
THE SENATE DEBATES

(OFFICIAL REPORT)

FIRST SESSION 1994 - 99

THE SENATE

Wednesday, November 20, 1996

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, November 20, 1996 at 11.15 a.m. o'clock.

PRESENT

His Honour Senator Sir Fred GOLLOP (President)

Senator the Honourable R. R. FARLEY (Minister of Industry, Commerce and Business Development) (Leader of the Senate)

Senator the Honourable G. S. H. MURRAY (Minister of State, Prime Minister's Office)

Senator Miss C. Y. FORDE (Parliamentary Secretary, Ministry of Education, Youth Affairs and Culture)

Senator Miss O. P. SYMMONDS

Senator D. T. GILL

Senator Miss J. C. ODLE

Senator N. A. LYNCH

Senator N. P. WELCH

Senator J. A. WORKMAN

Senator Mrs. P. E. RICKINSON

Senator S. P. BERNSTEIN

Senator the Venerable Archdeacon J. L. SPRINGER, G.C.M.

Senator C. K. LAURIE

Senator Mrs. V. J. DAVIS

Senator Mrs. A. P. THOMPSON

Senator C. A. MASCOLL

Prayers were led by Fr. Errington Massiah.

PRESENTATION OF PAPERS

SENATOR THE HON. R. R. FARLEY: I am commanded to lay the following documents before the Honourable Senate:

1. Guarantees granted under the Exempt Insurance Act Cap. 303 to the following:
 - (a) Aviation Products Insurance Company Limited
 - (b) Brookwell Insurance Company Limited
 - (c) Columbus Fidelity Insurance Company Inc.
 - (d) Enterprise Group Insurance Company Limited
 - (e) European Finance Reinsurance Company Limited
 - (f) Galleon Insurance Limited
 - (g) Northwestern Professional Liability Insurance Co. Limited
 - (h) Queensway Insurance Company Inc.
 - (i) Retail Insurance Limited
 - (j) Windsor Insurance Company Inc.
 - (k) WG Western General Reinsurance Corporation.
2. The Annual Reports and Financial Statements of the Barbados National Standards Institution for the financial years April 1, 1988 to March 31, 1995.
3. Reports on the operation of the Sugar Workers Provident Fund for the period January 1, 1994 to December 31, 1994 and January 1, 1995 to December 31, 1995.

4. The Duties, Taxes and Other Payments (Exemption) (No. 23) Order, 1996.
5. Annual Reports of the Royal Barbados Police Force for the years 1993 and 1994.

INTRODUCTION OF BILLS

SENATOR THE HON. R. R. FARLEY: Mr. President, I rise to introduce the following and to beg to move that they be read a first time:

The Civil Establishment (Amendment) Bill, 1996.

The Pensions (Miscellaneous Provisions) Bill, 1996.

The question was put and agreed to.

GOVERNMENT BUSINESS

ORDER NO. 1 – THE SHOPS (AMENDMENT) BILL, 1996

SENATOR THE HON. R. R. FARLEY: Mr. President, I rise to move the second reading of this Bill which would amend the Shops Act Cap 356A. Sir, I want to start by taking a look at the existing Act and I will outline to the Honourable Senate provisions of that Act and where the amendments to that Act will be located within the whole framework of the shopping and labour related activities as currently specified by that Act.

It is important for us to recognise at the start that the Shops Act is really labour legislation more so than it is about the intricacies and the details of shopping. It attempts by way of the legislation to set up a framework within which shopping can be done on some ordered basis and within certain specified time frames and it also sets out conditions which must be met if one is to conduct business in compliance with the Act.

The Act starts by seeking to make some important definitions such as what is a shop, what are closed days and so on. For example, the Act indicates, generally speaking, that a shop, for the purposes of the Act, is really any premises in which a person conducts certain types of business, namely the sale of commodities, whether wholesale or retail. It also includes a place for the storage of such.

Another important definition of the Act, Sir, is that the Act speaks of the concept of a closed day and that is one of the areas where the amendments are coming. In the Shops Act, 1983 a closed day means any day that is a public holiday by virtue of section 3 of the Public Holidays

Act, – Good Friday, Christmas Day and Sunday. Sir, the Act also importantly goes on to make some other definitions, for example, what is a spouse and that is important within the context. That is not to suggest that most persons do not know what a spouse is or who their spouse might be, although that could occur as well, but for the purposes of this Act, the importance of defining a spouse will be seen later as I indicate for the benefit of this Honourable Senate what were some of the exceptions that were made in the Act to the concept of a closed day.

It defines what is a spouse, what is a week – a week means 7 days. It also describes what is a hotel shop, what are members of the occupier's family and so on. It even is so detailed as to describe what is a privy and we all know what that is. The point I am making is that the Shops Act, 1983 attempted to set out a framework for the regulation of shopping activity in Barbados and for the protection of the rights of the workers who provided an essential service in that sector.

I want to make the point at the very outset that that Shops Act really was not as comprehensive as it might first appear as far as the enforcement of the concept of the closed day. The 1983 Act says that a closed day means any day that is a public holiday by virtue of section 3 of the Public Holidays Act so that December 2 will be, for example, a closed day in the meaning of this Act. That is one category. Once it is a public holiday it becomes a closed day.

The other category that I mentioned is Good Friday, Christmas Day, Sunday specifically mentioned. So one would immediately get the impression if one were to go into the Act that a shop will not be open on a closed day, public holiday, Christmas, Good Friday and Sunday. Sir, the Act then goes on to give a whole range of exceptions and exemptions that in truth and in fact have reduced the concept of a closed day to nothing but almost a figment of the imagination.
11.20 a.m.

Now, Sir, we have, for example, a situation in which, according to both the Act as well as the Shops Order, 1995, because the two have to be taken together, the provisions of the Act with respect to opening and closing shall not apply to shops that are open for the sale of essential apparatus for the repair of motorcars, so you sell two gas filters, an oil filter, 2 spark plugs and you open.

The provisions of the Act with respect to the closed day do not apply to entities which are selling petroleum products, gas stations. The provisions of the Act with respect to opening and closed days, Sir, do not apply

to family owned and operated businesses. So if you get, according to the Act, they define the spouse, and the spouse is a single woman who is living with a single man as his wife, a single man who is living with a single woman as her husband, it includes that as well as a husband or wife.

Members of an occupier's family means spouse, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, brother of the half blood and sister of the half blood. So if you were to take it that you had one person of each of these categories in your family, you could easily open a business on Sundays, bank holidays, Good Friday and all of these days provided you are selling things in the particular categories with at least 15 employees, a family business.

The Act also said that the provisions relating to a closed day do not apply to what they call hotel shops and hotel shops are defined in the Act as a shop which is located on the premises of a hotel. Somehow in the last few years the premises of hotels seemed to have stretched quite a bit. The Act also said that a shop engaged in the sale of any newspaper published in Barbados, I suppose that meant that you could not sell *U.S.A. Today* or *The Trinidad Express*. But a newspaper shop could be open on a closed day.

It said, Sir, that any shop engaged in the sale of handicrafts of a CARICOM common market origin and so on could be open. Shops engaged in the sale of bread, milk and milk products could be open. Shops at the airport and the harbour could be open. It says clubs who do some selling on the side. So if you belonged to the BAS and they have a club with a bar on the side they could open up and do a thing. If you belonged to Barclays Sports Club or BET that 1983 Act and 1995 Order did not apply as far as opening hours are concerned.

It says as well that businesses engaged in the sale of programmes and refreshment in theatres and other places of licensed public entertainments. So if you run a shop inside a cinema or some other place of entertainment you could sell your liquors and sell whatever you want to sell in this place licensed for entertainment on the closed day.

It also said that shops opened in respect of the sale or purchase of any article required in case of illness of any person or animal and so on which is very wide. So I suppose if people need some bay rum for the curing of an illness you could be able to argue that this would apply. Generally speaking, you sell a few Phensic and a few Panadol and you would be all right.

The point I am making, Sir, is that under the existing framework, and this is without the amendment, I am not dealing with the amendment yet at all, there are so many

exemptions and exceptions to the concept of a closed day where it says that the people in these categories, the opening hours do not apply to these people. In the Shops Order of 1995 at paragraph 2, it says:

"Subject to this Order, the hours during which a shop may be opened on any day for business except on a closed day, are between 7.00 a.m. to 10.00 p.m.;

A shop may be open for business during the opening hours specified in subparagraph (1) on each Sunday during the month of December."

So Sunday is not Sunday when it is in December, Sir, clearly. Sunday is not Sunday if you are engaged in the sale of medicines, if you are selling programmes and refreshments in a place licenced for public entertainment, if you are selling cooked food and non-alcoholic beverages, if you are in a club, if you are selling articles for the illness of any person or animal, if you are selling things required for aircraft or ships, if you are in a petrol filling station or car park place, if you sell newspapers, if you sell milk, bread, and it goes on and on. So we have under this existing framework two classes of business, those businesses which are able to open up and sell a whole range of items and those businesses which are not.

We have, for example, a number of gas stations. As you know, Sir, in the distribution of petroleum products in Barbados, there is a multi-tiered structure. Over the years the distributors, the person who operates the petrol filling station tended to be an independent operator who had a kind of franchise arrangement with the particular dealer and he would sell one of the brands and so on, but over the years what has happened is that a number of the franchise holders themselves, the persons whose names fly across the top of the station, are now operating these stations directly. Those are the ones particularly where they have these large supermarkets which go under the name of automarts and any kind of marts.

11.30 a.m.

Now, remember, Sir, previously you had a situation where the independent operator who just put up two pumps on a piece of land, if you had a piece of land at the corner, you said to one of these distributing companies, I have a good corner lot, I believe that we can enter a deal, you can use my land, I will operate the station, I will only sell products sold by you. That fellow had a pump or two, or one and a half. He sold gasoline, diesel, kerosene oil and some bottle gas. He sold a few fan belts, a few bulbs and some engine oil.

Now, Sir, you have these large facilities which are not being run by independent operators now. These are

being run directly by the persons whose banner flies proudly across this island. These are being run by the multinational oil companies themselves. What do they have, Sir? They have 6 or 8 pumps, they sell the whole range of petroleum products, but they also sell everything, Sir, from hot dogs and cheeses to rotis and hamburgers. From peanuts to O'Henrys, from orange juice to rum punch to the finest wines. You can even buy a bottle of red chilled wine if you have a hot day, Sir, and you did not have a chance to cool your wine, you can go to these places and buy some ready chilled wine. I suspect they might even sell the glasses if you are short on the necessary vessels, Sir. You can buy all kinds of medicinal stuff. You can buy bread, cheese, milk, corn beef, Sir. I don't know, by the way, the Honourable Member in another place would have bought his corn beef for entering into evidence as a document of the House, from one of those places. The point Sir, is that you can go to one of these places and buy anything that you buy elsewhere. In fact, put it another way, Sir. You can go to one of these big marts, which is owned by the multinational companies involved in the oil business, you can go there on a Sunday, Sir, and buy any or all the items that you will need for home or elsewhere, but you cannot, as it presently stands, go 50 yards down the road and shop at my first cousin or yours or the fellow that you knew in the district, who has grown to a point now where his business is not quite a family business anymore. So therefore, he falls now within the meaning of the Shops Act and the "closed day" there refers to him. So he sells the same items as those gas stations but not on a Sunday. They can open but he cannot, and it goes on, Sir.

The bottom line is that we need to understand that nobody is introducing Sunday shopping. Sunday shopping is as old in Barbados as Barbados. What is being done, Sir, is the removal of the distortion in the retail sector, which currently sees a vast array of businesses being able to open because of the exemptions and exceptions but an even more vast array, Sir, not being able to open because they fall fully within the meaning of the Shops Act.

The Act also goes on, Sir, to make certain provisions and prescriptions, as far as the conditions under which persons who work in shops are defined by the Shops Act should be treated. The Act goes into detail to specify that you must provide seats for shop attendants in a ratio of not less than one seat for each 3 persons you have employed. It goes into the level of detail, Sir, which says even if there are cashiers who work there that separate and distinct from the ratio mentioned for shop attendants in general, that each and every cashier must be provided with a seat. The Act provides, as it currently is structured, that shop assistants must be provided with easily accessible toilet facilities, and Sir, for over a certain number you need to provide lunch room and so on.

The Act, as well, as you would expect, going into that level of detail, also provides for the hours of work of shop assistants. Clearly, Sir, the provision under the Shops Order that shops can be opened from 7.00 a.m. until 10.00 p.m. would require that one would set some framework within which workers would provide their services. It makes provision for a forty-hour week in the Act as it presently stands, and it also specifies that with respect to rest periods that every shop assistant should have at least a 36-hour rest period and of that 36 hours, 24 hours must be consecutive.

The Act, also, as it presently stands, I am not dealing with the amendment yet, Sir, I am just laying the framework of the amendment within the existing provision of the Act. The Act, Sir, provides for a number of offences where the owner or occupier of a shop fails to comply with the provisions of the Shops Act and Order. For example, an offence is created if the owner or occupier of a shop fails to display in a prominent place certain sections of the Act which are mandatory to be displayed. For example, one has to display in the Schedule that "notice is hereby given that seats are provided in this shop for shop assistants and that the shop assistants are entitled to make use of the seats whenever the use thereof does not interfere with their work" and so on.

Provision is also made, Sir, for the creation of an offence for any owner or occupier who makes false declaration in the name of the Act. So that an offence with appropriate penalties is there, Sir, for persons who post a notice which he claims to be part of the Shops Act but, in truth and in fact, it is not. The Act, Sir, also makes provision for an offence to be created where employers force an individual to work overtime. In the current Act, Sir, that offence is liable to a fine of some \$10 000.

Asides.

SENATOR THE HON. R. R. FARLEY: Sir, I have been very careful at the start of this debate to give a few snapshots of the Shops Act 1983, Sir. I would now proceed to look at the specific issue ahead of us, that is the amendment for this Act. It is important that we deal with this because what is being debated today is not a new Act but an amendment to this Act. So this Act is very much still in force as amended after today with the concurrence of the Honourable Senate.

Now what do the amendments really speak to? The amendments, Sir, as there are proposed, have come about on the basis of long representation that has been made with respect to the inequity that has crept into the system as a result of the factors that I mentioned, where one class of owner can open and another class cannot. I have made the point by way of illustration that all types of persons are affected. You have big multinational owners who are

able to open and small Barbadian owners who cannot, and the inequity goes on.

11.40 a.m.

From way back in about 1993 representation was made to the Ministry of Labour by several interested parties concerning whether shops should be allowed to open or whether they should not be allowed to open. Most specifically on a number of occasions, representations and in fact formal applications were made for businesses to obtain permission to open on a Sunday but there were no tourist ships in Barbados because as you know, Sir, one of the exemptions and exceptions to which I refer is the fact that the Minister may give shops which are not subject to any exemptions and exceptions that I mentioned, permission to open on Sundays provided a tourist ship is in Harbour but to do that you needed to apply 7 days in advance and so on and so forth. Of course that meant that if there was some rerouting of ships because of a storm in the Northern Caribbean and you only knew on the Wednesday that a ship was coming in on the Sunday, well your goose was well and properly cooked because you could not open.

Sir, representation was made to the Ministry of Labour and it was decided at that time, back in 1993, that a Committee would be set up to examine the whole issue of Sunday shopping, the Shops Act, the Shops Order and so on. The Committee would have included a broad representative section of people. The Christian Council was there, the Employers' Confederation, the Chamber of Commerce, the Shops Wages Council. The Trade Unions were invited, some participated and some did not and the list goes on. Several submissions were made. Some persons were in favour, others were not and so on. But we are here today, Sir, and let me speak to the amendments that are being proposed.

The amendments start with what I would mention first in the debate here today and that is the matter of a closed day. It is proposed, Sir, to amend section 2(1) of the Shops Act by deleting the word "Sunday" and adding the word "Easter". Now, let me indicate in simple terms what that means. What that means, Sir, is that the proposed new definition of a closed day, if these amendments are passed, Sir, is that a closed day would mean any day that is a public holiday by virtue of section 2 of the Public Holidays Act, Good Friday, Christmas Day and Easter. That is the effect of the change. So that Sunday becomes a shopping day or shops can be opened on Sunday without having to make specific application to the Chief Labour Officer in the 11 other months other than December because, remember, in December, shops can open on Sunday without reference to anybody. So we are making all of the months now on equal ground. You do not have to wait until December for Father Christmas to bring Sunday opening.

Like I said, Sir, the net effect of that particular amendment is that the exceptions and exemptions will not have the same power which they currently have in distorting the retail sector where some people are privileged to open and sell everything and you, operating 50 yards down the road cannot open and you are selling similar items in some cases.

Now, Sir, the other amendment that is made in terms of the definition, Sir, is that the definition of a shop has been changed. Now when this definition was made I believe that a shop was seen as a place that sold commodities and that is what the Act specified. But, Sir, shops nowadays do not only sell commodities, they hire them and they also provide services so that the definition has been changed to include the sale or hire of commodities as well as the provision of services. So that is really a broadening of the definition of shops so that places like video shops, for example, that do not sell but rent would come under the meaning of the definition of a shop under the Shops Act because under the previous definition where it specifically said a shop means any premises or place in which a person conducts, manages or carries on business for the sale of commodities. That is an important widening of the definition.

Sir, section 4 of the Act makes the amendment which is consequential on the change of definition with respect to a closed day and it says, Sir, the net effect of that would be to add Easter Sunday to be on the same level as Good Friday, Christmas Day and Independence Day and that is consequential on the change in definition of closed days.

Now, Sir, the other amendment which is important is an amendment which seeks to protect the right of the shop assistant to decide whether he wants to work overtime and whether he wants to work on his day of religious observance.

Now, the provision with respect to overtime is already in the existing Act where it indicates basically, Sir, as in this Act, that no employer can force anyone to work overtime. "No shop assistant shall be required to work over time without his consent." and "An occupier who dismisses or otherwise penalises a shop assistant for refusing to work over time is guilty of an offence and liable on summary conviction to a fine of \$10 000 or imprisonment for 2 years or both." It puts the pressure on the businessman to prove that the shop assistant was not dismissed or otherwise penalised for refusing to work over time. That is the existing arrangement. The amendment that is being proposed, Sir, will not only keep the protection of the shop assistant from being forced to work over time but it will add, Sir, that he cannot be forced to work on the day that he observes as the day of his religious worship.

Let me explain that, Sir. There is still a view in this country that Sunday is the only real day of worship. But the fact of the matter, Sir, is that there are other religious groupings that worship on other days, the most well known of them the Seventh Day Adventist but there are many others. There was nothing in the previous Act that spoke to that point of religious diversity so it was generally accepted. Barbadians tend to respect religious diversity. It was generally accepted by employers that they would allow persons to respect their religious day of observance but we thought, Sir, that in seeking to draft a new Act that we would be neglectful in our responsibility not to include in the legislation the relevant provision which would ensure that a person's religious freedom which is enshrined in the Constitution is also protected in the Act.

Of course, Sir, there is every possibility that I have mentioned religion, and the fact that we are seeking to protect religious freedom and respect religious diversity, that someone may argue, Sir, but how hypocritical can you be? How can you speak about religion on the one hand and protecting people's religious freedom when you are breaking up Sunday?

Remember, Sir, that Sunday shopping in Barbados is as old as most churches in Barbados. Because of the exceptions and exemptions and so on Broad Street may not have been opened but business was going on. In addition to that, Sir, we really have to be realistic. Is the person who drives the bus that takes the Sunday worshipper to church doing any less work than the person who works in the grocery shop that the Sunday worshipper stops by after he comes from church to buy a coke or a Ju-c to drink with his Sunday lunch? Is the person who pumps petrol at the pump doing any less work than the shop attendant, Sir? I am sure many of us have found ourselves in the position on the way to church or from church stopping to buy gasoline. Those are the realities of the situation, Sir. For all the time that some shops have been opened and some shops have been closed I have not seen as yet the direct linkage between church attendance and shopping. What I have seen is that there has been much ado about to shop or not to shop which is really a personal decision. The entertainment industry has taken over the largest attendance nowadays at football matches and certainly for cricket and a number of other things now. We have hockey and other things on Sunday. All of the major concerts now – "Edwin, Barbados, I Love You and John King" – are held on a Sunday. Sunday afternoon is now the entertainment time. But I am making the point that society goes through a number of these changes and so on. I remember when I was young that Sunday was a day in which you could not play any calypso. Nowadays you play calypso in church too and rightfully so because it is part of the expression. The content, of course, I would hope is different but certainly the music is that. If you go to China, you would

not expect to hear organ music or calypso. You would expect to hear traditional instruments.
11.50 a.m.

But the point, Sir, is that there was a time when what one expected of a Sunday was different. If you look at 1896 or 1796 or 1996, things have changed. Sir, the important point about this amendment is that Sunday is not the only religious day and therefore in the wording of the Act provision has been made to protect not only the Sunday worshippers who are now free to say to an employer that Sunday is my day of worship and therefore I cannot work as well as the Saturday worshipper or the Thursday worshipper. That is important if we are to hold true to the Constitution of Barbados which protects religious freedom. We cannot have law that runs contrary to the supreme law in the land, not in the world.

It also provides for an increase in the penalty recognizing, Sir, the change in monetary values and so on. It was felt that the fine of \$10 000 was not enough and an opportunity was taken to increase the penalty to \$20 000 for employers who would contravene the section of the Act that deals with forcing an employee to work overtime or work on the day that he observes as his religious worship.

Another amendment which I want to speak about is the fact that in making adjustments to the opening day, Sir, it has also made adjustments to what constitutes the working week. The working week is still defined as 40 hours, but it is recognized as well that if one were to strictly define a working week with reference to hours, that those 40 hours can be spread over 7 days. Then an employer could say that he is within the hours. So therefore you needed to have other parameters which would give effect to what was ultimately desired. Basically, the legislation makes provision for a 5-day week by specifying that in terms of rest periods that a shop assistant should be allowed a rest period of at least 2 days per week. Of course, I should make the point as the legislation makes it that this does not preclude a shop assistant from working overtime. So that in the same way how you are entitled to working a 40-hour week but some people put in as much as 80 hours by working overtime, a shop assistant can where he or she agrees forego those 2 days of rest a week and work 7 days a week if he or she so desires. But the main point is that he cannot under the law force people to work overtime or on their religious day of worship as a part of their conditions of service.

Sir, those are the amendments that are being proposed to the Shops Act which basically seeks to bring some rationality to a system that has been so butchered by means of exceptions and exemptions that there is Sunday shopping and there still is not. So although the public believes that there is no Sunday shopping, the public itself shops

on Sunday because they are able to go through this long list of categories which I have mentioned as per the Shops Order, 1985. By having a long list and with such a wide spread, it has developed into a situation in which a number of persons are being disadvantaged while others are taking full advantage. We are also satisfied that what we are doing is not demanding that shops must be open on Sunday. All we are doing in effect is removing the provision which previously said that, except for December when you could open. Sunday shopping is there in December, but if you want to do it from January to November you have to apply to the Chief Labour Officer 7 days in advance and only if a tourist ship is in the harbour. What we are doing now is making a provision whereby the shops can determine whether they want to open or not.

The reality as I see it, Sir, is that there is not enough business to justify the opening of shops every Sunday year round and that is a fact. There is not enough and I hope that there will never be enough. However, there are periods of the year other than December when consumers would want to be able to shop on Sundays. I can see for example around the Crop-Over period when one can hardly find space to walk to do legitimate business in town furthermore to shop during the weekdays and Saturdays. We all have experienced that, Sir, at least those of us who are still walking in Bridgetown and they cannot find space to walk during the Crop-Over period in Bridgetown. So that you might need an extra day in order to do a little shopping. I can see it perhaps happening in one or two other periods of the year if there is demand. But generally speaking, there really is not that level of business that will allow Broad Street and Swan Street and Roebuck Street to open every Sunday all day long right through the year. So it will not happen based on market demand as it is. Where the main impact will be felt is in those situations in which those companies which by virtue of selling a little gasoline are able to operate full fledged supermarkets on the premises but where other supermarket operations for example cannot open. That is where I think the greatest disparity is felt. Because remember although they are petrol stations, the hardest thing to find in one of those places is a fan belt or spark plugs. They are somewhere down in the back in a corner. As soon as you go in, you can see the hot dogs, rotis, nuts, pizza, O'Henrys and so on. But to find a spark plug or a bulb, that is a difficult one, and that is the reality. 12.00 noon

The net impact, as I see it, of this legislation will be to provide a framework which provides equity in the regulations that affect the operations within the retail sector. It will provide an opportunity for shops to respond to market demand to determine whether they open or not. It will provide for shop assistants to have their full rights and freedoms protected over and above the level of protection which was given previously. We have kept the provision where employers cannot force shop assistants to

work overtime, but we have added the protection of their day of religious observance. We have kept the 40-hour work week but we have also specified that the rest period should be two full days. So as not to unnecessarily restrict commerce, provision is made of course for employees to work overtime at the rates specified in the Act, if they so desire.

The provisions relating to the conditions in shops and the facilities that must be made available have been kept - they are in the Act as it presently stands - and we are satisfied that there will generally be a beneficial impact on the community as a whole, because all of the issues that people mentioned, all the issues that Honourable Members may want to raise concerning the family and so on, are matters which are of a wider and deeper societal nature and do not reside in the mere matter of whether shops are open or not. As far as I know, Sir, church doors are open every Sunday but that does not force people to go into church. Shop doors can be open on Sundays and that will not force people to go into shops. As far as I know, Sir, people's families are there seven days a week, not just on Sunday, but that does not force people to go home to spend quality time with their children, if you were to look at the nightclubs and the sports events and all the other options that are there that people exercise. I am saying that one of the realities which you face in a free, democratic society is that there are certain risks you take with freedom. There are greater risks, however, that you take in seeking to so regiment people's activities that one imposes one's personal perspective of life on the entire society. We will be making a mockery of the rights and freedoms enshrined in the Constitution if we were to seek to decide that because we prefer to do X or Y on Sundays others should do the same thing we do.

I am suggesting, Mr. President, that one should no more seek to blame Sunday shopping for any ills in society than one would perhaps seek to blame some other minuscule force for any perceived difficulties there might be in the youth of the community. I am saying that there is already substantial Sunday shopping, not only by the non-churchgoer but by the churchgoers as well. I am saying that the shops can be opened by virtue of the exemptions and exceptions in the Shops Act and the Shops Order - those who sell drugs and medicines, the shops in places of public licensed entertainment, the sale of cooked food and alcoholic and non-alcoholic beverages, clubs, items for ships and aircraft, petrol filling stations, shops selling newspapers, shops selling bread and milk products and shops on hotel properties - have an unfair advantage over shops sometimes 50 yards down the road and there is a need to remove that portion of inequity which is enshrined in the Act.

I am satisfied, Sir, that the amendment to the Shops Act will do no violence to the community at large.

I am satisfied that there are adequate provisions for the protection of the rights of the employees defined as shop assistants under the Act, and I beg to move that this Shops (Amendment) Bill be now read a second time.

SENATOR S. P. BERNSTEIN: Mr. President, what seems to be a simple amendment to the Shops Act before this Chamber has more serious implications than actually meet the naked eye as far as employees are concerned. I do not think it is anything too contentious and surely the Leader of Government Business has obviously put it outright with good intentions of how this amendment will work. I have decided to speak early so I will give an opinion from the other side of the coin as it relates to employees so that I will make the debate a little more interesting.

I want to state from the outset that I have not always been an employer. I started in my early years being an employee. I worked for a company and I know what it is like to work for people, and so I was very happy to hear in the opening remarks of the Leader of Government Business that this Act leads to labour related matters. What is happening right now as we are experiencing in town is a 40-hour week over a 5½ day period and, just like the Leader of Government Business, I would like to say what is happening today as opposed to what is going to happen when we have the five-day work week, or the 40-hour work week in five days. As it stands today, Sir, on Mondays, Tuesdays, Wednesdays and Thursdays in Swan Street our stores open around 8.30 a.m. On Mondays we close at 4.30 p.m. Tuesdays, Wednesdays and Thursdays we close at 4.00 p.m. It means that the staff, or the shop assistants, have a much longer evening or afternoon to enjoy. They can go home and prepare dinner, they can go and take computer courses or whatever extra training that is desirous, that they need. They can go and practise sports, they can go home and spend quality time with their children and make sure that they get home early and do their homework and not roam the streets, and then on Saturdays we open from 8.30 a.m. to 1.30 p.m., which gives them a half day. On Sundays we are completely closed.

12.10 p.m.

That is what is taking place at the moment, 5½ days, 40 hours. What is in this amendment now, Sir, is a 5-day work week, the same 40 hours over 5 days. We must give our employees 2 days off unless they consent and I will come to that in a little while.

Any astute businessman would then say the best day to give off would be the Sunday and then what he would do is rotate during the week your staff and one or two will take a Monday off, another two Tuesday off, and another two Wednesday off. Surely what will happen then is that

the hours will be extended and instead of working from 8.30 a.m. to 4.00 p.m. they are going to be working on the 5 days including Saturdays, 8.30 a.m. to 5.30 p.m. I have spoken to a lot of staff and they are not very happy at all with that situation.

There will be no time during the afternoon. When they come out at 5.30 on afternoons, especially around this time of the year, they are coming out and seeing stars. It is dark. They have absolutely no afternoon. It is like going back to daylight saving time. I don't think it is fair to put that on to the shop assistants at this point.

What is worse than this, Sir, it appears as though the Government wanted to introduce this so that we can employ more people and I will be the first to say employ more people because the more people who are employed are the more people that spend money in town. But we business retailers are still suffering. Despite all the indicators out there that are showing high corporation taxes paid by large companies and how we have a lot of reserves, money is not trickling to the small man in this place because when money is trickling down to the small man we see it and we are very concerned that there is not enough business activity to warrant these extended hours, which leads me to another important point.

Already employers are saying that they want now to try and ease the permanent workers out of employment and hire more part-time staff and pay them by the hour. That is serious. When you have employers thinking along the lines of hiring more part-time workers and pay them by the hour under these circumstances that does not augur well at all. I am saying how some people are talking to me.

When this Shops Act came out in the House of Assembly last week to debate, I was bombarded by lots of people on Swan Street and on Baxters Road and Tudor Street including Broad Street by people who were very concerned. The fact is that everybody has asked who did the Ministry of Labour or whoever is responsible for introducing this consult. The only thing that is coming out after an investigation is that they spoke with the Barbados Employers' Confederation sometime last year and the Chamber of Commerce but nothing concrete was given and the norm is, according to the Employers' Confederation and the Chamber of Commerce, that they circulate a paper for perusal where people can make comments just like they did with VAT. I must compliment the VAT people. They came out there. They had seminars and they asked people to make an input and they did a wonderful job up to this point.

It is a shame that the Government did not consult with the Barbados Employers' Confederation or the Chamber of Commerce or any of the merchants or property owners in Swan Street or send a paper recently that they could make an input into it. As far as I understand, as

far as it was told to me, as far as our investigations go, that is a fact. I would like to hear otherwise.

SENATOR THE HON. R. R. FARLEY: On a point of order. The Honourable Member is misleading the Senate. I did indicate in my address that since 1993 a Committee was established and it gave members of the community – the Honourable Member knows full well that the Chamber of Commerce and the Employers' Confederation and other entities to which he alluded have been in consultation with the Ministry of Labour for some time on this matter.

SENATOR S. P. BERNSTEIN: Sir, the Minister is referring to 1993 and I would just like to refresh his memory as to what I said. I said that they consulted the Employers' Confederation and the Chamber of Commerce last year in 1995. Just prior to this, no paper, which is the customary way of doing things by Government, was sent for their perusal and that is where our investigation has led. Maybe the Minister knows otherwise but that is not a big bone of contention here.

What bothers some of us is that this law will be passed in the Senate today and signed by the Governor General and then it becomes effective from when? The December month? Once again, the Government of the day has chosen a time like December to introduce this 40-hour week and they are doing just like they did in 1986 when they had vendors put on the street on a trial basis in November and December of 1986.

I would ask and urge Government when it is making these changes to do it at a time when it is not very busy. I cannot support this amendment that both employers and employees are unhappy with and I ask that we either change the amendment or we continue to have a 40-hour week, 5½ days.

Now, Sir, it leads me to the next aspect of Sunday shopping. Again, on the surface, you speak to John Public and you say we are opening on Sunday. That is a nice idea. He is not going to town anyway but you have a survey and you say Sunday is good for me and good for you. Let us go back and look at Barbados and the Honourable Minister says that Barbados society is changing. He is right. It is changing and we are progressing and everything. But our morals are decaying.

Sir, let us look back at the last 25 or 30 years and look at our homes. You will see that we did not have burglar bars. There was low crime, little or no drugs and our morals were much higher than what exists today. That is a fact. And what are we doing to avoid the decay in the society? Nothing. Instead of stopping this decay in the society we are encouraging it by opening on Sundays and I will explain why.

The one day a family has to have a Sunday lunch together would be voided. Already our shop assistants have to work late on Saturdays. The one day that they have to worship together is a Sunday. Eighty percent of the country worship on Sundays. The one day they have to go to the beach and do things together to give their children a sense of family love.

We saw President Clinton in 1996 talking about family togetherness and family values. All of these things that we are talking about, in the elections of 1996 in the United States of America are the things that President Clinton is talking about, family values. We are opening on a Sunday, a time when we could have our family keep close together, something that we enjoyed when we were young. Now what are we doing? Amending the Shops Act to open on a Sunday.

We are worshipping the mighty dollar in this country. We are now moving at a time where we are worshipping the almighty dollar and I think it is disgraceful and I say no to that.

Aside.

Mr. PRESIDENT: Please let the Senator be heard.
12.20 p.m.

SENATOR S. P. BERNSTEIN: Sir, I am calling for all the retailers to close on Sundays. I am saying too even at Christmas, if everybody closed at Christmas we would do the same business during the week. What it does is that one shop opens and then another follows, and another one follows simply because of the fear of losing business to competition but if all of us were to close on Sundays that business would be done during the week.

Sir, the Bill also states that there are very harsh penalties, a fine of \$20 000 or one year in jail if an employer were to victimize an employee and that sort of thing. I agree those laws have to be in place. I have no quarrel with that at all, but I want to say that employees are reluctant to refuse to work when they are asked to work on a Sunday. I talk to employees all the time. You would think I was an employee and not an employer. They are very unhappy to work on Sundays but for fear of victimisation. Do not mind the penalties are there. There is always a fear that some other person in the workplace would get ahead of them. There is always a fear that they may be laid off at some later date and they will be victimised. They do not have to be victimised immediately. They can be victimised down the road. So for fear of losing their job they have no other alternative but to say yes to the employer and say I will work on a Sunday. This time their whole heart, soul, conscience and everything does not want them to work on a Sunday. That cannot

be right. Do not put them under that sort of pressure. I do not think it is fair to put them under that pressure.

Sir, there are other countries around us who do much more retail sales than we do. What we do sometimes in 3, 4 days some countries do in a week, or a month and they do not open on Sundays so we can do the same business 5½ days during the week and do not open on Sundays.

Sir, an employee said to me in a department store over the weekend "Senator, in the days of slavery Sundays were closed for shopping and now in enlightened days we are being asked to work on Sundays." You hear that? He said, "What are you, Senator John Workman and Senator Springer doing about it?" That is what he asked, and this is a fact.

Sir, that now leads me to another question. You know what I had to tell him, Sir? I had to tell him that unfortunately the position we hold in the Senate, we have a lot of bark but no bite. It leads us to the question that I have asked in this Honourable Chamber before. Is this Chamber I am addressing now a rubber stamp to just pass everything? Is it a rubber stamp, I ask? I would hate to think it is a rubber stamp.

I am saying, Sir, and I would like with the new Constitutional Reform Committee when they examine the Constitution of Barbados, if they decide to keep a Senate, they should increase the Opposition by two. I do not care which Government. The Opposition should be increased by two and the Independents by two.

Mr. PRESIDENT: Senator, that is not relevant to the Bill before the House.

SENATOR S. P. BERNSTEIN: Sir, I am just referring to it that under the Shops Bill that is before this Chamber if we are not a rubber stamp, that the Members of this Senate could see the effects of Sunday shopping. They have an opportunity now to support employers and more so employees by not having our stores opened on Sundays. Keep what is opened now. Keep essential services that, perhaps, are opened now for 4 hours on a Sunday morning so if you need medicine you can go to the drug store for 4 hours.

Let us continue to have a 40-hour week for 5½ days. Let us put a stop to the decay in the society. It is a perfect opportunity to show this country that the Senate has a purpose. If we did not have independence and we had no Opposition the Government would have to lobby at least two Independents to get something like this passed and that is what I am trying to say, Sir. We have an opportunity now to pass this but we would not pass it because we lack two more Independents and two more Opposition Members

and for future amendments we would be able to stand up and say "No."

Let me go a little further. Let me finish in wrapping up. You know the irony ...

Asides.

Mr. PRESIDENT: I am quite prepared to name any Senator who disregards the rulings of the Chair. One Senator is on his feet. I do not need to hear the other voices. I have given enough latitude.

Please continue, Senator Bernstein.

SENATOR S. P. BERNSTEIN: Sir, you know it is amazing that every time I get up and talk and I throw a few lashes you always have to say the same thing. I do not understand what is happening on that side, Sir. It is really difficult.

Sir, I look at it and I see Sunday shopping and I hear the Leader of Government Business in this Senate saying that the Act says we will open on Sundays but not on Good Friday, not on Christmas Day or not on Easter, three very important Christian holidays. I would imagine, and I am guessing here, that at least 80 per cent of the population worships on a Sunday. The irony is you want them to worship on a Sunday but yet the three important Christian holidays you are telling them no, you are going to close on that day, but still you want them to work on other Sundays. It does not make sense. I have nothing against religious organisations or religious people observing their Sabbath on a Saturday, or Monday, Wednesday, or whatever. I have nothing against that. I am quite in favour of all that.

Just to wrap it up, Sir, I just want to say it is very important that we look carefully at the effect it is going to have on the employee. Here it is, an Independent Senator who is an employer telling you what effect it is going to have on an employee and I want to see what the rest of Senators in this Chamber are going to say to that.

I thank you, Sir.

SENATOR Mrs. V. J. DAVIS: Mr. President, I am pleased to speak on this Shops Bill. I could agree with the Leader of the Senate that it does do some tidying up. It does standardise things. A shop is a shop, is a shop. If you are opened whether you are a mart, or you say you are a supermarket, or a drug store, it is a shop so that part of the Bill I thoroughly agree with to bring some order into that seeming chaos of what a shop is all about.
12.30 p.m.

One of the things that struck me about going behind the Shops Act is that what we are dealing with

essentially is the question of labour, and when I look at the people who are shop assistants I see overwhelmingly that we are talking about women, women in this society. I am, as usual, very perturbed about the fact that about 80% of the people who are going to be victims of this Shops Act are women, and my concern, I almost had to say with the whole feminisation of poverty. I was talking recently to one of the service station attendants and I found it very interesting. More and more there are women putting the gasoline in our cars, there are more and more women doing this. When I was growing up there were men doing it. I think that the whole purpose again is, of course, women are paid so little.

I am going to look at the whole question of the minimum wage in this country and whether we are not perpetuating a kind of poverty with what we are doing with our women. Not only a question of what we are paying them, but how we are using their time and how all this impacts on the family. Every one of those women, I talked to this woman, very few of them are single. Forty percent, as we know, head households in Barbados.

Interestingly enough, this Act is precisely what has been happening in the service stations, because I checked. I checked not 1 or 2, because I wanted to find out what was happening. There is an interesting thing about that. We can happily live in this country and know very little about what is happening in the lives of other people.

I said, "But my God as a woman I would have to ask a question. What are we doing in terms of poverty in this country if we continue to have our women work for the little money they are working for, and have to be heads of households?" Do you know the woman told me that her wage was minimum, and she said to me, "Do you know that the girls who work in the mart, the thing that they call the mart now, work for less money?" I said "I could not believe it." She said "Yes. Those who work in the actual mart work for less money than those who give us the gas." I said "But what do you take home every week?" I am not going to divulge that. All I am going to say is that when you take off the bus fare and all that it was just over \$100. This was a woman who had 3 or 4 other people in the household. When she was ill on one day, they worked 5 days a week, this is a service station, you work any 5 days, and if she was ill or if she had to take her own mother to the doctor, no pay, she got no pay for it.

I think that the first thing that we have to do in this country, I am praying for the day legislation comes in front of me, where women are going to be paid for the unpaid labour which they are giving now. There are some women who are actually getting up, putting on clothes, paying bus fare and going out to work, and who are feeding children, disabled at home, grandmother and all that, and working

for minimum wages. Do you know what really breaks my heart? It is the fact that when I saw recently what women get, if they have a child or two and they do not work, they get something like \$28 a week. If they have one son or one daughter, they get \$15 for the child who is over 16 and 12.

I know, personally, a woman who because she is ill and cannot work, cannot send her child to school. I am looking at this whole concept of the Shops Act, this thing that we are talking about, is looking so lovely out here, which is hiding the fact that 80% of the people who are shop assistants are women, and women who are supporting other human beings in this society, are women who are working for absolutely nothing. The grievous thing about this, and this is something I said that I was going to talk about, is the fact that these same poor women, and I want all of Barbados to understand this, they leave and they go to the health services, they leave and they go to the hospital, they leave and they go the welfare office, the indignity with which these people have to suffer.

We have to start telling people in the public service that they cannot talk and treat people, especially our women, with disrespect. The women I spoke to said that although we get so little money, just for our self respect sake we do not even bother to go to the QEH, we do not bother to go to the Polyclinics. We try to scramble some money and go to a private doctor.

This whole business of the Shops Act is not just a question of how much money we pay and who gets a "closed day" or not, it is a question of that we are perpetuating poverty among our people. It is women who are carrying the weight of this whole society upon them. They are taking care of children, they are taking care of the elderly, they are taking care of the disabled, and then I hear, alarmingly, my fellow Senator Bernstein, is saying that the effect of this Shops Act now is that people would not have permanent work. People come in and getting \$3.75 an hour minimum wage in Barbados. Now a woman is going to be hired to work 4 hours. Tell me the truth? Four hours at \$3.75. That is what \$15?

They have to pay bus fare, they have to get something to eat. So the Shops Act has got to be opened up for the public to begin to talk about what is happening in terms of poverty in this country, because almost 80% of the people who are going to be victims of this Shops Act are women. Women who have children to support, the elderly to support, the disabled to support. So the first thing that I am saying is that when you bring in a Shops Act we have to begin to increase the minimum wage, one. Two, we are going to begin to seriously think about paying women for the work they do. The woman who is at home taking care of those children, and the Welfare Department wants to give \$28 a week is a working woman. It is not a woman who is sitting idly at home.

We are going to have to think about progressive legislation because I stood up already in this House and talked about the kinds of salaries that I saw that people were getting in B.T.A., and these people were doing such marvellous work and all that, and I do not believe that women who are working, they are not lazy, they are people who are ambitious, they are people who want to see their children do better, go out to work in this society, at these places, even these lovely girls who look so glamorous are out there on Broad Street. I know that there are not getting the minimum wage, but what do they get after they have dressed up and put on their nice clothes and their perfumes, and they have paid their bus fare, what do they get?

We have to begin to take a serious look at this thing about minimum wage, and take a serious look at women and unpaid labour. All these are issues that we would have to deal with before we start to talk about fiddling with "closed days" and saying well while Sunday is no longer a "closed day." I think that you are going to do a lot of women a disservice because some women got double pay when they worked, but now it is now another day. There cannot even benefit from that.

My good friend, religious friend, that is probably a good incentive for them to go to church, but let me say this and let me bring up this whole question about the concerns of the religious people. These women who go out there and get this little money and feed all these children, they go to church. That is not the problem. As a matter of fact I am beginning to think that the role of our pastors and religious leaders is really with the men. There are to try to get men to understand, not only must they help the women with whom they have children with, their spouse or not, whatever, they must try and get them to go to church. Those are the people that they must worry about. Not the women, the women are working, they are working at home, they are working at the job, they are taking care of the children and they are still going to church. That is not the problem.

I am not taken up too much about all the deference of the Archdeacon on one side and the Lay Preacher on the other. I am not too worried about the fact that Sunday is going to be a day when people could go to church, because I believe that we live in a Christian society, yes, people say that. They say that this is a Christian society and I think that Christianity and democracy do have something in common. They say people have free choice. The fact that the shop is opened does not mean that the people cannot go to church.

I believe people are perfectly free with churches open, the shops open, to choose. Choose what you are going to do. Choose to say who you are going to serve, God or man. That is not the problem with me. People have to learn

to choose. But we probably have to do a lot more work in getting our men folk to understand the value of family, to understand the value of helping. They should try to get more men into the church. That is the first thing because the women are always there, they and their families. That is not my concern.

12.40 p.m.

One other thing I want to say before I sit down. Yes, we say this is a Christian society and yes we have our days, Easter and so on, but we are also becoming more and more diverse. Barbados is host to a lot of international organisations where there are people of all kinds of different religions and all of that. I would really like to see the legislation, not only say Easter, but I should see some recognition of the fact that there are people who have other days to celebrate and any non-Christian holy days must be recognised. This society has to recognise that kind of diversity and so I would like to see that as an addition because I know, just coming from the other side of the Southern Caribbean you have to celebrate days like Diwali and you have to think about people Hanukkah and you have to think about Eid and all of that so I would like Barbados to also think, yes we celebrate Christian days and recognise non-Christian holy days.

Now, I am going to end by saying that my real concern about this Shops Act, and I think people must recognise that it is the women who are the victims of this Act. Women are the people who are carrying the burden of this society unfairly and it has now become the feminization of poverty in this country and therefore I would like to see the minimum wage raised and I would like to see a lot more concern for our women who have to take the responsibility for not only the children but for the sick and the disabled.

Mr. President, having said that I think I will support this.

SENATOR Miss O. P. SYMMONDS: Mr. President, I have listened with interest to Senator Bernstein's eristic comments and to Senator Davis' emotional comments and I can whole-heartedly support Senator Davis' concern about unpaid labour because as far back as 1976 to 1978 when I was a member of the National Commission on the Status of Women we expressed concern about unpaid labour for women and strongly recommended that women who work at home should be recognised and their work rewarded.

When it comes to concern about declining values there is far-flung reticence or silence about it. For instance the Commission on Social Justice is very concerned about declining values and we are certainly taking action about it. It is no secret because we have met organisations about it and I would not presume, I will leave it to those here

who belong to the church closely to say something if they wish but I am sure that in pulpit as in classroom, on the platforms, the question of morals is raised repeatedly and I do not by any means view the amendment to this Act as decadent. It is not immoral. In fact it may even bring families closer together because Sunday is the only time that some families can go out together. We have to remember that we are in an age, in fact we are approaching a new century. It is true that families spent more time together. There was a time when they went out for bus rides. Very few people had cars in the early twentieth century. They would go for walks and as a family do more things together.

The idea of families sitting down to lunch together is something more of the past nowadays not only among working class people but I would say generally. Sunday side-door shopping as our leader intimated is part of the Barbadian tradition and no one has ever complained about it.

I like every one else and as a teacher who has always tried to instill moral values even more than (????) successes can appreciate concern for family values and church worship. But, Mr. President, the legislation provides for that. Workers cannot be compelled to work on their religious day. No one can stop those who want to go to church from going, and closing shops on Sundays is not going to make non-church goers attend church.

I would not make so bold as to say that I have talked to lots and lots of people or that lots and lots of people have approached me. I am always aware, again as a teacher of English, of the dangers of generalization but I do talk to people. I go into town quite often. Sometimes I come across Senator Bernstein when I am in a certain store and I talk to people and they talk to me. Somehow I have always had that gift that people will talk and there are quite a few who have said to me that they do not mind working on Sundays. Therefore I think it is dangerous to generalize or to speak in hyperbolic terms about the refusal of some people to work for fear of victimisation.

I think it is unfair really to employers to suggest that they would be so petty or spiteful as to victimise people who do not want to work on Sundays. It has been going on for quite a while and we see the same faces year after year and I know personally of many who do not work on Sundays and they are still very much employed at their various work places.

Therefore because I know that this is going to evoke more debate I just want to say again that I support this amendment and that I am sure that it will not in any way affect the morals of the society or church-going. If it is on

the decline it certainly is not the fault of opening stores on Sundays. Thank you, Mr. President.

SUSPENSION OF SITTING

SENATOR THE HON. R. R. FARLEY: Mr. President, I beg to move that this Sitting be suspended until 2.00 p.m. today.

The question was put to the SENATE and agreed and Mr. PRESIDENT suspended the Sitting accordingly.
12.50 p.m.

RESUMPTION

Mr. PRESIDENT: This Senate is resumed. Senator Springer.

SENATOR THE VENERABLE ARCHDEACON J. L. SPRINGER: Thank you, Mr. President. This matter is highly emotive and a sensitive one. I would simply ask that we bear with those persons who have views that are different from our own. I find that even within the Christian denomination of which I am a member there are so many views on the matter and, in fact, there are several persons within that communion who will not agree with what I have to say today. My concern would be that we remember this as a matter that tends to go against culture. If you are going to seek to change some cultural aspect, it will mean a whole matter of re-education and learning. So that those of us who are able to accept the change, as I do, have a responsibility to re-educate the others so that they understand where we are coming from in this legislation. Sir, for me the problem is not so much one of the desecration of the Christian worship day but rather one of seeking to recognize a basic historical and human right as well as religious right of those persons who are going to be employed when the Shops Act comes into effect. It is about labour really rather than about religion.

Sir, I would like to give some idea as to why I am able to accept the Act and why some Christians do, by looking at the origin of Sunday as a day of worship. Sunday as a day to shop has very little to do with religion as such. For example, Sunday as a special day set apart goes back to the time of the Roman Emperor Constantine who by edict in the year 321 declared that all those within his realm must treat Sunday as a day of rest and worship. Up to that time, the Christian community across the world had kept the day like any other day and, in fact, regarded all the days of the week as days for recognizing the Majesty and the Omnipotence of God. So that it was at that time and spreading through the then what was known as the Holy Roman Empire that there was recognition of Sunday as in fact a Bank Holiday and that is what it really was. Sunday became a Bank Holiday declared by Emperor Constantine. Then as we know as what became the

British Empire had at one time been part of that holy empire, but yet in the West the English who influenced our way did not continue to keep that day in the same way until the time of King James of the King James Version fame in the 16th century. England then passed legislation to reinforce the former legislation and to make Sunday a Bank Holiday within what became the British Empire.

So that it was more so the fact that it was a Bank Holiday rather than the fact that Sunday was a weekly reminder of the resurrection of Jesus that made it important in the world that we are a part of. Historically, one does not have to try to justify the opposition to the Act by trying to refer to Sunday as the day of the resurrection. It was more so that it was a Bank Holiday that made it fairly comfortable for people to worship than rest.

Secondly, we Christians who worship on Sunday must recognize the fact that there are other religions. Whereas in the past the Christian Church was predominant in these parts of the world that I refer to, today most parts of the world are cosmopolitan and even here in our little Barbados we have got Jews. Indeed, I would not be surprised if some of those who make up some of the Parliament of this country both the Senate and the House we can find Jews, Christians, Hindus or those of Moslem faith but also people of a variety of faiths. So it is interesting to note that everybody as Plastic Bag says "have a day". The Hindus and the Moslems on Wednesday and Friday they have their worship days. The Jews like the Seven Day Adventists have their Sabbath on Saturday and the Christians on Sunday. I do not know if there are any others but it is possible there may be other groups with other days.

What this means is that, if we are looking to be fair with all of the religious groups especially in these days of ecumenism when we are more broad-minded in terms of religion, we would have to declare other Bank Holidays. I have heard of a situation in Trinidad where even the Baptists have been given a Bank Holiday. I do not know what day of the week but a Bank Holiday of some kind.

Thirdly, Sir, with reference to reasons why we must be careful how we oppose the legislation, Christians from Barbados and elsewhere travel all over the world and the moment they land in New York or Miami they are shopping on Sunday. You have to ask what day it is today and interestingly enough I have been in the company of ardent Christians who have never bothered and for whom there was no bother at all in shopping on Sundays. It happens in New York when they go and I have seen it happen in Toronto. Everybody wants to shop on a Sunday it seems. I have seen our people actively involved and some of the same very people who are now crying out do not open shop on Sundays. Now we must be very careful

how we take that kind of line. We cannot go on vacillating like this.

Then, Sir, as though that was not enough, there is the Good Book. I am not going to preach to you, Sir, but I do not mind making the Bible a document of this House. But it is recorded in St. Matthew, Chapter 12 that Jesus and his disciples went through the corn fields on the Sabbath Day picking corn, rubbing them in their hands and eating. The Pharisees began to quarrel about this and Jesus had to reply to them quite firmly: "Would you not if your sheep fell into a pit on the Sabbath Day take it out? Would you not carry your cows to water?"... and so on. But this he did and immediately went into the Synagogue on the Sabbath to heal. Somebody came asking if it was lawful to heal on the Sabbath Day and he replied in the affirmative. So even Jesus who is the Christian Father and Lord showed that the Sabbath was made for man and man for the Sabbath. If Christians of Sunday worship have adopted Sunday for good reason as a day of worship, then the same applies to Sunday worshippers – Sabbath made for man and not man for the Sabbath.

Sir, I think that having said that the focus must be on conditions and the way the workers are treated rather than on sacrilege on the worship day. I will now refer to some of the areas to which attention must be paid in the interest of the workers. Some of them might have been mentioned before. The Act does provide for the allowing of time to worship, and if it did not have that I could not support it. People must be regarded as persons and their lifestyle must be taken into consideration and therefore the Act has done this in this regard.

2.15 p.m.

Secondly, there has to be allowance of conscientious objection, and I think that this will have to go on and perhaps one day people might become accustomed to this new way and will not necessarily need all the props we are talking about now. I think the allowance for conscientious objectors will have to go on for a while because of the learning process that made Sunday worship a part of our culture, to the extent that it is difficult to let go of it. We will have to bear with people as they learn to work in this new way, so we must meanwhile tolerate the conscientious objectors.

Thirdly, there has to be the provision of adequate compensation for persons who are required to do more than they had been doing before, and I take it that this is being provided for as well.

Fourthly, I think that management must avoid fixing interviews for employment or promotion on Sundays or the worship day of particular persons, as this could quite easily become part of the arrangement where those who are to

be interviewed will be invited on a day when it is known they are not going to come, or at a time when it would clash with their worship, so both Government – and I say Senators as well, parliamentarians – must be vigilant and make sure that this particular practice is not allowed to operate to the disadvantage of those persons who are working.

Fifthly, there must be no victimisation of those who refuse to work for religious or conscientious reasons, as the Bill has provided for this, and we must make sure it is enforced. There seems to be some fear in this Chamber today, Sir, that there are people who will try to get around it and seek to victimise. Well, it just means careful policing of it. Surely the workers have people to whom they must go and can talk and so on and we, as I have said before, have a responsibility not simply to pass legislation and leave it there and hope for the best, but to keep monitoring it to ensure that what is the purpose of the legislation is effective in terms of its mind as well.

The next point I have to make in this connection is that we must respect the voluntary aspect of work. There should be no forced labour. The Bill purports to deal with this and I hope that this is taken quite seriously. There are several ways of applying pressure and I hope there will be no pressure placed on those who have got to do this work on these new open days.

There is another provision which the Bill does not take into consideration, but I think that is related somewhat to what Senator Davis said in her concern about the many women who are employed. It has to do with medical care. I am not satisfied myself that persons, particularly our womenfolk who are the ones easily turned to unfortunately often because they provide a cheaper labour – I think we should be ashamed of this – than men would accept, and at the same time having limited funds and their children at home to look after, perhaps single-handedly, that there is not adequate medical care in place. I do not think that the National Insurance arrangement or the Drug Service always provides the kind of medical care that our workers and our womenfolk in this regard need, and I would like to see some arrangement made by management and some pressures put by Government over time to ensure that there are adequate medical provisions in place for these persons who at the moment are not properly covered.

Finally, in that regard, I think that we, as I said, must feel the need and the responsibility to monitor this legislation to ensure that it does exactly what we wish it to do.

I cannot end, Sir, without a word to the Christians themselves, the Sunday worshipping Christians, because

there are other Christians who worship on other days. There are those who are able to worship every day, and that is as it ought to be, because in the early Church of the New Testament Christians worshipped every day and they did not even have a Sabbath of their own. When they went to church on the Sabbath it was the Jewish Sabbath Day they went into. If you read the first three chapters of the Acts of the Apostles you will see the great energy, commitment and activity there is with Christians going from house to house and praising God in the houses, and it says daily they did that, so that there was no particular day more important than another in the minds of these Christians. Again, they did not need any legislation to support them, they did what they had to do in the lines of religion by virtue of their custom – it became customary, habitual – and by virtue of their depth of faith and commitment. That is how a day eventually became important for them long before there was the legislation that made Sunday a bank holiday.

Secondly, I would wish to say to Christian worshippers of the Sunday tradition that Christians must learn how to worship and to hold their own in a hostile world. We are constantly being told that we are in a post-Christian era. When originally Sunday was made a bank holiday and a special day, it was so because of the importance of the legislators and the connection of legislators with the churches as they were at the time. Nowadays Christians can see themselves in a hostile environment – hostile in several ways – and they must realise that there is no such thing as comfortable religion. “Make it comfortable and I will accept it” is not the way it ought to be. They have to get in there and rub shoulders with all kinds of people, including non-religious persons as well. In other words, I am saying that there is no room for favouritism of Christians in our society or in any other society.

I remember, Sir, when I was a schoolboy there was one chap who was entered for an examination and the examination was on a Saturday and he did not turn up for the examination, so he had nothing to show for it. He failed because he did not turn up. Why? Because he was a Seventh Day Adventist. The persons responsible did not make any arrangements based on anybody's religion. If they did, it was based on the religion of the Sunday worshippers, because no examinations were ever put on Sundays. So they were being unfair to this young chap who was in an environment where people saw things differently but this was not recognised and he had to wait for another year when that particular exam was not on a Saturday. He did it and got grade 1. That gentleman is now a doctor and a Seventh Day Adventist pastor. He demonstrated or was made to be the guinea pig to show that one has to get on with one's life whatever the situation is.

2.25 p.m.

Why should a Seventh Day Adventist lad be treated in this way and another young fellow whose worship day is Sunday be given an easier day? I think that we must not expect that kind of favouritism. It is unchristian, in fact, for Christians to expect that kind of treatment.

All this is saying to us is that persons must worship because worship is important to them, even if it is difficult, and not because it is convenient. Probably what frightens us most about this change is the fact that that convenience is being removed, that prop that people so prefer when, in fact, they should see it as a challenge to all Sunday worshipping Christians to survive in spite of this change which is for reasons that I hope in the long run will be of some benefit to the entire community.

Finally, Sir, just a last word to Sunday worshipping Christians. Even though the shops are open on Sundays it does not mean that they have to go down there. I don't have to go. I have been shopping every Sunday for my newspapers which I pick up at one of those supermarkets and there is nothing to stop me. I can use the opportunity to pick up almost anything. I personally do not like certain things to happen or do not like to be involved in certain activities on Sunday but that is a personal thing. It has nothing to do with religion as such. It is simply a custom. So the fact that the stores are open, Christians must not feel that it means that they have got to go down there and shop.

Those are my views, Sir, and therefore I hope I have explained why I am able to support the legislation even though there were many people who were hoping that I would be able to stall it on their behalf. I am sorry that I am not able to oblige on this occasion.

SENATOR Mrs. A. P. THOMPSON: Mr. President, I believe I can say that we seem to be dealing with what is a fairly emotive piece of legislation. It is a bit unfortunate that after all these years of christianity in Barbados that we should feel so threatened by such a piece of legislation. Before I deal with the legislation I would first like to pay tribute to those hardworking women who over the years have served as shop assistants in Barbados. I have to, because I am the daughter of a shop assistant. My mother spent the most of her working life in Barbados up until 1973 when she left for the United States as a shop assistant.

I know what the life of a shop assistant is like. I can say that there are many humanitarian areas addressed here today by Members of this Senate and there are areas which we really need to look into even as this amendment to the Shops Act is debated today. I don't think we are very aware that on this wage, and I agree with Senator Davis, which is very small these shop assistants who usually have

big families too, cannot afford to pay for child care services and they are out for very long hours leaving their children sometimes unattended.

I was fortunate enough to have my grandmother there to look after me during those very late Friday evenings when my mother returned from work, because after they have done their work, particularly in the supermarkets – I think I should restrict my comments more to that area, that is the area I am most familiar with – dealing with the public, they then have to do their personal shopping for home and at times make sure that their shelves are repacked for the next day's business. Sometimes they don't leave even though the business is closed at 8 o'clock until 10 o'clock and after. We need to recognise that. So I want to pay special tribute to those hardworking women who have managed over the years with very little support.

I was very pleased to see in the legislation today the amendment in 1985 in which provision was made for seats and all that, because I remember the days when I was very young when my mother took me to the shop and at the age of 3 or 4 I used to be running around in the shop and she looked after the customers and there was no provision there for her to sit anywhere. She would stand at the counter and eat her lunch and drink her sweet drink. Those were the conditions under which our women worked over the years in shops in Barbados.

Even though we had more modern legislation, I would like to see better working conditions for our shop assistants in Barbados. I cannot make a statement with any certainty about the level of fringe benefits offered by employers but I know that there are not many shops in Barbados which offer pension plans for shop assistants. What it means is that we are really keeping these people in a full life of poverty because they earn very small income. Then when they reach the age of retirement they are entitled to only a small benefit under the National Insurance and Social Security Scheme. There is no supplementary pension coming from anywhere. This is something we need to look at.

There are not the group medical schemes that other employees enjoy in private enterprise in Barbados. I shouldn't make a general statement. Maybe in one or two places in those shops in which the operation embodies other forms of business you could find a large employee plan which of this group are medicals, like the department stores. I still feel that there is not enough in that regard group health, hospitalisation benefits. There is a need for this kind of support for these people because after all we must accept the minimum wage is really that and it is even too minimal.

I think we really need to address the area of the minimum wage for shop assistants in Barbados.

I listened with particular interest to Senator Bernstein's point about leisure time which shop assistants have with their families. I remember that while I was at secondary school I could not stay on for dramatic and debating societies. I could not stay on at school to participate in Girl Guides because I had to go home to get the pot on for my smaller sisters and brothers because by the time my mother reached home on evenings it was time for me to eat. It robbed me of that enrichment which is so necessary in the life of a child at school and it is an area which I believe we need to look at closely.

We need to make sure that the legislation does not leave loopholes for employers to play around with the hours of work and therefore keep these shop assistants away from their families because we have accepted that females are in the majority in the area of shop assistants and we need to look at that closely. I think, even more so today, because we do not have that support at home. We do not have the grandmothers there. The grandmothers are very young. Can you imagine that I could be a grandmother today? My first daughter is 25. Can you see me as a grandmother? That is the point. Grandmothers are very young today. Grandmothers are out there in the workforce. They are no longer the support system at home helping to look after their grandchildren. We must, therefore, in implementing legislation take the social conditions present at the time into account and that is an area which I believe the workers' unions and other groups must look at carefully.

The other area I would like to touch on is that I don't think many Barbadians remember that the State church was disestablished in Barbados sometime in the 60s and I think we still cling to certain things and we still expect certain things. I understand why there is this outcry from some members for the established church that Sunday be as they say retained as the day of worship. I agree. You cannot have a Constitution which recognises freedom of conscience, freedom of association, freedom of religion, and have laws which state a particular day is a special day of worship when in your community you have people who worship on other days. This, for me, is a very welcomed piece of legislation, the particular area which recognises that all individuals in the community of Barbados must be free to worship on their day of worship and not be victimised in the workplace.

2.35 p.m.

I do not know how we are going to deal with employers when employees resist. I agree there is still that feeling out there that if you go to the employer and you say I cannot work today because, that even though we have here legislation which imposes a fine on an employer for forcing an individual to work, employees still have fear of approaching their employers because they know the

employer may not dismiss them at the time but that at some time in the future you only have to slip up in a particular area and they can be dismissed.

Here is my appeal to the Government of Barbados for employment protection legislation. I believe it is the Barbados Labour Party Government which stated in 1976 in its Manifesto that it would bring employment protection legislation and in 1981 it said it was ready. Well, this is 1996 and since it was ready for 15 years I hope now we can have it introduced in Barbados because it is all right to have legislation which says you can report your employer and then if your employer is found guilty he can be fined, but if the fear is still there in the mind of the employee that he or she can be dismissed capriciously, I know that employees are not going to approach their employers in this regard. I am therefore appealing to Government to make sure that we, as soon as possible, bring to this Senate employment protection legislation which protects the employee.

I do not have a whole lot more to say on this particular piece of legislation. I do not consider it controversial but I think we are dealing with something here that is dealing with culture. There are things we have accepted as the norm and whenever we have to make changes to areas which we have accepted as a normal part of our life, we should expect challenges. I think what is very important is that we learn to tolerate the differences which are in our society. That is what we have to learn to do. For a long time many people have not been able to accept that Saturday is a day of worship for others. They have scoffed at them and made all kinds of unkind comments. I agree the law must show that in Barbados we respect and accept people for whatever diversity of opinion there is. I think that is the message we need to get home to our people at this time.

I have also been asked what my position is going to be on this. I have said I do not know the legislation is about Sunday shopping. To me, that is not what it is about. I find sometimes we tend to be sidetracked by these little titles that people attach to things and we tend to ignore the most important issues. For me the most important issue in this legislation is the right of the individual in the workplace. That is the most important issue for me, the protection of that right. I therefore welcome this step so far but I believe we need to go a bit further.

Before I sit, I am going to make my appeal for proper and broad-based introduction of employer/employee benefit plans for people who work in shops as the shop is now specified. I would like to see that happen in Barbados. I think it is time we recognise that after individuals have given long hard years of service to help build our businesses we should make sure we guarantee them at

least some decent and comfortable living when they can no longer perform in the workplace.

In recent times we have been talking quite a bit about our aging population and the challenge it is posing to the State. I can say without fear of contradiction, that those people who fall into the category of shop assistants, unless special provision is made for them for their income or benefit at retirement to be supplemented, they would pose a great challenge to the State also. The stress will be there on the health services. The stress will be there on the social security system. It is therefore very important we address this matter at this time.

With those few brief remarks, Sir, I would not object to the introduction of this Bill.

SENATOR Mrs. P. E. RICKINSON: Mr. President, I will say in the beginning that I do support this legislation but I would also like to give a few comments regarding the implementation of such legislation. I recognise as others that this is labour legislation and it has to do with the worker. I know that I am a trade unionist and maybe I am expected to take a certain position, but I would like to say I am not speaking on behalf of the trade unions of Barbados. I am speaking on behalf of Independent Senator Rickinson on this matter.

Mr. President, if we are going to talk about progress, and if we are going to enter the realm of such areas as tourism, and having ships call at Barbados on Sundays and Saturdays et cetera, we cannot expect to have our businesses closed when they arrive. We have to face up to reality and we must make provision to allow for services to our customers. The time has come when we in Barbados must accept that service is not servitude and we have to make certain attempts and maybe give up some of our treasured ideas and change our attitude and our outlook toward progress and the growth and development of commerce in certain areas.
2.45 p.m.

To this end, Mr. President, what I would like to see is the social partners get together and devise a system for the employment of a 5-day week. In other words, I am speaking from experience in nursing, Mr. President, where the nurses must do a shift system, and there is such a thing of having a rotation system whereby for 6 months, at least, the worker, be it shop assistant, be it policeman or whatever, would know exactly how they are working and could make the necessary provisions. If for some reason they need a special day off, all they have to do is to exchange it with another worker. That is how I used to make out the rotation system in the Operating Room.

Unfortunately, in these days, things have gone astray and we get the position whereby friends are given

Saturdays and Sundays, week after week, and certain persons are called upon to work at the weekends. That is not how it is suppose to work.

What one has to do is to work out different rotation systems, there are available, which could be made available to employers since it is a 5-day week. We are not just speaking about those shop assistants because we also have supermarkets that open until 10.00 p.m. So therefore there is a morning shift and there is an evening shift.

Mr. President, also there are proper guidelines set out by the International Labour Organisation about the number of hours rest period that a worker should have in between 2 days. For example, a worker should not be expected to work until 10.00 p.m. and then get up and report for duty at 8.00 a.m. the next morning. There are certain length of hours that are required to allow workers to rest. In the shift system you have, for example, one set of workers would work morning for about 4 weeks, and then you have a weekend off and then change over and work afternoon for about 4 weeks. Then right down for about 6 months the women who, I must accept are the majority of persons who work in the lower paid jobs, can make their plans for about 6 months ahead. I think that in this way it will prevent this type of work from-being an occupational hazard, Mr. President.

I, myself, have done the research and presented papers on working a shift system, and it has shown that it affects the health and well-being of the individual if one has to work unsociable hours. Mr. President, let us face it, the body might be there but not the mind or spirit, and therefore the workers cannot give their full productivity. You can ask a nurse, a shop assistant or a policeman to work the evening shift, but their mindset is not there you are not going to get maximum productivity and it is going to become an occupational hazard and not in the interest of the employer or the employee.

Mr. President, I would also like to say a word or two and caution the employers about what is called the split system. Now having told the employees that they will work a 5-day week, one must be very vigilant and careful that employers do not let the workers work 3 hours in the morning and send them home, and then come back in the evening. That split system is very detrimental to the health and well-being of an individual, and one needs to police this Act to make sure that workers are not exploited. I am calling that pure exploitation by making people work a split system, a few hours in the morning, you go home even though you cannot get home, and then you come back and work in the evening. So that means that you end up away from home for a period of 12 hours. By the time you get home you are totally exhausted. One must look at these areas and try to help employers to come to terms with

what this new amendment to the Shops Act really means. This could be done through the Trade Unions, it can also be done through the social partners *et cetera*.

Mr. President, I would also like to make a plea for the employment of inspectors to inspect places to make sure that this system is not abused. We have heard several people speak about the fear of intimidation, and we all know, Mr. President, that it happens. It is a reality. If you do not work on your Sabbath, a couple of months down the line when they are downsizing out goes you. So we need to look at that very carefully and carry out some in-service education programme both for the employers and the employees, and show both of them the benefits of the introduction of this amendment.

I recognise, Mr. President, that some of the shops work Monday, Tuesday, Wednesday, Thursday, Friday and half day Saturday, that is 6 days. This amendment speak about 5 days, which means that they had to reorganise their working day for 5 days and not 6 days, and which means they might have to either pay overtime for the 6th day or bring in part-time workers. Mr. President, we do not want to see these part-time workers become a reality. We want to make sure that the staff remain employed and this can only be done through a lot of communication and discussion between employers, employees, and the social partners.

Mr. President, I know that some workers get pay for some unsociable hours. We nurses have not been able to get it yet, we hope that we can get it in the future. It has been shown, Mr. President, that when workers work unsociable hours, and if the husband is working morning and the wife is working evening, and the children are going to school during the day, it is going to lead to family problems. It is not by accident that most nurses have broken marriages, Mr. President, because when they are needed where there are supposed to be, they are working. We have to be very careful how we police this Act.

If two partners are working, we need to have some dialogue and discussion so that the workers could consult with their employers and be given a choice of the different types of shifts. Some people get around it by saying, okay I will do all evening shift, some say that they will do all morning, but everybody cannot do morning. One has to come to some sort of compromise.

Mr. President, I would like to say also, and this relates to shop assistants and this Act, regarding the introduction of Christmas in November in our shops. Mr. President, I would like to see us celebrate Independence in November, as some countries have brought in legislation to

start the Christmas celebration from December 1 rather than November 1.
2.55 p.m.

We need to instill a sense of nationalism into our people. We cannot get far without that. I must admit that I fully support the effort being made this year regarding the community independence. This is a start of our going back to where we should be recognising our independence because many of us are quick to go and celebrate the 4th of July and other times but when it comes to November 30, very few people are talking about it or very few people are showing their sense of nationalism. We need to get back to that. We need to work with the people in the shops and ask them please leave off the Christmas celebrations until the 1st of December and let us celebrate our independence in November and then go into the Christmas season.

Mr. President, certain concerns were raised within this Chamber about the medical care and about the need for group medical insurance etc. Mr. President, I agree with all of that but I also have been promoting in this Chamber for a long period of time that we do have persons known as public health nurses who can go out into the homes in the community and see the persons when they are at home instead of staying in the clinic and weighing babies. With this the people will not have to go to these clinics. Just as we have been able to set up the community celebrations for independence we need to extend that into community health care in other areas so that these women whom we know are heads of households and who are shop assistants and work for a pittance will be able to get advice on health care right within their homes. It can be done, Mr. President. It has been done in other countries and I do not see why Barbados cannot give a nurse an area and say, this area belongs to you and let them service these workers so that they would not have to ask for time off to go to the polyclinic.

Mr. President, I would also like to say a word regarding the women who work very hard, who are heads of households and whose take home pay is less than desirable. I would like to see the time when these women cannot only have a better wage but if they work overtime that they be paid for this overtime under this system of the amendment to the Shops Act. I am telling you why I am saying that because the amendment provides very clearly for 5 days a week and I would like to see them, if they want to work extra time, that they be given the opportunity to do so and be paid for it. I would also like to see it happen to nurses as well that they be given the time to work overtime and also be paid for it so that it would help to supplement their income.

I will tell you why I am saying that because some of these shop assistants instead of doing 2 and 3 jobs they

can stay on the same job and also get the same pay instead of finishing one job and running into another job because, Mr. President, a lot of these women have to hold down 2 and 3 jobs in order to make ends meet.

I am not sure if persons in Barbados are aware how many, not only shop assistants, but nurses as well have to really work several jobs in order to make enough money to pay their mortgages, to feed the school children, and so on. They call it moonlighting.

I would like to say, Mr. President, maybe I have not said what is expected of me as a trade unionist, but, Mr. President, I am looking at it in terms of reality. I agree wholeheartedly with the amendment to the legislation, however I feel that it needs to be policed by inspectors. I also feel that the Public Health Inspectors need to visit those shops that do not provide the necessary lunchroom facilities and remind the employers of their responsibilities and if necessary do what is needed to make them adhere to the Shops Act itself.

Mr. President, it is with great pleasure that I support this Act. I am not so sure about shops being opened 24 hours a day as in North America and other places but I welcome the chance to open the stores on Sundays for shopping. I thank you.

SENATOR Miss C. Y. FORDE: Mr. President, I wish to lend my support to this particular amendment. I am aware of a number of comments made by other Senators and therefore I would not want to touch on some of those areas but I would want to agree firmly with what Senator Springer mentioned in connection with the changes in our cultural lifestyles and so on. I agree that there is need for change since we are a part of the whole global environment and we need to become competitive and be on the cutting edge of the changes in the world.

Senator Rickinson made mention of some of the advantages of the shops being open on weekends and the advantages would be of benefit to the local people in particular some of those same shop assistants and other workers in those areas who, during the week, might not have got the opportunity to look after their own personal business and who I would like to think would capitalise on those opportunities.

There is employment to be generated from the amendment we are discussing today and the fact that we are into tourism. I agree that there are times when individuals visit this country for short periods and it is very close to the weekend and they cannot even get the opportunity to get into stores to pick up a simple souvenir or to make a small purchase of something to take back for their relatives. When you look at productivity I think we

should utilise all the human resources that we in Barbados have so heavily relied on in order for us to survive in this world.

I have not run a survey but in speaking with many people there are varying views and as we have already said this is what we consider to be a Christian society and therefore different individuals will have different views but many of the persons with whom I have come in contact do say they are happy to have such a situation because there is always a mad rush to get to the supermarket that closes at 6 or so. Therefore we welcome it. But I am sure there are other people who would be totally against the opening up of the stores in particular on Sundays.
3.05 p.m.

I do agree that the labour laws must be adhered to and there are some unscrupulous employers who do victimize their employees when they refuse to work in particular where people work back to back, where people work late hours on a Saturday evening and then they are expected to work on a Sunday morning. I agree that it will help to destroy the family values that we in Barbados hold so dear to us.

Now Senator Thompson made mention of the communities and the grandparents and others in the community looking after children. I have a difficulty in 1996 where many of our activities in the communities are now dormant because we are no longer having that neighbourliness that we grew up to know. While Senator Thompson's mother might have been involved in the shop in Bridgetown or wherever, many of our parents were agricultural labourers but the neighbours looked after the children. I would like to recommend that we get back to what I call "basics" because that is really what the whole Barbadian cultural development is about with people working together in communities to uplift the standards that they are in.

I agree that we should work together in our communities and I have a few suggestions that may help to bring that system back in place. We will all appreciate that as young people growing up the parents would ask the neighbours to have an eye on the children and that is still what is happening. But in many communities you cannot ask anybody to look after your children because most of the individuals are out. So how do we look after correcting or assisting such problems?

I am of the view that the churches do have a role to play and that the churches can open up their day nurseries where care-givers can assist in looking after those children in particular on Saturdays. I am also in agreement with Senator Rickinson and I go even a little further. Not only should the health workers be encouraged to come out

on weekends to participate, but they too should be given perhaps 3 days early in the week and 2 on the weekend to visit the stores to ensure that the various practices are in force. They do have to police and, if the shops are going to be open up until on a Sunday evening, then the labour officer should be in the workplace checking to ensure that the systems are properly put in place and not only by the labour officer but the health inspector, immigration officers, customs officers. If it means that we are talking reform, then those are some of the systems we need to put in place to ensure that proper practices are in force.

I also want to encourage in this situation where we know that perhaps people are being victimized by their employers that the trade unions play their part in educating the workers. A lot of the workers do things out of the blue without having any proper guidance or direction. If they can get this training to know that they can be able to stand up to their boss and say whatever the situation is or because of your religious rights or whatever views you have, I strongly feel that they can play that role in helping to ease that situation.

Mr. President, I also want to add that if we are going to be looking at opening up our businesses on the entire weekend, then I am of the view that the health services should also be open because there is going to be generated activity. Already the police at their meetings had mentioned generation of no traffic and other activities, some wholesome and some unwholesome. I am of the view that some of the polyclinics with skeleton staff can be open to accommodate the needs of the various people who perhaps may have some form of injury. Because we know that if the children are at home and are unattended, that accidents will occur and people can become ill. It is unfortunate that when situations like that occur many of our same people that we are talking about in the working class do not actually have the money to pay a private doctor. So if the polyclinics are open with a skeleton staff, then that will help to ease the situation.

Senator Davis made some very important points. That is why I said that I am going to skip a number of things or just highlight them as I go on. I do not only want us to ask for better wages for our workers, especially the shop assistants, but I want to ask the males of Barbados – some of them not all – to come out and give their assistance in the family with the maintenance. Too many of our women have to run to Court or have to rely on the Welfare Services in order to maintain their children simply because some men, because I do not want to be misunderstood, are not there in their relations with the females. I am sure that if some of the males do pull their weight it will help to ease some of the problems with crime and the emotional stress that the women and children undergo in this particular community.

Another idea I thought of and it might be useful for the church, I do not mean to be derogatory because I am a church person and I am all for the church and I am interested in the upliftment of the people of Barbados and the moral and religious fabric. Therefore, I would want to suggest that many of our church leaders, particularly the preachers whether male or female, are not making the sermons as attractive to the congregation as it should. I suspect that if that were so then we are talking about a lot of people not going to church because businesses are going to be closed on Sunday, people would want to come to church. Many of us in our churches today are passive participants. We sit and listen but we are not intimately involved. I suspect that if changes like that are made, then our children and the people in this country will feel better to go into church because that is a place where they feel wanted, that is the place where they feel enlightened and refreshed because of participation.

Mr. President, I would not want to touch on other areas because, as I said before, many of the Honourable Senators who spoke before me were very eloquent in expressing their ideas and I would want to again extend my support to the Government for bringing this particular Act because it is at this juncture that all the other businesses can now open up without having the feeling of breaking the law or doing something that is illegal. Because when you look at it the mini-marts are open and all the small shops in the little neighbourhoods that we know are closing down because business is very slow. When you go to pick up your petrol, you can pick up your oranges, you can pick up your biscuits and nowadays they even have potatoes, cheese and chicken and things of that nature. It really is killing off what we knew to be in our neighbourhoods. So this particular piece of legislation now helps to give other people in the villages and other places an opportunity to get involved in the activity and make them feel more secure in opening their business because they are doing it now in a legitimate fashion.

Sir, I would want to give my wholehearted support to this bit of legislation and to this particular amendment and I trust that we will continue as I have seen expressed here today. It is not a political thing. It is a real cultural amendment that we are looking at and it is something that is going to touch on our culture and people are sensitive about it. It is in the psyche of Barbadians. This is a Christian society. Why are you going to destroy it? But when I travel to other parts of the world and the Caribbean as well, people get an opportunity to shop and to my mind it does not detract or side track from individuals wanting to go into church to praise their Lord. Therefore, with those few comments, I would want to lend my support to this Bill.

SENATOR J. A. WORKMAN: Mr. President, I am very happy to be able to speak a few words this

evening before us for the very fact that from the Christian perspective there is great division over the question of whether we should shop on Sunday or not. In the background of that division across the pulpit of this island in the Christian Church, I am extremely happy to say this evening that there is total unanimity here in the Senate which is the highest pulpit of this land. I had thought at one stage that I would have conferred with Senator Springer to see if we could come with a unified approach since the church should have a unified approach, but the greater powers prevented me from doing so. But when Senator Springer spoke he took away all the notes which I had and I can only say "ditto" like the man who prayed for two hours at the beginning of the year and then every night said "Lord, ditto".
3.15 p.m.

I would like to address the Church on this occasion, because I think the Church is very much like the Pharisees to whom Jesus addressed his remarks of which Senator Springer spoke, and I would like to use the term that the Church seems to be what I call good husks with rotten kernels. It is very easy for us to pretend on the outside that we are one thing and in reality we are something else, and the Church needs to take a look at itself to recognise that it has no special preserve in this country or in the world, that it is not above criticism and it ought to criticise itself from time to time and to do so effectively and honestly, and to see what the Church is really all about.

Senator Forde just alluded to the sermons that are preached and I think the Church has become far too academic. Many of the sermons are way above the words of the congregation and the old folk come out and say "he talked too sweet" and understand nothing. I believe that the dilemma in which we find ourselves as to what is the truth concerning Sunday shopping is because the Church has failed to educate its people as to what the teachings of the Bible really are. So I join hand in hand with Senator Springer in all he has said concerning Sunday shopping.

The Church needs to know that it now has a good challenge through this piece of legislation, what seems to be an enabling challenge, because if we want to argue that the legislation is opening the floodgates for Sunday shopping, I will say to the contrary that it is an opportunity to close the floodgates for Sunday shopping, because if we claim that the majority of the people in Barbados are Christian, who ought to be faithful to their God and to their creeds and to their beliefs, then they ought not to be working on Sundays, and so if they follow not only what is taught by the Church but what the Bill also gives them, the protection against unscrupulous employers, then on Sundays Broad Street, Swan Street, Fontabelle and Haggatt Hall will be closed. So we need to see ourselves establishing standards and the Church needs to be the

Church Militant rather than be seen as the Church Triumphant or the Church at rest. How easy it is to march up and down on Sundays with the Cross paraded inside the Church, but then on Mondays to Saturdays we sing "Onward, Christian soldiers going as to war, with the Cross of Jesus locked behind the door." There is need for the true message of the Church and the message of the Cross to be promulgated far and wide in this nation, and that is what will begin to remedy the immorality of which others have spoken today.

Immorality will not spring just because shops are open on Sundays, immorality lies within the heart of the individual, and it is only when proper education is brought to bear on the heart of the individual to show a better way, a more excellent way, that there is opportunity for change, and this will happen whether shops are open or shops are closed on Sundays. So the Church needs to bring its people back to faithfulness to God, faithfulness to themselves and faithfulness to one another.

This piece of legislation, Mr. President, is not based on the Church or churchianity, or Christianity, except to say that the Church is concerned about quality life, and this is what the legislation seeks to do. It seeks to bring a measure of quality life to the impoverished workers of our society, to many young men and women who are unable to fend for themselves, and it is heart-warming to see that the Government has taken time out to ensure that the provision is entrenched where the legislation is the champion of all such people in this nation.

I believe that as time goes on there will be need to reflect upon this present legislation before us today and to improve upon it, for there are many other areas which are necessary to be looked at to improve the lot of the less fortunate in Barbados. It is so easy for the rich to get richer and the poor to get poorer, for the poor to be exploited having no one to defend them and so we need to ask ourselves today who will police this legislation. I should like to suggest that we as parliamentarians have a responsibility to police this legislation, that we as parliamentarians need to have our ears and our eyes open in the community to understand what is really happening among the less fortunate in the community. So all of us need to hear the cries which are coming up.

What are the symptoms which we see in our community saying? The lawlessness and the indifference, the aggressive attitudes are only symptoms of the disease which lies deep inside and we need to have a thorough investigation, we need to establish a commission to look into these cries of our people to understand why they are crying, why they are behaving in this way and to see how we can pass legislation and set up institutions and funds to meet the needs of our people. This legislation is social,

it is revolutionary and it seeks to come at the kernel of the problem in our society with the workers.

The trade unions also must play their part. They have an important role to play as champions of the workers. Unfortunately, Mr. President, trade unions have championed for more money and more money. The time has come when perhaps many of our employers are unable to stretch the budget any further, but there are other incentives which can be given which will advance the quality of life of our people, which money itself does not necessarily do. The biggest one of those is for employers to treat their staff as human beings, to let them know that they are not just an appendage in the office but that they are a part and parcel of that organisation. I believe if employers were to treat their staff as other human beings, they will get greater production out of the staff. And so it is a human concern, it is a concern for all of us.

The question of part time employment has been raised. This is an issue which needs to be looked at. It is raising its ugly head in our country. Many of the banks in Barbados are employing that strategy. So there is need for us to continue to ensure there is a measure of security of employment in this country.
3.25 p.m.

It is true that even as we speak in this Chamber today many employers in this country are employing the services of their lawyers to see how they can get around this piece of legislation and we must be aware of this. We must be on the ball. We must be a step ahead to ensure that the loopholes which may be here and which we may not have seen are covered in due course.

So, Mr. President, this Bill today is but a stepping stone to greater heights for the workers of this country. It is a stepping stone to a better quality life for them. It is our responsibility as parliamentarians to ensure that we do not rest here and that in the years to come we remain vigilant and continue to bring further enabling legislation to increase the rights and the protection of the workers of this country.

SENATOR N. P. WELCH: Mr. President, I rise to lend support to this amendment. I see it a bit differently than a number of Members in here. This Government, of which I am proud to be a member, started a programme of public sector reform. I think it is a waste of time everytime a person who doesn't qualify to open for extended hours on weekends needs to seek the permission of the Ministry of Labour. This amendment now gives a person the leeway to determine for himself by making it legal for any person to do shopping at Christmas. It now removes from the labour officers the need to be back and forth, the correspondence, the need to make a judgment call and have to wait for the

Minister to sign a decree to allow a person to do something that some people have been doing illegally and some legally depending on the nature of the business that they are in. To this extent, I see it as another attempt to reform the public service to the benefit of its better functioning.

As a person who has worked for about 16 years, 10 of which were on a shift system, one of the concerns I had was that when you are working on shift and you are leaving work at 6 or 7 o'clock on mornings life came to a halt, because shopping in Bridgetown and throughout Barbados, as a matter of fact, was not available and a lot of us were disadvantaged. You either had to come into Bridgetown and hang around for 2 hours wasting time when you could perhaps be involved in more productive areas of your life or you had to wait, at a considerable inconvenience to yourself, for the weekends to come around.

I think the time has come when our tourism industry is highly developed and when we are a 24-hour society. No person in the manufacturing sector now can invest the amount of money that he invests in a plant and equipment and decide that he is going to work one shift from 8 a.m. to 4.30 p.m. and think that in a competitive world like we have today that he can make money. He must ensure that he can get productivity out of his plant on a 24-hour basis. If he is going to do that, society must keep pace with those sorts of development that allow the world to continue, to go on in the lives of those people who, unfortunately, might be working the graveyard shift or who might be working the first shift and cannot really attend to their business during the normal working hours. I think that the development of things like the instant tellers have led to a bit of a convenience and have assisted some people in getting around this point but everybody cannot afford to pay their bills by instant teller. So I think that this piece of legislation which seeks to make more available commercial activity for people who work at odd hours must be very welcome. It provides job opportunities and I think job creation in Barbados has been stifled to some extent because we cannot have a society that opens at 8 a.m. and closes at 4 p.m. and expect that we can get anywhere with that.

I had the experience a couple of years ago to visit St. Maartens and I was shocked but yet I was pleased with the fact that here was a small society which had developed a system that worked for them. I found school children starting school at 7 o'clock on mornings and finishing at 1 o'clock in the afternoons. I found school children who were allowed to go to secondary schools up to 20 years old. It was so because the majority of men in St. Maartens work in the oil fields of Curacao. It was a society that was largely made up of adult women and children. There was a period of siesta from 12 to 2 in the afternoon when commercial activity stopped and the tourists and

individuals could go and have 2 hours of lunch and work restarted from 2 p.m. to 6 p.m. The important point I want to make here is that it allows school children to have the opportunity to earn a living for themselves by working in bars and as cashiers in the 2 p.m. to 6 p.m. period because schools shut at 1 o'clock in the afternoons. It also created an opportunity for a country to solve its problems of not having significant numbers of males in the society in that the system was geared to allow the school children to pick up that slack and the fact that they might lose a couple of hours in school the educational system was such that you could go to school until 20. It solved so many problems that I really admired it. It kept children off the streets. It allowed them the opportunity to go to school until age 20 and still allowed them the opportunity to earn a salary for themselves. I think that the amendment to this legislation tends to capture the local situation in Barbados in a way as those practices in St. Maarten did for the people there. That is why I am very impressed with it.

I have some concerns as I suppose a lot of us in here have. I do not believe that Barbadian employers discriminate against people on the basis of religion, but I know that there are some people, particularly in the tourism industry, who when you go for an interview ask you what is your religion and they ask that because perhaps this is one of the areas in Barbados where you work on Saturdays and Sundays and a guy would want to ensure that you are available to him 24 hours a day or any 7 days a week, particularly in the case of Adventists where their Sabbath might start from Friday. There are implications there but I don't think it is an insurmountable problem. That is where I have some of my concerns.

My experience, however, is that I have had reverse experience of Senator Bernstein's experience. I have had someone bombarding me on the south coast, Saturday after Saturday, when is the Government going to do something for the people on the south coast so that we can open our businesses on Sundays when the tourists are looking for somewhere to shop. So my experience has been quite different from his. I am appalled at his contribution today which, after having an opportunity for over 2 years to sit in this Senate when I think there were a lot of relevant pieces of legislation passed in here during that time, he could have addressed the issue of his feelings towards Sunday shopping. I find it quite strange that a piece of legislation that does not impose Sunday shopping but just sets the framework where a person is free to determine whether they want to open on Sunday or not and an individual is free to determine whether he wants to shop on Sunday or not. There is nothing being imposed on anybody. The only thing I see there is that you have to get 40 hours into 5 days and if you have to work an extra hour I would rather much work an extra hour each evening. You are in town already. You have made the commitment. Most

people will still go and lime and have a drink on evenings and spend an extra hour anyway and have Saturdays free. So I have no problem at all with those sorts of problems.

I think, however, there is need, as Senator Rickinson said earlier, to police the whole idea of turn-around period. I have had the experience of a colleague of mine who was injured and people came down extremely hard on the young guy until I raised the issue of what was his turn-around time. The guy had worked and had an 8-hour turn around because somebody could not come in at the shift and the 8 hours that he should have had off he had to come in. The thing about it is that you plan your life on a shift system on the assumption that if you are working from 7 a.m. to 3 p.m. that you are going back to work the following day from 7 a.m. to 3 p.m. So you decide if you want to go out and have a drink or two or you want to party because you have those extra hours to get over whatever drinks you might have had. But when you are called in on emergency with a turn around of 8 or 9 hours and you have not planned for that and had a drink or something, you can find yourself in circumstances where you are working but you are not thinking and you can injure yourself. I have concerns about those types of people, especially people who work in a meat room where they are using a high-powered saw and have to be giving this job their full attention every second that they are there. It is only a split second and you can lose a finger or two.

There are some concerns that were raised by Senator Rickinson or Bernstein – I think it was. You can forgive me if it was not – in relation to this legislation and it being rushed through and consulting. I know that this legislation or this proposed amendment to this legislation was subject to review by a committee which comprised of the Barbados Christian Council, the Royal Barbados Police Force, the Barbados Employers' Confederation, the Supermarket Group, the Shop Wages Council, the Barbados Chamber of Commerce, the Barbados Workers' Union, the National Advisory Council on Women and the Vendors' Association. 3.35 p.m.

I am stating this from the point of view that we heard a lot of discussion in here today about women, shop assistants and poor wages. I support all of that. I believe that women should be paid well. I know they suffer a lot. I know they are, to a large extent, the heads of households. I am not concerned about this particular piece of legislation as it relates to them. I think we as men must ensure that we support our women, and if we support our women we would not have to do this.

I also believe that any Senator in here on any side of the House if they feel sufficiently strong about an issue, can move a Private Member's Resolution. We can

debate it and they would get my support on it. I have no problems with that. It is interesting the comments that some of these organisations made. They supported the legislation so I have no problem at all with this. This is another example of this Government consulting with all those people who are involved in issues in which certain interest groups obviously would get the opportunity to put their side. I am satisfied this Government has done that.

There are only two groups, and I want to repeat that, who were invited to be part of this committee who did not participate in it and one of them happens to be the Women's Association. They did not come. The Workers' Union did not attend either but they had a meeting with the Minister so their views were represented. I think that if there might be any concerns that the other interest group who obviously would have been focusing on their particular interest, and if women to some extent were disadvantaged, although I do not think they were, it might be a result of the situation where they were not looking after their own interest because they were invited and had an opportunity to be there.

Mr. President, it is with these few words that I want to lend my wholehearted support to the amendment and I am sure that all Honourable Senators in here will support it.

SENATOR THE HON. G. S. H. MURRAY: Mr. President, it gives me great pleasure to join this debate. This is what I would consider to be one of the better reasoned and more reasonable debates we have had in here for a long time. It has brought out the capacity of many of us to rise above narrow partisan or sectoral interests and I think in that respect there is a lot to be said for the quality of the debate.

Certainly, in supporting this measure, what stands out most is that this measure seeks to erase a culture time lag that has existed for some time. It seeks to bring the rest of society to play catch-up. The law is now catching up with the rest of society because we know that Sunday shopping is nothing new and as we move further and further along the path of becoming a true services economy it was inevitable that we take this progressive measure in order to provide the legal as well as the societal framework in which we can properly function as a society and take the fullest advantage of opportunities that will come our way.

Sir, there was some mention made of the fact that Barbados is a Christian society, and then I heard certain hints that it might not only be a Christian society but also even a hypocritical Christian society. The fact is, as I am sure the goodly Senator Springer would appreciate, that there are two sets of norms that operate in society, what would be known as the ideal norms which say this is the

way it should stand and then there are the statistical norms which if you carry out a survey you would find what really happens on the ground. While Barbados is a Christian society in the ideal sense, it is not necessarily a practising society in a functional sense. In that respect then this law seems therefore to reinforce and give reality to what really exists on the ground in everyday functioning in the society, particularly on Sundays, as against what people think they should be.

This also brings to mind what is the whole question of religion. I know there is a dimension of religion which deals, from what I can recall, with man searching for a meaning of life. Where did he come from what is he doing here and where is he going. Apart from that, a religion also helps to reinforce the values, norms and morals of a society. There, in this sense, we are providing the law which also goes out of religion, morals, values and norms of a society to make it possible for people to carry out their duties both as shop operators and as members of the public without there being any violation of any moral or legal codes.

Barbados, Sir, as a Christian society, I believe, practices a great deal of tolerance which is to me one of the fundamentals of Christianity because if you have to love your fellowman as yourself therefore it is incumbent that you have to be tolerant of your fellowman. As a Christian society in the ideal sense, although many will question that classification after disestablishment of the Church, Barbados is a Christian society in that respect.

As a traditional Christian society we also have to be realistic and accept that there are other religions and other cultures even in this society. Therefore, this amendment makes Barbados a multi-cultural, multi-ethnic and a real society where we recognise that not everybody has to feel that their day of religious observance has to be on a Sunday and other people observe theirs informally and in practice on other days, but that anybody's day of religious observance can be any day of the week depending on their choice, and choice is the essence of the legislation because it will not compel anybody to shop on Sundays, neither will it compel people to open for shopping on Sundays.

I suspect that, like in any other situation where the dynamics of the society are at work, the market forces, the wishes, the tastes, values and the lifestyles of the society will help to determine when people will open because no businessman is going to open for the sake of opening on that day and say he is taking advantage of the law. It has to be worth his bottom line. When he makes inputs of electricity, refrigeration, aircondition, and staff, if it does not workout he will not open. We know that.

Senator Bernstein made reference to the fact that we are worshipping the almighty dollar, but that is

not worshipping the almighty dollar. That is being a good businessman that if it is not worth your while you do not do it.

Sir, at one time I was afraid that people were invoking pictures of and I began to have images of a new Sodom and Gomorrah coming because of the advent of this piece of legislation.
3.45 p.m.

One of the major areas of concerns, Sir, has to do with the question of poverty and how people are able to subsist and get by on what Bajans say "next kin to nothing". But I would just like to assure, Senator Davis particularly, that a study is afoot that is looking at the whole question of the delivery of services to the people so as to avoid duplication and to avoid wastage, and this study is afoot and should be completed in a very short order. With that we should be in a better position to provide the services in a more meaningful way, because we may be providing services which may not be reaching the people. A great deal of our money might have been spent on administration and the staff et cetera without the full impact of the services reaching the recipients, and those who deserve them most. We are not unmindful of the difficulties that certain individuals or groups are currently facing for a variety of reasons, and like I said we are taking active steps to bring this into being and to alleviate their condition.

Therefore, Sir, it has been a long and interesting debate at a very high level, and I just wanted to add my two bits and to register my support and to commend the Government for providing the means whereby a society can function as it prepares itself for what everybody thinks is an interesting, exciting and dynamic twenty-first century.

Thank you.

SENATOR N. A. LYNCH: Mr. President, this is a debate that I would not have missed for all the worldly goods in Bridgetown. I want, Sir, to focus, not necessarily on some of the avenues and paths that other people have gone down, but to really take a critical look at how this amendment, which I am going to support, is going to affect the whole landscape of Barbados in the future.

I want to look at the whole concept of the significance of legislation as it relates to our socioeconomic development programme. To look at who these amendments should work for, first and foremost, and then look at the way in which it is responding to real market realities and forces. I also want to spend a little time on the religious and social considerations that this amendment will bring, and also we obviously have to look at the productive sectors and how it will affect them especially in the light

of how it will affect the tourism sector given that cruise tourism is the fastest growing part of our tourism sector. Then obviously look at the sweeping lifestyle changes that will occur from this amendment. Then conclude by seeing how best we can obviously police all of this as it goes on.

Sir, for the past, maybe 15 or 20 years, I think that people have always looked at this Act as a determinant of economic development, but I believe that most of the administrations that tampered with this Act wanted to make sure that it fit the social and the cultural aspects of Barbados, rather than just trying to enforce a Bill that went down a purely economic track. This time, Sir, I think that we are seeking to address an economic need, but at the same time we want to still hold on to the strong social connections that it has to our country.

This law, Sir, and the Minister was very clear in pointing this out, is responding to a need and reality that we must come up to what we consider to be internationally and globally sound, and what is in sync with our competitors.

I want to say, Sir, that I believe that any piece of legislation, whether it be social or economic legislation, must first and foremost work for the people of Barbados, and that is every single aspect of the people of Barbados. Not necessarily that people must look at the productive sectors and how the tourism sector will respond, but it must work first and foremost for Barbados, and it must satisfy all our people.

Much debate has been in rather close focus on this about the productive sectors. It is important that the check and balance system that props up that economic system is one that must also be satisfied. Many countries in bringing similar pieces of legislation, I believe never looked at all the social and cultural aspects as how this piece of legislation, because I believe it is economic, will affect them in the long run.

At this time what we are seeking to do is to level the playing field where businesses are concerned. Now there are less essential services that are provided by shops, and these are things that must be considered, and these are things that must be considered in light of bringing this kind of legislation in Parliament. These are things that must be considered.

One critical issue is this, is the State really open in defending when these people should shop? Should that be something that should be controlled by the State? I believe that it is necessary to look at levelling the economic playing field which has given advantage to some sectors of our economy namely convenient stores up and above other forms of stores or shops within Barbados. It also,

Sir, levels out the playing field with regards to all of the activity that goes on Sunday afternoons or on other religious days in Barbados.

Sunday has become a day when people put on shows, when people engage in sports.

Asides.

SENATOR N. A. LYNCH: Whatever you want to call it these days, we call it. Recreation or not, one thing for sure people are gaining from it in some form of economic way, and I think that this piece of legislation levels the economic playing field so that all those promoters, and all those people who are putting on things every day and gaining from it to the disadvantage of other people within the economic sector, must also be given their rightful due.

This amendment is not encouraging anyone to open anything on Sunday. I want to repeat, this amendment is not encouraging anyone to open any store on Sunday, but is giving those people who so desire the permission to do so. I do not think that it should ever be seen that a Government is encouraging these people to open on a Sunday or to go against all of the norms and all of the religious beliefs of Barbados. This is just giving permission to those people who so desire to open on Sunday.

Also, Sir, it is an economic reality that those people who work on Sunday in Bridgetown, and I consider myself to be one, there is no way that a person, realistically, how can a person who only has a Sunday morning off and stores in Bridgetown are opening from 9.00 a.m. to 1.00 p.m., or whenever it is that they open, and you want to catch those hours of sleep that you may not get during the week, how is it possible that we can only open a store for people to transact any kind of business or to buy anything on Sundays from 9.00 a.m. to 1.00 p.m.? The whole thing is impractical.

I am going to say first and foremost that we must be responding to the need of Barbadians. There is no way in which a person like myself can rush into town and do any form of commercial activity. It is rather difficult.

What is happening here, Sir, also, is in response to people who actually need some time to do what they are supposed to do. It also, Sir, moves Barbados a step closer to being the kind of developing nation that we claim it to be. The economic leader and the regional development leader. This brings Barbados a little bit closer to being the kind of nation, because all of the people with which we do business, all of the people who want to come into Barbados to do business, especially those international companies, obviously are well aware, come from a culture where

Sunday shopping and businesses opening on a Sunday is the norm, and therefore Barbados is only moving closer to creating the framework of what a developing country should look like, and that is a significant point within this piece of legislation.

Sir, I want to deal specifically at this point with the religious and social leaders. I believe that the religious and social leaders of this country, mainly the religious leaders, have totally swayed away from their mandate as social leaders and as religious leaders in this country. The religious fraternity in Barbados, the Christian religious fraternity, mostly must see themselves as equal partners in the development of this country. I think that over the years they have lost their way. Religious institutions in Barbados have lost their way and they are not in tuned and are not working hard enough with what the realities are of this society.

The church needs to get back to the hard work that it did in the past, and to redefine its role where development is concerned. The church, the family, the schools and other similar institutions, I believe, with this Act will now be jolted back into reality. I believe, Sir, that it is about time that everybody, you know competition helps everybody, and there is competition now, and I believe that this is about time. These institutions have for too long been dormant. I believe that what is going to happen is that the church needs once again to set itself apart. The church and its leaders need to set itself apart, and to be able to draw the distinction between them and secular leaders in this country. It is about time that we put back the church in the place where it belongs and the church itself has got to make that step first and foremost. The church has got to get back to basics. I believe, Sir, that it was clear and rather than just identifying, I must commend the Government, rather than just trying to identify a particular day, a Sunday, they obviously talked about a day of worship. That, Sir, was significant too in the legislation that they actually, in the amendment, talked about a day of worship and not only singled out Sunday.
3.55 p.m.

I believe, Sir, that the church, like any other entity within Barbados, as it develops must start to think strategically. The church cannot be the church of the past. The church has got to get back to basics but the church has also got to think strategically and have some strategic intuition about what is happening and what is going to happen in the future and therefore respond to the needs of our people rather than trying to focus on themselves and shutting themselves up after every Sunday and then moving back from Monday to Saturday.

We need to get out into the community and understand common Barbadians, understand common

needs, understand how Barbadians themselves are changing and respond to them accordingly rather than trying to create this pious set up they have got which does not respond to anything that is happening within Barbados in 1996.

Again I say this, Sir, all of these institutions have got to see themselves as equal partners in the development of this nation and stop trying to be apart from what are the realities of the situation.

I want, Sir, to turn my attention to the productive sectors and to focus particularly on the tourism sector as it relates to this Act. This thing about the amendment to the Shops Act being a golden opportunity for cruise tourism is something that I do not necessarily buy into. I have heard people trying to put this forward and I really am not in sync with the concept that this thing is going to make cruise tourism boom in Barbados.

Sir, one of the things that must be made clear is this. Cruise tourism in Barbados, the figures are clear. In 1994, up to October we had 396 000 cruise ship passengers. In 1995 for the same period we had about 424 000. In 1996, as at the end of October we had 15% up on that and this is without opening one shop on a Sunday. This cruise tourism is the fastest growing sector of the Caribbean tourism industry and there are cruise ship companies out there. It is said that 14 new ships will be coming on delivery within the next 2 years and these ships are not only catering to the Caribbean, these ships are going to create specific niches. The schedules for cruise ships is set years in advance. This thing about this windfall that will come if you open shops on a Sunday, the cruise schedules are set years in advance and any windfall that we are going to get from cruise ships we will get in the next 10 years. Do not let anybody fool you about this thing that we are going down that road. These cruises are going to the Far East, to Europe, to Central and South America. There is no one size for all. They are creating ships to suit any and everybody but the key aspects surrounding cruise tourism and the things that we need to fix are some other things that we need to focus on.

Nobody is saying at the end of the day that cruise tourism would not benefit in the long run from the opening of the shops but I am saying there are some fundamental issues that need to be fixed regarding cruise tourism that is going to bear receipts for the future which are over and above any opening of shops on Sundays. We know that as a Government, this Government as opposed to that other Government that we have let go, we are going to focus on those things.

The whole concept, Sir, of that Bridgetown Port is something that needs to be fixed. Traffic congestion at the

Port, transfers between hotels, professionalism in the tourism industry, all that is important in terms of this but the Shops Act necessarily is not going to fix it. I have been hearing people in the tourism industry and people particularly in the ancillary sector saying how opening up of the shops is going to cause this significant windfall for cruise tourism. I am saying, Sir, that the receipts that are going to come from that are not so. I think, Sir, it is significant if Barbados really wants to see cruise tourism to go up, I think we should be looking at some of the concepts of, for example, creating US Immigration and Customs in Barbados and creating a real hub concept for Barbados because people have to come here to catch a ship and people have to go to San Juan or Miami to catch a ship and therefore if we could clear US Customs and Immigration in Barbados we could really start to create that hub concept where people in the Caribbean would want to come into Barbados and get on the cruise ships.

These are the issues that we need to focus on because opening and shutting is not the important thing. It is value for money, that is what the cruise ship passengers have been saying for the longest time and all the time that we have been developing this, we have been doing it to the detriment of the people who have been working. I hear people talking about shop assistants who will be working for this 7 days a week and some of them will be disadvantaged and victimised and soon we will move some of them to 5 days a week, and there is also the religious aspect and the law affecting it, etc.

We have in this country of Barbados, hotel workers who have been working and the hotels are open 7 days a week, 24 hours. They do not close and these people have been working under serious conditions for the longest time. Those are the kinds of issues that we need to address. Do you believe that now we are going to come with the Shops Act and deal with the shop assistants? I believe that administration after administration has not given the same attention to those people as we have given. For example we are talking now about the Shops Act and how it is going to affect cruise tourism.

Sir, there are some other significant factors that are going to affect this. Sir, there are some sweeping life style changes that are going to be critical to the whole concept and decision for amending the Shops Act. The religious factor obviously is very important and is one that is going to occupy the minds and thoughts and the debates of many into the future.

Also, Sir, there is the whole concept of the family and the extended family. I believe the bigger nations whom we always seek to emulate and the ones that we seek to copy their behaviour have come around to the conclusion that the family is still a very important institution in any form of socio-economic development and we need to focus

again and get back to the family. I believe, Sir, that all these considerations need to be addressed and constantly monitored as we look at how the amendment to the Shops Act is really going to impact upon Barbados.

Obviously too, Sir, it is going to have a significant bearing upon the health situation in Barbados, not only physical health but also the mental health of people who are now, I believe, going to be engaged in working overtime because the opportunity is going to be there and a lot more people are supposedly going to be employed which is something that the Opposition is always calling for. I believe it creates opportunities for employment but at the same time there is going to be a lot of strain on a lot of the other social sectors particularly, for example, the disciplinary forces of Barbados, the police for example. People are going to be under significantly more strain as a result of the opening up of these things.

I believe, Sir, that one of the areas that we need to watch also is the whole concept of how the economy grows. If the economy grows particularly in the distributive sectors dealing with wholesaling and retailing, this as you know puts a serious burden on the foreign reserves of this country. I think we are going to have to monitor very carefully the way in which the economy grows because we do not only want it to grow in those areas but we want it to grow in some real productive areas as well. Export led growth is the concept that I have been hearing and we need to monitor that as well.

We need to be very, very careful when this Shops Act comes into vogue how exactly it is going to work with regard to how these sectors grow because people are going to be spending a lot more money and they will have the ability to walk down Bridgetown at any time on a Sunday afternoon or maybe Sunday morning and spend money where they did not need to spend money before. It is going to have a serious effect upon the retail trade of Barbados. It is going to have a serious effect on the wholesaling and we do not want only our economy to grow in those sectors but we have to be very, very careful about how it grows in other sectors.

4.05 p.m.

Sir, I see the exploitation of workers rights and redundancies and I believe that the legislation itself has significant penalties but it is something obviously that will need monitoring, also the education of the public as to how they can get their rights and how they can significantly claim their rights when these rights are impinged upon by these unscrupulous employers. These are things that need to be looked at in terms of educating them about how they go.

Sir, I believe that Senator Welch brought this in which is interesting. Senator Welch brought in the whole

concept that there was a committee that was set up and he listed a number of entities in Barbados that were put on this committee to actually monitor the implementation and to look at this amendment. Of these, it is interesting to note that neither the Barbados Workers' Union, the Barbados Advisory Council on Women or the Vendors Association attended any of the meetings. That for me, Sir, is significant because I believe that this particular amendment and the way in which it goes forward is something that will need to be monitored as we go forward. I believe, Sir, that there are many, many repercussions that can come out of the creation of such an amendment. Therefore, this committee needs to come back in and be able to study carefully and I am calling for the creation of a committee that has all of these social partners to be able to clearly monitor how this Act is going to come in.

I believe, Sir, that in any piece of legislation and anything you bring to Parliament there will be winners and there will be losers. A lot of people have focused on the losers. But I believe that whenever we look at Barbados and how it is going forward we need to focus more on the winners than we focus on the losers and there are some spoilers who constantly go down the road of the losers but they do not give any kind of explanation, concept or advice on how we can move away and turn those losers into winners or turn those threats into opportunities. They always highlight the threats and the losers.

I believe, Sir, with the implementation of this particular amendment, Barbados as a whole and Barbados as it stands within the global landscape will be a much better country for having amended the Shops Act. I go with a Government which constantly looks after that. If by setting ourselves the highest goals as a Government, we in the Barbados Labour Party are setting a higher standard of living than any that was ever lived in the past, it is because we place the highest regard upon the development of the human beings in this country. We make no excuses for it before anybody and I think that we have got to start focusing on winners in this country and stop looking at all of the loopholes that focus upon the losers whenever we bring any kind of Bill to Parliament.

Sir, with those words, I lend my wholehearted 150 per cent support to the amendment of the Shops Act, 1996.

Mr. PRESIDENT: Senator Gill.

SENATOR D. T. GILL: Mr. President, Sir, I rise to support the amendment. Sir, it was a little unfortunate not to have caught your eye in the pre-lunch period but now I am able in the pre-prandial period.

Mr. PRESIDENT: I think that you mean "post".

SENATOR D. T. GILL: Pre-prandial period. Yes, Sir. I did not get it before lunch but I am now getting it before dinner. Sir, I speak not as a Pharisee. I speak, Sir, not as the owner of a business which is not considered essential. I speak as one who has followed the Christian principles although I am not a scholar of the Gospel. But, Sir, regarding the impression which Senator Bernstein sought to convey that it is now mandatory to open on Sunday, there is no businessman worth his salt who would open a business on Sunday to learn that it is counter-productive. What we are going through here now, Sir, has been gone through in England not long ago with Sunday shopping. There was a big hue and cry in the community and then I remember reading the Sansbury group of stores saying that it does not worth it. Sir, I would not open a shop or a business which specializes in linen, hardware and electrical appliances on Sunday. That is management madness. Sir, I would not seek to open such businesses outside of the holiday period. In another few weeks or so you are going to hear that Sunday shopping has started. But then bright and early the Monday morning at least, Sir, for the first two Sundays, you will get headlines: "Merchants say business is slow but they expect things will improve after the third Sunday or around the third Sunday". Sir, it is only those peak times on the calendar that businesses would tend to open.

Sir, Senator Bernstein set up such a beautiful case to destroy his own argument. I would not take the approach of the Pharisee where we have to live by the spirit of the law, where we have to wash hands and not as caring and loving to those who are less fortunate. It is conflicting to say the least that because the opportunity is there to open on Sunday that you are going to seek to open each and every Sunday. The moment that you open your doors, as Senator Murray said, there is the cooling costs whether it is air conditioning, refrigeration, a cost to have the place cleaned immediately afterwards, and a cost to staff. Do you know what may very well happen? The profits that you made the Saturday evening may very well be whittled away the Sunday morning. So I see it as a piece of legislation which will regularize certain activities and at the same time it will tend to cancel out itself. You open up a few Sundays and if you find it is not productive, you close a few. What will happen is that you will not be running to the Labour Office or seeking their permission to open those few Sundays that there is business around.

Sir, I happen to operate a small business right in front of a church. I can tell you that this is not sheer hypothetical. I know that those people who came were those who had to come because of some ailment or other. Then the others who came 90 per cent were the same people who had gone to church. They picked up something just before going to church or just coming out. I happen on some Sundays to come to Broad Street to collect something

which I could not get on the Coast and I noticed the cars which are parked in Broad Street are mainly those of people who were on their way to church or from church. 4.15 p.m.

I think this piece of legislation would equal out, or to use the more abused phrase, would tend to level out the playing field. We saw some time ago a practice creep into the society and this did not happen out of greed but I think it happened out of profitability where petrol stations started to have an annex to their businesses, little shops selling at first beverages and then, as Senator Forde said, they have gone on to quite a wide range of products. They did it not only on weekends, but it was done until late in the evening 9, 10 o'clock and sometimes all around the clock.

This, Sir, has destroyed a lot of the other small businesses in close proximity. They carry practically every item that you can think of – first aid, breakfast items, cosmetics, toiletries, you name it. It is so much easier because we have been bitten by this one-stop shopping bug to drive into one location and pick up almost everything. So I think that although it may be some 10 years late it would help to benefit those who are now getting into the market.

Sir, as I said, I am not speaking as a scholar of the gospel but one who is in touch with what is happening. There are so many people out there who call and ask, Senator Bernstein would give testimony to this – if you could give them a little pick, if they can get a day or two, an extra day because they are only working Friday and Saturday or Thursday and Friday. Sir, if that person can get Thursday evening, Friday, Saturday and half day Sunday that would go a long way. But there are some in the society who seem to be concentrating on this holier than thou attitude but we must look at it in its real terms for what it is worth. If you can feed an extra 2,3,4 mouths, then I have absolutely no problem with it.

Sir, we are living in a society of plurality and it is a complex society. We have seen recently and I must go back to England where religion as in the case of America is no longer taught. Why? Because you would have to teach too many religions. This is a fact of life. Just as the mechanisation of labour and the computerisation of tasks have removed jobs overnight from our employees we would obviously have by sheer force to come up with some measure or measures to absorb those who have been thrown out of the job market.

Sir, we see also, and when I say we, I mean society, seems also to confuse sabbath with worship and if my memory is correct the word "sabbath" has its origin in the Hebrew language which means rest. Sir, rest and worship could be mutually exclusive or they could be

complementary. Those persons like Senator Rickinson who would have worked shift from the day she set foot into the job market would know that those days which you get off during the week would be your day of rest and I am sure that she would have found time for worship. So I don't think, Sir, that we should try to confuse people's head with this idea of worshipping and resting meaning the same thing.

Sir, I was appalled to hear a nexus being set up between a parent going out to work on Sunday and the falling of certain principles which would in the end lead to the erecting of more burglar bars. Sir, rather than trying to put up a case about taking away the single parent from the poor child because this is the same single parent who could find a job in the tourist industry and have to work Christmas, Easter, bank holidays, not that it is the most desirable thing but this is the same single parent who has to be a maid in the hospital. This is the same poor single parent who has to work in the cinemas. Mr. President, Sir, that argument just does not hold.

I think where our leaders, whether it is spiritual, political or the various interest groups, what we should try to be concentrating on at this point in time is limiting the activities. There are certain activities on Sundays and on "days of worship" that I am very much opposed to. Sir, I am very much opposed and this is personal but I would not try to force it down anyone's throat, but when we see all the cinemas being open from 1.30 until 6 o'clock, when we see all the jump and waves and the various concerts on Sunday what you are doing in truth and in fact is taking the children away from their parents. These are the areas.

When I discovered that last Christmas there was one big "Jump and Wave" not too far away from here on the beachfront, well attended, children annoyed with their parents because they didn't allow them to go, when one knows of the activities which are held on Monday to Thursday night, something 10-20 years unheard of in Barbados, these are the activities that we should be focusing on moreso than an amendment that would help in some instances put food on the tables of several impoverished, which would help to bring Barbados in line with other tourist destinations and service oriented economies.

I know, Sir, that many Sundays, or many weekends, after you see 1.00 o'clock, on Saturday right through until the next working day which is Monday, that people who have just reached the island that day on conference or

otherwise who would like to transact simple business, be able to prepare themselves a meal – all of them are not fortunate enough to be in hotels – and they have to wait until Sunday.

So, Sir, rather than seeking to impose such an integral part of our laws, rather than seeking to support such an amendment there are those who would be seeking to destroy or bring it down. Mr. President, with those few words, coming after some rather eloquent speeches I would like to let it be known that I support this piece of legislation to the maximum. I thank you, Sir.

SENATOR THE HON. R. R. FARLEY: Mr. President, I beg to move that his Bill be read a second time.

The question was put and agreed to.
4.25 p.m.

On the motion of SENATOR THE HON. R. R. FARLEY the SENATE resolved itself into Committee on the Bill, SENATOR Miss O. P. SYMMONDS in the Chair.

COMMITTEE

Madam CHAIRMAN: The Senate is in Committee.

Clauses 1 – 5 inclusive were called and passed.

On the motion of SENATOR THE HON. R. R. FARLEY, Madam CHAIRMAN reported to HIS HONOUR, the PRESIDENT, the passing of one Bill in Committee and Mr. PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of SENATOR THE HON. R. R. FARLEY the Bill was read a third time and passed.

ADJOURNMENT

SENATOR THE HON. R. R. FARLEY: Mr. President, I beg to move that the Senate do now adjourn until Wednesday, November 27, 1996 at 11.00 a.m.

The question that the Senate do now adjourn until Wednesday, November 27, 1996 at 11.00 a.m. was put to the SENATE and agreed to and Mr. PRESIDENT adjourned the Senate accordingly.
4.30 p.m.

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2. The Annual Reports and Financial Statements of the Barbados National Standards Institution for the Financial Years April 1, 1988 to March 31, 1995.
3. Reports on the Operations of the Sugar Workers' Provident Fund for the periods January 1, 1994 to December 31, 1994 and January 1, 1995 to December 31, 1995.
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