a new culture operating in the workplace, where both employer and employee would take responsibility for minimising health risks, and risks to injury do to safety and security. Also, in so far as possible, threats to the environment in which that process of endeavour is ongoing.

Sir, that culture must obviously and I think it is a desire that the culture be a preventive one and not just one which is premised on complaint and compliance.

House 64, sequence 50, 14:2014

House 64, sequence 51, 2:20 p.m.

The legislation is slanted in such a way as to suggest that what we want is a preventive culture and not one of complaint and compliance which, perhaps, has been the

tradition under the legislative mechanisms which have been unsatisfactorily in place, until today.

Education, therefore is going to be vital and enforcement is absolutely necessary. I agree with the Honourable Member for St. Michael North West, in that I do have some concerns about the capacity to monitor and to enforce the provisions of this legislation, even when regulations are brought into place.

Therefore, I think that we have to ensure there is the institutional capacity which would allow for proper monitoring and proper enforcement. It is all right to have the legislation but if we cannot properly enforce it and monitor it then we make mockery, I believe, of the whole situation. Therefore, I do not have a problem with it, Sir.

Mr. Speaker, at our particular stage of developing in which the incidence of a workplace related injury and sickness is highest in developing countries such as ours. Sir, this is because there has been an increase in employment opportunities in Barbados. There are more people working now than has traditionally been the case. Therefore, the incidence will rise.

Sir, better wages and more job opportunities are not enough. We must have an improved work environment and I think that is the aim of this particular piece of legislation.

Mr. Speaker, occupational disease is a reality. We talk about chronic diseases and communicable diseases a lot and that has been a controversial topic around here in recent days and I am not getting into that debate today.

Sir, mental health stress in the workplace and other form of ailments which negatively impact workers, resulting in loss of man hours, loss of productivity, a cost to Government, a cost to

GDP and that affects all of us. These things are real and I think that this particular piece of legislation cannot be devalued for what it is because we are addressing a significant problem of occupational ill-health on several levels in Barbados.

I think that is something, if we can address in a very robust way, will result in increased productivity and, therefore, will result in a better GDP position for the country. It certainly will result in a better well-being for the workers of this country and that has a ripple effect across many areas of life, human interaction and human endeavour development in this country.

Mr. Speaker, I want to touch on the issue of reproductive health, if I have the time. This is important. We cannot totally eliminate the threats and risks of reproductive health but I believe that a serious effort must be made to reduce them as minimally as possible. There will always be chemical and biological organisms and dynamics operating out there which will cause problems for people's reproductive health, but we have to try to reduce them.

Mr. Speaker, reproductive health in my own way of thinking does not only refer to female reproductive health but to male reproductive health. Sometimes there is such a serious bias when this issue is discussed in favour of female, understandably so, but one would want to ensure that one is clear to suggest that it also includes male reproductive health.

In our particular set of circumstances where traditional opportunities for work have been greater for men than for women, one would want to make sure that through legislation such as this, we do not have a situation where women are forced to work in situations which threaten their reproductive capacity and reproductive health, simply because there is a

lack of opportunity to find alternative employment.

We do know that in our own terms, there has been some pressure to create the type of economic model that opportunities for females abound to the same extent that they abound for males.

Perhaps part of that has to do, Mr. Speaker, with the way we have looked at these things in traditional terms. I wholeheartedly support the view of the Honourable Member for St. James South when she suggested that there are opportunities traditionally ascribed as work for men that ought to be looked at, in terms of creating opportunities for women.

House 64, sequence 51, 14:2514

Tuesday, May 17, 2005

Continuation of Rev. J. J. S. ATHERLEY:

Perhaps, part of the problem lies there. Mr. Speaker, whenever we come down on that issue, we have to ensure that women are not forced to work in situations where their reproductive health is threatened because there is an absence of alternative work opportunity. I believe we need to study and research this area much more in terms of how the workplace environment impacts on both male and female reproductive health.

Mr. Speaker, I notice in this Bill that significant responsibility is now going to be given to the Barbados Fire Service and the Chief Fire Officer. Sometimes I am able to see some of the reports of the major fires which take place in this country and therefore is able to understand the need for this type of legislation.

Mr. SPEAKER: The Honourable Member has one minute to conclude.

Rev. J. J. S. ATHERLEY: Mr. Speaker, you cannot have major centres of industrial economic activity employing large numbers of people with scant regard for their interest. You cannot have blocked doors and pathways. Mr. Speaker, this happens even in Government departments. I can name one or two government offices which, if you go to them now, you would see that the alleged fire escape is blocked with cabinets and boxes because it is being used as storage space. I think it is intended that the Chief Fire Officer would have something to say about these things both with respect to inspection and certification.

Mr. Speaker, I share the view of the Honourable Member for St. Philip North that a fine of \$5 000 is a joke. I think that employers would likely not see that as a deterrent but as a nuisance and would therefore respond in kind by simply paying and getting rid of the nuisance. Therefore, I think that we need to revisit that matter of the fine because it is really too small. I believe that the Chief Fire Officer ought to be given the opportunity to do inspections without notification because when people know that people are coming to look, they have a habit of cleaning up and getting their act together.

Mr. Speaker, I believe that the legislation goes in the right direction and it is fitting at this time to be introduced in the environment in which we are now operating.

I thank you.

Hon. Mrs. H. E. THOMPSON-McDOWALD: Mr. Speaker, I want to give support to the Honourable Member for St. James North for what I think is a timely and necessary piece of legislation.

Recently I was at a conference at which a member of one of the international trade unions bodies spoke and made the point that worldwide two million workers per year died of work related illnesses while another 300 000 contract diseases which are related to chemicals in the workplace. Of course, the numbers of persons who get ill in the workplace as a result of challenges at the job and within the work environment is of significance.

Mr. Speaker, it is therefore timely that this legislation should be introduced to play a number of significant roles, socially and economically, at the national level. In this regard, this legislation seeks to perform the function of creating for workers a shield from employers who would seek to exploit them or who are callous about the kinds of facilities and the general environment of the workplace. It also provides a sword by two means. It provides penalties, though we agree that penalties are not as significant and harsh as they need to be if they are truly to be deterrents in terms of what they are seeking to create. At the same time, it has a new provision in the legislation which I think is far-reaching that allows an employee who is dissatisfied and unsatisfied with their conditions and place of work to go and complain to the Chief Labour Officer and have their workplace inspected.

Sir, what is more is that it prevents by law - a provision within the Act itself - any sort of victimization against that employee for making that complaint and for seeking to have the inspection. That is an important aspect of empowerment which the legislation gives because part of the difficulty we had before is that persons who work in environments that were unsafe were afraid to complain for fear of their jobs especially when it was a situation where it was a skill or a task that was being performed by only one or two people where it would become clear who the complainer or the complainant was. That we now have legislated

for that kind of provision is of significance.

Moreover, Mr. Speaker, it seeks to create a workplace that is so safe that people feel able to perform their jobs without risk of injury and without risk to limb or to life. Mr. Speaker, insofar as the legislation seeks to create that kind of environment, it will have a beneficial impact for the economy as people become more productive by working in safe environments. Many of us go to work every day without cognisance of the nature of the risk that we encounter in our workplaces. Is the stairway safe? Is the machinery with which we work properly and appropriately fenced? What chemical fumes are we exposed to? Are the smoke stats by which these elements are to be dispersed in good working order, sufficiently high and well-maintained? These are not issues that we as employees tend to pursue.

Mr. Speaker, I share the view of the Honourable Member for St. Michael North East that in Barbados both in the public and private sector we have not traditionally maintain our buildings well and therefore there is the whole problem of sick building syndrome either because the design of the building is poor to begin with or over time the maintenance of the building has not been conducive to the provision of a safe working environment. She made the point that we clean the air-conditioning units without cleaning the ducts. Whether in the private or public sector you can go into places and see documents, shelves, cupboards and working surfaces covered in dirt and grime that is not being cleaned properly.

Mr. Speaker, we in the Caribbean do not need to have carpeting for warmth, and it is a mystery to me that we insist on carpeting office buildings and then there are not properly vacuumed and do not have industrial cleaning on a frequent basis. We do not pay sufficient attention to issues of ventilation. These are things that we must pay more attention to and

which the appropriate departments would have to pursue if we are to give teeth to the legislation because that is part of the challenges which we are now going to encounter.

Mr. Speaker, we are accustomed operating under the provisions of the Factories Act. A paradigm shift has now to be made if those employers and employees are to give effect to this legislation. Equally, we have to empower those persons who are responsible for policing the legislation by giving them the staff and the equipment to properly examine workplaces to ensure that there are not breaches and to guarantee and review whether or not the provisions of the legislation are being followed.

House 64 Sequence 52 & 53

2:35 p.m.

Tuesday, May 17, 2005

Continuation of Hon. Mrs. H. E. THOMPSON-McDOWALD:

Mr. Speaker, I think others have made the point that the legislation also seeks to modernise and to update the legislative interface with the type of work environment that is occurring today. We no longer work in factories; many of us work with computers. It is, therefore, critical, as is provided in the legislation, that injuries which are the result of poor ergonomics are taken into consideration, and that we look at the kinds of work that people do today and at the kinds of environments in which people work, so that there is not a divide between what the legislation provides for and what is the reality of the workplace. Therefore, I believe that the legislation tries to become modern in responding to what are the new work environments and what are the new challenges

in the workplace, which the worker encounters as he or she goes about his or her daily work.

Mr. Speaker, the legislation also provides for the training and use of equipment and safety provisions for the workers, who are not necessarily careful for their own safety, a point which I would speak to later. The legislation guarantees and imposes strictures that will ensure fencing and general safety. Sir, what is new is the mitigation and minimisation of the nature of risk inherent in the type of job or the workplace and the level of risks and hazards, to which the employee would be exposed.

Mr. Speaker, that is important because it not only seeks to say that the work environment must be safe, it also imposes a duty on the employer to ensure that even where the job is of a high-risk nature, that the nature and types of hazards encountered in the working environment are brought to a minimum. Therefore, the level of risk to which the employee would be exposed, would be reduced considerably.

Mr. Speaker, I think too that the legislation breaks new ground relative to the provisions for fire safety, particularly in multi-storey buildings. In this regard, it departs from the previous legislation which I believe only dealt with one-storey buildings. That is a very important consideration because whether those workplaces are hotels or factories, they are no longer single-floor dwellings but are multiple storeys. In fact, depending on the nature of the activity, they can even be underground because buildings are now being built with sub-basement levels.

Mr. Speaker, the fact that the legislation treats to what is happening architecturally and with construction and design, is an important new development in recognition of where we need to go, to truly protect workers rights within every type of working environment.

Mr. Speaker, the Honourable Member for St. Michael South East has spoken at length to the way the legislation deals with persons who have special needs, whether those persons are pregnant women, nursing mothers or persons with disabilities. Sir, these are all important considerations, if we are to ensure that everybody in the society has the right to work because unless we make the environment appropriate to those persons needs, we are, in fact, denying them the right to work. Therefore, insofar as this legislation creates a new framework for persons with special needs, it also seeks to guarantee that right to work, to which we believe every individual is entitled.

Mr. Speaker, the legislation empowers the Chief Labour Officer to take to court persons who create high risk environments, without the proper minimisation or mitigation procedures for their employees, particularly where the risk is one of serious bodily injury to the employees in that environment.

Mr. Speaker, this legislation not only creates an opportunity for a new working environment for employees but seeks to give a proactive, rather than a reactive role to the Chief Labour Officer. It allows him to intervene where he sees that there is a danger to life and limb. Therefore, that new role of being so proactive and having the power given to him by law to lead the charge against employers for employees who are at risk, is another substantial departure over what existed in the previous legislation.

Mr. Speaker, the legislation will not have full life unless the Chief Labour Officer and his Staff can work in tandem with the Engineering Department, which also has a role for regulation and oversight, first at the very critical level, which would be in the designing and constructing of buildings, which is the primary and fundamental role and, thereafter,

in reviewing the maintenance and upkeep of these buildings and investigating complaints where employees complain of 'sick' building syndrome or where employees have become ill as a result of working in a particular setting or in a particular environment.

Mr. Speaker, I would wish to share with Parliament some of the figures which are available from the report of the Environmental Engineering Division, so that Parliament will be aware of the kinds of complaints which come to that division and by extension to the Ministry of Housing, Lands and the Environment, in respect of health and safety in the workplace. Sir, in relation to internal air quality, in 1999, there were 47 complaints made. In 2002, that number reached 74 and in 2004, it reached 59. Therefore, over the period of the last six years, one can see the number of complaints being made to the Environmental Engineering

Division have been increasing.

Mr. Speaker, we are also aware of complaints relating to chemicals, and while I do not have statistics in relation to that, there are complaints about the exposure to chemicals and about the dangers to such exposure. In fact, there is a case that one of the lecturers at the University of the West Indies was leading, on the behalf of banana farmers across the Eastern Caribbean, who had been made sterile from the exposure to harsh chemicals that were used in agricultural production.

Sir, the point is that very often we work in settings and with materials that cause risks and are not aware of the dangers to which we are exposed. Sometimes we are not properly dressed with the appropriate clothing to protect us, nor do we have the knowledge to protect ourselves.

Sir, in addition, frequently countries which

like to think of themselves as being First World countries, would dump chemicals and other products, including equipment and machinery, onto countries in the Eastern Caribbean, which those First World countries like to think of as being underdeveloped and poor. We do not sufficiently examine or resist the dumping of those equipments and machineries onto us, or alternatively where people buying these equipment and chemicals would know that they are buying them at below-market prices because of the fact that these products cannot be sold in First World countries and can only be sold to Third World countries and developing markets.

Sir, that represents one of the abuses by the employer against which we have to guard, because there is a significant amount of dumping, either of unsafe or unsound equipment, or of chemicals being manufactured for Third World markets, which cannot be sold in First World markets or Metropolitan countries.

H:No.64(54&55)245 p.m.

Tuesday, May 17, 2005

Continuation of Hon. Mrs. H.E. THOMPSON-McDOWALD:

We have to tighten our legislative framework in relation to what we allow into our borders, the way we maintain and keep these chemicals, the extent to which this machinery thought unsafe is allowed to go into the workplace or manufacturing sector putting our employees at risk. Sir, given our lack of other resources, our human resources have such high value and these are issue which we have to pursue.

Mr. Speaker, the legislation, given its new thrust, seeks to make contact and treat to a way

that is beneficial to the employees and the society as a whole. Sir, I made the point at the beginning that this is not just about protecting the individual which is critical but protecting the economy of Barbados which is important for us all as individuals and as a people.

Sir, the EPD gets an average of six complaints a month relative to noise pollution and this is another area of risk which we have to pursue. Sir, the generation of noise in factories and the workplace can be substantial. You see people in workplaces without the appropriate protective ear equipment. Equally, one of the major sources of noise complaints is from places of entertainment, cars and motor cycles with modified mufflers Sir, the reality is that the majority of complaints relating to noise pollution are from places of entertainment. There are also a number of complaints about the non-traditional churches which have all-night services with amplified music. The fact that it goes on all night is an issue that we are going to address sooner or later.

Mr. Speaker, I take this opportunity to inform Parliament that we have done a draft policy paper on noise which we have disseminated to a number of stakeholders among civil society, the private sector, public sector, entertainers, churches and to all those persons who would be affected beneficially or adversely by the amendment of the present legislative framework so that they can comment on the proposed policy. Therefore, when we seek to draft the legislation and implement it, it would have been with the input of all the persons involved.

Mr. Speaker, in 1994, 19 of the complaints related to occupational safety and risk within the work place and three complaints from manufacturing entities. Sir, in 2004, there were 57 complaints. so we can see the difference in that ten-year period where 57 complaints arose out of occupational safety consideration and

were investigated by the EED. These were 24 new complaints and 33 revisits by the officers to agencies or entities they had been monitoring for some particular issue or some earlier complaint.

Mr. Speaker, the EED will continue to work with the Ministry of Labour insofar as we have a role and are empowered to do so by law to give effect to the legislative provision of this Act and to ensure that the workplace is made safe for as many people as possible.

H64/14:50

Sequence 56

Mr. Speaker, I believe in a discussion of this subject that there are other issues that we need to look at. It is important that we move throughout the Government service to the consideration of a twenty-four hours work system in respect of employees. Presently in certain sectors, there are employees who have to work inordinately long hours because the structure of the Government service does not allow for work beyond 4:30 p.m. in critical areas.

Mr. Speaker, if we are truly to have a service economy to help to modernise our economy, we cannot continue to have critical sectors of the economy working only 8:30 a.m to 4:30 p.m when there are critical functions to perform after 4:30 p.m. in the evening. Sir, while there has been a lot of talk about civil service reform, we also have to look at what type of workforce we want to create. What do we want to train our workforce to do? What types of skills do we want them to have? How can we keep our workforce safe and healthy?

Mr. Speaker, there is not enough information in the workplace relative to the safe use of equipment, chemicals and materials with which

people work. Moreover, there is not sufficient information about safety in general.

Mr. Speaker, women will talk about their pain but, on the other hand, men believe they must suffer in silence so men do not get the same degree of care and medical attention that women get. For instance, few men know that they can be the subject or victim of breast cancer in the same way that women can be so they do not check their own breast or know how to check their breast for reasons of health.

I believe that if information of this sort was made available to men in the workplace, it would allow them to be cognisant of the complaints which they have.

Mr. Speaker, for instance, there are some work environments which can make men particularly susceptible to scrotal and other forms of cancer but this area is not checked. Men rarely go to have their prostate examinations on a regular basis so we are not caring for our men as well as we should. Mr. Speaker, a workplace which is vibrant and proactive can give men access to this kind of information or have a doctor connected to its staff so that they men can have access to this care.

Mr. Speaker, very few people who have high-risk type work environment have a doctor on call...

H64/14:55

Sequence 57

Tuesday, May 17, 2005

Continuation of... Hon. Mrs. H. E. THOMPSON-MCDOWALD: Mr. Speaker,

you can go to the hospital, polyclinic or a private doctor, whatever your resources will allow, or if you are in financial straits, you continue to bear it. These employers do not take advice from medical personnel in relation to how they can make their own work environment safe.

Sir, you have indicated to me that my time will soon be up but there are a number of points that I want to make. I believe that it is important for us to get our employees to understand that they are important tools of production and economic well-being and they are required to be productive as they can be. An employee can only be productive if that employee is in good health and his/her work environment is safe.

Sir, I noted in today's paper, I believe somebody mentioned it already, that there is a photograph of a number of workmen on an extremely high roof without any kind of harnesses or safety equipment. Sir, an Honourable Member made a very snide remark about construction and that I want to speak to people in the construction industry. Let me say, first of all, that at the National Housing Corporation or entities of Government that have asbestos to be changed, they are duty bound to employ companies whose employees have been trained to handle asbestos. That is a requirement. I also want to make the point that there is a protocol for asbestos removal and disposal and some companies in Barbados are trained to work with the removal and disposal of asbestos. This protocol was developed when I was Minister of Health.

Sir, I believe that we have to look at a body of legislation and a level of intervention from the Chief Labour Officer for construction sites and services. The reality is, construction is a very high-risk activity. I go on work sites, not only because of the role of the National Housing Corporation but also because I am

married to a building contractor.

Mr. Speaker, you rarely get men who work in the construction sector to be cognizant of their own safety or to act with regard to their own safety. There are people on work sites wearing slippers, without protective eye gear or ear muffs. You also see them without safety harnesses on the work site or boots and when you ask them why they are not wearing their boots, they say, "Mistress, I do not like working in these steel-tipped boots. I could not bother to put them on this morning and I know that I should be wearing them."

Sir, if we are to protect those people - as we saw in the newspapers over the weekend an undocumented alien, who lost both his arms in a construction accident - we have to start policing the construction sector, which is a potentially dangerous work environment, to ensure that people working in construction take them for their safety and well-being.

I conclude on the point that I am happy to give support to this legislation. Sir, when we came to Government ten years ago, a number of public sector buildings, schools, police stations and the Registry, were almost derelict. The Government has spent millions of dollars in providing alternative accommodation for employees, upgrading these facilities and constructing new buildings to ensure that people who work for the Government are in a safe work environment and are not subject to unnecessary risks.

Sir, moreover, I congratulate the Honourable Member for St. James North, to say that he has joined the history of the Barbados Labour Party in giving strong support to the working and labouring class in this country. Moreover, I want to place this legislation with the legislation regarding casual employment, which was brought to this Parliament, the regulation of sugar factories, accidents and occupational

diseases, compensation for loss of life or limb when you work in the emergency services, such as the police, compensation to the families, displaced workers allowances, domestic employees by protecting the minimum wage, employment exchange legislation, giving women maternity leave, the protection and prevention of exploitation of women and children, the old Factories Act and this new one, holidays with pay, the National Productivity Council, the foundation work for the National Insurance Scheme, severance payment benefits, the Shops Act, Wages Council and the start of the Trade Union Movement. All these are legislation which have been brought to this Parliament and statutory provisions have been made possible through this Barbados Labour Party Government, which has always been in the forefront of the protection of workers and their rights.

I am happy to give support to this legislation and look forward to the Honourable Member for St. James North bringing the rest of the bundle to this Parliament.

I am much obliged to you, Sir.

Mr. SPEAKER: The Honourable Member for St. James North will now wind up.

Hon. R.C. EASTMOND: Mr. Speaker, the life of this House of Assembly for this term started in May 2003 and this Honourable House in a life span of five years is now into its second year. History is going to be kind to all Honourable Members of this Honourable House from the point of view that this particular debate, in my judgement, brought out the best in all Honourable Members on both sides of this Honourable House.

Sir, if I could generalise and in a brief way comment on the principle theme coming through the debate, it is that Honourable Members are committed to the sanctity of the

human person and to the highest possible labour standards.

Mr. Speaker, this debate was wide enough to admit of a discussion on matters to do with the environment. Even though in a very narrow sense the Bill addresses the question of occupational safety and health at workplaces, Honourable Members took the opportunity to speak to issues of concern.

Sir, I was heartened very much by the last Honourable Member who spoke. I must say that in a culture where we tend to achieve our development and growth more by the evolutionary path than the revolutionary path, I have now grown accustomed to developments that occur and developments that have to be refined.

Sir, the last Honourable Member spoke very passionately on the question of sick buildings. I want to say that there are very old buildings in Barbados which are by no means sick. There are very old buildings in this country in which people work and move and which are places suitable for work. It therefore means that those buildings are the recipients of good maintenance and proper standards.

H64:15.05

Sequence 58 & 59

Tuesday, May 17, 2005

House 64, sequence 60, 3:05 p.m.

Continuation of Hon. R.C. EASTMOND:

Mr. Speaker, by contrast, there are some relatively young buildings which are sick. This raises the issues identical to the ones raised by

the Honourable Member for St. James South who was careful to analyse the problem in terms of inadequate maintenance and shoddy workmanship as regards doing repairs. She also mentioned the question of bad design.

Mr. Speaker, during the debate, it transpired that one Honourable Member spoke in terms of the need for employees to be certain about their conditions of work. Permit me in this brief intervention to make some comments on that, Sir.

In this culture over time, usually employees derive the opportunities to work out of a contract of employment. Sir, even though the late Rt. Excellent Sir Grantley Adams as he is now, would have done his utmost to introduce a number of pieces of legislation in the 1950s and 1960s, generally speaking, the position is that workers derive their tenure from contracts. However increasingly, Mr. Speaker, workers also function in accordance with something called status. Therefore, you have an amalgam. A situation of a combination of contractual terms alongside status derived rights, in a situation where one must wonder where is the worker.

The call for workers to have certain and clear terms is a call that is very much in order. This call reflects both good creative and intellectual genius and also an appreciation of the times that we are going to venture into, Mr. Speaker, where the structure of our economy, the way we used to know it, is going to undergo change.

In 15 years, we are not going to be relying on sugar agriculture. In 15 years, manufacturing may still be in existence but at the same time the standards you would expect attended on manufacturing will change.

The big one, Mr. Speaker, is that in 15 years time, we are going to witness in this country, an intensification of efforts at the production of

services. This is going to require the flexibility that I heard referred to on the first day of debate on this Bill. When there is flexibility in working arrangements, clearly those persons who are working have to be sure precisely how they will function in an atmosphere where they work day might not start at 8:00 a.m. and finish at 400 p.m. but could start at 10 o'clock in the night and finish at four o'clock in the morning.

In this regard, Mr. Speaker, we must as it is a challenge, the Ministry of Labour and Social Security has already put together a team to look at the question of a 24-hour work day in Barbados. Sir, let me be careful to say that if we go into a 24-hour work day, we are going to do so against the background of necessity.

Right now, it is not far-fetched to think that we would be doing business with China in the near future. In a situation where four o'clock in the evening in China would be a totally different time in Barbados, or in a situation where 12 Noon in Barbados might very well be a totally different time elsewhere, we must have all systems in place to be that way flexible.

In addition, Mr. Speaker, I must say that when Barbados goes to the 24-hour regime or protocol, the worker does not have to fear working like a slave because we are not going to abolish the eight-hour work day. The country is going to be open for business for 24 hours, but at the same time, each employee is going to have certain terms that will accord with what trade unions and employers have agreed in Barbados in terms of a 40-hour work week.

It can be no small comfort, Mr. Speaker, right now to a villager in Snaggs Land whose electricity goes off at 2:00 a.m. and who has small children that must receive warm beverages and such like, that the power cannot go back on until 900 a.m. the next day.

House 64, sequence 60, 15:1014

House 64, sequence 60, 3:10 p.m.

It cannot be comforting to a person in the Pine, represented ably by the gentleman on my right for their water to go off 1:00 a.m. and not be restored for another 24 hours.

The signal I am indicating, Mr. Speaker, is that particular institutions are going to have to be flexible enough to be able to open for business 24 hours - around the clock. In terms of actual economic activity there will come a time where economic activity as we know it, will be continuing beyond 8:00 p.m.

Sir, our airport could very well be exceptionally busy 15 to 20 years from now between 10'oclock in the night and 4'oclock the next morning. In fact, it is not far-fetched to think that in two years time, 2007, it could be that busy.

Mr. Speaker, we therefore in this country have to work on changing our culture and our ethic at work. There are going to be Barbadians who will appreciate the need to change.

In any case, Sir, one observation that you would permit me to make during this debate is that this particular Bill sets out to raise labour standards. In circumstances, where we should aim to achieve the best for Barbados, we have to make sure that in the attainment of our labour standards, we send a clear message to employers and workers that the work ethic and the culture must change.

I do not anticipate, Mr. Speaker, that there will be change overnight but certainly, it would be gratifying to me if over four years, we make the adjustments needed to bear in mind the times we are in that by the year 2009, we would

be a focussed people ready and willing to work and take this country forward.

Mr. Speaker, also implied in what all Honourable Members said during this debate was that they are all committed to decent work. Sir, you would wonder if when an employee goes to work and gets a four-line letter outlining terms and conditions of work, whether that employee is not both being taken for a ride and is not being treated in an indecent way.

The concept of decent work transacts that, Mr. Speaker, for decent work implies functioning in the workplace in conditions that allow for the maintenance and promotion of human dignity. One Honourable Member during his contribution, rightly was able to say that in some workplaces, standards to do with hygiene and sanitation are very much lacking.

Mr. Speaker, some years ago, we were able to introduce particular measures in our Shops Act, indicating minimum periods of rest for employees in shops, and minimum standards allowing for access to drinking water. This particular piece of legislation re-enacts those particular provisions.

Mr. Speaker, Honourable Members can be assured that as this country progresses more and more we are going to insist on decent work especially where, with the times being what they are and will be, it is probable that there will be some foreign investors coming here looking for cheap labour, quick productivity and a level of efficiency where they might be very brutal in wanting to treat our people.

Therefore, we have to stand up to these people and say, yes, we welcome your capital but we would not be compromising on our standards. For example, we have to let all investors know that the rights of workers to join the trade union of their choice are rights

which are non negotiable. We have to let foreign investors know in no uncertain terms that if workers are compelled to work beyond the normal call of duty, they should be entitled to overtime pay and compensation to match the fact that they have gone beyond the call of duty. We have to let those who will invest in Barbados know in the future that when we insist on standards of safety and health in the workplace, we are very serious and we will not be abandoning those standards, just because we want capital from abroad so badly that we would try to get it from any quarter.

House 64, sequence 61, 15:1514

Tuesday, May 17, 2005

Continuation of Hon. R. C. EASTMOND:

At the same time, Mr. Speaker, it must be stressed that much as this legislation insist on laying down particular standards in relation to punishments, and that generally speaking, the law of Tort still applies. Therefore where there is the regime as enacted in the various clauses in this Bill, and this regime can be interpreted to be imposing criminal sanctions, Honourable Members must still be assured that the ordinary law of Tort to do with nuisance, and Ryland and Fletcher with negligence would still apply. This means that the protection now has been increased because right now in most workplaces employees would have to resort to the civil law of Tort, and what this is doing is bringing in criminal sanctions, the primary purpose of which is to insist on certain minimal standards.

Mr. Speaker, in relation to the penalties and the criminal sanctions, we have to be sufficiently realistic to look at the reality of the situation out there among employers. There are employers who are already on board with these

standards. However, there are employers who are going to have to find a capital outlay to be able to finance the improvements that are needed to make such improvements to conform with the legislation here.

Mr. Speaker, in circumstances where employers are going to have to spend money to improve the status quo in their workplaces, Government should be mindful of the fact that some of these employers are going to continue to have to pay out money as damages in Tort. Therefore, rather than make our penalties very severe, we are introducing some relatively soft penalties in the early days reserving onto ourselves the right to review them from time to time to see if they are really working.

Mr. Speaker, there are going to be employers who, whether or not there are criminal sanctions, will ensure that minimum standards of safety are observed. On the other hand there are those who might want to mock at the penalties, but if in their mocking at the penalties they are so abusive of people's rights, then they can be sure that this Parliament or a future Parliament is going to be able to look back at these acts and deal with them in a firm and serious way.

Mr. Speaker, I would have said in my opening remarks on the first day of the debate that this legislation, even though it consists of 138 clauses, is not enough. A series of regulations will have to come to address matters to do with asbestos, to address matters in relation to the handling of chemicals and a series of regulations in respect of the management of severe forms of stress some of which are manifested in what the young ladies who do typewriting get, Carpal Tunnel Syndrome.

Mr. Speaker, we are going to have to ensure that we use the best expertise possible alongside with empirical observation to be able

to introduce to this country the very best regulations that we can have.

Mr. Speaker, I am not at all pleased, although I would have to concede that there comes a time when you have really to recognise what happens in the real world, that there is such a thing in this world as occupational diseases. Mr. Speaker, in the first place a person goes to an occupation to secure a livelihood and if in going to an occupation to secure a livelihood a person's life is put at risk, that is a contradiction. Therefore, I am very unhappy that there are such things.

Mr. Speaker, as the Honourable Member for St. James South clearly said, if you look at the statistics of the International Labour Organisation on the number of diseases that are traceable to the workplace and at the number of accidents traceable to the workplace, then there are too many.

Mr. Speaker, when we passed the Factories Act over 20 years ago we thought that we were introducing a piece of legislation which would have inured to the benefit of Barbados. However, it was soon realised that the Factories Act did not address 80 per cent of the workplaces. Mr. Speaker, by the time the ink had dried on the proclamation for the Factories Act, the International Labour Organisation had passed Convention 155, which is designed to encourage member states that adhere to the International Labour Organisation conventions to have certain minimal standards of occupational safety and health.

Mr. Speaker, I take all the criticisms tendered by Honourable Members in good faith because, as I would have said before in this Honourable House, man-made law is called positive law. Positive law works exceptionally well in conditions of stability but when there is turbulence you have to look back at the positive law and try your best to refine it, fine-tune it

and such like.

Mr. Speaker, the observations made by Honourable Members about the weaknesses are taken to heart. We will try our utmost, Mr. Speaker, when we come to the regulations to strengthen the areas where weaknesses exist. In any case, as I said earlier, this legislation is going to be kept under review.

Mr. Speaker, I owe a debt of gratitude to all Honourable Members for the high quality debate. This House of Assembly of 2003-2008, is the richer for this debate. All Honourable Members are therefore encouraged in the near future to read the very excellent contributions that they all made. I think that the debate has set the tone not only for the encouragement of better standards in the workplace but for the type of analysis that has been evident coming from the brains of Honourable Members on both sides of this House.

Sir, as I set out to thank Honourable Members who have done work on this, it is with some sense of grief that I recall when a former Permanent Secretary in the Ministry of Labour was leaving to go to another place he said carefully that the one regret that he had as a Permanent Secretary in the Ministry of Labour was that he did not see the legislation come to light and he went away a grieving man. Therefore, with a heavy heart, I would want to thank that Permanent Secretary, Mr Edwards, who is no longer in the service but who was keen to get the legislation going and who regretted not being on board at the time when it came to light.

Sir, I want to thank all Honourable Members who have looked at the legislation and made critical comments. I want to thank those in the community, in the trade union movement and the employers who have come on board. I want to thank the existing staff members of the Ministry of Labour led ably by the current

Permanent Secretary, the Deputy Permanent Secretary, the Chief Labour Officer and the acting Chief Labour Officer.

In all this, Mr. Speaker, much as I mentioned the outstanding selfless work of Mr. Orlando “Gabby” Scott on the first day of the debate, there are those who have worked with him who deserves mention. Sir, we have in this country a body called the National Committee on Occupational Safety and Health whose Leader and Chairman was here on the first day of the debate and whose deputy leader is now happily in our midst. I want to thank every member of the National Committee on Occupational Safety and Health for the unselfish work that they would have done over the years to push this legislation and have it here. I want to thank private sector persons like Mr. Harold Oxley and Mr. Tony Roachford who have gone out on their own to be able to spread the message of labour standards.

Mr. Speaker, I do not want to single out the Honourable Member for St. Michael South Central as being specially deserving of any special praise but it seems to me that, like the Honourable Member for St. Philip West, he did a lot of homework in the preparation of the contribution that he made. No one would deny that the real and true living leader of the other side also made an outstanding contribution to this debate.

Mr. Speaker, on this side all Honourable Members demonstrated particular appreciations of the need for the workplace to be a safe and decent environment in which to work. In my very concluding remarks perhaps history may absolve the Honourable Member for St. Lucy someday because he, in typical form, raised a piece of philosophy which Honourable Members may have overlooked or may not have properly ingested.

House 64 Sequence 62 & 63

3:25 p.m.

Tuesday, May 17, 2005

Continuation of Hon. R. C. EASTMOND:
Mr. Speaker, last week the Honourable Member for St. Lucy said words to the effect, that if volunteerism had truly asserted itself, then legislation will always have to stand secondary to trade union activity which brings about results. Sir, that is very philosophical because until five years ago, both the trade union movement and the employers association would have said that they were more ready and willing to become involved in voluntarily agreeing in terms and conditions, than relying on the process of adjudication. Sir, as I said, the employees contract of service smacks of the common law tradition of contracts and agreements, but in an era where status is accompanying that contract, there is definitely still a role for legislation and adjudication, in the ordering of the affairs of persons in the workplace.

Mr. Speaker, as I conclude, I want it to be said that when we perceive of the workplace, we have to perceive of a place where people at different levels would function, and where it will be wrong for some managers to feel that they should distance themselves from legislation such as this. Sir, even though the manager may see himself as his own factor of production, one operating separate and apart from the lowly maid or porter, at the end of the day, managers too are workers. Therefore, in the absence of a culture of aristocracy, this Bill has potential for touching all of us, whether we function as a worker in a newspaper room, in a retail store selling cloth, in a traditional factory setting, in a medical office, or in a Parliament.

Mr. Speaker, I am, therefore, heartened by

the kind of responses and concerns that I have received from Honourable Members, and I want to thank them for the rousing and accommodating encouragements which they have rendered unto this humble servant.

Mr. Speaker, with these remarks, I beg that this Bill be read a second time.

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

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

On the separate motion of Hon. G. A. CLARKE, seconded by Hon. R. C. EASTMOND, the House resolved itself into Committee of Supply. Mr. R. D. MARSHALL in the Chair.

COMMITTEE OF SUPPLY

Mr. CHAIRMAN: This House is now in Committee of Supply.

Part 1, Clauses 1 - 5 inclusive were called and passed.

Part 11, Clauses 6 - 10 inclusive were called and passed.

Part 111, Clauses 11 - 48 inclusive were called and passed.

Part 1V, Clauses 49 - 56 inclusive were called and passed.

Part V, Clauses 57 - 66 inclusive were called and passed.

Part V1, Clauses 67 - 78 inclusive were called and passed.

Part V11, Clauses 79 - 88 inclusive were

called and passed.

Part V111, Clauses 89 - 95 inclusive were called and passed.

Part 1X, Clauses 96 - 104 inclusive were called and passed.

Part X, Clauses 105 - 108 inclusive were called and passed.

Part X1, Clauses 109 - 131 inclusive were called and passed.

Part X11, Clauses 132 - 138 inclusive were called and passed.

The First Schedule was called and passed.

The Second Schedule was called and passed.

The Third Schedule was called and passed.

On the separate motions of Hon. R. C. EASTMOND, seconded by Hon. G. A. CLARKE, MR. CHAIRMAN reported to His Honour the SPEAKER, the passing of one Bill in Committee and MR. SPEAKER resumed the Chair and reported accordingly.

On the separate motions of Hon. R. C. EASTMOND, seconded by Hon. G. A. CLARKE, the Bill was read a third time and passed and cited as the Safety and Health at Work Bill, 2005.

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

H:No.64(64&65)335 p.m.

Tuesday, May 17, 2005

**RECOMITTAL
PAPERS**

Hon. R.C. EASTMOND: Mr. Speaker, on behalf of the Right Honourable Member for St. Peter, the Minister of Finance and Economic Affairs, I am commanded to lay the following

1.Report on the Public Enterprise Investment Fund for the year ended March 31, 2004.

2.Report on the Public Enterprise Investment Fund for the Quarter ended December 31, 2004.

ADJOURNMENT

Hon. R.C. EASTMOND: Mr. Speaker, this brings us to the end of Government Business for today, I beg to move that this House be adjourned until Tuesday, May 24, 2005 at 1000 a.m.

Hon. Dame BILLIE MILLER: I beg to second that.

The question that the House be adjourned until Tuesday, May 24, 2005 at 10:00 a.m. was put and resolved in the affirmative without division and Mr. SPEAKER adjourned the House accordingly.

H64/15:36

Sequence 66