THE

SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1981 – 86

THE SENATE

Wednesday, 23rd February, 1983.

The Senate met in the Senate Chamber, Public Buildings on Wednesday, 23rd February 1983, at 11.15 a.m. today.

PRESENT

His Honour Senator the Honourable Sir Arnott Cato, M.B., Ch.B., LL.D., (President)

His Honour Senator J. C. W. Wickham, M.B.E., (Deputy President)

Senator the Hon. N. A. Barrow, B.A., LL.B., (Minister of Information and Culture), (Leader of the Senate)

Senator the Hon. O'Brien Trotman, (Minister of State in the Prime Minister's Office)

Senator Mrs. E. M. Lynch, G.C.M.

Senator the Hon. C. A. Griffith, (Minister of State, Prime Minister's Office)

Senator J. E. D. Williams

Senator D. A. C. Simmons

Senator Miss J. Clarke

Senator A. P. L. Reece

Senator St.C. E. Howell

Senator Mrs. M. O. Reece

Senator E. E. Greaves

Senator W. W. Hall

Senator Mrs. G. G. Reader, M.B.E.

Senator C. D. Seale

Senator the Rev. Can. I. McK. Jones

Senator K. A. Rouse

Senator L. A. Ward.

Prayers were read by Dr. the Rev. L. A. Crawford.

ABSENT

Senator A. W. A. McClean and Senator H. R. Linton.

ANNOUNCEMENTS

Mr. PRESIDENT: As members are aware, the papers connected with the business of Parliament get circulated more than once to the same members. We have come to an agreement, with a view to saving time and money and unnecessary duplication, to try and restrict this circulation to what is really necessary.

The main feature is that measures introduced into either House for debate as public business, whether by Government or by a private Member, be endorsed "Parliament" and circulated once unless that measure is amended by a House, when it may be reprinted as amended for circulation with the relevant Order Paper for the Other House.

It is felt and there is general agreement that this would be a saving, and I feel sure that members will agree that it is a necessary measure.

PRESENTATION OF PAPERS

SENATOR THE HON. N. A. BARROW: Mr. President, I have the honour to lay the following:

Hotels, Apartments, Guesthouses (Registration and Classification) Regulations, 1982.

The Consumption Tax Order, 1983.

Statements showing net customs and excise receipts for the months ended August, September and October, 1982.

Annual Report of the Community Legal Service Commission for the year 1982.

REPORT OF SELECT COMMITTEES

SENATOR THE HON. O'BRIEN TROTMAN: Mr. President, the Standing Orders Committee has met on

two occasions and the report is being prepared at present. I hope to be in a position to lay it during the course of the sitting, and I will ask for that Item to be recommitted.

Mr. PRESIDENT: This item can be deferred to a later stage at today's meeting.

PUBLIC BUSINESS

SENATOR THE HON. N. A BARROW: Mr. President, I rise to inform the Senate that there are three Bills standing under Public Business. Two will be dealt with by Senator Trotman, I will do one of them, the Estates and Succession Duties Bill, as Item No. 2. The first Order will be the Plant Pests and Diseases Bill and the last will be the Factories Bill.

I also would wish to advise the Senate that there is already in the Other Place a Bill for the establishment of a National Cultural Foundation which I had intended initially to do here, but in the interest of time, I thought I would have it introduced in the Other Place first and ask honourable Members to be kind enough when the Bill is circulated to let us proceed with that in all its stages next week Wednesday. We would like to adjourn until next Wednesday, and – if it is not next Wednesday, it is whenever we meet – to take it through all its stages, because it is likely to pass the Other Place next Tuesday. I say "to pass" rather than to debate because it is obviously a non-contentious matter. Cultural matters always are.

Mr. PRESIDENT: I believe this Bill has been circulated to honourable members already, and if they will be kind enough to study it, perhaps they will be willing to agree with the suggestion of Senator Barrow.

THE PLANT PESTS AND DISEASE (ERADICATION) ACT, 1983

Order No. 2 was called – to move the Second Reading of a Bill to provide for the eradication of plant pests and diseases and related matters.

SENATOR THE HON. O'B. TROTMAN: Mr. President, the Bill before the Chamber has its origin with the discovery of sugar cane smut disease in Barbados in 1979. At that time, Sir, it was discovered that several plantations had fields of cane which were affected by smut. The work of remedying that problem went on, but it was discovered that none of the Acts which were then on the Statute Book empowered the Ministry of Agriculture, or, in fact, the Chief Agricultural Officer, to take any action as far as preventing the spread of the disease was concerned, and what action was taken at that time was taken with the full co-operation of the plantation owners and one or two other owners who were involved.

It was therefore decided that a comprehensive Bill should be prepared which would incorporate the powers which now rest in the Cotton Diseases Act, the Love Vine and Wild Native Cotton (Eradication) Act, the Plant Pest and Disease (Importation) Act and the Sugar Cane Mosaic Disease (Eradication) Act. These Acts form part of the Schedule of the present Bill, and we hope to have these Acts revoked when the present Bill is passed in Parliament. 11.25 a.m.

The Bill, as it now stands, Sir, gives the Minister of Agriculture, on the advise of the Chief Agricultural Officer, the authority to declare by Order, as provided in Section 3(a) what plant pests and diseases should be eradicated, and what host plants should be eradicated where applicable, alternate host plants, and the official inspection periods for the plant pests and disease. Section 4 outlines what control measures the Chief Agricultural Officer can take, Section 6 provides powers of entry into all building, except private residences, for the purpose of inspecting and carrying out control work, and Section 8 of the Bill, Sir, makes provisions for persons who fail to comply with the directions of the Chief Agricultural Officer, or inspector, as far as the eradication work is concerned.

Those are the general principles of the Bill and there are the general sections providing for offences and the powers to make regulations. But the point, Sir, is that the Bill will ensure that, in the future, whatever disease threatens crops in Barbados, the Chief Agricultural Officer can advise the Minister of Agriculture accordingly. He can then make an order to designate the particular disease a threat, and work can proceed without having to come to Parliament each time there is a particular disease which threatens our crops, Sir.

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

Mr. PRESIDENT: It is proposed that the Bill be now read a second time. Senator Ward.

SENATOR L. A. WARD: Thank you, Mr. President.

Mr. President, I wonder why this Bill did not go a little bit further than it has gone, in that it says, "any farm or plantation." Well, Sir, this Bill replaces the Mosaic Act and the Cotton Act. The cotton closed season was always advertised, when they should get rid of all the cotton that was growing about the Island, and the cotton growers were supervised, complied with the law and eradicated the cotton plants. But, Sir, at the same time, if you drove about the country, you would see wild cotton growing on lands that were not being farmed.

I have passed and seen cotton in tenantries growing up against houses. If you drive through the island at the

moment, you will see wild cotton plants. I passed by Warrens only this week and there is a quantity of wild cotton growing along the road. So in enforcing the cotton closed season, this eradication was never done and, as a cotton grower in St. Philip at one time, that was the reason why we stopped growing cotton. Although the cotton closed season was enforced where the growers were concerned, it was not enforced in its entirety across the island.

Another point is that the dry okra is known to harbour the pink bollweevil that destroys cotton and nothing was ever done about this.

Also, Sir, in this Bill, it talks about pests and insects. If a person is farming land and a neighbour, who is not in farming, but is breeding, let us say, slugs, or whatever, the poor farmer finds himself that he plants and gets it to come a certain way and then he gets pests from the adjoining land, which does not come under the definition of a farm or a plantation, to come and graze his crops down.

I wonder why in doing the Bill the term "any lands" was not used instead of "a farm or plantation". It does not designate what is a farm. If a person has a bit of land and it is not being farmed, whether that would be a farm or not I do not know. It does seem to me that the Bill could have better been written where we would have "on any lands" rather than "a farm or plantation".

With those remarks, Sir, I support this Bill, but I do feel, Sir, that it does not go far enough, that people would be allowed under this Bill to say that I am not a farmer – but they are keeping pests or diseases alive that would be contrary to what the Bill is trying to provide against.

I thank you, Sir.

Mr. PRESIDENT: Senator Seale.

SENATOR C. D. SEALE: Thank you, Sir.

I rise just to support Senator Ward in his remarks. I, too, think that it should be amended to read, "for all lands" Sir. The problems that Senator Ward has outlined are real and are big problems, and I would hope that we could raise some amendment to implement this suggestion.

I thank you, Sir.

Mr. PRESIDENT: Senator Williams.

SENATOR J. E. D. WILLIAMS: Thank you, Mr. President.

I, too, like the other two Senators, am particularly concerned about those people who own land and who persist to grow things like love vine and some of the other things that we spoke about. On a number of occasions I have gotten up in this Senate, Mr. President, and I have said that there are people in Barbados who own land, who do not even live in the island, and who do not look back to see whether there is anything growing on it, whether it is clear, clean, or what, and I think the time has come when a Bill such as this would have to incorporate people like those.

In the Other Place, the Deputy Prime Minister has made the point time and time again, and I want to take this opportunity, in making my contribution on this Bill, to once again draw it to the attention of the people in Barbados that they have a responsibility to the total society. There are some people who I know will make the effort to clean their land even though they have not yet built on it, but in general, the behaviour of people is such that, as you go through the island, you will find trees as tall as the tallest building, and you will find all kinds of growth and verge there.

11.35 a.m.

I think that the Bill in itself does not address itself to that, and I, too, would want to support the other two Senators and to say that something obviously has to be done.

In closing, I want to say that I would like to counsel people that they have a responsibility to clean their lots. Not only should you place provision on farmers and plantation owners, but I think each and every one of us should fall under this Bill, Mr. President.

I am obliged to you, Sir.

SENATOR THE HON. N. A. BARROW: Mr. President, I was trying to see whether the Clerk could give me the provision in the law quickly, but while he is more certain than I am, he is not more specific. If we are dealing with ordinary premises, I am absolutely sure – and I would like to ask the Honourable Senate to accept my assurance on this point, because if I am wrong, if there is this gap in the law, then evidently we will have to come back and have it plugged – but I am absolutely sure that the entry on premises for the purpose of removing this kind of nuisance and also other bush generally is a power vested under other legislation in the Minister of Health. I cannot say precisely what the legislation is, but I am absolutely sure that power exists already, and that is why it was not put into this Bill.

We would wish to give the undertaking that, in the event that there be found to be any gap in the law on the point, Government will certainly move to have the law suitably amended.

Why I am so sure, Sir, is that from time to time we have had to pay a lot of attention to the fact that although that power exists, still we are finding it very difficult to have the bush cleared, and especially where there are derelict buildings, because the two main sources of rats would seem to be bush and derelict buildings, and not warehouses as people would wish to suggest, but I am sure that that provision in the law does exist.

The question that the Bill be read a second time was put to the Senate and agreed to.

On the motion of Senator the Hon. O'B. TROTMAN, the Senate resolved itself into Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

Clauses 1 to 3 inclusive were called and agreed to.

Clause 4 was called.

SENATOR THE HON. O'B. TROTMAN: Mr. Chairman, I beg to move that clause 4 stand part.

SENATOR L. A. WARD: Mr. Chairman, I would like to move that the words "farm" and "plantation" be removed, and the words "on any lands" be substituted.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, I have just had brought to me the Health Services Act, Cap. 44, and here at Section 11, subsection (1):

> "Where it appears to the Minister that for the protection or in the interest of the public health any works in or on any premises are necessary, the Minister may serve or cause to be served on the owner or occupier of such premises a notice in writing signed by the Minister or by any person authorised by the Minister in that behalf requiring him to execute such work as the Minister considers necessary."

In Section 12:

> "The Chief Medical Officer, a Medical Officer of Health or any person authorised in writing by either of them or by the Minister in that behalf may at all reasonable times enter, if necessary using such force as may reasonably be required, any premises for the purpose of –
>
> (a) ascertaining whether there is or has been on or in connection with the premises any contravention of this Act or any regulations;
>
> (b) ascertaining whether or not circumstances exist which would authorise or require the Minister to take any action or execute any work under this Act or any regulations;
>
> (c) taking any action or executing any work authorised or required to be taken or executed under this Act or any regulations;
>
> (d) performing any function conferred on the Minister or on any such officer or authorised person under this Act or any regulations; or
>
> (e) generally examining and inspecting the premises."

In other words, Sir, the power of entry to inspect, and to require the premises to be cleaned up, already exists in the Health Services Act. When I spoke at the time I intimated that, as far as I am concerned, the power exists. It does not matter that the power of entry is not specifically spelt out there to be solely for the purposes which this Bill states. The point is that it is the power of entry for purposes, general public health purposes, and it is a power of entry wide enough to include the purposes under this Bill. That is why the draughtsman would not have made provision for that power of entry to be repeated in this Bill, because it exists elsewhere.

I think this is a matter in which people will just have to trust me, it is a matter in which you need to understand the law a little bit.

11.45 a.m.

SENATOR C. D. SEALE: Sir, I understand the Minister full well, but, in practice, I do not think he will get any assistance. Sir, in this Bill it says here that the Chief Agricultural Officer should designate a public officer to be an inspector of plant pest and diseases. So what would happen is that this inspector would go around and he would see love vine on an ordinary lot of land that is not a farm or plantation, but, regrettably, he has no power now. He has to go back, presumably to his office, and ask them to get in touch with the Ministry of Health because the only man to do the job, as I see it, would be the Ministry of Health.

SENATOR THE HON. N. A. BARROW: Sir, if Senator Seale would give way: the point is that it would be impractical for the Ministry of Health to go and order a man to clean up his plantation or farm. I believe we will all agree with that. So whether there is a general power existing already for entry on premises and to order them to be cleaned up, that general power is not enough to deal with these problems where now we are dealing with plant diseases and the management of the agricultural economy. In other words, there is ample power existing for private premises.

What we do not have in the law is adequate machinery. There are a number of Bills – Senator Ward referred to the Mosaic Control and so on. There are other things, and maybe that aspect of the law needed to be revised

and a separate Bill brought to deal with that. I do not think that we should try to confuse the fact that the power of cleaning premises is not as efficiently exercised as we would wish with whether the power exists. There are two separate things, as I understand it.

The Bill here deals with any form or plantation, and I understood Senator Ward, supported by Senator Seale, supported by Senator Williams, to be saying, "Ah, suppose the nuisance does not flow from a farm or a plantation, what happens?" Now that could only mean private premises or commercial premises, and the answer is that, under the Health Services Act, that is already provided for. Therefore, we cannot now go and amend this to provide for something in the Health Services Act.

One of the things that can happen is, if you go making that amendment, depending on how you do it, you might find you are taking something out of the Health Services Act without knowing you are taking it out.

SENATOR L. A. WARD: Mr. Chairman, I listened to the honourable Minister, and what bothers me, Sir, is that I have never been, in my 50-odd years in sugar, in a plantation yard and seen love vine – never – but I have been in a Police Station, within the last 12 months, and seen a considerable amount of love vine. The Act that the Minister read, Sir, I am sure was in force then, and this, Sir, is what I saw with my own two eyes in practice, and this is what bothers me.

Why pick out one section and say to them, "you must do this and you must do that," but the Police Station could be left like this to infest everybody, with rats, love vine and everything else.

Thank you, Sir.

SENATOR C. D. SEALE: Sir, the Health Inspector. I do not think he may be competent to recognise the plant diseases. Maybe love vine, but he may not be able to recognise mosaic disease, because he is not really looking for that, Sir.

I will second this amendment, and, if necessary, I would like a division on it for it to go through, because I feel it is necessary.

Thank you.

Mr. CHAIRMAN: Senator Ward would you like to repeat the exact words of your proposed amendment?

SENATOR L. A. WARD: Yes, Sir. In 4, the second line, where "farm or plantation" appears, that "on any lands" be substituted, Sir.

Mr. CHAIRMAN: Owners and occupiers of any lands?

SENATOR L. A. WARD: Yes, Sir, owners and occupiers of any land.

Mr. CHAIRMAN: "On which any host plant".

SENATOR L. A. WARD: Yes, Sir, "on which any host plant is susceptible to attack by a plant pest or disease".

SENATOR THE HON. N. A. BARROW: Mr. Chairman, on this side we are going to have to oppose that amendment on the grounds, Sir, as I have said before, that the power exist in the law.

Secondly, the better way of doing this would be for us to take it back and have the lawyers look at it again. If the lawyers looked at it and advise that there was something to amend, to bring it back and amend it, but we could not possibly support such an amendment which may mean nothing more, and in my opinion it will be that, than putting a provision into one Act which already exists elsewhere in the law.

If the criticism is that although it may exist, the power is not being exercised..... (I wish down this end that people could pay a little more attention rather than having confusion when we come to vote).....if we go making amendments of this nature without adequate advice, there is always the danger of amending more than you go to amend in law, and, therefore, on this side we will have to oppose the amendment.

SENATOR E. E. GREAVES: Sir, as you would realise, I really did not get into this debate, because I felt that it was a matter in which people who had competence in this field should intervene, the plantation owners and people who live their lives in this kind of area. I just want to respond to a comment, which Senator Barrow made in response to the amendment which has been proposed here, and this has to do with the unavailability of draughtsmen in the Senate to advise on Bills.

In the Other Place, if my memory serves me correctly, anytime that Bills come up, most of the time there is present in that Chamber one of the draughtsmen to provide assistance if we get a situation like this arising, and I have noticed, Sir, that the people from the Attorney-General's Department are conspicuous in the Senate by their absence. I think that the Government should look at this because I believe that people are looking at legislation much more closely than they have been in the past, and sometimes you will get a point of view expressed which has some merit in it.

I believe that the Government recognises there is some merit in the proposal, although I do not necessarily go along with all of the arguments, but, nevertheless, if we had the legal people available, we would be able to make a decision and save time in this particular regard. I would hope, Sir, that Senator Barrow would ensure in future that the Senate is adequately serviced by the people who have to advise Government in this particular area. I just want to make that observation.

Mr. CHAIRMAN: Before I put the question on Clause 4 as amended, I, myself, would like to make a suggestion as to the wording of the amendment. At present the clause reads: –

> "The Chief Agricultural Officer must issue to owners or occupiers of any farm or plantation on which any host plant is susceptible to attack by a plant pest or disease, the following....."

11.55 a.m.

The argument put forward by the mover and seconder of the proposed amendment, as I understand it, is intended to cover all properties wherever they are. My understanding of the use of the word "lands" still places a very restricted definition on that property, and I would offer a suggestion that that be further amplified by saying "the owner of any lands or other premises" because a backyard could hardly be regarded as lands in my view, and perhaps it would save a lot of time on further amendments.

SENATOR L. A. WARD: I accept that amendment, Sir.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, we are into two serious areas here, one is that, in the law, you only know land – you can't sell a house. The law of real property knows land, so if you are talking about land, you are talking about land. You are now, by amending section 4 in the way you are suggesting, telling the Chief Agricultural Officer that, to the owners and occupiers of every piece of Barbados, he is to issue "outlines of recommended measures for the control or eradication of each plant pest or disease – (I heard Senator Seale say there is not anything wrong with that; I just want him to think of whether he deliberately wants to make nonsense of the law, because that is what he would be doing) – and wherever necessary, lists of recommended resistant and susceptible alternate host plants for plant pests or disease."

Now, Mr. Chairman, we are here trying to enact legislation for an agricultural purpose. It is all right to talk about issuing such outlines of recommended measures to a farmer, but do you mean, Sir, that when Mr. Douglas Lynch opens his door, as Chairman and as a Director of Barbados Shipping and Trading, he is going to find he is issued with such outlines in respect of Carlisle House? How ridiculous can we get?

I believe that those who wish to change the law on this really want to direct their attention to Section 6. I believe that is what they are talking about. They really want to direct their attention to Section 6, which says that the Chief Agricultural Officer or inspector may for the purpose of determining the existence of any plant pest or disease enter at any time and remain upon the premises for as long as is necessary. I believe that is what they want to amend. I don't think they are out to make people issue ridiculous orders. I believe they are talking about Section 6 and not Section 4. That is all I can say.

But I repeat, in relation to Section 4, the power exists in law already; and if you want to tell me where private premises are concerned, where non-agricultural premises are concerned, it exists in law already.

Even if you feel that the law is not being carried out, the thing to do is to deal with the fact that the law is not being carried out, not just to try to add. If you feel it is a dead law, what do you want to do? Add another dead law to another dead law? What you are going to tell me, Sir? Because other people are not carrying out the law, you are going to have to pass somewhere else then for some other people not to carry out? Let us be serious. If the provision exists in the law in one place already, you cannot put it in another place. What foolishness are we doing?

Mr. CHAIRMAN: Before I call on Senator Seale, who has caught my eye, I should really risk to respond to Senator Barrow's comment about the recognition of lands in law and refer to Section 6, itself, where the word "premises", which is going to be embodied in the law is now proposed.

MOTION TO DEFER FURTHER CONSIDERATION

SENATOR C. D. SEALE: Mr. Chairman, I am not trained in law, and Senator Barrow, I believe, was a lecturer in law, and therefore I have to bow to what he had to say. However, he did say earlier on that he would rather send this back to the draughtsman and let him have a look at it. Perhaps since he has raised another point about Section 6 and you, Sir, have also raised a point about premises as well, I wonder if I should just make a motion that this Bill go back to the draughtsman for clarification.

SENATOR REV. CANON I. McK. JONES: I would just like to second that. I think it should go back to the draughtsman. It is very confusing.

SENATOR THE HON. O'B. TROTMAN: Mr. Chairman, in view of the strong representations made on that side, I am prepared to move that further consideration be postponed until later in the day. By that time we should get the advice of the legal draughtsmen.

I beg to move that the Senate be resumed.

The motion was put to the Senate and agreed to, and Mr. PRESIDENT resumed the Chair.

SENATOR THE HON. O'B. TROTMAN: Mr. President, I beg to report progress and ask for leave to sit again later today.

The question was put to the Senate and agreed to.

THE SUCCESSION (AMENDMENT) ACT, 1983

Order No. 3 was called – To move the Second Reading of a Bill to amend the Succession Act, Cap. 249.

SENATOR THE HON. N. A. BARROW: Mr. President, I think this is a little more straightforward. The Bankrupt Companies (Amendment) Act, the first one being 1981–52, the next one 1981–53, have been enacted to ensure that all taxes and dues owing to the Crown should rank in priority over all other debts.

The Succession Act, Sir, makes no such provision, and I think we are all aware that, in relation to succession matters, Death Duties and so on have been abolished. As a result, it is possible to sell land which is part of somebody's estate without necessarily clearing all your debts to the Crown. In the days when you had Succession Duties, this was not possible, and it was never intended that if somebody did not pay taxes say for ten years and so on, just because you do not pay Death Duties anymore, that you should be able to dispose of your land without settling your account with Government. 12.05 p.m.

That, Sir, is the reason for this Bill before us, to enable the debts of the Government to rank in priority over all other debts, and to require that the vendor receive certification to the effect that the land is not encumbered by a Government debt before the land can change hands. That is all it is.

I move that the Bill be read a second time.

The question that the Bill be read a second time was put to the Senate and agreed to.

On the motion of Senator the Hon. N. A. BARROW, the Senate resolved itself into Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

Clauses 1 and 2 were called and passed.

On the motion of Senator the Hon. N. A. BARROW, the Senate was resumed and the Bill was reported as having passed in Committee without amendments, Mr. PRESIDENT in the Chair.

On separate motions of Senator the Hon. N. A. BARROW, the Bill was read a third time forthwith and passed.

FACTORIES ACT, 1982

Order No. 1 was called – To move the Second Reading of a Bill to revise and consolidate the law relating to factories and the safety, health and welfare of persons employed therein.

SENATOR THE HON. O'B. TROTMAN: Mr. President, the Bill seeks to repeal and replace the Factories Act of 1956, which, in the opinion of both the administrators and the workers' representatives, has outlived its usefulness as far as operations in factories are concerned. In the view of the new industrial atmosphere in Barbados, Sir, where factories are not just confined to sugar factories but has gone on to the manufacturing sector, the estates, Grazettes and the Harbour, etc., a whole new examination at what happens in factories and what is a factory, and how the law should control operations in those places, had to be taken.

What I would seek to do, Mr. President, is to draw your attention to a few of the new provisions of the Act to make the point that the new Bill does seek to improve the 1956 situation. In the definition of 'factory' the definition of the Factories Act of 1956 has been extended to include premises involed in the slaughtering of cattle, sheep, swine, goats, poultry and other livestock, thereby bringing the operations of abattoirs and butchering into the definition fo factory and therefore under the controls and regulations thereof.

On page 5(d), you will also find that premises which are concerned with the washing and filling of bottles or containers or the packing of articles is carried on, these now come under the definition of the law. You will also see on page 7, (k) – premises used in the pumping of water, sewerage or oil; (l) premises in which the business of hooking, plaiting, lapping, making up or packing of yarn and cloth is being carried on; (m) premises in which or on which the business of making or mending of nets is carried on incidentally to the fishing industry, and (n) premises on which machinery or equipment is being used for agricultural purposes. These spell out the definition of factory to bring a wider sector of the work force under the Factories Act.

Part 1V of the Bill is completely new, Sections 44 to 52, and these sections deal with the environment.

We have had several complaints from persons who are not satisfied with the working conditions which some factories provide for workers in terms of the sanitary facilities and overcrowding, some people complain for lighting, and these were all outside of the Bill in the last law and are now being brought within the law in a proper manner.

You will find, Sir, that safety, health, and welfare take up most of the new Bill, and this is a result of the representations made on behalf of the workers by the workers' organization. Sir, you will find that Part V is entirely dedicated to welfare, Part VI to health, safety and welfare, Part VII provides for the organization of safety groups in factories, in order to have proper consultations between management and worker on safety, and safety is further reinforced in Part XIII of the Act where it gives the power to the Minister to make special regulations on safety provisions in certain instances.

The Bill, therefore, comes a far way from the old Act in terms of protection of workers. It gives special reference to the employment of minors and women in factories, especially in the business of cleaning machinery, it makes provision for the examination of workers before employment and it gives special reference, as well, to the employment of children and the examination of children by family doctors, which is also a feature of the Bill.

With that, Sir, I beg to move that the Bill be now read a second time.

Mr. PRESIDENT: It is proposed that the Bill be read a second time.
12.15 p.m.

SENATOR E. E. GREAVES: Mr. President, I want to say at the outset that this Bill is one in which I have a lot of interest, and certainly from the point of view of the Barbados Workers' Union, that organisation has a considerable interest in this particular Bill and what the Bill seeks to do.

I was somewhat disappointed that Senator Trotman avoided giving a more precise historical background to this bit of legislation, and I would want to say that the idea behind revising the 1956 Factories Act goes back to the early Seventies. I recall that what spurred on the Barbados Workers' Union to call for a revision of the Act was the incidence of injury and deaths which were taking place in the work place. The result was that in 1972 the then Government set up a committee to make recommendations for the revision of the 1956 Act. The committee submitted its report, I think sometime in August 1974, and that report to a large extent formed the basis on which a number of these proposals, which are incorporated in this new Bill, were used.

I want to say that this Bill and the regulation of conditions in a factory must result from proper consultation with the workers' organisations, and when in 1980 the original draft was submitted to the Barbados Workers' Union, we responded and we made a number of recommendations, which would have meant a complete revamping of the Bill as it was originally proposed. A number of these recommendations were accepted and were incorporated in the Bill which was laid in Parliament in 1981. Debate took place on the Bill in the Lower House, but an election campaign overthrew the discussion in the Senate, with the result that that Bill had to die.

The Government then brought a new Bill. This Bill, which we have here before us, differs in some respects from the Bill which was debated and passed in the Lower House, and on which the Barbados Workers' Union was asked an opinion, and for which we gave a number of suggestions which were then incorporated. Needless to say, the Barbados Workers' Union was surprised when we received this new Bill and, when we checked, to discover that some of the provisions, which were accepted in 1981 and incorporated in the Bill which went before Parliament, were taken out of this Bill which we are now considering, and we were never consulted a second time as to what the Government had proposed or what the Government was proposing to send down to Parliament.

The first point I would want to make on this, therefore, is the question of consultation. I think the Government has fallen down in this particular area, because if in this kind of legislation you are expecting and hoping that this is going to be a collective effort, collective on the part of workers' organisations, employers' organisations, workers and employers, then I am submitting that organisations should be carried along the way in the development of legislation, and I want to say that the Barbados Workers' Union is dissatisfied with the way in which the Government approached this particular bit of legislation, particularly in view of the fact that our first set of proposals were incorporated in that 1981 Bill.

Maybe there is a lesson to be learnt from that, in that 1981 was election year, and probably it would have been good politics to include the recommendations from the union to say we have a good working relationship with the union, we have accepted what they have recommended and therefore we will incorporate it into the Bill. But this is 1983 now, there is no election before

1986, and maybe therefore the whole question of consultation can take a different turn. I do not know. Maybe that is the thinking, but the fact of the matter is that there was no consultation with the unions on this bit of legislation which is before this Parliament.

However, let me say at the outset that we in the union believe that this Bill still falls short of what is required. In 1983, we should not now be talking of a Factories Bill with the limitations of a definition of a factory, as is implied in the section which defines a factory, but we should be talking about a Bill which would be all embracing and which would apply to persons employed in every area of economic activity in Barbados. There is good precedent for this even within the Commonwealth Caribbean. In short, what I am saying is that there are still a large number of workers in Barbados who will not be covered by this Bill, but who will need protection.

The idea of the working environment does not have to be limited to a factory. I am saying that today, with technology and with the whole development of industrialisation, there are a number of other areas which are left out because of the limitation of this particular Bill, and I think that this is one of the major shortcomings of this Bill.

We in the union had made recommendations that the Bill should be wider in its scope, and even in a last ditch effort I had made a number of recommendations and proposals for amending this Bill, and Senator Trotman did not even have the courtesy to say what was the position of these amendments in his introduction. Now, you see, I just want to say .....

SENATOR THE HON. O'B. TROTMAN: Mr. President, I just want to .....

Mr. PRESIDENT: Are you giving way?

SENATOR E. E. GREAVES: No, I am not giving way, Sir.

Mr. PRESIDENT: Are you on a point of order?

SENATOR THE HON. O'B. TROTMAN: No, Mr. President.

Mr. PRESIDENT: Well, you can reply later.

SENATOR E. E. GREAVES: We are talking about co-operating, we are talking about consultation, and here it is I was approached and asked if I had any recommendations, any opinion on the Bill, which I duly submitted, and here it is, one does not even know. I just want to say that I have a number of amendments which I am going to be submitting, but it makes nonsense of this question of consultation when people are going to act in such a highhanded manner.

12.25 p.m.

Let me say, Sir, on this Bill, which has implications for employers, for workers and for Government, that the attitudes, which one desires from a number of employers in Barbados towards the question of occupational safety and health and the general environment, leaves a lot to be desired.

There are still too many employers in Barbados for whom the profit motive is the prime purpose of their operations. What happens to their workers, what happens to the working environment, and how substances and the processes and machines which are used in their particular production process affect workers and the environment, both in the factory and the environment where the factory is sited, does not really rank high. These things do not rank high in their scheme of things. I think, therefore, that whatever is done to impress upon employers that they have a commitment to their workers and to the environment in which they operate, would be a step in the right direction.

I do not believe that legislation is always the best way of dealing with a problem, but where you have people who adopt the kind of attitude that have described, then, obviously we have to resort to legislation.

I can very well recall some three or four years ago, when the Barbados Association of Professional Engineers sponsored a seminar on the question of safey at the work place, where there was an employer who esponded to some comments which I made and indicated that his company was all in favour of ensuring that here was adequate exposure and training for his workes in the area of occupational safety and health so that they will be able to function in a responsible way. But when he was put to the test, two weeks after making hat commitment, his response was a negative one, and I can repeat examples of this to demonstrate that employers in Barbados do not have a serious commitment to this area.

I must confess that one cannot entirely say that employers are to be blamed, but I must emphasise that the onus is on them; the onus is on the employers to provide a safe and healthy working environment.

Workers also have a responsibility in this particular area, and it is a fact that some workers, through not knowing, do some things which might not be the most safe method of handling things.

Let me give you an example, and maybe this has to do with the whole production process and the desire of a number of employers to get the most out of a particular

situation, so that they could make more at a higher profit. We have come across a number of instances where people are working in factories and where they have to use guards on their hands, but where the workers find that they can meet their production quotas if they do not use these guards. It is faster for them to operate without the guards, which is dangerous, but, you see, the whole production process is so geared that if they do not produce at a certain level, then their pay will be affected.

I am saying that when workers are placed in that position, where they have to take those risks with their lives and limbs, that this is a bad system and something ought to be done about it. I am saying that it could very well be that workers are sometimes placed in a position where they have to be hustling, and, in so doing, can impose dangers, both to themselves and to their fellow workers.

I think that what is very very clear is that there is a need for the training of workers in the area of occupational safety and health, and I will allude to that later on in my presentation.

Certainly, Sir, the Government has a very important role to play in terms of laying down certain standards, which ought to be met, in terms of the factory operation and the general working environment, and I would think that, to some extent, this is what this Bill is seeking to do. However, the mere passage of a Bill of this nature is not, or should not, be regarded as the end of the matter, because there are a whole set of things which have to be taken intoconsideration.

There are certain responsibilities in the Bill which are placed on at least three departments of Government (1) The Labour Department, (2) The Fire Service and (3) The Chief Medical Officer – three separate and distinct areas of responsibility, and, maybe, this might turn out to beone or the other weaknesses in the Bill as far as enforcement is concerned. But, be that as it may, I would want to say, Sir, that if whatever is eventually passed is going to be of any effect, there needs to be very close co-ordination in the functioning of these three departments of Government in this particular area of occupational safety and health.

It means, therefore, that, for example, in the Department of Labour, on which I have had a lot to say – and I have always had some constructive criticism to make about that department, and I do not think that I need to go back over in detail a number of the things I have said about that department, because I am convinced, having to deal with them on a regular basis, that my criticisms are constructive and for the good of that department – I would say that even with the recent increase in the number of factory inspectors from, I think, two to four, that is still inadequate if one is going to think in terms of fulfilling the obligations under this particular Bill. I believe that department would need a minimum of 10 factory inspectors if this Bill is going to be adequately serviced; otherwise, we are going to be wasting our time – we will have a bit of legislation here which we will not be able to enforce in any effective way.

12.35 p.m.

Just let me make a comment, Sir, on the question of a factory inspector and the kind of training which he must have in order to function in an effective manner. There is no point in just picking up somebody from any of the Government departments, or from anywhere for that matter, and just by calling him a factory inspector you make him a factory inspector, and he becomes a factory inspector. Legally he is, but as far as functioning is concerned, he is seriously deficient.

I would think that we have to look for the kind of people with some skills, whether they are mechanical skills or such related skills, or indeed skills in some area of chemistry and dealing with substances, who would then be able to undergo at least consistent periods of training over a period of time to enable them to acquire a multiplicity of skills, which are necessary to be able to monitor this important piece of legislation.

Another factor, which has emerged and which this Bill does not address itself to, is in the area of prosecution. In the past, what has happened is that if an employer had been charged, or broke any of the provisions of the existing legislation, what the Department of Labour had to do was to prepare a document and send it to the Attorney General's Department for a decision to be made about prosecution.

I would like to think, Sir, that we could come to a situation where the Department of Labour could be expanded to have a legal section which would be able to take care of any prosecutions and to give advice in this particular area, because I think the Department of Labour is the kind of department in which decisions have to be made on a fairly regular basis about whether or not they are going to institute prosecutions or take legal action against people who break the various bits of labour legislation that exist in Barbados, and there has not been, as far as I am aware, any prosecutions – even although it is clear that employers break the provisions of labour legislation in Barbados.

Only yesterday on the air there was a notice indicating that all employers should, where an accident takes place at their factory which would result in a person be-

ing away from work and losing pay for a period of three days, report such accident under the Notification of Accidents and Diseases Act.

I am saying that there are a number of accidents which take place in this country which are not reported, and you only have to get the statistics from the National Insurance Office on accidents and see that the figures there do not square at all with the statistics from the Labour Department of accidents reported to the Labour Department. There is a wide gap; so the point I am making is that people just ignore the law, and when you have a situation where people can just ignore the law like that, then I think that we ought to do something in order to ensure that that kind of situation does not obtain, and that is why I am indicating that the Labour Department should be furnished with the personnel to be able to pursue these matters to the end, if needs be, right up to the courts.

There is going to be another factor which must apply in the operation of this bit of legislation, and it has to do with the necessary co-operation and understanding of the medical profession.

At the present moment, I believe that there are very few doctors in Barbados – and this was substantiated by the President of the Barbados Association of Medical Practitioners at a meeting at which I was present, when I raised this particular point, when the ILO Mission on occupational safety and health was visiting Barbados in November last year – there are few medical practitioners in Barbados who are aware of the Notification of Accidents and Diseases Act, particularly as it relates to diseases, because that Act states that where a doctor in examining a patient believe that that person has contracted a disease as a result of his job, that he is to make a report immediately to the Chief Labour Officer.

I fail to see how in Barbados, with our industrialisation programme growing as it is, with the presence of factories using dangerous chemicals, where I know, although unfortunately I am not a doctor and I cannot prove it medically, that workers have been adversely affected, their health has been adversely affected by exposure to these chemicals, not one such report has been ever made to the Department of Labour. If you check the statistics you will see that. As a matter of fact, the statistics on occupational diseases are non-existent. There are no statistics whatsoever, because no report has even been made, and I believe that a lot has to do with (a) the medical profession not being particularly interested or (b) and I think this has a lot to do with it also – the fact that, even today in the training of our doctors in the University of the West Indies, not much attention is paid to the area of industrial health, and generally speaking, occupational health.

I am making this point on good grounds, because this point has been canvassed in many areas and this has been accepted. I would like to think that since we are moving into the industrial age where not only machinery is used on an increasing basis, but also our workers are exposed to various chemicals and substances which can be harmful to their health, that the whole question of the training and orientation of our medical personnel, at the level of our doctors, the level of the nurses in the hospitals and public health nurses ought to be oriented towards meeting this particular requirement, because it is a very serious thing, Sir.

On this particular point, I would want to indicate that developing countries, of which Barbados is one, I must confess do find themselves in a very difficult position where you get multi-national corporations, which have been prohibited from using certain substances in the production of goods in developed countries, have been finding their way into developing countries with the offer of employment opportunities, maybe additional skills to the workers of those developing countries, and the developing countries, being under very considerable pressure to provide employment for their people, sometimes pay little or no attention to this area, because they want to show that they can provide these jobs for people.
12.45 p.m.

We, therefore, have to ask – "Jobs, yes, but at what price to a person's health?" We have to be more than careful in the kind of businesses and the kind of operations that we attract here into this country.

We also have a situation, and I think Senator Trotman alluded to this, where the question of machinery and the quality of machinery which is brought into developing countries should be looked at very, very carefully. It is a fact that a lot of the machinery that comes our way is machinery which is old, which has been in some ways abandoned machinery, but which is brought in sometimes as top-class machinery – and the operators may very well be given the usual concessions on machinery or what have you. But the fact is that workers are asked to produce on this old and unreliable machinery.

We have an example a case at a factory down in the Harbour Industrial Park – I am trying to remember the factory now, but one which had a high accident rate; anyhow, the name will come back to me – where a girl was operating this machinery, the machinery was checked the day before, and the next thing you know she lost four fingers. What was the argument of the management? Well, you know, it was a freak accident. They did not know how the accident took place – a freak accident. But the point is that that freak accident has cost the girl four fingers.

Allied Metals, that is the name, that is the one – Allied Metals cost the girl four fingers by a freak accident, and nobody can say what happened to the machinery – although they argue that the machinery was checked before, and it was checked after, and never behaved in that way again.

I am saying that could only happen, Sir, with machinery which is inadequate and which has seen better days. We are in the unfortunate position of having to accept, to some extent, some of the bad machinery which is brought into this country.

However, I think this Bill goes a far way in meeting that particular need in that there are certain specifications and certain standards which such machinery must meet if it is going to be able to operate in Barbados. But, you see, the point that I am making is that it brings us back to the whole question of our factory inspectors and those who are charged with the responsibility of ensuring that these things function properly. So if you do not have enough people to go around, and people who are qualified and who know what to look for and how to carry out these various tests, we are going to be in a situation where we will continue, unfortunately, to allow these situations to develop where people can be exposed to a whole range of difficulties and problems.

I think, Sir, that the whole question of training of workers in the area of occupational safety and health is going to be a very important aspect of all of this. Because if you were to examine the Bill, there is a section which imposes a fine on a worker if he breaks any of the provisions of this Bill – Section 109, on page 172. This reads as follows:

> "Subject to sub-section (2) any person who contravenes.....is guilty of an offence and liable on summary conviction, in the case of an owner or occupier, to a fine of $500 and if the offence continues after such conviction the person convicted is liable to a further fine of $100 for each day in respect of which the offence continues and in the case of the employee to a fine of $100".

So an employee, too, can be fined if, let us say, there are certain provisions in the Bill, or in the Act, which it will eventually become, that he breaks and for which he can be prosecuted.

I am saying, Sir, that in any bit of legislation which is going to impose this kind of penalty on a worker, and where the concept of "ignorance of the law is no excuse" will obviously apply, then I believe we have to pay some very serious attention to the training of the work force in this particular area.

In the first place, workers would have to be given some general orientation about the provisions of this Bill. This is going to be very important. They have to get to know something about the Bill, what there is in the Bill, what is provided for in the Bill. In the second place, under Part 12, on Page 153, there is a proposal to set up a safety organization, which has to do with the involvement of workers in a Safety Committee. Safety Committees are going to be set up at factories which have 50 or more employees, and in consultation with the unions. In those factories which have less that 50 employees, they would appoint safety delegates.

So the Act makes it possible, whether we are in a large factory, medium size factory, or a small factory – I am using factory now as defined in the definition of a factory – for workers to participate in the regulation of safety at the work place. If, therefore, that kind of provision is being made, certainly from the Barbados Workers' Union point of view, we would want to see workers being able to function in these areas which are vital in a very meaningful way.

As a matter of fact, there is a very interesting history behind the inclusion of a section dealing with safety and health in the report from the committee that was set up to revise the Factories Act. I had the honour, Sir, of representing the Barbados Workers Union on that committee. I remember when I made the proposal for the functioning of safety delegates within the new factories legislation, and every member of that committee opposed the proposal. It was only when I threatened to put in a Minority Report that they finally relented.

Even when we looked at the Draft Bill that came to the Barbados Workers Union in 1980 stemming from this report, one found that the proposals were extremely deficient. As a matter of fact, there was very, very little on this, and we had to, for private purposes, sit down and rewrite this section of the Bill. Most of the things which are included here are recommendations which came from the Barbados Workers Union, even though there were others which we recommended, but which, unfortunately, were not included. Well, I do not know what is the position of the last set of recommendations which we made on this particular section, but certainly, Sir, I would want to indicate that I will be moving some amendments on that section also.

12.55 p.m.

What I am saying is that the Bill is going to make provision for workers to play a very important role in the general administration and functioning of this important piece of legislation. My argument is that if this is so, then there must be adequate arrangements for the training of workers in this particular area. No provision is made for this in this legislation.

The training of workers in the area of occupational safety and health has become an important item on the

agenda of at least two major international organisations. The International Labour Organisation has identified occupational safety and health as an area of training and as an area for some concern.

As a result of the promptings of the Barbados Workers Union, a proposal which we prepared for a regional project, the ILO last year gave its agreement to a project, jointly sponsored by the Danish International Development Agency, for an expert in occupational safety and health to be stationed in the Caribbean, to develop programmes of training for workers on a regional basis. I have very close contact with that particular individual, but the point is, I think it points to the foresight of the union in this particular area, where we recognised that this was a very very important area, and certainly the International Labour Organisation has recognised this.

The Organisation of American States has quite recently also decided that, as part of their social projects programme, occupational safety and health is going to occupy a very high priority in those areas.

In our small way here in Barbados, the Barbados Workers' Union Labour College does programmes on a fairly regular basis in the area of occupational safety and health, because we believe that is one of the roles which we have to play. We have to be able to orient workers to be able to function in this new kind of situation, and we have those programmes on a fairly regular basis, and we are taking workers from different areas of occupation, bringing them together and giving them some exposure in this area. We are hoping that, with the help of the ILO expert who is stationed in Barbados, and who visits the other islands in the region, we will be able, eventually, to develop some skills amongst a number of people to be able to cope with these problems at the work place.

So, it comes to the question of the funding of such training programmes. I believe that if the Government is really serious about this particular area, that there are funds which will have to be made available to support such programmes of training. There are two areas that I can immediately think of. There is a levy for a training fund and I believe that money could be taken from that fund to support these kinds of programmes. As a matter of fact, I would hope that in respect of persons who go through programmes at the Polytechnic, technical programmes, and in the skills training programme, the Community College and what have you, that some input in the area of occupational safety and health be made.

I think this is a very important thing, but quite apart from that, Sir, I believe that the Government should look favourably towards the provision of funds to the workers' organisations to do specific programmes in the area of training in occupational safety and health. I think it is very important. The funds from the National Training Board could be used for that purpose, or, and I think this is deserving even of more serious consideration, funds from the National Insurance Fund could be used to promote some of these programmes.

Do you know why I say this? It is one or the other, and probably as I speak I am more persuaded that the National Insurance funds would be a better source for financing this kind of operation, because in the final analysis, if, let us say, a worker is injured and has to be at home, there are funds which will have to be paid out of the National Insurance funds to keep that worker there. If the worker loses any of his limbs, funds will have to go from the National Insurance, and if we ever reach a situation where doctors can identify specifically diseases related to their work place, then funds from the National Insurance will have to be paid out.

We could get into a situation where, like the doctors, as you are aware, nowadays the emphasis is not so much on curativeness, but on prevention. That is, you try to prevent a situation rather than really finding a cure, and if therefore we can become involved in a preventive exercise, I think it would redound to the benefit of the entire country, because you would recognise that if workers are injured, or if their productive capacity is impeded because of some particular ailment or some particular problem in their work force, that this in itself will affect the productivity of the person and, if this multiplied, of the entire country.

I would hope, Sir, that the case which I have made out here today for the utilisation of funds, either from the National Training Board or from the National Insurance, would not fall on deaf ears, because I believe, and I believe that all honourable senators would recognise, that it is an area which ought to be given some very serious and thoughtful consideration. Certainly as I said, we in the Barbados Workers' Union Labour College have already begun programmes in this area and we feel that we are deserving of this kind of commitment from the Government because of what we are doing in this particular area.

There are two things which the Bill does not make provision for. I know that we are not going to be able to get a Bill which will meet all the needs. I quite recognise that, but I nevertheless have to mention these two areas, because they are areas which are developing and which are causing a lot of problems, maybe not as much in Barbados as in other countries, but I think one can see that these are problems which are creeping in, and they have to do with the question of stress. It is an occupational hazard. The Bill does not address this particular problem.

I think that some time in the future we are going to have to address our thoughts to it, and particularly with the development of the micro chip industry and rapid computerisation of work. In Barbados, computers are taking over in a whole set of areas, and there is a view now, for example, in relation to people who have to use these V.D.Us – visual display units – that sitting before them and doing this monotonous type of work for too long a period can affect the work of people and imposes certain stresses and strains on them.
1.05 p.m.

In some countries they have come up with an idea that people ought not to be made to sit and operate VDUs for periods longer than two hours without a break, and I think that we ought to keep that in our minds as an area which we have to look at.

I was a little disappointed, Sir, that there is no provision in the Bill on the question of vibration, particularly bearing in mind that at the last ILO Convention, Convention 155, concerning occupational safety and health and the working environment, some attention was paid to the question of vibration, because this was seen as an area that ought to be taken into consideration.

One would have thought that in drafting this legislation some close attention would have been paid to the most recent convention of the International Labour Organisation in this particular area, and one cannot deny that vibration can be a problem. I do not know the medical term, but I think it is white fingers, or something so, that you can get if you are exposed to vibration, particularly the use of these mechanical machines that cut rocks, and if you operate machines that have that kind of constant pressure on and I would have like to see some attention directed to this particular area in this legislation.

I am glad to see, Sir, that there is some attempt made to deal with the question of noise, which is a problem in Barbados, particularly in a number of factories. I can think of some right off the hand, towels Industry; the sugar factories in Barbados are offenders in this particular regard.

Just as a matter of information, when the Committee, which I referred to earlier on, met to sign the report and recommendations, the representative of the Sugar Producers Federation who was a member of that committee did not sign the report. His argument was that if he had signed the report, all the sugar factories in Barbados would have to shut down, because he could not be associated with the far-reaching recommendations and the implementation of such recommendations, and so we had that as a problem. But sugar factories and some other places are particularly offensive in this particular regard.

I think that if you, Sir, were to check on most of the people who work in sugar factories and who have been working there for a long time, you will find that they have an impairment in their hearing most of them. This is something which we have to pay some attention to, and I am glad that an effort has been made in the Bill to look at this particular area.

I notice that the Bill also has been extended to include construction sites in the general coverage of the factories, which I think is a useful inclusion. As I said, my original position is that we should not now be dealing with a Factories Bill where we waste a lot of time defining what is a factory and what is not a factory, but we should be dealing with a Bill which covers workers in every area of economic activity. The Bill would have been about six pages less than what it is at present – and it would be less confusing.

On construction sites one finds that there are a lot of offences which are being committed. I believe that a lot of the problems, for example, surrounding the work stoppages, unauthorised by the Barbados Workers' Union, at the Arawak Cement Plant has to do with unsafe working conditions where people are made to climb heights without any proper safety belts. At one stage, people working in those kinds of situation were not given helmets and bits of iron were dropping down alongside the people. How the iron avoided hitting them in theirs heads, only the Lord knows! But you had that kind of situation, and because of the intervention of the Barbados Workers' Union we were able to put a lot of these things right, but I think that we have to recognise that we have to look at these areas very carefully.

I have been speaking constantly on the question of persons working in agriculture in terms of their having to work in a safe and healthy working environment, particularly those people working with chemicals, in spraying, and also those persons who work on the tractors.

We know some of the difficulties and fatalities which have resulted from people operating tractors. What we do not know is the extent of the damage, or indeed the fatalities, which has resulted from the use of a number of dangerous sprays, which people have been given to use without any kind of protection at all, or with inadequate protection.

So I am glad to see that some attempt is being made here to include under the definition of factory, premises on which machinery or equipment is being used for agricultural purposes – although I am not sure, Sir, how this would apply if, let us say, you have a tractor driver – because it says premises on which machinery or equipment is being used for agricultural

purposes – taking a load of canes to the factory, he is off the premises of the estate, and he meets an accident, whether the regulations would apply in that particular area or whether he is operating on the factory.

I think we have to look at that and see how this is going to apply. I understand the intention there, I know it is to meet the particular problem relating to tractor drivers, but I have some doubts as to whether or not the application of these would be extended in that particular way.

One of the other things which I would want to mention is that this Act makes provision for a number of regulations to be prepared. It would be nonsense to pass this and then not to get the regulations in place early, because if the many regulations, which have to be prepared to further supplement this Bill are not prepared, then the ability of the Bill to deal with the problems will be of little effect.

1.15 p.m.

Let me give you an example. Take the question of noise. The Bill says that regulations would be made for noise levels. Now it is a question of whether we are going to go for 90 decibels or 85 decibels, which I think is the generally accepted one, although I must confess I was at a discussion where there were representatives from the Ministry of Health and representatives from the Ministry of Labour present, and both of them came up with different standards. I think the Ministry of Health said that the standards which the Ministry of Health would accept for noise levels was, I think, 90 or 95 decibels, whereas the representative from the Labour Department was saying that they were talking about 85 decibels; so that here you have that kind of conflict.

What I am saying, therefore, is that the regulations have to come very quickly so that we can determine the noise levels, so that if a Labour Officer goes in and believes that there is a high noise level in a particular operation, and he measures and finds a particular level, at least there would be regulations there to show what the noise level should be.

Also, from the point of view of what should be included in a first aid kit, these have to be regulated so that people would not, if they know that a Labour Officer is going to visit a factory, as has happened in some instances, get a box, paint it white, put a red cross on it and just leave it there, or put a little alcohol or something in it and say that they have a first aid kit. These are thing which happen.

There is one very recent case, which was described to us, where a Labour Officer was visiting a factory, and he was on one side, and on the other side the employer had a worker painting up a first aid kit, and when eventually it was touched, the paint was still wet on it.

After all, you might say, Sir, do you really have to pass a law for this? I would say, "No". I do not see why an employer should not consider it his duty to provide these basic things. However, there are going to be situations where you would want to make sure that at least there is a minimum which is provided in the kits, and these regulations have got to be prepared.

Those areas which I have indicated are just two of the kinds of things that we have to deal with, and I would hope that we would see very swift work in the area of providing regulations that would give further strength to the Act.

Now, Sir, I do not think I am going to finish immediately. If you want to have a break, I suggest that we can have a break and I will come back and continue.

Mr. PRESIDENT: How long do you propose to speak for?

SENATOR E. E. GREAVES: Maybe another ten to fifteen minutes.

Mr. PRESIDENT: Proceed.

SENATOR E. E. GREAVES: One of the things which I do not quite follow is the planning and the organisation of this legislation, and I think it has to do with Government's planning. When I talk about bad planning, as I do repeatedly, I think I am on good ground, and the example I am going to give now will illustrate this very clearly.

This Bill as drafted was sent to Parliament, I think, in September or October in 1982. It was in that same month of October 1982 that the Government permitted – I am choosing my words very carefully – an ILO Mission to visit Barbados to review the whole area of occupational safety and health and to make recommendations to the Government on that area.

It is, in my view, utter stupidity on the part of the Government to have asked a delegation from the ILO, which, after all, is an organisation which has to do with laying down minimum standards for workers, and on which committee you had experts in a wide range of areas, to come to review the whole question of occupational safety and health in Barbados, to make recommendations on such, and yet to have a Bill also doing this particular thing.

You might say, well, the urgency was such and maybe it was better to proceed with the Bill, then get the report from the Mission and then come back and amend the Bill. It seems to me that the thinking is not quite right. The whole procedure is not quite right. You ask a Mission to come to review occupational safety and health; I know that they have looked at the Bill and that there are a number of shortcomings in the Bill which they are going to point to, so it would seem to me that it would have been much better if we could have benefited from the collective experience of the Mission, the trade unions, which have an interest in this particular area, and then come with the kind of legislation that would meet the needs of workers in a modern environment.

Now, as I said, I know I am riding a very dangerous horse here, because the argument which is going to be advanced is time, that you needed it and, therefore, you had to go through with this. It would seem to me that it would have been better in the long run, because amendments will have to be made to this, to have awaited the recommendations of the Mission and incorporate what they recommended in the legislation so that we can have a real up-to-date piece of legislation in Barbados.

I indicated, Sir, that I would have been making a number of proposed amendments to this Bill, and I would like to just briefly say that the first amendment has to do with the naming of the Bill, and I would like to submit it as an amendment – but I will just go through the amendments.

For example, I am suggesting that the Bill should be called the Health, Safety, Welfare and Working Environment Bill or Act, depending on what you want to say, as against the Factories Act. This would involve some consequential amendments to wordings and, of course, deletions on pages 2 and 3 which I have noted. Those are the areas where a factory is defined. I am saying that if we have a Bill called the Health, Safety, Welfare and Working Environment Act, then we do not have to define a factory, because this would then cover everybody.

I am further suggesting that we replace, on page 10, the definition "Safety Committee" by "Health and Safety Committee". The reason for that, Sir, is that we have to place in this legislation a lot of emphasis on health. Now it can be argued that safety is all embracive and therefore health is also included in safety. But, generally speaking, when one talks of safety, it is usually associated with machinery and equipment, steam boilers, tanks, and that kind of thing. I am suggesting that if we add the word "health" to safety to make it.....

1.25 p.m.

Mr. PRESIDENT: Do you really want to go into details of that sort of thing on a second reading? Are you not going to lay these amendments with the Clerk and have them circulated to members and deal with them in Committee?

SENATOR E. E. GREAVES: Well, Mr. President, there are a couple of things which I would like to go through. I would not go through them in the detail which I might have been proceeding with. The arguments which I will use for the amendments will come up later on.

It is noticeable that one of the provisions in the Bill, which was a very important provision in the 1981 Bill, which came as a result of the recommendations of the Barbados Workers Union, has been excluded from the 1982 Bill, and I think, Sir, that it is a useful provision that should be included and I have therefore recommended that Section 101 be replaced .....

Aside

SENATOR E. E. GREAVES: How do I know that?

I am recommending that Section 101 be replaced by the following:

> "Where an accident that results in injury to or in the death of a person which occurs in a factory or other work place, any person authorised by the injured person, by his representative, by the representative of the workers at that work place, or as the case may be, by the representative of the deceased may (a) examine any report made by an inspector in connection with such accident and (b) enter the factory or work place for the purpose of investigating the accident."

Again, I will use my arguments if I have to.

I am also proposing, Sir, that a new section be added, Section 101(2) and it goes as follows:

> "No person shall disturb, alter, or remove evidence that may likely to be of assistance in the investigation of an accident unless authorised to do so by the Chief Labour Officer."

Now this is a very important thing because there was an accident that took place, I think it was in 1972, just prior to the setting up of the committee, at the Foundry up there in White Park when a worker was burnt to death. The Labour Office was never able to get the evidence, because when they got in to investigate, everything was put right – and this has happened in other places.

I am saying, Sir, that unless we make that kind of provision, we will probably run the risk of an accident taking place in an establishment and employers covering

up, at least protecting themselves, by removing the evidence. I think that this is an important provision and I would like to see this in.

I have also indicated under Section 102 that we should add the following:

> "(c) Co-operate with the trade unions in arranging training programmes for workers in the area of occupational safety and health and
>
> (d) Release workers with pay to attend such programmes."

I have used the arguments for those already.

I am also recommending that there be a Section 102(3)(e) which says that after "hazardous materials" we should use the words "and may accompany any Government inspector on a tour of inspection". That is that the safety delegates at the work place should have the right, if the Government inspector is inspecting the factory, to accompany such inspector on the tour of duty. Because you might have a situation where you may want to point out certain things to the factory inspector.

I have further suggested that we should add additional sections, and number (G) read as follows:

> "Employees shall be guaranteed full wages in the event that their work place is closed by a health or safety stop work order."

That is that we could have a situation where a factory inspector goes in, finds that a work place is unsafe, maybe the machinery is unsafe or there are inadequate provisions made for protecting the health of the workers, and might suggest that they cease operation until these things are put right.

In that kind of situation, Sir, workers should not lose, but it is conceivable that an employer would want to indicate that the Government said to shut down the factory and he is under no obligation to pay a worker for that kind of situation. I am saying, Sir, that we should include in the legislation that in any such situation, where an order has been issued by a Government inspector to stop work at a factory, workers should not be denied the opportunity of getting full wages.

I am further indicating that, under (H), that employees carrying out safety and health responsibilities shall be paid their full wages and should not be discriminated against for carrying out such functions. That is to deal with a situation where some employers might want to take advantage or deal unfairly with a worker, because that worker has to function effectively as a safety and health delegate and might have to point out certain problems in the factory to a factory inspector, and the employer may want to discriminate against him.

I feel that he should be given legal protection in carrying out a legal function, because the safety delegate will not be functioning in the context of a collective agreement between the workers organization and the employer, but will be functioning as having been established under this new Act. So he has a legal status, and we think that these provisions ought to be dealt with in a legal way.

I have indicated under (I) that employers shall deal in good faith with joint Health and Safety Committees so that the committees are not set up just for show because the law says to set up a committee, but that they are allowed to function, and that when they make recommendations, the employers should pay very close attention to the recommendations and try to implement the recommendations as urgently as possible. Because, remember, it will be a committee which is a joint committee involving both management and workers.

I would hope, Sir, that the amendments which I am proposing will find a way into this Bill, because I believe that they will go a far way in making the Bill a much more effective Bill, one which will offer additional guarantees to workers and will enable them to play a meaningful role in this very important area of occupational safety and health.

1.35 p.m.

After all, it is the workers' health which is important, and whereas we take the point, and I make the point that it is the employer's responsibility to provide a safe and healthy working environment, I would make the point that workers can play a useful role in ensuring that this is done, because, in the final analysis, it is his health which would matter.

As I said, I sincerely hope that the proposed amendments will be accepted and we will have an opportunity to discuss them in the course of the day. I have made some copies which, with your permission, Sir, I will pass to the Clerk so that they can be circulated.

Mr. PRESIDENT: You can do that later.

SENATOR E. E. GREAVES: Thank you, Sir.

Mr. PRESIDENT: I propose to suspend the sitting at this stage.

SUSPENSION OF SITTING

Mr. PRESIDENT: The sitting will be suspended until 2.30.

1.37 p.m.

know if it is true; but I have never heard of any call on management to play their role in improving worker productivity. I have never heard of it. It may be true, it may be the subject of union negotiations – I do not know – but I am saying that I have never heard of where management has been called to play their part in improving productivity at the work place, and management has a very significant role to play in this exercise. This is something that we all must look at very seriously.

There are certain areas which we cannot consider simply by introducing legislation. For instance, in my own area of Energy, I have been asking manufacturers to seriously look at how to cut back on energy losses, in factories, particularly, by refurbishing, by employing energy matters and so on. I wonder how many have done it, but it is a very significant area for improvement.

These are some of the things that one does not necessarily have to legislate for, but there is still a long way for us to go. And, Mr. President, I just want to make the point that when we hear attacks made on the Government for being derelict in its duties and for ignoring input of significant groups in the community, we must set the records straight and that is what I just wanted to do today.

Thank you.

Mr. PRESIDENT: Senator Williams.

SENATOR J. E. D. WILLIAMS: Thank you for recognising me, Mr. President.

Before I get into my own contribution, I should very much like to make a few comments to a number of points made by Senator Greaves. I, too, like Senator Griffith, Sir, found a little difficulty in understanding where Senator Greaves was coming from today. He, too, apparently – and I say, "apparently" – found it rather difficult to wear a number of hats.

He began by saying that the Democratic Labour Party in 1974 set up some Committee to come up with recommendations that would form part of what we are discussing now, and although they were laid for about two years, it was only in 1981, just before the Elections, that they saw it fit to bring a Bill, which he suggested might have been the result of expediency.

I think he was suggesting, this is my interpretation, Sir, a certain degree of hypocrisy, because I think what he was saying is this, that, in normal circumstances, the Democratic Labour Party would not have brought that Bill at all in that form. Mr. President, I am talking about 1981 before the elections. Before the elections, Sir.....

Aside.

Mr. PRESIDENT: Order, order.

SENATOR J. E. D. WILLIAMS: In 1981 before the elections, Sir, and Senator Greaves knows what I am talking about, Sir. He also knows that they would not have brought it in that particular form, and having said that that same Bill, which went before them, forms part of this Bill now, he tries to castigate the Government for its efforts.

Senator Greaves has been grandstanding for the whole day. I wonder why he has brought these amendments, because he is suggesting that it was a waste of time to reply to the Government.

Senator Griffith alluded to the fact that in January this year we asked for a contribution from the same Senator Greaves and the Barbados Workers' Union. This is not an attempt to castigate the Barbados Workers' Union, but just to say that Senator Greaves was asked to submit his information and he suggested that it was after it was passed in the Other Place – but yet he asked us today to deal with them. I think this is a certain degree of ambivalence and hypocrisy coming from Senator Greaves. Sorry, Sir.

SENATOR E. E. GREAVES: On a point of order, Sir. The honourable Member has accused me of being a hypocrite. I am suggesting that is unparliamentary and must be withdrawn.

SENATOR J. E. D. WILLIAMS: It is withdrawn, Mr. President, if that satisfies him. I withdraw it.
2.50 p.m.

Mr. PRESIDENT: I just want to make this observation. I am getting a little bit impatient myself. Usually I do not lose my temper, but honourable members, who seek the protection of the Chair in the course of debate, should themselves respect the Rules of the House. I think that is sufficient warning, and if it becomes necessary I will use the disciplinary powers that are vested in the Chair.

SENATOR J. E. D. WILLIAMS: Your point is taken, Mr. President. I hope that what is good for one is good for all.

Mr. President, every effort was made to meet the requests of the union. I think it is asking a bit too much of any institution, any Government, or anybody, to accept every proposal put forward and act upon it. The union made amendments, and the Government went through them. We looked at them and the ones which could have been incorporated into the legislation were dealt with. Even now, Senator Griffith alluded to the fact that the amendment dealt with Section 101 and he

talked about the removal of evidence. These are things we can look at. We have looked at it favourably, but Senator Greaves expected that everything that was put forward by them would have been dealt with.

We firmly believe that the Bill as introduced will go a significant way in addressing itself to a number of problems that affect workers in factories. There is no need to come here and tell us that the Government has set up a committee to look at factories and it makes no sense bringing it at this point in time, and that it is better to hold on until they give their findings. In the meantime, what happens?

We have industrialists coming here and setting up factories. It is fairly obvious that the legislation is outmoded and outdated and does not reflect 1983 requirements, but Senator Greaves tells us that we are to leave the legislation longer, until 1986 or 1990, and then deal with it!

I think something in the form of this Bill, while it might not address itself 100 per cent to all the problems, will probably address itself to over 90 per cent of them, and we will deal with the extra 10 per cent, or less than than 10 per cent, as we go along, probably in the form of other legislation and by recommendations by the same committee.

It is not often, Mr. President, that I get emotional about anything, but I was particularly annoyed at how Senator Greaves was approaching the whole matter, and I sat down and listened to him, but when others come to make their presentation, he is interfering from the other side.

Mr. President, one of the problems that I, too, have, like the Union, is the fact that still in this country you find second hand equipment, that, obviously, did not meet certain specifications for Barbados, coming in from North America. You need legislation to deal with that, and you cannot wait until 1986 or 1990. You have to bring it now.

I agree with Senator Greaves when he suggested that the kind of personnel you have within the Labour Department should be competent enough to be able to deal with matters like this and be able to recommend to Government, and, as a matter of fact, where it is necessary, to ban machinery as not fit for this country, because obviously this has to do with the safety of workers.

I, too have a little difficulty with the number of people at this point in time that would be responsible for seeing that employers meet the demands of the Bill itself. I think maybe four or five factory inspectors might indeed be too limited a number taking into consideration how wide the Bill is. I think it is an area that we will have to look at, and I would agree that the need to constantly train factory inspectors, in order that they would be able to carry out their duties and responsibilities efficiently, is something that we have to look at from time to time.

Buildings in Barbados, and when I talk about buildings I am talking about factories, still pose a problem. There are a number of factories that are built without things like fire escapes. The Bill in itself addresses itself to this problem.

While I am talking about the question of fire escapes, I think it is necessary that all factories should have proper fire procedures properly written up and posted in strategic areas. You should have proper fire drills. This is something that is seriously advocated by people who would know. I know of a few companies that insist on frequent fire drills and fire exercises in case of fire hazards. This is something that all factories should look at.

I think Senator Greaves suggested earlier that in the area of tractors, and I have heard him on it time and time again, that they should have safety structures to make sure that, if a tractor overturns, the individual is not injured. Again these are things that we will find coming out in the Bill.

There is one thing that I think is necessary. I think industrial safety is something that ought to be taught in schools. Senator Greaves suggested earlier that people should be apprised, and he was suggesting mainly people who work in factories, as to the requirements of industrial safety and the regulations. I believe we should go a step further and introduce it in schools, to allow children to understand what industrial requirements and industrial safety are all about, and I think that they, themselves, would have a greater appreciation and a greater awareness of their responsibilities should they in the future, find themselves working in industrial estates or factories.

This legislation, Mr. President, forms part of the whole approach of the Barbados Labour Party in terms of improving the position of workers in this country. We have seen, in a very short period of time, legislation like Unemployment Insurance, the Tenantries Act, we also had the Minimum Wage for Domestics, and now we have the Factories Act. I think it is clear for every one to see that this Government is particularly concerned about improving the condition of workers in all sectors of this economy in Barbados.

I, too, would like to congratulate the Government in coming up with something that addresses these things, if not 100 percent to all the problems that are faced,

possibly causing an expensive outlay on the part of the people who operate the factories, but workers should not be expected to be exposed to such loud noises over extended periods.

I heard Senator Greaves refer to the noise levels which the average human being can be expected to be exposed to, and he mentioned, in some cases, 85 decibels and sometimes 90. Professor Burns and his group thought that exposure to consistent noise over 90 decibels was unreasonable for the average human being, and he measured those decibels according to a system which would correspond, approximately, to the human ear, because we know that dogs, as an example, have a different level of hearing from human beings.

Clause 52 requires maintenance of levels below a level likely to be injurious. I am one who is of the view that the clause could probably have gone further and set a level, because there is always scope for adjustment to that level, preferably downward, in terms of the amount of decibels one is expected to endure if the circumstances saw it fit, for example, by some survey which would show that human beings were now reacting unkindly in terms of their health to higher noise levels.

There is also the case in point, Mr. President, of a compressor at Bulkley Factory, where one particular worker insisted that this compressor should be moved, and all the other workers thought that he was exposing himself to possible firing. Of course he is at liberty to sue for wrongful dismissal if it could be established, but it was a case where you did not get the workers coming together and supporting this one solitary voice suggesting that the compressor was keeping too much noise. He had to do it all on his own, at the risk, as he thought, of being fired from his job, and the noise was definitely excessive. Fortunately for him, and for the other workers who did not support him, the compressor was moved to another section of the factory which was not that close to any concentration of workers, but that is the type of experience that workers have in Barbados, and this Act will certainly, if we establish the levels in Section 52, provide for this, and it is certainly one of the very welcome aspect of the Bill.

My last point, Mr. President, relates to the participation of workers in the whole system of the improvement of their health and safety standards. A few weeks ago I spoke of worker participation from an equity participation standard, but today I want to applaud the Bill on the matter of the participation by workers in committees as required by the Bill. The workers would then be able to closely monitor the standards in the factory with the assistance of the officers appointed under the Bill, and they themselves, would have a first hand say in consultations with the employer, since every employer in the factory shall consult with his employees for developing measures to promote safety and health, and to make arrangements for the participation of the employees in the improvement and development of such measures.

The workers' responsibility is an important one for them, because it puts a certain burden on their shoulders to assist in maintaining those standards. That is how I see Clause 93 assisting Clause 102. The point remains that there is no doubt in any person's mind that the importance of bringing work people more directly into the task of self-inspection and self-regulation is one of the most important aspects of worker participation besides the financial aspect of the equity participation level.

By asking ourselves how can legislation help, we immediately can answer by invoking Clause 102, which makes it a statutory requirement for participation by employees. This, Mr. President, I see as spreading these developments among workers; and spreading such a good practice is, to my mind, one of the more paramount functions of social legislation that this Act is. Earlier, we heard Senator Williams refer to other pieces of social legislation passed by this Government, now we have another piece which can only develop good practices among our working people.

3.20 p.m.

The Bill is pretty rigid in the requirements of committees to monitor the types of standards which the factories will implement. There is not too much flexibility in the Bill for the committees, they are tied to certain firm guidelines in the Bill, I am hoping that these guidelines, when put into practice, will work smoothly for the employees, because it is the employees who will be most affected when any difficulties arise relating to their safety at the work place.

Mr. President, I support this Bill in its entirety and I hope that it will be able to function in the best interest of the workers of this country.

Mr. PRESIDENT: Senator Hall.

SENATOR W. W. HALL: Mr. President, I would like to crave your indulgence, because I recognise this might well be the last time in this Honourable Chamber where we senators might have the opportunity to speak for a long time, because I have been told that, sooner rather than later, speeches in this Honourable Chamber will be limited, Sir.

I am not going to use that as any occasion today, Sir, to coin a popular phrase, to grandstand, because I do not have the time, or inclination, to do so. I shall not indulge in any semantics either, although that seems to

be the order of the day most of the time, Sir. I shall look at this Bill, Sir, fully realizing that it is a very important piece of legislation.

One would not have thought so, though, when you listened to the honourable Minister, because he went through it with such great celerity that I was not only amazed, but I thought that in this day, 1983, it might have been a Bill repealing the Smallpox Act, fully realizing that, world-wide, smallpox is practically eradicated. I got that impression, Sir. He did that with indecent haste, and when you realize, Sir, that there are about 110 – 115 workers in Barbados that will be affected by this Bill, Sir, I know that the Minister having worked, I suspect, on behalf of many Government workers, I believe, Sir, that he would have recognised.....

Mr. PRESIDENT: You mean thousands.

SENATOR W. W. HALL: Did I not say that? One hundred and ten thousand to 115 thousand.

Mr. PRESIDENT: I thought you meant that, but you did not say thousand.

SENATOR W. W. HALL: Oh, Sir, I am very sorry. What I want to say, Sir, is that the workforce of 110 000–115 000 and I would have have thought that the Minister would have taken the time out to explain to the honourable senators some of the sections of this Bill, Sir, but he has given Senator Griffith and Senator Williams the opportunity to try and do a mopping up situation, Sir, trying to reply to Senator Greaves.

I am going to look at the Bill in the areas that affect me greatly. I know that all areas are very important, and indeed I feel that members of both sides will have some very important inputs to make on this Bill. One can easily recognise how important it is when you quote from the ILO Report of 1949, which said that "however one looks at the matter, there is no honour, nor profit in individual accidents. There is only incredible suffering and loss." I think, Sir, that sums it up. Not only lost of limb, sometimes, regrettably, Sir, loss of life, and I do feel that this is a very important Bill and it really should be debated in that manner.

If one looks or even tries to assess the financial cost of accidents to the entire community, Sir, we will then be alarmed, most of us, to see the amount of suffering, in many forms, that this situation causes. In places like England, I find that people spend between $250 million and a half million pounds, Sir, on accidents, yearly. I think that is an alarming sum, Sir, and there are some 250 accidents with over 450 deaths. I say this, Sir, to pinpoint how serious things like accidents are, and indeed how Governments view it very seriously as they go along – and one wonders what would be the figures if you were to relate this to Barbados.

In the Other Place, when the ex-Minister was introducing this Bill, he had some things to say, Sir, and I think that we could quote him. On Page 2352 of the debate – Resumption of Debate of the Factories Act, 1982, the Minister said:

> "Just yesterday, the International Labour Office (ILO) and UNIDO conducted a seminar at the Labour College at Mangrove, and I was able to declare the session open, and one of the matters that was very obvious was that, in spite of the fact that the tripartite association responsible for the matters in this island – the Barbados Workers' Union – perhaps I ought to say the Union – the private sector and the public sector – are expected to participate in an effort to provide safe environment in which workers can operate, it was shocking for me to discover, at least, during the time the preliminary sessions were in force, that not a single representative from the private sector was present at the conference. That, Sir, I think goes to underscore feelings which I have expressed before – that there is a shocking and scandalous lack of regard for the matter of safety among the private sector organizations generally."

Sir, I tend to concur. I do so because I do feel that some businesses are not yet aware of the fact that people who make up the work force are a very important component as far as the entire organization is concerned. They are not aware of the fact that if a worker is given good wages, good fringe and ancillary benefits, he is motivated – good recreational facilities and things like that.

3.30 p.m.

If companies can do that, you will find that they will not be at fault if, after all of that, there is a breakdown and there is no production. But, Sir, it is when you find that you have a situation like the one the Minister alluded to, that you get a lot of problems, and perhaps this is why this Bill is so important.

It is management's responsibility – I repeat, it is management's responsibility – to make sure that the work place is safe for the workers. It is their responsibility to look after the health and welfare of the worker and indeed the working environment. I think this is common knowledge, but what is sickening is that people hide behind the cloud and say that it is beyond their control. So often you hear management say it is beyond their control, but, Sir, my opinion is that it is their job to be in control. They must be in control of things, and therefore, to tell me it is beyond their control, I really cannot subscribe to that view.

Sir, accidents reflect that there is a failure in the organisation, it reflects that there is a failure in the managerial skills, and when you find that workers are not given an opportunity to even consult on matters of safety, on matters of their environment and those areas, you find that there is a widening of the negotiable gap.

I think it is management's responsibility to know the legality of it; he must definitely know the legal obligations; he has to know what the law says, but even after he recognises what the law says, he still has to realise, or he still has to decide in his mind, whether the work place is a safe place for his workers or not. He has to come to grips with these things, Sir.

I believe that the law lays down minimum standards. The law can lay down minimal standards, but one has to build on what the law says. It has to be general. When you make a law in relation to working conditions, vacation and things like that, one is rather general, and I think it seeks to control the potential dangers that workers are not exploited.

You will recognise that the work place, every work place has its own history, its own peculiar environment. All work places are like that, and, therefore, in making laws, you have to recognise in this case that if this law is enacted today, and there is no grace period to allow work places to come in line with the law, I dare say that you would have to close down 90 per cent of the factories in Barbados. I think all of us are aware of this.

There are some of us who happen to work for places whose workers find themselves in happy and congenial surroundings – I see Senator Seale is laughing; of course, he is one of them – and when this happens, there is some measure of motivation.

The Minister alluded to hygiene factors. I suppose he is a student, and, having read quite widely, he would probably have read of Herzberg and Maslow, and all of these industrial psychologists, and no doubt he did not elaborate, but I am quite sure he knows what we are talking about. The worker will react favourably when the conditions that he is exposed to are favourable, when they are congenial, and you will find that, when he does this, it is to the benefit not only of the worker himself, but, indeed, the company he works for, and the country as a whole. I think that is important.

I am very sad, Sir, that sometimes we get carried away on these types of matters. Everybody hankers to speak in times like these. You find that we had a sad spectacle today in this, I have to say, dignified Chamber, when a Minister of the Government admitted that he deliberately told a lie on another senator. I am very glad that you.....

SENATOR THE HON. O'B. TROTMAN: On a point of order, Mr. Chairman, I didn't hear the Minister say he told a lie.

Mr. PRESIDENT: I think what happened was that the Minister said, "All right, consider it was a deliberate lie." The idea was that he was taking back what he had said. Proceed.

SENATOR W. W. HALL: Sir, Senator Trotman is like a drowning man who catches at a feather. He does not understand what I am saying, and he jumps up at the earliest opportunity. He did not say that he lied then; he said he is a falsifier of veracity. Get up now and answer that. I just said "a deliberate lie", so he understands those words, so he jumps up at them. I don't understand it, Sir.

Anyhow, I shall not allow anyone to cause me any problems today, because, as I said, I was not involving myself in any semantics, I was just going to make my contribution, and, as far as I am concerned, I am going to speak on health and job safety. I feel that I can illuminate the dark corners of Senator Trotman's mind on this matter, so if he would only pause for a little while and listen, perhaps he would learn something.

I am not criticising the Government unduly on this Bill. As a matter of fact, I have said nothing that would give the impression that there is a hint of criticism. All I am saying is that it is so important a piece of legislation, and involving so many people in this country, that I believe the Minister should do like the Leader of the House did with the Abortion Bill, speak on it informatively, speak on it at length, speak on it with clarity, and, having done so, he can then reply at the deaf – and apparently sound impressive. This is what you have to do if you are doing the Government's business, not jump up every minute that I say something and seek to make people feel that I do not know what I am talking about.

One of the important aspects of this Bill would be to make the environment safe for the workers. You can have safety in the plant, safety in the factory, and, though I have not seen it, I assume that safety in the offices would be included. I have not been able to discern whether or not offices come into this, but I am quite aware of the fact, and I am sure you are, that in most offices you do get a lot of problems with wet floors, you get a lot of problems with congestion, you get problems where there are no fire extinguishers etc., and hence it is just as important in the offices as indeed the factories for us to pay some special attention to this.

I believe, Sir, that when you try to keep your surroundings clean that it has a great way of rubbing off on the next person. For instance, Sir, I remember once coming from Australia and, in transit in Los Angeles, going into the gents, Sir, I noticed that there was an attendant there and, believe me, Sir, as I got in he had just finished wiping the surroundings. I was amazed to see how expertly he had done it, and having washed my face and seeing even a drop of water spill on the same marble-type area, I was very aware that I had to clean it.
3.40 p.m.

What I am saying, Sir, is that if you were to go to Chefette Restaurant – you might have gone there, Sir – you will notice that the large containers that are put there are put there because they expect the people who are using the premises to be as tidy as possible. There are no signs really telling you that you have to put your rubbish in the bin, but you assume that they are there for that reason. I think Senator Rouse, as the Deputy Minister of Health, would appreciate this fact, that people who go there tend to follow the golden rule – cleanliness is next to godliness.

Sir, I feel that if you live in squalid surroundings, after a time it becomes apparent to you that it does not matter. What will happen, Sir, is that squalid surroundings will be just another thing. If you go to Trinidad and you look at the streets, Sir, and you see dead animals on the highway, you will find that people will tell you that it is no big thing. That is the point. What will happen is that you become conditioned to the surroundings, and this is why it is important that you have in this Bill sections dealing with refuge collection, because it can get out of hand.

Another area, Sir, that I think is worthy of note, is the fact that I think Senator Greaves said that it is the management's responsibility for job safety. That is true. He also said that it is the workers responsibility to make sure that they are doing the right things. He even alluded to the fact that this Bill imposes a penalty for the defaulters and, if that is so, he argued that the workers should be very well informed.

Now, Sir, I ask, who is going to inform him? I suggest that it should be a great combination. It should be that the employers do their bit. I know that the unions, themselves, have had many courses on job safety, and I must say when I say job safety, Sir, that I am sorry that the Minister, Senator Griffith, is not here, because I tend to link energy conservation with safety committees. I think that is the best thing to do, Sir, and I feel that if that is done in the future, you will find people having an awareness, they will know Sir, they will be aware that job safety and energy conservation is a very serious and fundamental issue.

When we think in terms of one's responsibility, I recall going down in a mine in Yorkshire – not by choice, by chance; and chances are that I will never go again. The conditions, Sir, were fantastic; to be going down and be confronted with gas, water and all types of conditions that you are not really accustomed to, is a surprising and indeed an enlightening experience. It was little wonder how I found out that miners, who have been down there for over 50 years, some of them, are coming around the corner. They not only speak loudly, as indeed most people who were in conditions where there is an abundance of vibration, where there is a great level of noise, you can hear them coming around the corner as they breathe. It seems to be a never-ending contralto as you hear them breathe – and those perils of going underground for many years.

What was very alarming to me, Sir, when I came out, realising fully that the management of that mine was cognizant of the fact that they were responsible for those men in their care, they had a large mirror about 8 feet high – at the sides, not on top; because if you put it up top you can hardly see it – and the message. "The man you are looking at is totally responsible for your safety." In so doing, Sir, they were trying to get over to the miners that, despite the fact that management have their welfare at heart and will do everything possible to make sure that their lives were not in danger, in the final analysis, it was the man down there, in those conditions, that would be responsible for his own life, by way of the fact that he, having done the stupid thing, might lose his own life. I think that is very important.

We have to look at ways and means of preventing accidents. I would say that accident prevention is a well-worn phrase. Everybody talks about accident prevention. It is not synonymous with injury either, Sir, because, you see, people believe that it is only an accident when someone is injured. That is not true, Sir. What is important, in most cases, is not particularly the injury, but the fact that you have been able to look at the situation which caused the injury. So many times, Sir, an accident will happen a hundred times before one man is injured. So these are the areas that we have to look at, and we have to make sure that workers must understand this – and understand this quickly. As I said before, there are few work places in Barbados that we can truly say will pass the test. When you look at the amount of deaths, only last year, Sir, we had one with a tractor in St. David, we had another with a welder in Bank Hall. But, Sir, what I am saying is that there are countless other injuries that we hear little or nothing about. We have to educate the worker, so that when he or she is injured at work, they follow the rules and report it, because so often you get a form asking you about an injury at work, and you have little or no knowledge that this has taken place. It is simply because that the worker

feels at the time of the injury that it will be all right, and subsequently found out that he is in grave danger.
3.50 p.m.

Sir, we have to see what accident prevention means. We have to supply safety measures that will stop accidents from occurring. We have to cultivate what is called "the safety eye". We have to have a helicopter view of the proceedings, and that is why I say that management is responsible for this. We must never waste information from an accident. I say this because I feel so often people believe that an accident has happened and that is the end of it, so you need not refer to it, you need not use the experience gained today to prevent another accident tomorrow.

I think we have to look at the building itself. We have to see whether the building itself is safe. Are there ladders? I notice in the Bill, thank goodness, that Government has referred to this. Wet floors. Are there obstacles in the way? What about the machinery? There is adequate protection in here for the fencing of machinery, I think it is on page 18, and I would say that this is a very good thing. We have to look at lighting and ventilation in the work place. We know too well that bad ventilation can lead to diseases and poisoning.

We also know that there are times when workers are working with inflammable objects and are not particularly *au fait* with the dangers that surround them. We referred to the incident in St. John just the other day when the thing just went sky high. It is not that the workers knew. Perhaps some of them did, but I am saying that we must be sure that when the workers are working with this type of material, they know exactly that danger is inevitable if they are not careful.

We have to look at electricity in the work place. We know how people can really get into trouble when they are careless with that. We have to look at good housekeeping in the work place. Do you know that it is sometimes a good thing if employers would institute a competition among staff whereby they can get some incentives for keeping the place clean? I know what the diehards will say. They will say that you are paying a man twice for doing the same job. That is not so at all. Good housekeeping is important, Sir, because an untidy work place is an unhealthy work place. I submit that, because I know that workers must be encouraged to keep their surroundings as clean as possible.

We have the situation with fire. I am not aware that anyone in Barbados does fire drills. I know we are not on a ship in the ocean and, therefore, we may not see the necessity for adhering to this principle as rigidly as possible, I know that people may think that they have not got the time, but it is very important, because panic sets in when there is a fire in a work place, especially if there are not enough exits. People just panic, Sir, they panic out of pure necessity. They do not know what else to do, they have not been trained, they have not even discussed it. We know the old adage that Barbadians run to fire, but this is one time, if you have a fire in the work place and there are not enough exits or fire extinguishers, and there is also a paucity of knowledge relating to fires in the work place, what to do and when to do it, I dare say that we are in real trouble.

I cannot recall in any legislation in Barbados where having fire alarms was a requirement, Sir, before this Bill. As a matter of fact, there are very few in Barbados, there are few at the hotels. As far as I know, Sir, there is no defect register, and I say this purely to point out that there is a long way to go. I am not critical just for the sake of getting up and criticising a Bill that is fundamental to every one of us. There is a long way to go, and I think that whether or not the Barbados Labour Party and the Union have had consultations on the Bill, I feel that what we have to do now is to have a serious look at it and make sure that what comes out of it is of benefit to all Barbadians. That is my view. Whoever does not like that, I am sorry for them, Sir.

One of the things that bothers me about the Bill is the practicability of it all. We talk about boilers. I have had some experience with boilers, but I would say this, that there are not many qualified boiler inspectors in Barbados, and the Bill does say competent ones. Competent, to my way of thinking, means that they are competent by law to do so. If you were to look at the register of engineers qualified to do this type of work, you will notice that there are only about six of them, one of whom I happen to know is a very busy man, or getting a bit past it, and that leaves us with five. Which means that there must be some measure of training. You just do not inspect boilers after a six month course or a crash course.

We need to know what is going to be the situation with boilers and ear receivers. I have no doubt that perhaps the Minister, in all his glory, will get up and tell me exactly what the situation is, but since he did not venture to do this at the beginning, I have now to ask him.

Another point I would like to make, Sir, is that, from my knowledge of a qualified factory inspector, the first thing he asks for is the general register, and the general register will tell you the list of employees, it also includes accidents at the work place, and most things pertaining to the Factories Act. Therefore, when I see that on page 143, Section 91,

> "The general register and every other register or record kept in pursuance of this Act shall be

preserved for a period of at least 3 years after the date of the last entry therein or for such longer period as may be prescribed in respect of any class or description of register or record; and shall be kept available for inspection by an inspector or by a factory doctor or by members of a safety committee,"

it is not merely a moot point, Sir, but I can tell you that unless there is some central place to keep that register – I suggest the personnel department or in administration, Sir – because there is no point in an inspector going to the premises of a factory and having to go hither, thither and yon in utter confusion, where nobody knows where to find the general register, so even though it is a moot point, it is one that will save the inspector, and indeed the doctor, a lot of frustration. I feel that could easily be looked after, and I am quite sure that the Minister will take note of that.

4.00 p.m.

Sir, I refer, too, to the welfare of the worker, and I think that we are thinking in terms of the first aid. Now, I recognise, Sir, that, as I say, one has to be general in making legislation, and I recognise that the Government is aware of the problems that will probably be setting in over the next few years in getting this Bill workable, Sir, but I submit that in the case of first aid boxes, the greatest drawback, Sir, is pilferage.

It is true, Sir, pilferage. Not that workers would hasten to take things out of a box not fully recognising that the life that could be saved because these things are there may be his own. What happens, Sir, is that when a man is cut, and badly cut, and you need a bandage, Sir, it is not there, despite the fact that it was put there this morning.

You may find, Sir, that if you give it to a supervisor and the supervisor is over the other side of the plant when a man is cut badly, you have another problem, Sir, and I think that we have to look at this very simple but common problem, where there is pilferage of the things in the first-aid box.

Sir, I know that a first-aid box should consist of very basic things, because it is my view that you do not have to give a man morphine if two aspirins would do. No, Sir – basic things, and indeed in some highly industrialised countries, qualified personnel, who have the keys to the first-aid kits, walk around with a satchel, containing the basic necessities, on their back so that if anything happens, they can attend to it as quickly as possible. People might think that that is an imposition, but I am only saying that in some developed countries this is done.

I take the points made in the Bill on the first-aid situation Sir, because I think it is an area that really needs looking into, and if this Bill seeks to rectify it, well, Sir, you can have your bouquets for that, but when you get your kicks from Senator Greaves and they are justified, I think that we will just have to take them.

We have to think in terms of educating the workers. We have to think in terms of doing the job the safe way. That is what safety in the work place is all about, Sir, doing the job in the safe way. There must be a method study. I think, Sir, that that is so important.

One has to think in terms of protective clothing. I know only too well that some workers refuse to wear protective clothing; they refuse to wear goggles, they refuse to wear protective clothing for their feet. Sir, you know only too well, they may have come to you, Sir, in your hey-day as a doctor, because of large obstacles dropping on their feet and having their toes squashed and things like that, and you know that if they wear the industrial boot, the injury would be minimized. These are areas, Sir, that we have to look into very seriously.

There should be a job safety review. I do not know if these terms are alien, but there should be a job safety review. And the review, Sir, need not be done by a supervisor or a management man in the place; getting someone else from outside that department is one way of bringing some new blood into the situation and getting the thing off the ground. These are only suggestions that I hope we will be able to get off the ground.

So, in making people safe, we have to train them. Training is an ongoing process. The doctor who feels that a 1950 training is adequate in 1983 is but a fool and, Sir, many people will die because of his ignorance – and so it is with industry. Technological changes have seen a computer, the size of this room in 1970, reduced to the size of a matchbox, Sir – that is a result of the thing called the silicone chip and so we have to go with the times.

In industry, more so, – yes, the jet age – we have to produce. We cannot tell workers that they must work, work and not get some of the spoils. We cannot expect that at all, but we, on the other hand, on the contrary, Sir, do not expect that we give the workers all measures of job satisfaction and then find that the production is not commensurate with the conditions of service given by the company.

Sir, I know you are waiting for the day when Senator Greaves and I disagree. The Minister alludes to it all the time, Sir, he is always saying it is management versus the union. Sir, I only have to respond this way, that gone are the days when unions used to employ strong-arm tactics in human form, a checker-out, a man who would beat you up. You need not do that, Sir. You find that people go to university. They are good researchers, they are good negotiators and, as a consequence, if they meet enlightened management with whom they can converse, Sir, the result is an easy workout.

Asides.

SENATOR W. W. HALL: I am not blowing my own trumpet, Sir. I never said that was the situation with me. I only said that unions do that, and, therefore, if you happen to see a management man having a drink with a union official, one must not think that this is the 1930s and the 1940s, when people would feel that there is some suspicious move going on.

The power base of the union, it is my submission, Sir, is with the strength of the workers, because the workers return every year the powerful job of General Secretary. The power base is there. It was not there 30 years ago, but we will not go into that. I think we know that only too well.

There are one or two areas, Sir, that I think the Minister would be obliged to reply to, and one is where it refers to seating accommodation for workers when possible – and it also only refers to men. It said "he", and referred to "his" and "he".

Asides.

SENATOR W. W. HALL: It does? Oh, Senator Simmons the learned lawyer says so. If this is the interpretation, I will move on, Sir, but I would not want the ladies to feel that we are male chauvinists – I do not want to say pigs, Sir, but it seems to be the only thing that would sound completed – we do not want that at all. 4.10 p.m.

And since ladies are now being employed in Barbados, I notice that we now have red cap ladies. What a welcome addition to the work force in Barbados! I thought I would mention it because I don't want the ladies, neither in the Senate nor indeed Barbados at large, to think that this Bill would seek to discriminate against them.

Sir, I would just like to conclude by saying that I sincerely hope that we have the personnel to deal with the situations that are likely to come up and emanate from this Bill. For instance, the Labour Department. It has often been said that the Labour Department is inadequately staffed. That is not a criticism, it is a reality, and one feels because of that, if we are going to see this Bill adequately policed, that we would need to see some additional staff in these areas which would tend to make this a success.

The Bill, as I see it, is straight out of the English Factories Act of 1961, and they have a new one in England – and perhaps we will come back in here and copy that next time – but suffice it to say that, as I look through this Bill, I see some ray of hope for the worker. I feel at the same time that we must warn some unscrupulous employers who will see this as a threat. I think we should not let it deter us from moving the work force in Barbados on to better times.

Barbadians are thrifty people; everyone of them is an entrepreneur in his own right, and because he, himself, is either a self-employed man in addition to the work done at his work place, or employs other people, to me it is a curious paradox that he does not understand that a chain is as strong as the weakest link. I know you will look at Senator Greaves now; I will have to look him in the face and say that when workers go to England and perform with credit in the nursing field, in transport, in all other areas, if they allow loud-mouthed malcontents to influence them badly, and they do not realise that when there is a weak link in that chain the best thing for the company and indeed the worker and this country is to let that weak link know that he is not pulling his weight – do not be influenced by those bad tendencies – I am quite sure that the union would have to agree with that because I think any self-respecting union will join hand in hand with an enlightened management team when it comes to the betterment not only of the particular company but the worker and indeed the country as a whole. And it behoves us....

Asides.

SENATOR W. W. HALL: Well, I said union. When I talk about the unions I associate unions with reputable organisations, and I am not really going to be led into thinking that the definition of union, as I have known it to be, has changed. That definition has not changed, so I am not going to say anything that is controversial.

I am going to end as I began, recognising that this is about the last time that we will be able in this Chamber to get up and speak at length on any subject – so I have been told by my illustrious colleague – and I would like to say that all I can reflect on perhaps is those days when we used to have meaningful rather lengthy speeches and that you have been very tolerant. Indeed, I can think that you have been a great source of inspiration to the minority over here. I only wish to say that I feel somewhat diminished at that news, because I remember sitting over there as an independent Senator and hearing the learned Attorney General speak in this Chamber for seven hours.

Mr. PRESIDENT: Just a minute. I do not like to interrupt you, but you are apparently alluding to something that is not before the Chamber. The Rules of this Chamber do not permit disclosures of what happens in Committee before the reports have been laid before the Chamber. I would avoid that issue if I were you.

SENATOR W. W. HALL: I am so sorry about that. For one minute I thought you were telling me not to say that you have been very impartial and a great light to us, but now that you have indicated to me my wrong-doings, I shall just end by saying that I am hopeful that when all the amendments, because I think there will be amendments, are attached to this Bill, that we as Barbadians will be able to make it as practical as possible.

SENATOR C. D. SEALE: Sir, I rise to support this Bill. Sir, I think it is very comprehensive, and I wish to congratulate the Government on its introduction. It is also far-reaching, and, last but not least, it is very progressive. I am certain it will go a long way to improve the productivity of workers in Barbados and, as such, improve our economy.

Sir, the only means of getting high productivity is to have job motivation, and the only way to have job motivation is to provide good working conditions.

Sir, there are two sections in the Bill that caught my eye and one section is Section 44 – "Cleanliness". I have noticed from this section that the Bill only deals with cleanliness within the factory – and not without. In Barbados, we have had a bad example set to us by sugar factories over the years. They all have untidy premises and these untidy premises have really percolated down, and if we would take our minds and take a little drive down Wildey Road, which Senator Hall knows very well, we see Catelli Food Products and shiver to think that that is a factory in which food in Barbados is being manufactured. Even if we have a look at Banks Brewery – once beautiful, Sir – this is a factory with lots of money on deposit in this country, yet it cannot afford concrete sidewalks. Their workers have to walk on a grass trodden path. 4.20 p.m.

I do not want to really attack Senator Hall's work place, but I notice that the "n" in "Banks" is falling down. I believe that a little upliftment of the landscaping and things of that nature would make Banks look a lot better.

But to continue on, Sir, if we go to Oran, we see that there is a lot of aluminum outside. So when we have tourists off the cruise ships passing, they look and their see a lot of old things outside the place. We go on up the Drive a little and you pass a bedding factory which has an old disused container, and the roadways are not in any way paved.

I think that we should have some clause that calls for roadways in any factory yard to be paved, and a certain amount of landscaping, so that the workers there can be proud; so they can pass the place and say, "That is where I work."

Sir, the next clause that caught my eyes Sir was Clause 55 – Lunch Room. I noticed that the Bill has asked for a lunch room, with which I am in total agreement. But what worries me is that here we have the Ministry of Labour asking us to provide a lunch room and the Ministry responsible for Town Planning issuing instructions that the lunch can be bought outside, because the mobile canteens now have to vacate their positions in the industrial parks. What are the workers to get really and truly? I hope that the Ministry of Labour will have a chat with the department looking after Town Planning and let them know that lunch rooms are provided for lunch, and that mobile canteens sell lunch at a very reasonable price.

I am particularly interested in mobile canteens because about 95 per cent of these mobile canteens are financed by the Barbados Development Bank. I think this enterprise is a very worthwhile venture, and I am sad at the idiotic notice issued by the Town Planning Department.

In closing, I want once again, to congratulate the Government on this progressive bit of legislation, and it has my whole-hearted support.

Thank you.

SENATOR St. C. E. HOWELL: Mr. President, I rise in support of the Bill. I would like to point out from the inception that, once again, the Government has introduced a very comprehensive piece of social legislation in the interest, and for the protection, of the workers in this country, and, in fact, it has not come a day too soon in this Honourable Chamber.

Sir, it is clear that, within the last 25 years, this country has experienced what can be described as an industrial revolution, and it is also clear that experience has shown that in developed countries where there is a development in industry, there is more than a correlation between this increase in industrial activity and the number of industrial accidents. This, Mr. President, is clear if one looks at the history of the industrial revolution in England in the 18th and 19th centuries; and increased automation and mechanisation in the 20th century has led to a still further increase in accidents in industry.

Sir, one of the surprising things I noted while listening to all of the speeches today, is that, notwithstanding that we have a very distinguished trade unionist – and indeed there are two of them in this Chamber – there seems to be very little statistics as to the amount of injuries suffered in Barbados. But if we look at the pattern as to what happens as a country develops, we will see, for example, that, if we take England as an example, it is not surprising to see that

in the Robins Report, the report published in 1972 by Lord Robins, as a result of investigations by a committee similar to the one that was set up to look into the health and safety of workers in respect of this Bill, that some very alarming statistics were published in England.

For example, that report states that every year something like a thousand people are killed at their work place in England, that half a million suffer severe injuries in varying degrees of severity, and that some 23 million working days are lost annually on account of industrial injuries and disease. Sir, that is startling. Although it is true that when we are speaking in terms of England, we are speaking of a country with over 52 million people, and that we cannot have to the same degree the amount of injuries here, it is important and it shows us how timely it is to introduce this piece of legislation.

It is a fact that England is one of the most safety and health conscious legislating countries in the world. It is also an experienced and developed country, because it has experienced industrial revolutions as early back in the stages let us say the 15th and 16th centuries. But it is still unable to keep up, in this age of automation, with the standard or the level of safety that is generally required for the safety of workers. It is for that reason, Sir, that Government must be commended for bringing this Bill before Parliament.

It may not please those who are really experts and would like to see more go into it, but I think it would be a mistake to further delay bringing legislation like this for the protection of the workers in this country. As some of the earlier speakers have suggested, from time to time, we can add to it, and I think the strength of this piece of legislation, when it is on the Statute Books, Sir, would really lie in the regulations which would really give teeth to the act itself.

It is clear, Sir, that the time has come when Government and all those who are concerned – the unions – I do not think that we are going to get the same sort of response from private enterprise – must speak out and say that the level of injury and deaths in this country, particularly within recent years, is far too high. I think that foreign industrialists and our own local entrepreneurs must not be permitted to shield themselves behind the thin guise of the creation of local jobs at the expense of the safety of the workers. The time for that must stop – and it must stop now. The safety of the workers in this country must be paramount.

I do not have much personal experience, but I was really impressed by what was said by the trade unionists in this Chamber as to foreign investors coming into this country and introducing machinery, which is really in their own country classified as obsolete, for Barbadians to use.

It is no good there, and it would not be permitted in the vast majority of cases to be used there, but yet still, because we do not have the expertise to police and also to make certain minimum standard qualifications before they commence operation, we find that, according to those who know, Sir, machinery, which does not stand up to the vigorous or rigorous test that it would be subjected to in the country of the industrialists, is used in this country. We must try to put an end to that at the earliest opportunity.

4.30 p.m.

The system of training is important here, Mr. President. I think the blame goes, I would say, three-quarters per cent squarely on management in our quest to reduce death and injury in our country, but I think that, as Senator Greaves indicated, the teaching institutions in this country must also play a part. I think that somebody – I do not know whose task this would be – must also point out to the workers that it is in their interest that they learn to work and to observe all of the safety measures, because failure to adhere to these measures can lead to their own injury.

Safety and protection does not rest on the worker through his own experience, learning how to protect himself, and although I am prepared as an individual to commend the Barbados Workers' Union for introducing certain courses at their Training College for the protection of the workers, I think that to expect the workers and the Training College to undertake that task is asking a bit much.

My own view, Sir, is that safety and health must really begin in the boardroom itself, at the highest possible level of private enterprise, because if it is ignored at the board room level, the directorate level, there is little chance of anything of consequence filtering down to middle management. If it does not meet that extreme, the supervisor on the shop floor is going to turn a blind eye when the worker is taking short cuts and puts himself at risk for the sake of a few dollars in his pocket, and the company benefits from his increase in productivity.

That is why, Sir, in the Robins Report itself, it is said that you must start in the board room, because that is the head of the queue. You start there and you filter the safety conditions right away down to the shop floor level.

Sir, lawyers will say that they know from their own bitter experience, and I think Senator Hall just alluded to it and spoke quite clearly – he obviously has some experience of that, being a man in management, and that is good – that workers kick off their spats and working boots, all of their protective clothing, including gloves, and sometimes within days, weeks or months, there is a very serious accident. In the case of

helmets, often it is fatal, and I think that the penalties imposed upon management must be looked at carefully, and must be monitored all the time, because in the end, although management would be held responsible for not implementing the rules laid down by the regulations and by the Act, the sad thing about it is that the worker is invariably held contributorily negligent, and what little benefits he is entitled to would be reduced, sometimes as high as 30 or 40 per cent, and I think this is unfortunate.

In closing, Mr. President, I will say that Government must be commended for bringing this piece of legislation, and I want to commend all those bodies, including the unions and all other parties who have made their input, for bringing a piece of legislation such as this before Parliament for the protection of the workers of this country.

Thank you, Mr. President.

SENATOR Mrs. M. O. REECE: Mr. President, I rise to support this Bill before this Chamber. There are just a few small points I want to make.

This Bill brings together the health and the welfare of the workers. Senator Hall was making a point about the first aid boxes. I believe it is time that employers in the industries look at the possibility of employing industrial nurses. For a long time this has been lacking in the industry. Barbados has now become an industrial area, as it were, and this cannot be overlooked. The first aid box is okay, but sometimes an industrial nurse on the site can save a life.

I keep hearing talk about the workers and the employers. I believe that the union has a duty to the workers of this country. There is a Labour College there and I believe, subject to correction, that all employees are paid by the employer when they attend sessions at the Labour College. The employer is therefore in some way financing the education of the employees.

The Workers' Unions, the Employers' Confederation and all the other unions have a duty to the workers of this country to make sure that they are educated about the Act. It is not enough to pass the Bill and decide, as one other speaker said, ignorance is no excuse in law – that is the term he used. Employers take staff on and they take them on for three months in the first instance as a probationary period. I believe that, in industry, that period should be used as a training period, or if it takes longer with some kinds of machinery, that that period should be utilised in making sure that that worker understands how to use the equipment.

Employers should ensure that, on the appointment of a staff member, he is given proper manuals on conditions and terms of service. It is not enough to tell a worker that you are issuing him a pair of goggles, or a mask, or some safety equipment, for his health or his safety, but the conditions must be laid down at the beginning of the employment.

It is the duty of the employer to ensure that the employee wears all the safety equipment and takes all the necessary precautions on the job. If I am an employer, and the law says that my welder must wear goggles, then when the welder is not wearing the goggles he is not on the job. As far as I am concerned, he will have to leave the job until he sees fit to wear them. The employer must make provision for these bits of safety equipment to be provided and then it is their duty to ensure that the employee uses it.

It is the duty of the Barbados Workers' Union to make sure that they tell the employees this. The Barbados Workers' Union should not only consider the financial terms and conditions for their workers, but also their employment, the conditions of the environment in which they work. Money is not everything, and sometimes one can work for a lesser salary in better conditions and enjoy better health in the long run.

The Bill is a very good one, and I hope that out of this we will see the emergence of a proper building code. I believe that IDC takes the precaution that their buildings are erected with safety measures, but I do not know if all the other people who build factories look at this possibility.

4.40 p.m.

We still see some doors swinging in, when I think the Building Code in most countries say a door should swing out. In case of an emergency, you have to be running out, and you cannot be holding back a door for somebody to get out. I would not want to be the one holding the door.

It is not only the use of the safety equipment, but also the care of the safety equipment. As an employer, if you provide equipment for your workers, then it is their duty to ensure that these things are cared for and properly look after; not just to throw them down on evenings after work.

Senator Greaves was very hasty in saying, and I agree with him on this point, that the Labour Department might not be adequately staffed with inspectors. Factories are springing up daily in this place, and I believe that the Government is a progressive Government, and if it took pains to make sure that this Bill has come forward, I believe that the Government will make sure that the departments are adequately staffed in order to ensure that the Bill is enforced.

He made the point that the National Insurance receives claims for a number of accidents on the jobs and that that record did not coincide with the records of the Labour Department. I believe the two of them can work hand in hand, and the National Insurance could up-date the Labour Department from time to time about persons injured on the job and so, at the same time, ensure that there are properly notified of accidents.

I am aware that it is not the responsibility of the National Insurance Office, but if you find that somewhere along the line an area is falling down, unless you are going to have one inspector for each factory, he or she cannot notify all the accidents, so you need to have some built-in control.

Sir, I will crave your indulgence at this time to say that this is a safety Bill. I sincerely hope that the Government will continue – I know it is not the end of the Bill – and that some consideration be given, by whichever Ministry is concerned to looking at the safety of pedestrians in relation to packages falling from vehicles.

I believe that if you are looking at safety measures, that is one that is constantly in the Press. I have known of several organisations that have even gone to the Police Department about it. We are told that the law is not there, and all types of fancy excuses are given, but I believe that there must be some law that can be enforced to make sure that, even if you are not in a factory, your safety is protected.

Sir, with those few remarks I support the Bill, Thank you.

SENATOR D. A. C. SIMMONS: Mr. President, I had not intended speaking on the Second Reading, but I have been instructed that there will be no committee on this Bill, and I therefore want to make some comments, especially in relation to.....

Mr. PRESIDENT: I do not think you have the right information. I think probably what may have been intimated to you is that consideration of further stages after the Second Reading will come at a later date.

SENATOR D. A. C. SIMMONS: Well, Mr. President, I had better seek your guidance at this stage. The burden of my speech was going to be in relation to the amendments as circulated by Senator Greaves.

Mr. PRESIDENT: As I was trying to point out to Senator Greaves earlier on, discussion on the amendments would be appropriately at the time of Committee – and there certainly will be a Committee stage. I would not wish on a Second Reading to set a precedent of discussing details of amendments.

SENATOR D. A. C. SIMMONS: Once I have your assurance that at a future date I can discuss these amendments, I will give way to Senator Rouse.

SENATOR K. A. ROUSE: Mr. President, when one sets out not to praise the Barbados Labour Party Government, I think one is doing the workers of this country an injustice, since the BLP Government have always had at its heart the health and welfare of the working-class man.

Here, today, Sir, we are discussing the revision of a Bill which was brought by the same Barbados Labour Party in 1956. This tells us, Mr. President, that at no time when the Barbados Labour Party was able to assist the working-class man, it hesitated to do so.

When one hears Senator Greaves talking about a Committee which was set up in 1974 to try to implement such a Bill, and had not got through with this type of Bill, one realises that the Democratic Labour Party, when it was in power, only had promises and thought about things, but never thought it would be wise to implement it.

Now, Mr. President, when I first went to the Sanitation Service Authority, I realised that the type of clothing worn by the Sanitation Service Authority workers were very, very flimsy. Persons were wearing boots, that were not protective of them while on their jobs, helmets were not worn by the workers, and things of that nature were not considered by persons who were in authority over that Authority. I realised the importance, Sir, of protective clothing to the workers and, therefore, each one of these workers have now been supplied with this type of equipment.

One realises that safety does not only commence at work. Safety, and the teaching of safety, commences at school and, therefore, when one is taught about protecting oneself, he has got to be taught from a very very early stage. One must realise, Sir, that when one goes into a factory to work, he or she should be protected from him or herself, and one must realise that when the employer places all of this safety equipment at the hands of the worker and the worker does not use this equipment, then it is the worker's fault if anything happens to him.

Senator Hall said in part of his speech that when he went into a coal mine and came up, he saw a mirror with the slogan, "the safety of the man is you." In other words, he was saying that you are the person who is responsible for you own safety. I think that these devices should be placed at all places to enable the worker to understand that he, himself, has to protect himself whenever the occasion arises.

I wanted to say that I would have loved to see nurses placed at factories, because if and when a worker is injured, if he has to wait to be transported to the Casualty, where he would have to wait on other persons who would have been at the Casualty before him, then there could be a delay. Realising that Mrs. Senator Reece has made that observation, I am deprived of that opportunity.
4.50 p.m.

Nevertheless, Sir, I do realise how important this Bill is, I do realise how progressive a Government of this nature is, I do realise how the Government thinks about the working class people of this country, and I do hope that this Bill will go a long way in making things better for the workers of this country.

SENATOR L. A. WARD: Mr. President, I rise in support of this Bill, but there are one or two things that I would like to answer, and that is some criticism that the sugar industry faces. The noise level, as Senator Greaves said, in the sugar factories is one of the problems that the industry always faces. Well, Sir, when you look at a milling train in a factory, big heavy machinery, it is to be expected that you are going to get noise levels higher than you would perhaps get from a sewing machine, so although we know that we must do our best to minimise the noises, it is the type of machinery, big heavy turbines moving at high speeds which will keep considerable noise. But we will try our best to minimise it; we have to try and meet the levels that are imposed in this Bill.

Senator Reece in his speech said that at Bulkley there was a compressor which was creating a lot of noise in the proximity of a worker's home, and I was pleased to hear him say that, although the worker thought that he might have lost his job, he had approached management, management moved the compressor and thereby showed their willingness to do what they could to reduce the annoyance to the worker.

Senator Seale in his contribution criticised sugar factories for untidiness on their compounds and he felt that we should have landscaping to make the place a better work place for workers. Sir, again in the sugar operation, there are thousands and thousands of tons of raw material that is received on a daily basis, and some of it, as we all in this room know, can be very untidy with trash and everything else, and I do not think that landscaping would last any length of time during the harvesting period. It may be possible that in the out-of-harvest period some landscaping can be put in, but I feel that, by the start of the next harvest, the landscaping would disappear because of the type of operation. It is not a clean operation like Senator Seale's operation, where he works in commerce. I know, because I, myself, am connected with commerce and I know that it is a cleaner operation than the sugar operation.

Sir, although I support this Bill in its entirety, I know that a Member in the Other Place said that if this legislation was enforced rigidly, in his opinion nine-tenths of the factories would go out of production. That would be a catastrophe. I think that nine-tenths might be a little bit pessimistic for you, but I do feel that quite a few would go out, and I would like to caution that this Bill in these difficult financial times should be given some period of time to be enacted and that it not be enacted too readily, too fast, because we may then have complete safety in the work place – because the people might not be going into the work places at all.

I thank you, Sir.

SENATOR Mrs. G. G. READER: Mr. President, I do not want to keep the Senate very long, but I just want to make a couple of observations. I am speaking in support of this Bill, which I think has long been needed in Barbados, and I am glad to see such an enlightened piece of legislation.

There is just one thing that is bothering me a bit, and that is this talk about noise levels. Has anybody been into a disco recently? There is one gentleman, or lady, who lives not far from my house who plays the phonograph so loudly at night that we cannot sleep – with nothing but disco music. Now why are we worrying about factory noises when people in the villages cannot sleep at night for the way other people play their stereos. This is one of the things.

Also, you can walk down Broad Street or some of the side streets and the record shops have loudspeakers outside, which are blaring music so loudly that you cannot even hear yourself think. If you go in to buy a record, they cannot hear what you are saying and you have to write it down. Now if these people are not deaf in a short time, I would like to know what loud noises can do to people.

There is another point Senator Mrs. Reece raised that I would like to commend, and that is the employment of nurses in industry. In Barbados we have a great many nurses who are employed on all sorts of other jobs because there are not enough jobs in the nursing field, and I think that it would do no harm for factories of the larger sizes to employ industrial nurses. Not only will these women be there in case of emergency, or in case of a person feeling sick they can give them some sound advice, they also can be there to work as welfare officers, to listen to what people have to say. Half of the problems of the people working are not problems that anybody can solve but themselves, but to be able to talk

it over with somebody else, just talking about it to someone whom you know is not going to take it any further, will often let you see the way to cure your own problems.

Thank you, Mr. President.

SENATOR Miss J. CLARKE: Mr. President, I rise to support this Bill, and I would like to start first by observing that, as a young independent nation which is still going through the process of industrial development, we must move to remove such inadequacies as may exist in the way we do things now. Hence I think this Bill is timely and appropriate to our present needs, I think that the Bill meets the needs of a modern industrial society; and bearing in mind our industrial development, I think that it would do much to elevate the standards in our industrial sector.

5.00 p.m.

While I recognise that compliance with the Bill will be something of a burden for industrialists, I feel that the cost involved should be seen as an investment in the future, and I say this because the simple fact of improved industrial safety, while being of immediate benefit to factory workers, will, in my view, in the long term be also of significant benefit to the country as a whole.

I feel, too, that the situation which will evolve, will be one in which there should be a resultant improvement in the area of productivity, which will be beneficial to the total economy. Now productivity is often viewed as being purely a management function, but I believe that labour unions have a responsibility in this area as well, and that they ought to strive at all times to demonstrate their interest and responsibility by guiding their members into an understanding of the importance of productivity to the country as a whole.

Some mention has been made of the need of training. I support this entirely and at the same time, I would like to suggest that, beyond the straightforward attempt to remove hazards from the factory sites, I see this Bill as providing a framework for industrial democracy which should all augur well for the future. But, in order for this to work effectively, I think there will be need for a high level of mature interaction between management and worker. In this regard, I hope that Part 12, which deals with the business of safety organisations will be viewed in a responsible manner by all parties concerned. Indeed, I sincerely hope that the provisions for employees' representatives, under Section 102, to conduct tests and take samples of hazardous materials, will not be taken lightly and will not be subject to abuse by people who may wish to make mischief.

Furthermore, while I appreciate that the employer should not have the right to discipline or dismiss a worker for trivial reasons, I think it is necessary that employers have the right to deal appropriately with acts which may be deemed to be of dubious nature; therefore, I would have been happier if the Bill had spelt out in fairly clear terms provisions for employers to have the right to warn – and, if necessary, to dismiss – any employee found to be hindering the activity of the factory through involvement in unnecessary tests.

Now this is a new area that we are getting involved in, Mr. President, and I think it is important that we understand that we have to creep slowly. While we may wish to emulate the standards which exist in developed countries, we have to recognise our own limitations and appreciate that they did not achieve what they now practice overnight. While we would not wish to suggest for a moment that we should not aim to follow in their footsteps and at that pace, I think we have to recognise the limitations; and, therefore, I support the point made by one of the other speakers, to the effect that I hope that adequate provision will be made for phasing in the implementation of the Bill into operation. There is no magic formula, Mr. President, by which we can automatically press a button tonight and implement all that this very progressive legislation is seeking to do.

In so far as factory inspection is concerned, I think there will be need for a very high degree of discretion, co-operation and, if you like, flexibility on the part of inspectors. In other words, I do not think at this stage of our development we can expect to function like new brooms, sweeping in very vigorously for a start. Indeed, I feel that, not only at the outset, but for some time to come, the factory inspectors will have to exercise a very high degree of discretion.

There has been much talk for the need for training. I support this, because I believe that there is need to raise the consciousness of workers for the need of due care to be observed in the use of the various types of industrial equipment. What is more, I think that employers would need to ensure that employees adhere to safety regulations, for in this way, the occurrence of accidents, which may stem from carelessness on the part of the employee rather than from faulty equipment or lack of supervision on the part of management, will be reduced.

There has been much talk of the noise factor and I agree that every effort must be made to reduce this; and so I suspect that, with the passage of time, we will see people in factories, where it is not possible to control noise overall, wearing protective equipment over their ears – even as nowadays it is fairly common for us to see

people wearing hard hats where this was not a feature in the past.

There has also been comment, Mr. President, on the matter of second-hand equipment, and while I appreciate that the comments made were intended to protect the welfare of workers, and therefore of the economy, I believe that there is nothing wrong with using second hand or reconditioned equipment. I use the word "reconditioned", Mr. President, to imply that this must be equipment which is properly inspected and recognised to be in satisfactory working condition. Obviously, there would be the need of periodical inspections and maintenance to ensure that the equipment is kept in good condition, but there is nothing wrong with the use of second hand or reconditioned equipment.

There has also been talk, Mr. President, of exploitation, and it is fairly fashionable today for people, who know better, to expect to speak gibly of exploitation of the workers, while seldom, if ever, is it publicly acknowledged that the reverse is often true. But the real danger rests, Mr. President, in the fact that such irresponsible statements do nothing for the general atmosphere in the area of human relationships between employer and employee or between the community at large.

5.10 p.m.

In fact, such statements often do irreparable harm to the community as a whole, because they contribute to feelings of hostility which are fairly evident today. Mr. President, and into feelings of a general disregard for law and order. I firmly believe that much of the lawlessness, which is evident in our society today, stems from public utterances by people who should know better. So, while I do not for a moment suggest that there may not be some employers who exploit workers, or who are not particularly modern in their thinking, or in the provision of satisfactory conditions for workers, I must also make the point that exploitation, if it is in the reverse, is also bad.

In conclusion, Mr. President, I would make the point that Barbados is a fledgling country in every sense of the word. As an independent country it is a fledgling nation, and as an industrial country it is also fledgling. Therefore, as we try to develop measures geared to a modern-day society, we must do this with caution and in full recognition of our financial and other limitations.

Mr. President, I have no hesitation in supporting this Bill.

SENATOR THE HON. N. A. BARROW: Mr. President, I speak neither to reply nor to make any lengthy contribution.

This Bill which we have before us is a Bill which has resulted from a lot of consultation. I think, Sir, if you recall, a Bill in almost this form was passed before the elections in the other House, at the time when Senator Greaves, I believe, was a Member of the Other Place, and it had not yet been dealt with in this Chamber when elections came. Therefore, it is almost by a stroke of luck that those of us who are in this Chamber now have an opportunity – those, in fact, who were not here last time and who are here now – to speak on it. In Senator Greaves' case, I believe he would have had the opportunity of speaking on it in both Chambers. The point, Sir, is that I could logically go on from there to question the need to move amendments now, but I do not think we will deal with the amendments now, so I do not think we really have to get into that.

The point is that the Unions have been fully consulted, everybody's union. I believe there is a degree of unanimity about this piece of legislation, which is encouraging, and for that reason I do not have the same fears about the administration of Section 102 which my friend, Senator Clarke, seems to have, and it is that section, in fact, which attracts my attention and which compels some kind of contribution from me this evening.

The point is that we cannot look at Barbados, with its history of stable industrial relations, and assume either general irresponsible and exploitative employers nor irresponsible trade unions. I believe that if either one or the other existed to any significant degree, then the industrial climate could not be what it is. Therefore, I do not believe that we are approaching this thing this afternoon in the spirit that says we need to have this legislation in place because tomorrow morning we will have to deal with X or Y.

That is not to say that we may not have one or two glaring instances of bad employment practices, and it is not the time and place to call names, but I believe there is one particular example that is very much in the minds of all of us. I am making this point because I think we are lucky in that we do not have to be legislating for an industrial climate that was reflected in many countries at the time when this kind of legislation had seriously to be considered.

Why I find Section 102 particularly interesting is that this is the age, Mr. President, not only of the black lung, which will not affect us, because we are not a mining community, but a disease like asbestiosis. As soon as we go into chemical industries, we have to recognise that that kind of disease is a real threat. Section 102 must, therefore, in my view, be incorporated in the most liberal terms in respect of the worker, because it is the workers' health that is at danger – and nobody else's. That is really the point.

I am not in agreement with the view that there should be anything in there to say that it should be a ground of dismissal or discipline because the worker is making a nuisance of himself over inspection for this purpose. We must see the health and safety of the worker as paramount. As long as we see this and we recognise the danger to which people are exposed where, for instance, there are chemical industries, we must recognise that that section has significance for the worker, and, really, for the worker alone. If a thing is tested and it is found not to be of itself dangerous, then the employer loses nothing. But if it is found to be dangerous in itself, then the worker stands to lose a great deal, and I am very happy to see that section in there, and I would hope that employers, and all others who have to do with the administration of the Bill, would give that particular clause the widest and most liberal possible interpretation.

SENATOR THE HON. O'B. TROTMAN: Mr. President, to reply to a few points made by members during the debate, the first question is the one raised by Senator Greaves in his circulated proposed amendments, the question of the scope of the Bill, as to whether it should be the Factories Bill, or a Place of Employment Bill, of whatever term he might have used. The question is that we are now in a position to handle the Factories Bill and I have to take that in the same breath as I discussed the question as to whether or not we should await the outcome of an International Commission on Occupational Safety and Health.

It has taken us from 1974, according to Senator Greaves, until now to get this far with the Bill, and it seems pointless to try to hold the Bill up a further time while we try to expand and include every conceivable thing that can happen in the work place.

Mr. President, the Government has to take the point that the Bill of 1956 has been out of date for a long time. The spokesman for the Democratic Labour Party will say that the Bill is nothing more than a copy of the Factories Act of Britain of 1961, but in saying that it is a copy of the 1961 U.K. Act, he is by implication saying that for 15 years they knew that a new Factories Act existed in Britain, and they knew that they could have copied it – and I believe that it does not take a big brain to be a copier, anybody can copy – but for 15 years they did not copy, and they want us now to wait until another Factories Act, which they say is in operation in Britain, when they can copy the 1981 Factories Act or something.

The point we are making is that we are now in a position to conclude the Bill, and that is exactly what we intend to do without any further delay.

5.20 p.m.

The second point Senator Greaves made was in relation to the amendments – and I have to raise this, because it had to do with me specifically, although Senator Griffith mentioned it earlier. It is a very, very unfair criticism of the Government, Mr. President, to suggest that Senator Greaves proposed amendments did not get full attention and that he, or his organisation, was not fully briefed on the Government's position.

The whole story of that is simple. In December last year, when the Bill was sent to the Senate from the Other Place, Senator Greaves said to me outside of the Chamber that he had some thoughts about amendments. I deliberately sent the file back to the executive Ministry and said that the Senator wanted to make amendments and we should wait for them. During that time, I also got the impression that Senator Hall and Senator McClean wanted to make inputs. I contacted the three Senators by telephone and asked them to send in their proposals. Nobody replied. Senator Hall said he had no amendments to suggest.

The Bill came back a few weeks after and I asked Senator Greaves about his position. In the meantime, the Permanent Secretary had written to him and he did not reply. I am not getting into any question of courtesy and who was discourteous, because a Senator Greaves is the expert on good manners – but he did not reply.

I then got hold of the amendments which he was working on, and, instead of letting him come to the Senate and have his amendments probably disregarded because of rush or something like that, I took the amendments from him and I, myself, sent the amendments back to the Ministry.

I was doing his work for him, and then he said I was discourteous to him. I was really running – and then he comes in here this evening talking about who is discourteous! That is the sort of thing we have to tolerate from that corner, and that is why they are in the corner today – and will be in the corner for a long time to come.

Aside.

SENATOR THE HON. O'B. TROTMAN: I leave him to Roy Brathwaite.

(Senator E. E. Greaves go down St. Peter and talk that foolishness)

SENATOR THE HON. O'B. TROTMAN: Not by you or Mrs. Leacock.

Mr. PRESIDENT: Go ahead.

SENATOR THE HON. O'B. TROTMAN: On the question of machinery being second rate and imported from America, Senator Greaves did raise a question of second-hand equipment being brought in from developed countries and being used here.

Whereas there is nothing wrong in using used equipment, as Senator Clarke suggests, we have to agree with Senator Greaves that it does appear that it is not a matter of using second equipment, but it appears that in many cases that industrialists are using condemned equipment – they are using equipment which cannot meet the standards of the industrialised countries. And if the equipment cannot meet the standard of the industrialised countries, because people in those countries are human beings, then it cannot meet, Mr. President, the standards of Barbados, because the people living in Barbados are humanbeings, too; so let us disagree with them in the early.

Senator Greaves raised a question, Mr. President, of the training of workers. I would have thought that in the Bill we have made enough provisions in Section 14, and again, Sir, in Sections 104 and 105, for the provision of regulations with regard to the training of workers in terms of their safety at their work place. We must understand that the Bill cannot hope to cover details of things like training and that provision will have to be made in the regulations, and I am sure that the Ministry of Labour, as usual, will consult the workers' representatives when the regulations are being prepared.

He also raised a question about the provision of funds for the training of the workers. I believe that some small contribution is made out of the Consolidated Fund to his institution. It might not be enough money to carry on the work that they have to do at Mangrove, but if that is so, I am sure that organisation should make representations to the Ministry of Labour which will take the message to the Ministry of Finance.

Senator Hall leaned on the Department of Labour for not being adequately staffed. We are always knocking the Ministry of Labour for not offering enough staff, especially inspectors, to the Labour Department. It is not usual, however, to hear either the workers' organisations or the employers organisation, both represented in the corner, to lean on employers for not having properly staffed personnel departments.

Employers in this country regard personnel work as an offshoot of how to manage stores and appliances. The same person who is a storekeeper, somehow becomes called "Personnel Manager". They will not spend money, they will not spend one cent, to train personnel managers, and if that has been done, and if it is done and pursued by the Workers' Union and the employers' organisation, as represented here, I am sure that the Ministry of Labour would not have the need for a large inspectorate as you are always hearing. The Ministry of Labour needs a large inspectorate because employers are not pressed into having proper personnel departments.

The point is Mr. President, that personnel management is abandoned. Personnel management is a third-rate office in industry and, therefore, the Labour Department is expected to carry the weight of the personnel management.

Aside

SENATOR THE HON O'B. TROTMAN: There cannot be in any conflict; they are on the same side.

The other question which seem to have some merit is the question of noise levels. Until something is done about the supervision of workers as far as noise is concerned, we are not going to make any progress. The best example of people who ignore noise can be demonstrated if one goes to the airport any day. The 747 Jet will be landing and workers would candidly put the earphones around their necks and walk right under the full blast of the Jet plane – and nobody gets discipline for it. I am saying it is the managers. If the manager is the one who is keeping the store, he is not concerned with who is wearing earmuffs; with how many goods from Russia go into the plane with the passengers. He is concerned with the workers, and that is the best demonstration of bad personnel management in Barbados.

Now, to my learned friend, Senator David Seale. The Senator is usually a very rational man, usually a very level man, but this afternoon, because his bank seemed to be threatened, he has lost his cool. He went off on a little tangent – and I am sorry I have to follow him a little bit on the mobile canteen business. He is a little bit warm around the collar because the Town Planning Department is beginning to lean on mobile canteens, and he seems threatened because the bank's money is tied up, and he has described the Town Planning as being 'idiotic.'

But there are not idiotic now; they were idiotic when they allowed canteens to be set up in the first place, with the bank's money, without getting approval.

You see, Mr. President, we live in a strange country; we live in a country where, for some reason, the majority of people seem to believe that we must not stand up for what is right if it will interfere with the minority.

5.20 p.m.

So we have a situation where the Rastas are allowed to take over Shepherd Street and nothing is done until there is a general outcry. The public service department

responsible for keeping the streets clean did nothing about it until there was a public outcry. The mobile canteens begin to spring up, the Town Planning Department, the Markets, nobody did anything about it until there is a public outcry – and then you hear that people are idiotic.

I would only say a word of warning to the dear senator who is Chairman of that bank, that he must not only be careful with his loan officers, because the loan officers are the people to lean on, not the Town Planner, because if the loan officers had checked to see that the people had no planning permission, the loans would not have been granted.

Secondly, I will warn him that he must be very careful up there to make sure that people have proper status in Barbados before they lend out money from the Development Bank.

Thank you, Mr. President.

The question that the Bill be read a second time was put to the Senate and agreed to.

SENATOR THE HON. O'B. TROTMAN: Mr. President, I beg to move that further consideration of the Bill be postponed until such time as we can have the drafting ready in respect of the amendments which were circulated two months ago, and in respect of the two amendments which the Government has accepted from Senator Greaves. We are not in a position to proceed because the drafting department has not managed to draft the paragraphs for us.

The question that further consideration of the Bill be postponed was put to the Senate and agreed to.

REPORTS FROM SELECT COMMITTEES

Mr. PRESIDENT: Can we now revert to the item Reports from Select Committees.

SENATOR THE HON. O'B. TROTMAN: Mr. President, I beg to lay the first Report of the Standing Orders Committee. The Clerk will circulate the report and I hope to have the report debated next week.

Mr. PRESIDENT: Let the report be printed and circulated and let the motion for adoption of the report be put on the Order Paper for the next meeting.

Senator E. E. GREAVES rose.

Mr. PRESIDENT: There can be no debate on this now.

SENATOR E. E. GREAVES: I do not want to be cantankerous, but I have been advised by the Clerk that I should, as a matter of duty, draw to the attention of the Senate that there is a Minority Report attached to this report.

Mr. PRESIDENT: Senator Greaves, the report that has been laid will be printed and circulated to members, and they will be able to see everything that is in it. There is no question of going any further on the report at this stage.

RESUMPTION OF ORDER NO. 2

Mr. PRESIDENT: At an earlier stage in today's sitting the Committee of the whole Senate dealt with a Bill to provide for the eradication of plant pests and diseases and related matters, reported progress and asked for leave to sit again. The Committee may now resume.

Mr. PRESIDENT left the Chair and the Senate resumed Committee on the Bill, Senator J. C. W. WICKHAM in the Chair.

Mr. CHAIRMAN: When the discussion on this measure was postponed, we had reached discussion on Clause 4, and we had before us a proposed amendment to the first paragraph of Clause 4 which proposed the replacement of the words "of any farm or plantation" by the words "of any lands or other premises". The debate continues.

SENATOR THE HON. N. A. BARROW: Mr. Chairman, in the interim, we have had the benefit of advice on this point. The whole scope of this Bill is for an agricultural purpose, and Section 3, which we have just dealt with, enables the Minister, on the advice of the Chief Agricultural Officer, to declare the plant pests and diseases that are to be eradicated and their host plants and, where applicable, alternate host plants etcetera. As I understood it, Sir, what Senator Ward, who made the point originally, wished to achieve was that there should be adequate machinery for dealing with those pests and diseases which existed not on a farm or a plantation.

I am advised, Sir, as follows: that regulations made under the Health Services Act contain the following: "For purposes of these regulations the following shall be deemed to be nuisances – (4) any yard, enclosure or other place not free from bush and weeds dry and clean."

The Ministry that has the staff to police private premises for this purpose is the Ministry of Health. If we seek to achieve Senator Ward's quite worthy objective, by

amendment to the Bill that we are studying, we would be putting a power in the hands of the Ministry that would have no way of exercising it, and therefore we propose to take advice on the regulations as to whether in their present working they are, as I believe, wide enough to meet the mischief that Senator Ward is dealing with, and if those regulations are not sufficiently wide, then to have the change made in the regulations to reflect not only the statement about bush and weeds, but also the plant pests and diseases as designated by the Minister. I have intimated this to Senator Ward and he thinks this would meet his objective.

SENATOR L. A. WARD: Yes, Mr. Chairman, with the assurance of the Minister I will withdraw my motion.

Mr. CHAIRMAN: Thank you. The seconder of the motion is Senator Seale. I expect him to concur as well.

SENATOR C. D. SEALE: I will go along with that.

The question that Clause 4 stand part was put to the Senate and agreed to.

Clauses 5 to 8 inclusive were called and passed.

Clause 9 was called.

SENATOR THE HON. O'B. TROTMAN: I beg to move that Clause 9 stand part.

Mr. CHAIRMAN: Before I put the clause, I sense a certain apprehension about not catching the action of a member who wants to speak. I have noted it before, that it is much easier if I see the light on, which indicates that the member wants to speak, than a feeble gesture of a finger which is not always recognisable.

The question that Clause 9 stand part, was put to the Senate and agreed to.

Clauses 10 to 19 inclusive were called and passed.
5.40 p.m.

The Schedule was called and passed.

On the motion of Senator the Hon. O'B. TROTMAN, the Senate resumed and the Bill was reported as having passed the Committee without amendment. Mr. President in the Chair.

On separate motions of Senator the Hon. O'B. TROTMAN, the Bill was read a third time forthwith and passed.

ADJOURNMENT

SENATOR THE HON. N. A. BARROW: Mr. President, I beg to move that the Senate do now adjourn until next Wednesday, March 2, at 11.00 a.m.

The question was put to the Senate and agreed to, and Mr. President adjourned the Senate accordingly.
5.50 p.m.

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