
THE SENATE DEBATES

(UNOFFICIAL REPORT)

PARLIAMENT 2008 – 2013

THE SENATE

Wednesday, January 27, 2010

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, January 27, 2010, at 11.11 a.m.

PRESENT

His Honour SENATOR Dr. B.M. TAITT, B.A., M.P.A., LL.B.(Hons.), D.H.L.(Honorary) (President)

Her Honour SENATOR Miss K. F. IFILL, M.B.A., B.Sc.,(Hons.) (Deputy President)

Senator the Hon. Miss M. P. O. McCLEAN, M.B.A., M.A., B.Sc.(Hons.) (Minister of Foreign Affairs and Foreign Trade) (Leader of the Senate)

Senator the Hon. H. LaV. BENN, J.P., E.M.B.A. (Marketing), (Minister of Agriculture)

Senator the Hon. A. B. WALTERS, DPSA (Oxford), M.A.

(Minister of State in the Ministry of Labour and Immigration)

Senator the Hon. D. W. BOYCE, M.B.A. (Finance), B.Sc.(Econ.), CMA., FCA. (Minister of State in the Ministry of Finance, Investment, Telecommunication and Energy)

Senator Mrs. V. I. SANDIFORD-GARDNER, M.B.A.,CIM, Dip. Mng.,(Parliamentary Secretary in the Prime Minister's Office)

Senator P. W. B. GILKES

Senator Miss P. I. INNISS, B.Sc.(Hons.)

Senator D. K. A. GRIFFITH

Senator J. P. INCE, J.P., M.B.A., BB.A.,Dip. (Mgmt.)

Senator R. A. HUNTE, J.P.

Senator Miss H.E. THOMPSON, LL.B., L.E.C.,

M.B.A.(Distinction), LL.M.

Senator A. E. HOLDER, B.Sc.(Hons.) MSW., LL.B. (Hons.)

Senator the Very Rev. H. E. CRICHLOW, G.C.M., B.A.(Hons.) Dunelm

Senator Dr. F. L. CHANDLER, Ph.D., B.Sc.(Hons.)

Senator R. O. MARVILLE, M.A. (African Studies)

M.B.A., B.A.(Hons.)

Prayers were led by Senator the Very Rev. H.E. Crichlow.

Mr. PRESIDENT: Let us observe a minute's silence in memory of those who perished in the recent earthquake in Haiti.

A minute's silence was observed.

Mr. PRESIDENT: Let light perpetual shine upon them. Amen.

ANNOUNCEMENTS BY HIS HONOUR THE PRESIDENT

Mr. PRESIDENT: I am to announce that four Senators have asked to be excused from this Sitting of the Senate:

Senator Newton

Senator Hutson

Senator Cave and

Senator Trotman

Senator Trotman had written a letter which, I think it might be useful to read:

"25th January, 2010

His Honour

The President

The Senate

Parliament Building

BRIDGETOWN

Dear Sir,

I write seeking to be excused from any duties of the Senate, including sittings of the Chamber for the periods:

24th January to 27th January

8th February to 12th February and

12th March to 27th March 2010

These are occasioned by my having to travel to perform duties in my capacity as an Officer of the International Labour Organisation.

Many thanks for your gracious entertainment of my request.

Yours sincerely,

Sir Roy Trotman

General Secretary”

Senate A26, sequence 02, 11.20 a.m.

Wednesday, January 27, 2009

Mr. PRESIDENT: I am also to advise the Honourable Senate that one of our colleagues, Senator Hutson, has been hospitalised after having had an operation. It is my understanding that he should be exiting the hospital today and Honourable Senators who wish, may get in touch with him at home.

PRESENTATION OF PAPERS

SENATOR the Hon. Miss M. P. O. McCLEAN: Mr. President, I am commanded to lay the following documents:

1. Customs Tariff (Amendment) (No. 8) Order, 2009;
2. Customs Tariff (Amendment) (No. 9) Order, 2009; and
3. Report on the Audit of the Accounts of the Public Enterprise Investment Fund for the financial year ended 31st March, 2008.

MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE SENATE AND MOVED BY A MINISTER

SUSPENSION OF STANDING ORDERS

SENATOR the Hon. Miss M. P. O. McCLEAN: Mr. President, I beg to move that Standing Order 45(2) be suspended for the remainder of this Sitting.

The question was put to the Senate and agreed to.

INTRODUCTION OF BILLS

SENATOR the Hon. Miss M. P. O. McCLEAN: Mr. President, I beg to move that the following Bills be read a first time:

1. Public Service (Amendment) Bill, 2010; and
2. Constitution (Amendment) Bill, 2010.

The question was put to the Senate and agreed to.

PUBLIC BUSINESS

ORDER No. 1

PUBLIC SERVICE (AMENDMENT) BILL, 2010

SENATOR the Hon. Miss M. P. O. McCLEAN: I rise to speak to the proposed amendments to the Public Service Act, which is a comprehensive piece of legislation, which is intended to provide an equally broad framework for the Administration of the public service.

The nature and scope of the amendments are such that it is, or should be deemed a preliminary exercise undertaken by this Administration in its early days, to address a number of anomalies which arose as a result of previous amendments to that piece of legislation by the former Administration in December 2007, in what I guess I can best describe as the dying days of that Administration.

I believe that, in what must be considered an unnecessary haste - I could probably use other terms, but I think that perhaps captures it in the context of what was about to happen in 2007, which would have been the proroguing of Parliament and the calling of an Election - the amendments were somewhat hastily put in place, probably not properly conceptualised and, therefore, a number of issues have arisen which serve to negatively impact on the day-to-day operations of the Public Service as it seeks to provide a range of services to the public.

Mr. President, in looking at those, I want to signal very early that this will not be the end of amendments to this legislation. As we seek to contextualise these

amendments within the context of what transpired over the last decade and a half, when we look at the proposals of this Administration, and when we look at the vision of this operation for the public sector, the necessity for more comprehensive review of the legislation would become apparent. However, I want to emphasise the point that there were some critical issues which had to be addressed to ensure the better functioning of the Public Service, and those things would be articulated during the course of my presentation.

Mr. President, as I seek to further contextualise the importance of the amendments within the ambit of understanding the role and purpose of the public sector, I propose to move from what I call the general to the specific. If we think of Barbados as a growing, very successful to date developing island state, we recognise that as we move from colonial status to independence, the role and purpose of the Public Service would have evolved from one in which the focus was largely regulatory to one of facilitating development in its various facets.

The philosophical underpinnings of post-independence Governments in Barbados are such, that they have carved out a very specific role for the public sector. In fact, one of the things that is also a reality is that we have a public sector which is larger than any other single entity. To put it another way, the Government of Barbados is the single largest employer. I believe that the Government of Barbados, across the central Public Service and its other organs, currently employs in excess of 27 000 persons. This figure would have grown from about 10 000 to 11 000 persons in 1966. In 1995, the figure was less than 20 000, so we would have seen in the years of Independence an almost tripling of the number of persons employed.

Mr. President, there are positive reasons for that and to some extent, not so positive reasons. On the positive side, to go back to the philosophical requirement, or the implementation of our philosophical position, the Public Service is a major engine of growth and development in a country like Barbados. It is supposed to provide the facilitating mechanisms, whether it is in terms of revenue collection, or in terms of stimulating activity, et cetera, or whether in terms of facilitating small business development through the agencies not only providing financial and technical support, but also providing a comprehensive enabling environment.

Mr. President, as we made that transition from colonial Administration to a successful developing independent nation, the accomplishment of the objectives of Barbados as an independent developing country necessitated the strengthening of the public sector, the expansion of its role and purpose and indeed the complexity of the Public Service grew.

In order to ensure, Mr. President, that the public sector is able to function, there needs to be a comprehensive legislative framework within which that has to take place. That legislative framework creates the basis on which decisions are made in relation to the public sector and decisions in relation to recruitment and selection, human resource development and disciplinary procedures within the context of human resource management. It also talks about issues relating to rules and procedures governing specific policy development and the role of senior officers and the Public Service Commission. All of these things are very critical.

Senate A26 Sequence 3

11.30 a.m.

Wednesday, January 27, 2009

SENATOR the Hon. Miss M. P. O. McCLEAN: Mr. President, it is necessary that in the process of ensuring that our Public Service is able to competently, efficiently and effectively deliver service to the public sector, there must be ongoing review and evaluation of that legislative framework.

Mr. President, in the first case, when we talk about the context of the amendment, we need first to appreciate the role and purpose of the public sector. We also need to appreciate the nature and scope of the evolution of those bodies, or entities which constitute the public sector. Therefore, it is obvious that an Administration has to spend some time reviewing the workings of the public sector, the role and purpose of that legislation and how it functions to achieve those objectives.

Mr. President, as we talk about these amendments, it is, therefore, necessary to spend some time in looking at the past decade, which approximates the length of time that would have been available to the previous Administration to address the business of Public Sector Reform.

Sir, one can say that very early in the life of the previous Administration, there was an exercise undertaken. I believe, certainly for a person like myself who, 15 years ago would have been involved in the management training and development, I saw the White Paper entitled: "Public Sector Reform in Barbados: A Time for Change" as a very useful and forward-thinking step.

This White Paper is a document of this Honourable Chamber in 1995, and I read:

"The White Paper on Public Sector Reform emerges from the need for the Government to take serious reform initiatives, an action to achieve its development objectives in a coherent and sustained manner."

Mr. President, that opening statement in the introduction of the White Paper which speaks to the need for reform is one in which no challenge can be made.

Mr. President, clearly this White Paper was also born out of a national consultation on refocussing Government. This White Paper was born out of a consultation which took place in January, 1995. Sir, clearly, it begs the question about what has taken, or what took the Administration so long, in terms of moving from a national consultation to the drafting of a White Paper and making that available to the public of Barbados, to a point where 14 years later, December 2007, we had some amendments to the legislation.

Mr. President, unfortunately, while this White Paper promised much, while, indeed, it had a long gestation period, one has to ask what transpired in the interim. Sir, clearly the kind of issues raised in the White Paper and the final amendments made did not equate to what was promised. Therefore, it begs the question why we would have been treated to those amendments in the haste in which they were taken, after having started a process of assessment, beginning in 1995, in the early days of the life of the previous Administration.

Mr. President, in looking at those, perhaps one is able to understand why there seems to have been some major problems created by the amendment of 2007. Sir, I will come back to those problems.

Mr. President, I also believe that in further contextualising the amendments that we propose, it is important also to look at the vision of this current Administration. Sir, one place in which that vision is captured is in our 2008 Manifesto. Sir, I would want to read briefly from that Manifesto and I refer to section 21, which talks about a modern Civil Service. Again, these comments would reinforce some of my opening comments, where I made a general statement in relation to the role and importance of a Civil Service. It says:

21. "A MODERN CIVIL SERVICE"

"Many of the world's nation states are engaged in serious efforts to reform their governments and inject a culture of innovation and heightened efficiency in their Public Services. A Government close to society is always ready to listen to the people. Governments that are respectful of legality, honesty, transparency, accountability and efficiency, are governments conscious of their mission of promoting human and social development as the basis for attaining a more just and prosperous society."

Mr. President, the question is how do we achieve that just and prosperous society? Sir, again I reiterate the point that a critical mechanism there is the public servants.

Sir, this Administration, recognising that Government is the single largest employer in Barbados, identified a commitment to establish a well-trained and impartial Public Service, free from political interference. Sir, as part of that process, there was the commitment to develop and to implement a solid human resource policy for the Public Service.

Mr. President, all of that has to be grounded in sound legislation. It has to be grounded in practices relating to personnel recruitment, selection and development. It has to do with issues as basic as being able to pay persons on time. It has to do with ensuring that procedures that are to be used, whether to promote employees, or to discipline employees, are very clearly articulated, that they are understood, that they are compatible with best practice. These are the kinds of issues that are required if, in fact, we are to ensure that we have a solid Public Service in which to operate.

Mr. President, in looking at the current legislation in its most recent amendment, it became clear that there were several areas in which there were problems affecting critical elements of the operation. We in Barbados have been very happy and blessed to be a country in which we have a very well-educated population, and by extension a very well-educated Public Service. Our public servants, through other policies and programmes, are able to access education at various institutions at the tertiary level. They are also able to benefit from systems of training and development within the Public Service.

However, on the other hand, we have situations where persons, because of rules and procedures that have been put in place, are unable sometimes to be paid on a timely basis. Sir, much of this has to do with provisions within the legislation as they currently exist.

Sir, I will give an example regarding acting appointments. Sir, currently the legislation speaks of a three month period for which a person can be allowed, or appointed to act in a position. Sir, remembering the point I made about the size of the Public Service, that simple example of a requirement that one could only act for three months, then having to go through the process of reappointment, et cetera, creates problems for the personnel officers within Government's respective personnel units.

11.40 a.m.

Wednesday, January 27, 2010

SENATOR the Hon. Miss M. P. O. McCLEAN: Clearly, it requires the deployment of a number of persons and leads, in essence, in very simple terms, to gross inefficiency.

Mr. President, I know of persons who have been asked to function in temporary positions and, as of two weeks ago, I can recall an individual saying that she had not been paid for acting in a temporary position in April. Sir, when you start to investigate, one agency would say it was sent on the file and then the CPO office would say that they might have received the file. Sir, the sheer volume of paper work and so on involved leads to inefficiency. Therefore, a simple amendment of moving from three months to a year would serve to reduce that demand for four alterations on paper work, so to speak, in the current arrangement.

Mr. President, it is important to recognise that there are a number of issues which need to be addressed in order to ensure that we are able to put in place simple mechanisms in the first instance to ensure that what we have are a set of mechanisms to expedite the process.

Mr. President, in addition to that, the legislation in its recent amendments would have failed to identify or, perhaps, may have provided some changes which gave rise to some problems. Sir, one may ask again, what was the haste in terms of ensuring that any proposed amendments would have been properly ventilated and properly vetted to achieve the stated objectives of the previous Administration and, certainly, the objectives of this Administration to enhance efficiency and effectiveness.

Mr. President, in addition to the example I gave about the need to address that issue of acting appointments, it is critical in the system of management and operations that the role and functions of key officers are made clear. Thus, for example, the need to ensure that the role of Permanent Secretaries, or Heads of Departments are made clear. The role and purpose of the Service Commission and the persons who make up that Commission are made clear.

Mr. President, it is also important that procedures are clearly articulated and are unambiguous. Thus, for example, if we look at grievance procedures, it is important that those things are properly articulated and spelt out. Therefore, Mr. President, when we look at these amendments, these are the kinds of things that were not addressed, or addressed in a manner that did not necessarily fully articulate what was best practice.

Sir, for example, if we look at the Code of Discipline in the Public Service, the tendency of persons to seek legal regress is something which is not unknown to Barbados. Therefore, when we look to identify Codes of Discipline in the Public Service, as you would in the private sector, we would want to ensure again that those procedures are clearly articulated.

Mr. President, I would want to speak about an example of the Code of Discipline in the Public Service.

Sir, one amendment that is being proposed today, has to do with the inclusion of three categories of public officers. Persons in the Police Force, persons in the Prisons Service and persons in the Fire Service. Sir, as it currently exists now in the current legislation, these three bodies, the Police Force, the Prison Service and the Fire Service, were all brought under the Code of Discipline as is set out in this piece of legislation.

There was the possibility of some confusion and the possibility of litigation which might arise from this because as it currently exists, there is a Police Act, a Prisons Act and a Fire Service Act and without a simple amendment to indicate that this legislation, this Public Service Act, applies to those categories of workers where their respective legislation is silent, it can lead to confusion.

Mr. President, as I indicated earlier, the challenge, of course, is to ensure smooth operation and to ensure unambiguity. Therefore, that is another simple, but urgent and important amendment. Mr. President, that was one clarification which could not wait for a comprehensive review of the legislation.

Mr. President, in addition to that, I also would want to highlight another area of amendment which I believe is critical if we want to be efficient and effective. This speaks, of course, to the issue of the procedures in relation to addressing problems of misconduct. It is expanded to speak specifically to the position of Permanent Secretary, or Head of Department. The amendment recognises that any officer within the public sector, from the bottom to the top, should be subject to a formal disciplinary procedure and again, this is clear, unambiguous and should be articulated.

Mr. President, that is important to ensure objectivity, equity and fairness. It is important again because, as I said, in human resources management practice, and in terms of industrial relations, the question of equity and fairness, the question of a person's right, is one that must be clearly answered.

Mr. President, it is necessary to ensure those things are in there because, as I have said, the implementation of the provisions of this Bill, on a day-to-day basis, will determine how well and how efficient the Civil Service is able to work. Mr. President, it is that kind of amendment that is important.

Mr. President, as we look at these amendments, we recognise that what we have is a situation where there must first, be ongoing review. Secondly, that there is a commitment on the part of this Administration to undertake a much more comprehensive review, given the failure of the previous Administration to fully develop the proposals that were set out, to fully observe the question of the mandate of this White Paper and, more importantly, our

commitment to a vision of a Public Service that is highly qualified, highly motivated, well equipped, physically, emotionally and technically to function as major facilitators of the private sector.

Mr. President, it is also important that as we look to put these things in place, we recognise that a proper legislative framework is one in which public servants are able to do several things. (1) They are able to face, in an appropriate manner with its various public places, whether clients in our hospitals, whether they are persons paying for their licences, whether they are persons doing business as young entrepreneurs to any one of our agencies. (2) We must have a framework which engenders the kind of environment which would allow public servants to interface in a professional, efficient and effective manner with the political directorate. Sir, above all, there must be a mechanism in which there is proper provision for the interface between what in management jargon these days is called the internal customer, public servants interfacing with themselves.

S/A26/11.50 a.m. Sequence 5

Wednesday, January 27, 2010

SENATOR the Hon. Miss M. P. O. McCLEAN: Mr. President, I believe that with the amendments proposed today, we are able to remove a number of bottlenecks from the process, and in a way ensure, in the first instance, that we are able to enhance the day-to-day operations, while there is an ongoing assessment of some of the more fundamental and major reforms that had to be taken.

Mr. President, with those few words, I beg to move that this Bill be read a second time.

Mr. PRESIDENT: Senator Chandler, you have the Floor.

SENATOR Dr. F.L. CHANDLER: Mr. President, my feeling about both the original Public Service Act and this amendment, is that the major objective should be efficiency of the Public Service, but also justice and fair play, not only to the employees of the Public Service, but also for the general public that they serve. I think that taxpayers should be assured quality service from the public officers, and not be treated as if they were begging a favour.

Sir, I have spoken at length in this Chamber about my perception of the Public Service, so I do not intend to repeat myself, especially since I am fairly sure that I am not likely to see any significant change in my lifetime. Certainly, I have not seen any significant change since the original Act was passed in 2007.

Mr. President, the introduction of the Codes of Ethics, Conduct and Discipline, attempts to bring about some change, but I fear that political interference and the traditional culture of the Public Service, as was described in the Press recently, continue. This culture will continue in spite of how much legislation that is passed.

Sir, the Code of Discipline has been in place, at least since 2007, and yet we are told by persons in high places of people not coming to work, people coming to work, but not doing anything, and being proud of it. There do not seem to be any real consequences.

In my opinion, both the original Act and the amendment allow too great a security of tenure. That leads to a lack of accountability and a certain arrogance of officers which do not augur well for productivity, nor the development of Barbados.

Although the amendments attempt to simplify the procedures involved in discipline, I feel that these procedures are still much too convoluted and further contribute to this security, a feeling of being untouchable. If the private sector were to use these procedures, I think that the country would have closed down a long time ago. You have so many days in which to do this, and after that you have so many months to do this and after that it seems to go on forever.

I have also noted in the amendment that malingering on duty and disorderly conduct are only considered to be a misconduct of a minor nature that can only get a little oral, or written reprimand. That is all you get for that. I really do not see how things can change much, or improve.

Sir, I think that there are these convoluted procedures in response to other issues in the Public Service that have brought about a lot of the problems which exist, like acting in positions for years, temporary posts being there for years. The amendment attempts to address this, but the question is, will the Act be really enforced? We can put the Act there, but if it is not enforced, then this procrastination will go on.

Sir, of course, there is also the feeling that the Public Service is too large, but it seems that it can swell to suit the whims and fancies of politicians. Whether the Recruitment and Employment Code would help this, we have to wait and see, but I personally doubt it very much.

Sir, my suggestion is to encourage those people who cannot find jobs anywhere and want to enter the Public Service as a last resort, we should be encouraging them into entrepreneurship, not only encourage but tangibly encouraging them with assistance. There, again, some of this assistance involves long and convoluted processes too, which discourage people.

Mr. President, I notice that within the Public Service there are a number of departments that work very well. There are committed and conscientious people. Those people and those departments are treated in exactly the same way as those who do nothing. In fact, the departments that do something are envied and made fun of by those who do nothing. In my opinion, this really needs to change.

I think that you should be encouraged to do your best, so that those departments that do well and make an effort, should be given budgets that allow them to do even more and to get more training, the real training that they know they need, and not just the general training in the Public Service, while those who really do not train, I think their budget should be cut so that they waste less money.

Sir, you should not really have the work of departments stymied by lack of funds. Those departments that really want to get ahead are being treated similarly to departments which really have no output.

I think there should also be some performance-based compensation. I know that within the Public Service, obviously, they have scales, and those are within our rules and regulations, but I am sure there must be somewhere that at the end of the year when we see that a department performed well, those workers should be able to get what will be called a bonus, in the private sector.

Mr. President, we often brag, and I heard Senator McClean mention our well-trained public servants, and we constantly hear of the goal of having one graduate in every household, but training and degrees are not everything. A good attitude goes a long way and is even more important, but unfortunately, we do not get degrees with attitude.

Sir, hopefully, this situation will increase because at the moment, I am supervising a Private Sector School Garden Project, so I visit a number of primary schools and I see banners proclaiming to the children that a little attitude can make a big difference. I certainly agree with that. So hopefully, these good attitudes will nurture the children from a very young age.

Mr. President, I support the amendments, but I emphasise that enforcement is important. I also look forward to the further steps that Senator McClean promised. I hope they would come to pass in the Public Service, and I encourage the Public Service to make more timely decisions to avoid many of the problems that have continued over and over during the years, due to this procrastination in making decisions.

I thank you.

SA26 12:00 noon Sequence 6

Wednesday, January 27, 2010

Senate A26, Sequence 07, 12:00 noon

Mr. PRESIDENT: Senator Thompson.

SENATOR Miss H. E. THOMPSON: Thank you very much, Mr. President.

I note the observations of Senator McClean in her opening remarks. There are some with which I agree in terms of an overall philosophy for the management of the Civil Service, and some with which I do not agree, and I am going to deal with those issues.

I want to indicate that I am not supportive of the amendments before the Chamber today. I also want to speak in broader terms about a few issues that I think relate to the Civil Service generally.

Sir, Senator McClean did not articulate any broad vision for the Civil Service, except to read from the Manifesto, so there is really nothing to which I can speak to in very broad terms, since we have not heard what is the Government's broad vision.

Mr. President, reform is continuous, or should be, if it is to be effective, because it must respond to the dynamics of the marketplace of the organisation of changing policy imperatives, and of changing roles for the Civil Service. The kind of Civil Service that we see today, is certainly not the same kind of Civil Service that we would have had in the 1960s to 1980s or, perhaps, not even in the 1990s, even though that is the decade to which we would be most recently connected in physical time.

Sir, we have had a changing Civil Service and we have to treat to it in a changing way. We also have to ask ourselves as a people, what is going to be the role of the Civil Service going forward. Do we want a Civil Service that is largely regulatory? Is the Civil Service going to be more of an operational agency, in the sense that, will Government continue to carry functions like those conducted by Sanitation Service Authority, National Conservation Commission and related agencies, which are operational type agencies as opposed to those like the Environmental Protection Department for instance, which is more regulatory? Sir, depending on the nature of the function of Government, whether you are having what the Republicans refer to as large Government, or small Government, depending on the functions that Government is going to carry out, then you will have to train your Civil Service appropriately, which means that there has to be a corollary relationship with the university that is producing graduates for the kinds of jobs that are going to be coming on the market.

Sir, if the Government which is the largest employer is moving to being more of a regulatory body, then the training at the university would have to conform, or align itself with that. Equally, if there is going to be more of an operational role, then training would have to be commensurate with that and so on. I think there has to be some degree of alignment between the kind of training that we see at the university and the kind and role and function that the Civil Service carries out, as the largest single body of employees in the country.

I am pleased to see that the university has now made some attempt to have an agency of some sort, that is responsible for Public Service training and will look at Public Service. I think that was the intention. I think I read in the newspaper that was the intention. This is not to say they had not taught Public Service courses before, such as Public Service Administration, but I understand that there is now to be a formal structure for the training of the Civil Service.

I think that there is tremendous need for training of the civil servants, not only in Barbados, but across the Region, not only to enforce what are some of the better traditions of the Service, but to ask ourselves what are the new traditions that are going to be Caribbean traditions that we carry forward.

The United Kingdom does not have a written Constitution, we do and therefore, we have evolved systems coming out of our Constitution that are not necessarily present in the way that the United Kingdom does things or the United States does things and, therefore, we have to look at what has been the Caribbean tradition.

Sir, there have been very interesting Papers written by Caribbean scholars on Public Service Practices across the Region and Trinidad and Tobago, and Jamaica in particular, have been greatly studied. I have not seen a lot of work on the Eastern Caribbean Civil Services, but some of it is very interesting.

One of the very basic things that I have always found to be a deficiency, Sir, is the fact that a person can come into the Civil Service in a job like a telephone receptionist and is sent to the Ministry, or the Department, and told that you are the telephone receptionist. This is the list of numbers for the people working in the building. They are not given any training that tells them anything about their Ministry, about the departments under the umbrella of the Ministry, about the relationship with other agencies and other Government Departments and, therefore, what happens is that when people telephone in, they get all kinds of incorrect information, simply because the view has been that this is a telephone receptionist, so that particular individual has not been given any training.

In my view, there has to be a continuous training of people entering the Service at all levels. I know that there has been an effort to ensure that people get qualified and they improve their academics, but I am talking about a level of training that has to do with the way they perform, the level of training that has to do with the way they function, vis-à-vis other employees and relative to the public and so on.

I made the point that reform is continuous. When the White Paper was produced, there were a number of follow-up initiatives. I am not going to speak to all today. There was large consultation before this legislation was enacted. It went out to several agencies and bodies, including trade unions and several interest groups. Committees were established across the Civil Service to review, comment on, recommend, analyse, criticise, et cetera, so that it was not rushed.

There was wide consultation, not everybody who is consulted is going to agree with every single amendment made to legislation, or every single new piece of legislation in its entirety. At some point you have to bring it to Parliament and over time there may be reasons that legislation is amended and one sees that. The legislation comes to the Chamber, in time, amendments are made for one reason or another, so the notion that the legislation was rushed really does not conform with what really happened, or the experience of those of us who were part of the process.

The White Paper initially spoke to things like the development of a meritocracy, and that was attempted as part of the reform process. You saw a lot of younger Permanent Secretaries and younger senior people emerging who were well-trained and who were promoted on merit and identified as people who would help to carry the Civil Service forward into the future.

Mr. President, there was articulated the movement to an electronic platform to improve efficiency and service delivery to reduce the amount of time spent by people in doing mundane things like writing out: "The Minister acknowledges receipt of your letter of January 5, 2010, or January 5, 1995," something like that which was done repeatedly, so you had a computerisation process across the Civil Service to assist people in the creation of templates for carrying out various functions.

In addition to that, issues relative to remuneration, allowances and benefit packages, including pensions, were considered and addressed, so there were a number of initiatives, outside of the bringing of the new Act, that themselves were put in place over time.

Senate A26, Sequence 07, 12.10 p.m.

Wednesday, January 27, 2009

SENATOR Miss H. E. THOMPSON: The ones I have given are not a full list but illustrative of the continuous attempt at reform.

A new Administration would also have to continue reform pursuant to your vision and to the changing needs of the business culture. Coming out of this period of depression, there is going to be a change in the way business is done and, therefore, some changes may have to be made to the way the Civil Service functions, or delivers goods and services to the public.

Equally, as a new vision emerges from the Government, if in fact one emerges, there would have to be change in response to the establishment of that vision within the Civil Service practice and structure.

I am one of those people who is fully supportive of the notion of the establishment of a full-time, properly remunerated independent Public Service Commission, functioning to address all of the issues relating to the Public Service. The Public Service has become large and complex. There are many issues, not only relating to human resource, but to systems and so on that a Public Service properly staffed and functioning full-time could address. It often takes a long time for issues to get to the Public Service Commission to be ventilated and responded to. That is because it is not meeting as a full-time Commission, and you do not have the structure that would service a permanent department to carry out certain functions, therefore, I would like to see over time, that the country moves to a situation where we do have a permanent full-time body as a Public Service Commission, to deal with the plethora of issues relating to Civil Service management, discipline, organisation, structure and so on.

There are other issues that I think need to be addressed. In looking at temporary employees, there has been a difficulty over time for people who are temporary employees to get their remuneration on time. This is a very vexed problem, and I would wish to suggest that systems need to be put in place to improve this issue so that persons who are adversely affected, can benefit from an improved system. There was an attempt at doing this over time, I do not know that they have been entirely successful.

Equally, one of the measures which the last Administration did was to move a lot of people who have been casual workers, who therefore, could not get long-term loans, or mortgages, or access certain benefits, to the status of civil servants giving them an opportunity that they did not previously have, including pensions, salary and related benefits, as well as rights of access to loans and other facilities. That was a significant benefit under the last Administration.

Persons who had been acting in temporary posts, or who had been acting in positions for a very long time, were also appointed, and that situation needs to be strengthened.

At one time there was a discussion about a Hollywood Civil Service and Government sought to rectify that, so that you had in 1995, or 1996, the articulation of a vision in the White Paper and over the years you had the roll out of a number of activities, initiatives and changes, pursuant to the vision articulated in the White Paper, and the putting in place of new legislation.

Mr. President, part of what was done also had to do with the improvement of audit and related functions, even where those functions were critical of the Government itself. It was felt that proper management needed to characterise the Public Service, and that was the attempt made by the last Administration.

Mr. President, I have spoken in a very general way, based on some of the comments made by the mover of the Bill. I want to turn, therefore, to some very specific things, which have to do with why I am not supporting the measure before the House. Essentially, while there are some aspects of the Bill that I may think the Government might want to change, that I feel may not be worth tinkering with, make no significant difference one way or another.

The amendment before the Chamber today, essentially effects to do three things with which I fundamentally disagree. The first is to move temporary posts from three months to a 12-month period for which the Honourable Senator spoke. The reason given by the Honourable Senator, as I understand it, was that the paper work is copious and it is a difficult process to manage, and it would make more sense to move it to a 12-month period rather than a three-month period. My response to that is: improve the reporting system and the mechanisms for dealing with it, but do not change the system because of an inefficiency, or an improper method of dealing with the temporary post position.

Often, the need for temporary posts on a short-term basis arises because people go off on maternity leave, a person might have an accident and has to be off from work for four months and so on, or there may be the need for creation of a post to carry out, let us say, the functions of a short-term clerical officer to a project that is for a finite period, rather than an infinite period. It is not a permanent position, it is short-term, so there is a need for short-term posts that are for periods that are less than 12 months, hence do not change the time period, but allow the temporary posts for those necessities to remain while improving the mechanisms for giving support to it.

Mr. President, I do not accept the argument that the paper work makes the amendment necessary, that is the first thing.

Secondly, when this new legislation was brought, it sought to allow people who had difficulties with the Law to continue to work in the Civil Service, or to enter the Civil Service without being prejudiced by the fact that they have had a conviction, albeit for a minor offence, a traffic offence or the possession of a spiff, I do not want to name the kinds of offences. However, what one finds is that across the Civil Service, particularly among people at the lower end of the Civil Service, there are a number of people who, if not for this amendment, would not be allowed to hold on to their jobs, would not be allowed to come into the Civil Service and would be prejudiced vis-à-vis their relationship with the Civil Service.

SENATOR the Hon. Miss M. P. O. McCLEAN: On a point of elucidation. Mr. President, I rise on a point of elucidation and perhaps a point of order, because I think that the comments just made in relation to persons with minor offences, would suggest to anyone listening that prior to the previous amendment referred to by the Honourable Senator, they would not be able to be employed. In fact, having a criminal record was not an issue in relation to employment so there was nothing preventing a person with a criminal record, prior to the amendment previously taken, from working in the Public Service.

Senate A26 Sequence 8

12.20 p.m.

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SENATOR Miss H. E. THOMPSON: Mr. President, I am just having the section pulled, but I will continue with my argument that the amendment sought by the Administration, prejudices a number of persons where it does not need to be so. It is not an amendment, therefore, that I support. Sir, too many people would be adversely affected by it.

Mr. President, the third amendment which this Bill before this Honourable Senate seeks to make, which makes it impossible for me to support, is the amendment that the Prime Minister would, once again, have a direct role in certain appointments, at a provision that had been removed by the legislation of 2007.

Mr. President, when the Honourable Senator read the Democratic Labour Party's Manifesto at the beginning, from her reading, the Manifesto spoke to a Public Service that was free of political interference. Therefore, when the legislation previously established an independent

mechanism for appointments and so on, why would you move back to a situation where the Prime Minister directly has a role to play in those appointments, unless it is in pursuit of the "fatted calf" policy, where he can determine who gets a job and who does not? That is wrong.

SENATOR the Hon. Miss M. P. O. McCLEAN: On a point of order. Mr. President, the Honourable Senator is misleading this Honourable Chamber and I would want the Honourable Senator to provide clear evidence about what she is saying.

Sir, the notion about the Prime Minister directly intervening and references to "fatted calf" would suggest that the Prime Minister would be functioning in what would otherwise be in a transparent and objective manner.

Mr. President, I would, therefore, want the Honourable Member to spell out exactly the basis upon which she has drawn that conclusion.

SENATOR Miss H. E. THOMPSON: Mr. President, the Honourable Senator is right, that the Prime Minister would be acting in other than an independent and transparent manner and that is what, in fact, I have objection to.

SENATOR the Hon. Miss M. P. O. McCLEAN: On a point of order. I said that was not the case. How could the Honourable Senator suggest that I am right, that the Prime Minister would be acting in a less than transparent manner? I have asked for the record that where an accusation was made in relation to the impact of the change, that the Honourable Senator identified clearly, on the basis of the previous legislation and the current amendment as proposed. I am asking that the Honourable Senator would bring the evidence to support her position.

SENATOR Miss H. E. THOMPSON: Mr. President, those are the three difficulties which I have with the amendments proposed by the Administration. They can seek to suggest that I am incorrect, or that they are not changing the legislation, or that all is upright and proper. Nonetheless, my argument is that what we are seeing here today represents retrogression in the Civil Service and the attempts at managing it, and that an independent entity, using transparent processes and proper systems, and to have a level of political intervention, on the one hand, can prejudice persons who are, by and large, at the bottom of the Service. Sir, that is totally unnecessary.

Mr. President, I think that if the Administration wanted to make an amendment to the legislation, what we should be seeing is an amendment of substance which improves the quality of life of people who work in the Civil Service, or some amendment which has to do with improving systems, management and processes, but not

tinkering that prejudices individuals in this way and allows the opening for an absence of transparency and a level of political interference.

Mr. President, I do not share Senator Chandler's view that the problem in the Civil Service is security of tenure. I think the difficulty is not that people are secure in their jobs, because there is nothing wrong in giving people job security. The problem is that there has to be a level of performance appraisal which really functions and ensures that people carry out the jobs which they are supposed to carry out, that they do their task in the way they are supposed to do so, and that the benefit that is to be delivered to the public is, in fact, delivered. That is not a problem of security. I think it has to do with other issues.

I believe that at some point the Government might bring some substantive measure relating to the Civil Service, other than these highly-prejudicial amendments, so that we can have a serious debate on the Public Service in general, its future and the difficulties in the Public Service, vis-a-vis, the internal and external customer and what can be done to improve the Civil Service for all the user groups and stakeholders and for the country.

Sir, I do not think that these amendments are necessarily the forum to have that broad discussion and the Government has outlined, as usual, no particular philosophical direction and substantive policy issue to which one can speak. What they have done is something with which I strongly disagree. I have indicated what those things are and what is the basis of my disagreement.

Mr. President, with those words, I would indicate again, as I started, that I do not support this Bill before this Honourable Chamber.

Mr. PRESIDENT: Senator Marville.

SENATOR R. O. MARVILLE: Mr. President, I rise to speak on this Bill which I support. Sir, I am glad that the Honourable Senator, the Leader of Government Business, has said that this will not be the only amendment, but that there are other amendments to come.

Mr. President, I also agree with a number of the things that Senator Chandler said, although I do not agree with her pessimism.

Mr. President, there are several other things with which I would disagree, and one is that the private sector is that much more efficient than the public sector. I noticed, for instance, that people will make a great fuss if they have to wait in a public office for half-an-hour but that they will willingly stand in line for more than an hour in a bank to get their own money. The point is clear. It is absurd. We have different attitudes and this does not really help at all.

We need to transform the way we do business in the private sector, as well as the way we do business in the public sector.

Mr. President, Senator Thompson said that the Civil Service has changed. My view is that they have changed from 11 000 to 27 000 persons, but the fundamental problem still remains. Sir, it is not a problem of the Civil Service per se'. It was created as a colonial Civil Service and to a large extent, it is still a colonial Civil Service. Sir, it was considered to be regulatory by Senator McClean, but I think regulatory might be replaced with "controlling".

Mr. President, I speak not as an outsider, but as somebody who has been in the Civil Service far longer than anyone else here.

Asides.

SENATOR R. O. MARVILLE: Mr. President, I am sure of it, and I am not excluding you.

Mr. PRESIDENT: I take it that the "you" there means the President.

SENATOR R. O. MARVILLE: Yes, Sir.

Mr. PRESIDENT: Because you could only be addressing the Chair.

SENATOR R. O. MARVILLE: I am only addressing the Chair.

Mr. PRESIDENT: Therefore, the suggestion is that you have been a civil servant longer than I have been a civil servant?

SENATOR R. O. MARVILLE: Yes, Sir.

Mr. PRESIDENT: You have facts to back up this position, I take it?

SENATOR R. O. MARVILLE: Yes, Sir.

Mr. PRESIDENT: Very well, I am not permitted to participate in the debate and I, therefore, will allow you to move on.

SENATOR R. O. MARVILLE: That is why, Mr. President, I was hoping that you did not participate.

Mr. President, I will continue. What is necessary, it seems to me, is to have a thorough analysis done of the systems within the Civil Service, how they function and make the changes necessary, both in terms of the system and attitudes. All of this requires re-education, training, et cetera.

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SENATOR R. O. MARVILLE: Mr. President, the point is, in my own experiences within the Service, it was impossible to be innovative, or efficient in new ways. Sir, I will give you a concrete example. Mr. President, as you know, in the foreign service, you have charge of two different accounts, account No. 1, which is the account from which you can take money and account No. 2, into which you pay monies owed to the Government. Sir, on one occasion as Head of Mission, I proposed that we put account number 2 into an interest-bearing account, the interest involved was 11 per cent and I was told that I was sent there to make money for the Government. Sir, the point is that I was doing something that would have confused their accounting and they did not want to have any part of it.

Mr. President, we have to look at a number of issues there. There must be some system in which thinking beyond the box, whenever it is efficient, is acceptable. What we have is a controlling element which says we do not do things that way. Again, this was what the colonial Civil Service was about. There was a set of regulations, a set of controlling factors, and that was it. You were not allowed to do things differently and, to a large extent, you are still not allowed to do things differently. Sir, things are not done differently either in the sense that you go into a post, you are given a desk, you are given some brief instructions as to what you are supposed to do with absolutely no training.

Mr. President, when I went into the Foreign Service, I had been in education for a year and had quite a bit of foreign experience, so it was not different in a way to fit in, but some of the people who came in with me and who were junior had great difficulty.

I remember asking one of them on one occasion to write me something as to why we should have special relationship with Portugal. She went to the Encyclopaedia Britannica and produced information on Portugal that was probably about 25 years late, archaic, irrelevant, and still I got no idea whether we should, or should not. Sir, to a large extent, that was not her fault, because she was in a place where she could not have been without training. I think this is not specific to the Foreign Service, but this is general throughout the Civil Service.

Mr. President, I have also noted that in branches of the Civil Service where the Heads have made a special attempt at training their staff, and some of these branches are the ones where you would expect the most problems, like the Land Tax Department, where they collect your money, there is a level of courtesy and efficiency that is

seldom seen in the rest of the Civil Service. This is important because it means that if it could be done in the most difficult area, that it could be done a lot more easily in some of the other areas.

Senator Chandler mentioned skills and I would like to touch on that as well. Sir, one of the problems is that we have the possibility of moving from one grade straight to another. Sir, I had proposed at one point that you divide their grades into three levels and on the basis of performance, only could someone jump from one grade to another. If the performance was satisfactory, it would be one. If it was fairly good, it would be two and it would have to be good to be a complete jump. This would introduce a measure of responsibility on the part of officers who sometimes come in, sit down and just read newspapers.

Mr. President, I am sorry, but it is true in my experience that the effectiveness of the Civil Service has often relied on a handful of very hardworking devoted people, which should not be the case. Mr. President, I am not referring to you, because I dare not.

Mr. PRESIDENT: I am not sure that I understand the reference there. Is there an indication that the civil servant was not efficient?

SENATOR R. O. MARVILLE: I am sorry, that you are a civil servant who was not efficient?

Mr. PRESIDENT: I could not be a civil servant, if I am the President, but that civil servant of whom you speak, was he not efficient?

SENATOR R. O. MARVILLE: Sir, I am totally confused because I indicated that I was not speaking of you, so I am not sure which person I am supposed to be speaking about.

Mr. PRESIDENT: Honourable Senator, please continue.

SENATOR R. O. MARVILLE: Mr. President, on the question of Public Service Reform, in another incarnation when I was doing articles on this issue, I had several opportunities to talk with the unit that was responsible for the reform. Sir, they were good, they were interesting, but they had no teeth. They let me know that some of the people who were going to be leaders of the reform said yes, but that it was not going to happen in their departments. We need serious reform.

I have seen a situation where, a long time ago - Mr. President, this was your era - we brought in a Swedish expert to look at the system, and everyone whom he asked what was wrong answered that nothing was wrong, that it

worked well. The end result, of course, was that he could not gather any information to make any recommendations.

We really need to go through this process in a way that ensures that the information is collected, that systems are put in place and that we have a Civil Service that is geared toward assisting business, especially small business and the public in general, particularly the poor and needy. Sir, when that comes back we will have some more opportunities to talk about it.

Mr. President, I thank you.

SUSPENSION

SENATOR the Hon. Miss M. P. O. McCLEAN: Mr. President, I beg to move that this Sitting be suspended until 2.10 p.m. today, for lunch.

The question was put to the Senate and agreed to and Mr. PRESIDENT suspended the Sitting accordingly.

S/A26/12.38 p.m. Sequence 10

Wednesday, January 27, 2010

RESUMPTION

Mr. PRESIDENT: This Sitting is resumed.

Senator Hunte.

SENATOR R. A. HUNTE: Mr. President, I rise to support this Public Service (Amendment) Bill, not from a background of being a Minister of Government, as I would have had some relationship with members of the Public Service over the years, not from a background of being a career public servant, or civil servant, whatever title you choose to use, so I could not speak of the experience of being a public servant, but I can speak from a perspective that legislation, which I have said in this Chamber in my first Sitting, is not done in concrete form. There will always be amendments, alterations, et cetera, to legislation.

Sir, I speak from an interest in public affairs over the years, and to say at the outset that I know of no piece of legislation that was ever introduced to the Parliament of Barbados by a Democratic Labour Party Government that was ever a hindrance to the Public Service, or indeed to the citizens of Barbados, not one piece.

Sir, I challenge anybody to tell me of any Law, Rule, or Resolution, any Bill, or Resolution that a Democratic Labour Party Government brought to the Parliament of Barbados that was offensive to either: (a) the people of Barbados or, (b) the public servants of Barbados, not one piece.

I am not an attorney-at-law. I want to declare where my interest lies and what my interest has been over the years. Sir, every piece of legislation that has been introduced by the Democratic Labour Party over the years has always been to the benefit of Barbados, in particular the Public Service, by extension.

Mr. President, there are a number of amendments we are being asked to make today, but I want to look over the years, if I may, at the pieces of legislation that were introduced to this Parliament in the interest of the people of Barbados. Anybody can say that they might have been amended to suit modern-day times, but certainly not amended because it offended, and to the detriment to the people of Barbados, or the public servants.

Sir, the Trade Union Act, 1943, was amended in 1962, to allow workers in Barbados to peacefully picket this country. An amendment by the late Sir Frank Walcott who fought hard and desperately to have it passed in Parliament, in his capacity as General Secretary of the Barbados Workers' Union, never saw the light of day. Sir, I am talking about 1958.

The Democratic Labour Party came to power, in August, as the Honourable Member's Leader always refers to. Power belongs to other persons, office belongs to the Democratic Labour Party. That was passed in 1962. Of course, there were amendments to the Trade Union Act and so on, but that was one of the first pieces that they did because of what came out of the sugar workers' strike in 1958.

Sir, the Severance Payment Act, the National Insurance and Social Security Act, in 1967, the Succession Act, the Sugar Workers' Provident Plan, the Sugar Workers Minimum Wages and the Guarantee Employment Act, the Tenancies Control and Development Act, Legal Aid and the Education Act. As the former Minister said, nobody speaks about the Education Act of 1975. We only hear about the one in 1981.

In 1964, we had a body in this country called the Legislative Council, the forerunner to the Senate where Opposition Members sat on that Council, and an amendment in 1964 by a Democratic Labour Party Government abolished the Act, or introduced to abolish the Legislative Council, and here today we sit in Parliament, as the Senate, including Opposition Members, because the Democratic Labour as the Opposition Party fought desperately and made the then Colonial Secretary, McCloud, to have Opposition Members sit in the Legislative Council. We had to wait until 1964 when we became the Government to enact legislation to what we are sitting in today called the Senate.

Sir, in 1970, The Public Order Act was introduced in this country to suit the citizens of this country, because of what was being said on the platform in those days, when a former Minister, who is still alive, threatened in Charles Rowe Bridge, St. George. I remember well, Sir, if they get you vex cut off their head with a cutlass. That was frightening language. It was in 1970 during the Black Power struggle in the Caribbean. Of course, the individual is still living today. I have not asked your permission to call his name. It does not matter now. The legislation was introduced in 1970, the Public Order Act, and none of those pieces of legislation was ever altered by any Government that succeeded the Democratic Labour Party.

SA26 2.20 p.m. Sequence 11

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Senate A26, Sequence 12, 2.20 p.m.

SENATOR R. A. HUNTE: The point I am trying to make is that whenever legislation is introduced in this country by a Democratic Labour Party Government, all the fanfare that takes place, the beating of the chest and dictatorship, Sir, the late Right Excellent Errol Walton Barrow was accused of all that, but the succeeding Governments to the Democratic Labour Party never altered any of that legislation.

Sir, I am familiar with every Law in this country from 1960, and I am not an attorney-at-law. It is because of my interest and research, as a person who is interested in politics. I did the research to get the details of it, Sir, but I am familiar with all of them.

Sir, we come now to the 1974 Constitutional amendments. The 1974 Constitution amendments caused an uproar in this country. I stood in Trafalgar Square and saw a former Opposition Member at the time, who then became a Prime Minister of this country, being pushed out in the front to lead an unlawful protest, a very smart man, he is not an idiot, but he was pushed. The plan was that if the police had stopped him, he would say: "Well I walked and people walked behind me." You know the old legal trick they work.

Sir, that walk took place against these 1974 Amendments, from Trafalgar Square up to Government House, through Baxters Road and back to Bridgetown, an unlawful walk against amendments. Sir, after the Democratic Labour Party lost in 1976, to this day, not one of those Amendments has been amended, but it brought down a Government.

Sir, in that legislation, Laws were amended for the appointment of judges. All of those things were in the 1974 Amendments and not one was changed, but it brought

down a Government because people then were influenced in their thinking by those persons who were - I do not like to refer to politicians as greedy for politics. The name of the game is getting power. Other people may do it, but my understanding of politics is that the name of the game is winning.

Sir, the references then to the Honourable Prime Minister of the day that he will become a dictator by appointing judges and appointing all of those persons, proved to be false and, therefore, I thought it was all this alarm whenever there are amendments to the Constitution. I do not think the Democratic Labour Party created any real stir in the country,

Sir, by bringing these amendments to Parliament. I have every reason to have confidence in the legal adviser to Government in the other place, the Attorney-General, when he said that there was consultation with the public servants of Barbados, as far as these amendments were concerned. Sir, the Barbados Labour Party Government brought these amendments, but never had a chance to operate under them, or with them.

Asides.

SENATOR R. A. HUNTE: These amendments were brought in December 2007. Elections were called on January 15, 2008, so they did not have a chance to work with these amendments. They introduced them. They legislated them. The amendments were enacted, but they never had a chance to work with them, so I have every confidence in what the Attorney-General said. I have every confidence in what the Leader of the Senate said, that the problems that were created had to be fixed.

Everybody in Barbados over the years, politicians in particular, is always very scared, frightened to tread on the behaviours of the Public Service, because the Government is the biggest employer in Barbados. They are the biggest workforce and everybody thinks about winning his or her seat. This is the problem we have in Barbados. The problem we have in Barbados is that nobody wants to face the issue.

I admire Senator Chandler. She behaves like a true Independent Senator. I have been reading her over the years. I believe she has her heart in the right place. She speaks as it is, but all is fair. I always listen to her. I may not agree with some of the things she says, but then again, that is her right, but what she said today is true. There have been changes as far as the Public Service is concerned. This is understandable.

The world is not stagnant. It is dynamic, so obviously people change their behaviour. They changed this year. The Government gets larger. Obviously, things

must change. There will be changes and there have been changes, there is no question about it.

Sir, I want to make myself very clear. I am not mad, or vex with any politician, or Minister of Government, who seeks to find work for their supporters, because that is the name of the game and that is the way it started out.

The Barbados Labour Party's theme in 1999 was "Job No. 1 is Jobs." They had to find them. They could not go to DaCosta and Mannings and ask them to take on people. Although certain things were done, it never worked out that way. Certain concessions were given, but it never worked out that way. They had to find jobs.

I know four friends of mine who worked in the market doing a good job and by the time the Government changed in 1994, they told them that they do not want them anymore, and then about 19 people came on, but that is the way it is. I think what people might be concerned with, is the unfair practises, because everybody has to eat out of this soup bowl. At the end of the day, they are Barbadians that we are responsible for, Sir.

Sir, this legislation was not introduced to hurt anybody. The changes are necessary. How could you hear that people are acting for people, when Heads of Government do not know if they are on their heads, hands or whatever? The Democratic Labour Party has always taken, never afraid, unpopular - but I just proved that none of the important legislation that created controversy has ever been changed. Probably somebody will deal with the one with criminal behaviour, or criminal offences. I have to concur with the Attorney-General.

Asides.

SENATOR R. A. HUNTE: Whether or not I concur, the point is that it is there. When you take up a Government application, you do not see anything about whether or not you have a criminal offence. I do not even know if it asks the applicant to produce a Police Certificate of Character. As far as I know, if a criminal offence occurs during the time that you are an employee, obviously that is looked at, but not before you go in, so it was silent. If something is silent, why do you have to stir it up?

Sir, you are not allowed to quote from the newspapers, but I think my memory is fairly good. Do you think I would make reference that if a brother had a brush with the Law, he cannot get a job? I saw that in the Barbados Labour Party's column. Do you think I would put that in a column? Sir, that is left for a debate. If you want to say it on the Floor, say it on the Floor, because unless people are doing special research, or there is something special going on in the country, controversial or otherwise, a lot of people do not listen to debates. Do you think I

would write that in a column for every Tom, Dick and Harry to read? I cannot tell them what to write in their columns, Sir, that is a matter entirely up to them.

Senate A26, Sequence 12, 2.30 p.m.

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SENATOR R. A. HUNTE: Mr. President, in the same column it was mentioned that by amending Code 3(3) of Section 9 of the Act, the Prime Minister and the Democratic Labour Party will start sending all of their supporters and all of that.

Mr. President, that has been going on for years, but that does not necessarily mean that the Democratic Labour Party is going to do it.

Mr. President, I want to get the record, it has not been passed to me yet, of the amount of persons who were brought into the Public Service, such as at the National Conservation Commission leading up to the Elections of January 15, 2008.

Mr. President, politicians should not raise those things, that is a fact of life. There are people walking about in the Transport Board who cannot find a bus to clean, but they are still employed. There were people parked out in the Barbados Water Authority yard and there was not a pipe track to dig, but they were still in there. The point is that when you touch these things, you open a can of worms. That is for people who only started to follow politics from last week, not for a man like me who went around it for over 45 years. This is foolishness.

Sir, I underline that, but I am not vex with any politician for getting a job for anybody. That is the name of the game. If somebody comes and tells you that they cannot pay their rent, they cannot pay their bills and they have children, you have to pull at your heart strings and find something for them to do, but that leads to a big wages bill and Government has to find that money to pay those persons, but that is the responsibility of Government.

The President of the United States of America just said that jobs are what he is going after now. You must find work for people because it keeps the whole economy going. Whether or not I agree with Senator Chandler, it is a fact of life that it is not easy to change a culture after so many years. Elections may be in another two years, this is a first term, but John Boyce, the Honourable John Boyce...

Mr. PRESIDENT: I have to draw to the Senator's attention that the Rules do not permit the names of persons to be called, please. You may continue.

SENATOR R. A. HUNTE: I quite understand that, Sir, and I wish to apologise for any breach of the rules I may make.

Sir, the Honourable Minister of Transport and Works said it like it is at a forum on Sunday. He said that people are sitting around. I heard a former Minister, the late Neville Boxill - could I call his name? - saying at Eagle Hall at a public meeting - of course, the words he used, I cannot use in here, that would be unparliamentary...

Sir, it is a frustrating thing, but it is a culture. What are you going to do about it and when? You cannot introduce legislation for that. It is an attitude because of "the who I know" and "if they fire me, I gine tell this body." It is a culture. Unfortunately, we refer to it, we do not like it, but it is a culture.

I believe that is what bothers Senator Chandler, but life must go on. As an individual, you cannot do anything about it, I cannot do anything about it, we can only talk about it. You cannot change 30 000 people overnight and more would be added all the time as we go on, even though there might be replacements.

Sir, we get hoity-toity about these amendments and so on. Sir, amendments to a Constitution, or to certain Acts should not be done in a hurry. I am saying that even though the Opposition at the time walked out of Parliament, any amendment to the Constitution, or to a Public Sector Act is so serious, it should be done in the presence of an Opposition. They could not walk out forever. What was the hurry, Sir? Of course, we know what was the hurry because Elections were called for January 15, 2008.

Mr. President, there is a lot of chest beating and so on when somebody refers to the Government's lack of vision. A vision could be blurred too. Mr. President, I gave the background to show that whatever piece of legislation this Democratic Labour Party Government has introduced over the years, has been to the benefit of the people, whether they took advantage of it, or whether they abuse it or what. Sir, anybody who could show me any Act that was repealed that the Democratic Labour Party introduced, I want to see it.

Sir, the 1974 Constitution Amendment is one that people should read and look back on. That Amendment brought down a Government. The alternative Government they say is always the Opposition. Sir, not one was amended or changed.

Mr. President, I saw all kinds of people walking all around the place in 1974. The late Right Excellent Errol Barrow was referred to as a dictator because there were changes to that section. Sir, I have those Constitution Amendments here. Sir, there were 29 amended sections and

four insertions. In these Amendments here, reference is made to people with criminal convictions against them.

Sir, one was to do with on becoming a Senator, or a Member of Parliament. If you opted to run for office and 10 years prior to you declaring your interest in running for office, or being selected to the Senate, and you had a conviction, and that conviction was not appealed, or expunged, you could not serve. Mr. President, the people who protested against that did not change it.

Sir, sometimes you have to be very careful. Politicians who are in the Opposition, especially those who were in Government before, might be in Government again, probably in another 20 or so years, and they would have to deal with the same legislation, and sometimes eat their words, as I have seen many times in this country over the years.

Mr. President, I take Parliament very seriously. I would not have accepted to come here if I felt that this was making monkey sport. I came into Parliament in 1965, when they had the Constitution debate for Independence in this country. I stood up out there with loud speakers in the yard with all of the people. I did not even have to vote to help the party, or anybody at the time. In fact, I could not vote in 1966, because I missed it by a year or two.

Sir, the point is that that Independence debate went on for hours. Mr. President, that was another important milestone. Of course, when Barbados became independent, nobody could turn back the hands of the clock. You do not give back anybody your independence, or nobody can take it back from you. Sir, all I am saying is that all the legislation, including these Amendments today were done in consultation with public servants as to what was affecting them.

I heard Senator Thompson speak about a vision and if ever one emerges. I have just outlined where the Democratic Labour Party has always demonstrated the vision. The Government of Barbados, the Democratic Labour Party Government, has always exercised its vision over the years as shown clearly in the pieces of legislation and so on, that I have just demonstrated.

Sir, I am not going to take up a lot more time in the Chamber. I just wish to say that these Amendments are of importance and I support them and I expect every other Honourable Senator in here, including my two Senate colleagues on the Other Side, to support these measures, even though Senator Thompson declared that she would not. Mr. President, I know that she and her colleague would support these Amendments because this is now a moral situation, not party. I know that Senator Thompson and Senator Holder would support these Amendments. I would only know it when the vote comes that they would not.

I thank you, Sir.

Senate A26 Sequence 13

2.40 p.m.

Wednesday, January 27, 2010

Mr. PRESIDENT: Senator Benn

SENATOR the Hon. H. LaV. BENN: Mr. President, I rise for a very brief moment to give support to this Bill before this Honourable Senate. I wish from the outset to establish that this Government is committed to the upliftment and further development of the public sector of Barbados. Sir, the record will show that whenever the Democratic Labour Party is governing this country, the public servants are allowed to operate in an atmosphere of calm and free from fear. We have always allowed the departments to carry out their functions and have encouraged the highest degree of professionalism and integrity that one can imagine.

Mr. President, whenever the Democratic Labour Party is in office, the Public Service Commission acts as the Public Service Commission. Sir, many years, during the times of the previous Government, we know of situations where people had to carry letters from politicians and from their representatives to statutory corporations and to other places, in order to find a job and that the Public Service Commission, in most times, had been rendered useless.

Sir, this was not so when the Democratic Labour Party was in office. When the Democratic Labour Party is in office, people can go to the Personnel Administration Department and register. Sir, as long as these people are qualified and the opportunity arises for employment, that opportunity would be given to them. These placements are found and made in accordance with the Rules and Regulations. They are also based on qualifications.

Sir, I would want to say that since we have been in office for approximately two years now, I have never seen nor heard of this Prime Minister having to use any sort of rank, or any kind of stake to push to get jobs for persons. I know that occasionally he might have asked a question, but this remark about the Prime Minister's involvement in finding jobs is unfortunately sad.

This Government has demonstrated its care and support for the public servants in this country, as was manifested in the way we concluded salary negotiations soon after we became the Government. We honoured our commitment to paying arrears soon afterwards. That was one way of showing how much we care for the public servants of this country.

We on This Side are all in agreement with why it is very important that we continue to respect and appreciate the role and function of the Public Service of Barbados. Sir, I am going to make an appeal to the Independent Honourable Senators, as well as to the Honourable Senators representing the Barbados Labour Party, why together we should support the Amendment to this Bill which seeks to amend the Public Service Act, 2007. It is designed to achieve greater clarity in its applications.

Mr. President, let us remember that, in 1995, a consultation was held, to which Senator Thompson referred, at the then Sherbourne Conference Centre. This consultation culminated in a draft White Paper. That White Paper presented a case for the modernisation of a public sector that was to focus on results. It was to focus on strategic planning at the ministerial level, on new systems of human resources management and a new performance appraisals system. Sir, this is something I believe that is sadly lacking in Government departments. Mr. President, it also focussed on a Public Service which is more responsive, more friendly to citizens and less cumbersome. Sir, that was the White Paper.

Mr. President, Senator Thompson indicated that they sought wide consultation and I agree with her. I am of that belief, but Sir, it took eight years. Sir, in 2003, a Review Report was presented and in that same Paper, the then Barbados Labour Party Government said that there remained substantial difficulties in the operational process of the Public Service. It also said that the Public Sector Reform, not only lacked the necessary resources and staff, but that it had limited authority in implementing changes. That is what they recognised.

Mr. President, based on that 2003 Review, one could conclude that the Public Service culture, supported by negative and unproductive attitudes, obtained. Sir, that was between 1995 and 2003. Sir, the end of 2007 approached and it appeared to the Barbados Labour Party Government, who had Elections on their mind, that they were going to loose Government. It appeared to them that they had lost the support and confidence of the public in general, that was why this Bill was rushed in December 2007.

Mr. President, I am clear in my mind that the Barbados Labour Party Government recognised the flaws in this Bill and as Senator Hunte indicated, they never had the opportunity to test it. Sir, they never had a chance to say that the proof of the pudding was in the eating. They brought a Bill in 2007, which was enacted in 2008 and they never had a chance to test it. They never got the opportunity to work with it.

Mr. President, I guarantee that if the Barbados Labour Party were returned to Government in January, 2008, that they would have sought Amendments to it

within six months, once they had gotten the chance to digest it. Sir, this Administration took its time to read it, to examine it and we are today, after it was dealt with in the Lower House, dealing with it.

As I said, I am sure that had they returned to office, once they had the chance, they would have been in here with even more extensive amendments. Sir, as the Honourable Leader of Government Business indicated, there will be more amendments to this very Bill.

Mr. President, that Act was proclaimed in December 2007. It should have been seen as a creative and innovative piece of legislation designed to have a positive impact on the employees of the Public Service, but it fell short. The Amendments now before us seek to put in place a framework for greater transparency and to achieve a higher level of performance throughout the public sector.

Mr. President, I am urging all Honourable Senators to support the Bill. I also have the confidence that the Independent Senators who read and understand, would give it their full support.

2.50 p.m.

Wednesday, January 27, 2010

SENATOR the Hon. H. LaV. BENN: If the Leader of Her Majesty's Opposition was not listening, I am sure that the two Opposition Senators would also support it, but they know that the Leader of the Opposition is listening and the Leader of Her Majesty's Opposition did not support it in the Other Place. There is only one leader of Her Majesty's Opposition. There are others who are attempting to be the leader and were disqualified but, Mr. President, Sir, thank you very much for bringing it back.

Mr. President, Senator Thompson missed the point of the three-month temporary appointment. Sir, I have spoken with a number of personnel officers in various Ministries, even those at the Personnel Administration Division and the strong feeling among them is that rather than we seek to amend it, that the whole thing should be repealed. They have said that it is unworkable. Sir, when you have temporary officers going into jobs and are given a three-month temporary appointment, it provides problems for the Smart Stream System. It does not pick it up for payment.

Asides.

SENATOR the Hon. H. LaV. BENN: Sir, I am not making excuses for Smart Stream, or crying it down, but if you check they will tell you that the three-month appointments are creating problems for payment to people.

Sir, that is why we are suggesting one year to give the system an opportunity to flow.

Mr. President, when the Barbados Labour Party is in power, they do things their way. When the Democratic Labour Party comes to office, the Barbados Labour Party wants us to do the things the way of the Barbados Labour Party. We do things, not only differently, but better. We are not going to bow to the wishes of the Barbados Labour Party and their unnecessary unwanted criticisms.

Mr. President, I wish that the Senators of the Barbados Labour Party would understand that if they had the chance to work it, and it was working and we came now and wanted to dismantle it, I could understand that they would have a point to raise, but they did not get a chance to work with it. The people in the Civil Service, who got a chance to work with it, recognised that it had its flaws and suggested that something should be done.

Mr. President, I am saying that we are expecting full support from all because it is a piece of legislation, where the Amendment is seeking to put in place a framework for greater transparency and to achieve a higher level of performance throughout the system.

Mr. President, I do not just want to talk in my short period of time about the effects to the Bill. I want to say a few things that I would like to see for the Civil Service. I would like to see a greater level of professionalism in the Public Service. I would like to see Permanent Secretaries having greater responsibility and a greater knowledge of who are at work.

Sir, if you go into a Ministry now, and you ask the Personnel Officer, Permanent Secretary, whoever, is responsible for personnel matters, who is at work, they do not know who is at work. They cannot tell you how many people are working. People are greater champions than Suki King. They go as they please and, Sir, Suki King is the "Go As You Please Champion" in draughts. These people come and go as they please.

Sir, you have public servants who do not drive a stroke and they are paid. Sir, it is not their fault, but I wish that something would be done to the entire Public Service Act that people would have to report for duty and earn their keep. Mr. President, I am urging that something be done in the Public Service for constant upgrade.

Mr. President, we mentioned the word "appraisal" not long ago. In the private sector, where I have worked for a number of years, we had a way of appraising those persons who worked. Sir, from managers down, we went through a system of appraisal. They themselves knew how they were performing during a period of time. There were constant reviews of their performances, but this does not

happen in the public sector. Therefore, I am calling for something to be done and for that system to be put in place for constant review, constant appraisal and, therefore, constant upgrade where necessary.

Mr. President, I am hoping that in the public sector people would get to work on time and spend the hours that are given to them to work. Sir, people walk in anytime, at 10:00 o'clock, or at 12.30 p.m. Sir, they leave and go to university even if there is no approval given to them.

There is nothing wrong with going to the university, but once you have sought permission, and you are given permission from those in authority. There is nobody in the Public Service now who can tell whether a person, who is going to university, has been granted approval to go. Sir, they apply and they take the leave before approval has been granted because they know that by the time the Personnel Administration gets around to the file, the time has gone, they have come back already and they have already been paid.

Mr. President, I would like to see greater training in the Public Service. Sir, we have a lot of qualified persons in the Public Service and a lot of persons who are experienced in the Public Service. Sir, I would like to see some of those persons being given an opportunity to do some in-house training so that colleagues could get a cross-fertilisation of ideas.

Sir, you do not have to get a consultant to pay them \$50 000 or \$60 000 per session to do something that, perhaps, someone who has been in the system for 15 years or 20 years, who knows the ropes, who can sit in sessions with young recruits and teach them the ropes in that department, or those departments. It would also give those experienced persons a measure of satisfaction that the knowledge they have gained over the years they can impart it to other people. Mr. President, I would like to see some of that happening in the Public Service.

Mr. President, while we are training in the Public Service, I would like to see something done about people who have to man telephones in the Public Service. Sir, I am not knocking them here, but I am speaking from experience. I am not going to use the word "manners" because it might be carried that Senator Benn says they do not have any manners, but that is not what I am saying.

Sir, I had an opportunity about three months ago to call a certain Government department. The phone rang about 30 times and I put it down. It rang a second time about 30 times and I put it down. The third time I called, after about 17 rings somebody answered the phone. I asked why they had allowed the phone to ring so long and whether or not it was a department of Government. She asked me who I wanted to talk with and told me that the

girl who answers the phone was not at work that day. I asked her if she sat in the department, but she told me that it was not her job.

She again asked me who I wanted to speak with. I told her that I wanted to speak with a particular person and she responded that he was not there. I asked her whether she had looked around to see if the person was there because I know he sits upstairs and that she sits downstairs, but she said I was wasting her time.

I asked her if I could leave a message. She said, yes, I could. I asked her to tell him that Benn from Agriculture called. She asked me who is Benn. I said H. Benn and asked her how many Benns she knew in Agriculture. She said she knew the Minister. I told her that I was the Minister. She paused, but I told her not to cover up anything, that I wanted her to treat me as she treats all the other customers. I told her I would not complain for her but, Mr. President, I got a taste of what other customers have to go through.

S/A26/3.00 p.m. equence 15

Wednesday, January 27, 2010

SENATOR the Hon. H. LaV. BENN: I am urging us, who have the responsibilities, to join hands in seeking to uplift the level of performance in the public sector.

I spoke just now about the SmartStream system. I am not knocking it, but I have another glowing example where people in the public sector who, take time not to sleep, for granted, but the system does not change.

A young lady who got a job in one of the departments, one day I saw her and asked her how she was doing. She said: "I am enjoying the work. The only thing is, I have not yet been paid." I asked her how long she was there. She said about eight weeks. I said that was not good enough. When we were in Opposition and we heard that persons working in the School Meals Department, or Prison Officers were not being paid, we talked about it. We criticised the then Government, but having got in, you get a taste for yourself, you get a chance to see.

I went to the department that deals with that and said, calling the person by name, and the officer went on the computer, and said: "Minister, I do not see the person's name here." She asked, "How long was she working here?" I said: "eight weeks." She said: "Oh, Minister, she now has to wait." That was the response.

Sir, there is a mindset. There is no urgency in getting information on to the system. I would like to see that stopped. I would like to see us here as Senators with a responsibility, to deal with these various amendments to

join forces together. Let there be no politics in this. Let us get together and see things go forward. I am not going to deal with all of the specific amendments. My colleagues, those who have not dealt with it before, some after me will deal with this specific amendment in depth, but we are fully supporting the proposed Amendments.

Sir, I am confident that all Senators, whether Independent or Opposition, will be the same. This is not about politics. This is about the lives and livelihood of those over 27 000 public servants that we depend on from time to time. Do not mind where you go, whether it is the Post Office, Fire Service, Hospitals, Health Institutions, the Barbados Water Authority, no matter where it is, they are public servants and they are human.

Sir, as we look at these few Amendments today, we understand there will be more as we go through them and put them to work, something that the Barbados Labour Party had a chance to do. Because of a change of Government, we will give it our best shot as we deal with those people who we expect would deliver for us.

Mr. President, with those few remarks, I call on all of us when we make our contribution, when the time comes, we will all seek to make the Public Service and Barbados a better place and a better Service.

I am obliged to you.

Mr. PRESIDENT: Senator Ince.

SENATOR J. P. INCE: Mr. President, I rise to give support to the Amendment of the Public Service (Amendment) Bill, 2009, and my support is against a background of a Public Service that has done, as far as I am concerned, despite the criticisms, despite what we see as a Public Service, has been able to maintain the social fabric and minimise social dislocation against many families in Barbados.

It is my opinion that the Public Service, over the years, came in for some criticism that is unjust. Yes, there are persons within the Public Service who seem not to function, but it also happens in the public sector. We carry out a comparative analysis and we like to judge the private service against the public sector.

The public sector, as the words imply, is about driven by service. The private sector is driven by profit. The public sector initiates Government policy to be executed. There are some private sector departments where service is appalling and you have no reason to go back there, and there are some public sector departments that you will complain about, but let us highlight the good.

Sir, there are approximately 28 000, or more public servants as a result of an Act to beat that Public Service Act, 2007, considering their future within the Civil Service. In fact, some of them have retired, or have taken early retirement because of this Act, which says that they did not have the qualifications to act in certain positions, or to be appointed, but they are persons who over the years have dedicated their time, precious family time, we must remember. It is important that from 1966, until now, 44 years of Public Service, that has functioned with minimum resources.

Sir, I like to make references to biblical defence. We came out of a colonial system. It took 72 hours to remove the children of Israel out of Egypt, and it took 49 years to chop the behaviour of Egypt out of the children of Israel. We are now 44 years into Independence, two years into a Democratic Labour Party term in office, we have another three.

As I said before, it took 49 years to get the behaviour of Egypt out of the children of Israel, and we had 44 years since Independence. It is going to take time. Sir, what has happened? In a rush to satisfy an Election mandate, the former Government, as accustomed, never took time to examine the Act, but like a bull in a China shop, like a one-door shop mentality, rushed to bring through Parliament and it is now impacting on the lives of public servants, when over the years some of these public servants would have used the Personnel and Administration Division for training. Some of them would have gone to BIMAP in their years to get their diplomas and they use that as a premise for elevation to a higher service.

SA 26 3.10 p.m. Sequence 16

Wednesday, January 27, 2010

Senate A26, Sequence 17, 3.10 p.m.

SENATOR J. P. INCE: Sir, at this time when those public servants are expecting to move forward with their careers and have their appointments made at a senior level, many of them now have to revert to lower positions, and that is embarrassing. It demoralises an individual when he or she has acted in a position for three, four or five years, and because they are not qualified, they now have to revert. This is what is happening and this is what this debate is all about. It is all about correcting some injustices that were done.

The Public Service in no doubt has contributed significantly to the development of Barbados, when we look at the Department of Health over the years and when we look at the activities at the Queen Elizabeth Hospital despite the challenges. Sir, look at the number of pieces of land that have been titled through the Land Tax

Department. You may have had some errors, but there are fewer complaints, so we can be proud of land being titled in Barbados. Look at the Registry Department, the numbers of persons that have registered, including birth certificates. Go to the Department of Corporate Affairs and you can research and find information on companies and that information 98 per cent of the time is accurate. Sir, the service at the Corporate Affairs Department is outstanding.

Mr. President, we have some unproductive elements such as lack of commitment, but over the years, the Public Service has done an outstanding job in maintaining the political stability of Barbados. They are the public servants who manage our General Elections on Election day, and they have maintained that level of political stability from 1966, until now, so we have to correct the exodus.

If you are going to say that you must be qualified, it means that you are eliminating the Training Division. Sir, what this Act is saying, we are going to eliminate you, because if a public servant goes to the Training Division and is trained in Public Accounting, yet the individual does not have the qualifications, it means the individual cannot act in that position. What is the individual going to do? You are saying to an individual at 58, or 59 years old, who has shown that he or she has the knowledge, the whereabouts and the knowhow as far as the Government and Public Service function, you must now march, despite all your diplomas and certificates and training, and get your degrees, or else we are not going to appoint you, or you are not going to act, despite that commitment.

Sir, it is not about how the public servants function. It is about rectifying some injustices that were done to these public servants, as a result of individuals wanting to satisfy political greed, and that is what it is all about.

I am amazed, Sir, that Senator Thompson made reference to these Amendments of the Democratic Labour Party and the Leader of this Country, trying to satisfy the fatted calf syndrome. I sat in my seat and smiled at the fatted calf syndrome, because what Senator Thompson should have made reference to is that the fatted calf syndrome is the 85.3 acres of land that disappeared from the National Housing Corporation's Land Bank. The land at Kent is where the fatted calf is, Sir.

Asides.

SENATOR J. P. INCE: If we want to know where is the fatted calf, it is that 85.3 acres of land. Who did it fatten? Certainly not Senator Ince, so let us start thinking about the public servants and what we are supposed to do to ensure that our Public Service functions efficiently.

Mr. President, I have said it once and will continue to say it. Whenever there is a decision to be made that

would affect the lives of Barbadians, their children and grandchildren, the Democratic Labour Party is in office. Whenever there is a world crisis, the Democratic Labour Party is in office, and this Bill is one situation where the Democratic Labour Party is in office, and we now have to make a decision in the interest of the people, in the interest of the continuation of an efficient Public Service, and a decision that would maintain the moral fabric within the public sector environment, and it has to be done. Sir, more amendments have to be made and we will make those changes, when it is absolutely necessary.

Sir, global events and global changes have demanded changes within the Public Service and those changes have come as a result of people getting the required skills to do their jobs. Every one of us cannot be highly qualified and that is the way the Public Service functions. All of us cannot have a Bachelor's Degree. All of us cannot have a Master's Degree. Some of us do not have the capacity to undertake the rigours of university education. It is rigorous and there are some public servants, because of family commitments, and the illness of loved ones, cannot undertake that rigour so what those persons did, were to acquire some training through BIMAP, acquire some training through the Training Division, acquire some courses from reputable institutions, on the premise that they would be appointed and they would go forward and continue to devote their skills and their time to the Public Service.

SENATOR Miss H. E. THOMPSON: Mr. President, on a point of order. The Senator is misleading the Senate if he is seeking to suggest that was what the last Administration was trying to put a stop to. In fact, there was strong support for these institutions and the increasing of the Budgets, where they fell under Government, and the encouragement of civil servants to undertake the training programmes that were being made available.

What was being done is that you were trying to set qualification criteria for various jobs and that does not mean you are not supporting people getting qualified. In fact, there was a strong push to ensure that people became qualified to effectively perform the various tasks which fell to them.

Mr. PRESIDENT: You may continue.

SENATOR J. P. INCE: Thank you, Mr. President.

Mr. President, I am glad that Senator Thompson objected on a point of order. There is no objection about persons not being qualified. They set the criteria, but how? You can set the criteria, but how did they set the standards? I smile because I appreciated that she got up. I was reading the Official Gazette as a point of knowledge and I came across something that I found interesting.

Senate A26, Sequence 17, 5.20 p.m.

Wednesday, January 27, 2010

SENATOR J. P. INCE: Senator Thompson cemented what I was saying. I am looking at a situation, Sir, in the Department of Customs - I am not speaking off the cuff, it is here - where an individual who never had any knowledge of Customs is acting as Deputy Comptroller of Customs. Sir, all of their time was spent in Management and Human Resources Departments.

Mr. PRESIDENT: I have to draw to your attention that you may be stepping outside the bounds of the Rules. We cannot refer to specific persons in specific posts in the public sector. I wish to draw it to your attention so that you do not transgress that Rule.

SENATOR J. P. INCE: Thank you, Sir. Mr. President, I smiled because this same Bill of 2007, has created a position where if you are an officer... We know that Customs and the National Insurance Department are critical departments where you have to understand commercial fraud. The Customs Department is centred around commercial fraud, international regulations as it pertains to the movement of goods, valuations, codes, all of the EPU's and contracts. Sir, if those individuals who do not have the necessary qualifications cannot act, it means that you are going to create a void in the Customs Department when critical decisions have to be made on the movement of goods in and out of Barbados.

Sir, when you look at what is happening within this Bill and when you consider that the National Insurance Department is driven by legislation. The legislation that drives the National Insurance Department comes as a result of years of experience and training in that department.

Sir, I experienced what it is. Despite having all the qualifications and all of the other training, when I went to the National Insurance Department I had to get the assistance of clerical officers and senior clerks, if not, I would have been the biggest fool. I had to read the legislation and ask the clerks and some of the senior administrators to interpret some of that legislation if I was going to pay a pension or a benefit. It had nothing to do with my Master's Degree in Finance and Training. What I am saying is that persons working in the National Insurance Department for 20 and 30 years would have known that legislation inside out and now that it is time for those persons to be appointed, or move on in their careers, you are saying to them that because they do not have the necessary qualifications, they must now revert. Sir, that is devastating to an officer, and that is what this Amendment is all about.

Sir, yes we know that the Public Service needs changes. We are aware that there are challenges, we are not denying that, but we are going to correct what, in our opinion, are deemed the critical areas. What we are amending today are the critical areas in the Public Service Act to ensure that we have a level of efficiency to ensure that persons working environmentally are treated fairly, and they can be promoted, not only based on qualifications, but also on their productivity, hard work and many of the other benchmarks that are used to promote persons.

Sir, the Democratic Labour Party is a party of the people of Barbados, and we are not going to allow the Opposition to set our agenda when it comes to the public servants. The public servants under this Party would function as professionals. They would be allowed to use their brains and make decisions for the good of the country.

Mr. President, I support the Amendments without fear or trembling. I support them 150 per cent and I would expect all of us in this Upper Chamber to support them because it is for the Public Service of Barbados.

Thank you, very much and I am obliged.

Mr. PRESIDENT: Senator Holder.

SENATOR A. E. HOLDER: Mr. President, I rise to make my contribution to the proposed Amendments. I wish to state unequivocally at the outset that I do not support the Amendments, for reasons thereafter, I would speak to them.

I think that at the outset we must first examine the context of the public sector of this country, and in so doing, we must look at the evolution of the public sector from the period 1966 to now. It is pellucidly clear that since Independence, with the advent of increased tertiary education, that the public sector has become more qualified and more equipped.

Mr. President, it is a known fact that entry into the public sector was used for two purposes. For some time people have used the public sector as a career, that is why we would have persons who would have been in the public sector for 20 and 30 years. We also know that persons have also used the public sector as a training ground to move on to the private sector, that is a fact.

What is important is that the public sector in large part has done a good service in this country, that is undeniable. We have some good public servants, so while there may be ridicule about some officers of the public sector, in large part the public sector has performed creditably.

Mr. President, before I get to the rationale for opposing the proposed Amendments, the Honourable Senator Hunte indicated in his speech that there is not one piece of legislation enacted by the Democratic Labour Party, which was against the interest of the citizenry of this country, in particular the public servants, that have never been amended by the Barbados Labour Party.

I wish with your leave, Mr. President, to make reference to the Public Service Reduction of Employment Bill, 1991, which made provisions for the reduction in the emoluments of officers and other employees in the Public Service and related bodies.

Senate A26 Sequence 18

3.30 p.m.

Wednesday, January 27, 2010

SENATOR A. E. HOLDER: That Bill brought about an 8 per cent reduction in the salaries of public servants. That Bill sought a massive march which was unheard of before by the public servants of this country. Not only that, I dare say that part and parcel of that Bill brought about the demise of the Democratic Labour Party in the Election thereafter.

Sir, what did the Barbados Labour Party do in relation to that piece of legislation? One of the first things the Barbados Labour Party Administration did was to go to Parliament and to amend the Constitution, to ensure that no government could go to Parliament and reduce the salaries of public servants.

Mr. President, in reference to Senator Benn, who made reference to the fact that...

SENATOR the Hon. D. W. BOYCE: Mr. President, on a point of order. That statute to which Senator Holder is referring, was not established on the legislation by the Democratic Labour Party. That was an Act that was on the Statute Books before. It was not introduced nor interacted by the Democratic Labour Party, unless Senator Holder can show me where it was done.

SENATOR A. E. HOLDER: Mr. President, Senator Benn who made reference in relation to the Democratic Labour Party Administration taking office. Senator Benn said that one of the first things they did was to have completed negotiations for the civil servants. That is understood and recognised. Sir, Senator Benn went on to say that in so doing, it was in consultation with the representatives of the public servants, the unions. This is also understood.

What is distinctly clear is that in relation to the proposed Amendments before this Honourable Senate, there has been no scintilla of evidence that in bringing these Amendments to this Honourable Chamber, that there has been any consultation with the unions. What has been mooted was that there was consultation with the public servants. That is what has been mooted, but what is strikingly strange is that the representatives of the public servants, the unions, have said there was no consultation with them in relation to these proposed Amendments.

Mr. President, in relation to Senator Ince who indicated that the rationale for these proposed Amendments relate to correcting the injustices that have been done to the public servants, Sir, I wish to speak to that now. Sir, if one examines very carefully, the amendments proposed in relation to Clause 8, the amendment to section 14 of the Act, which speaks to deleting the words "by order", this is of utmost importance.

The insertion of the words "by order" indicates that any post created by the Minister is then placed in the Official Gazette. This, in itself, renders it to transparency and accountability to which, as the Honourable Leader of Government Business made reference, is part and parcel of Section 21 of the 2008 Manifesto, which speaks to the level of transparency and accountability as part of the regime of the Democratic Labour Party.

What is noteworthy, is that by the removal of those two words, "by Order," it thereby gives the Minister unbridled and unfettered power to create temporary posts without tabling any motion, or without any publication in the Official Gazette. That, in itself, negates any aspect of accountability and transparency, to which the Honourable Senator spoke so glowingly.

SENATOR J. P. INCE: On a point of order. Mr. President, the Honourable Senator is misleading this Honourable Chamber. Sir, that makes specific reference to projects. The Honourable Senator is speaking about deleting the words "by order" and giving the Minister ultimate power.

Mr. President, it makes specific reference to where you have a project, a project that is deemed important, or necessary, and during the duration of that project, if it is necessary, to extend the time, which makes sense. Sir, had they done that, we would have never had problems in relation to the ABC Highway.

SENATOR A. E. HOLDER: Mr. President, with your leave, I wish to read the provisions as outlined in Section 14(1) which speak, and I quote:

“Subject to Subsection (2) the Minister may by order, create temporary offices in the Public Service for a period of not more than three years.”

Mr. President, what it says is that it gives the Minister unfettered power to create any temporary office. Therefore, the Minister could create 100 or 200 temporary offices and there would be no reason, therefore, to publicise it in the Official Gazette, which is part and parcel of transparency and accountability, whether it is a project or not.

SENATOR the Hon. Miss M. P. O. McCLEAN: On a point of order. I had proposed to speak to this particular matter in my wrap up but I think it is necessary for me to speak to it at this point in time.

Mr. PRESIDENT: What is the point of order?

SENATOR the Hon. Miss M. P. O. McCLEAN: Mr. President, the point of order is that the Honourable Senator is misleading this Honourable Senate in his explanation and his revising of this Bill. The Honourable Senator is misleading this Honourable Senate because the impression is being given - and I will use the words of the Honourable Senator, that the Prime Minister will have unfettered power.

Asides.

SENATOR the Hon. Miss M. P. O. McCLEAN: Mr. President, the Honourable Senator is saying that the Prime Minister would have unfettered and unbridled power. Sir, that is not true. This Amendment simply removes the requirement that temporary offices be created by order, which requires... The notion of “by order” means that there will be a preparation of a Statutory Instrument each time a new temporary post is created.

Mr. President, I may continue, the point is that the Prime Minister does not do it by himself. It is done on the basis of a recommendation by the Permanent Secretary in the Ministry of the Civil Service. It is not by the Prime Minister deciding that he wants to. This notion of unfettered and unbridled power would suggest that the Prime Minister would be acting unilaterally. That has not been the case and that will not be the case.

3.40 p.m.

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Mr. PRESIDENT: Senator Holder you may continue.

SENATOR A. E. HOLDER: Mr. President, with all respect, I never indicated to this Honourable Chamber that

the Minister would be acting unilaterally. I never said that. Sir, unfettered and unbridled relate to uncontrolled. It does not speak to unilateral. It speaks to uncontrolled and that he can do as he likes. It says that in his discretion, that he can do as he likes.

Mr. PRESIDENT: May I intervene? First of all, I have to draw to the attention of this Senate that discussing details of a Bill can only be done in the Committee. What is beginning to happen is that Senators are beginning to discuss specifics of the legislation during this Second Reading and that is contrary to the regulations and contrary to the practice. Therefore, I will not allow a continuation of this sub-debate, or so it appears to me, between Senators on the specifics of this legislation.

Senator, you may continue.

SENATOR A. E. HOLDER: I am obliged, Mr. President. Sir, it is the humble opinion of This Side that the removal of “by order” creates the opportunity for the Minister to create temporary posts as he deems fit without any recourse to the public. Sir, that is the submission of This Side.

Mr. President, in relation to another amendment being sought by the Democratic Labour Party, this Administration, relates to the amendment of the First Schedule, specifically Section 13, Subsection (b), which relates to paragraph 3, by deleting subparagraph 3. It has always been This Side’s position that persons who run afoul of the Law and who might, in essence, have a misdemeanour, that is, an offence relating to summary jurisdiction, that person ought to be entitled to work in the public sector and be given a second chance. Sir, that has always been the position of Our Side.

Sir, that is why the Barbados Labour Party saw it fit to insert that by indicating that the Service Commission is possessed with discretionary powers to recommend the employment of a person who has run afoul of the Law. For example, you might have had a person who has gone down Broad Street and created a minor disturbance, found himself before the Law, pleaded guilty in the Magistrate’s Court and given a conviction, reprimand and discharge.

Mr. President, our position has always been that Jobs No. 1 must be Jobs No. 1 and that there is a social connection with such, so that to ensure persons who might not fit into the scheme of things with a degree or otherwise, but who would work at the National Conservation Commission, the Sanitation Services Authority, the Ministry of Public Transport and Works, that they are entitled to have daily bread and a wage, and that they should be provided with that opportunity to earn, so as not to run afoul of the Law again. Mr. President, that is why we have inserted that but, Sir, what has been done is that the

Democratic Labour Party Administration has seen it fit to repeal, to seek to remove that.

Mr. President, we on This Side are saying that in examining these Amendments, one ought to go through them in detail, not with a carte blanche approach and seek to have them approved. Sir, we are saying that they ought to be particularised and by particularising them, we can, therefore, debate on the issues as it relates to the public sector in general.

Sir, bringing these Amendments before this Honourable Chamber and just asking for approval, and not indicating to this Chamber how they impact on the Public Service, is an injustice and, Sir, that is what we are saying. Sir, nothing has been said as it related to the anomalies that have been brought in a rush, according to the Democratic Labour Party Administration, to have this Amendment enacted in 2007. How can they be deemed a rush when we sought and had a large, wide and expansive consultative process before bringing it to Parliament which has been admitted by this current Administration, has not been undertaken.

Sir, one must wonder why the representatives of the Civil Service in this country, who are part and parcel of the Social Partnership, not be included in this rush to bring these Amendments. Sir, one must question why. Sir, are we, therefore, to believe that these Amendments are being undertaken within the interest of the public servants of this country?

Sir, the record speaks to an Administration who has done nothing, but wreck havoc on them, who forced them to march in the sun and the rain. Sir, over 30 000 civil servants marched up and down and now we are hearing, all of a sudden, Amendments are being brought and the Administration is now saying that they have the interest and heart of the public servants of this country. Sir, but that is farcical and, but a mere charade. Sir, in truth and in fact, it does not speak to what stands before this Honourable Chamber.

Sir, we on This Side are saying that the majority of these amendments being sought are cosmetic in nature and they do not go to the pith and substance of what is needed in making any amendments meaningful. If you examine carefully aspects of the Amendments which are being sought that are meaningful, it is pellucidly clear that those which have substance that are being sought now are inimical to the interest of the public servant.

Mr. President, with this, as I have indicated at the outset, that I do not support the Amendment being sought.

Sir, I am obliged to you.

Mr. PRESIDENT: Senator Walters.

SENATOR the Hon. A. B. WALTERS: Mr. President, I listened to the last contribution and I wondered if I were alive in 1991, in another place, working for the Employer's Confederation.

One of the things that struck me about the demonstration of 1991, is that if you look at the photographs as to who were leading those demonstrations Sir, the leading figures in the Barbados Labour Party were on the front row and leading figures of the private sector were also there.

S/A26/3.50 p.m. Sequence 20

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SENATOR the Hon. A. B. WALTERS: I know there was a kind of conspiracy acting up in that particular period.

I am not so innocent, and if there is one person in this Chamber, today, who has some appreciation of what went on between October 2007, and December 2007, it is this Senator who is standing in this Chamber. Since I represented the Barbados Private Sector Association in those consultations leading up to the hurried passage of the Public Service Act, 2007. I understand what went down, so you cannot tell me what went down.

Sir, on January 21, 2008, as Minister of the Civil Service, one of the first things that landed on my desk from the Ministry of the Civil Service was a series of Amendments which are part and parcel of these Amendments we have today. You did not have the opportunity, since you passed the Bill on December 17, to put in place these provisions in the Public Service Act, 2007. The lean time between December 17, 2007 and January 21, 2008, a very short period, which took us up to electioneering, but on my desk, as Minister of the Civil Service, we had Amendments to bring to Parliament as soon as possible, so, please, do not believe that some people do not understand the institutional history of what went on with this, but I am not going to concentrate on that.

Sir, as for the whole business of the tripartite consultation, that you referred to, I would have been a part of that, but nobody listened to the two other parties. They never listened to the trade unions, nor the private sector, who I represented, otherwise we would not have to be in here today dealing with some of these provisions and Amendments.

Mr. President, since I have got that off and you since understand, clearly there are people who have institutional memory and who have been involved in the discussion. Let

me look at some other things that begin to make some sense.

Sir, the reason why I would have been there, because I really should not have to say anything else. The reason I was there because the private sector believed that I was a competent resource practitioner and employment Law specialist. That is why I was on the Committee. The Government of the day brought in some consultants who neither had any experience in Human Resource Management, nor employment Law. That is why we got a lot of cleaning up to do with this Public Service (Amendment) Bill, 2010.

Mr. President, where should I start? My approach has always been, in dealing with this matter, that in a modern Barbados if you are going to put new Public Service legislation in place, it should mirror contemporary human resource management practice and should contain some elements of Human Resource, which begins to make sense, because we are not living in 1974. We are not even living in the 1990s. We are not living in Personnel Management anymore. We are not living in Human Resource Management and Employee Relation, and those are the kinds of strategies we would have to adopt.

Sir, one of the first things I said to the Ministry of the Civil Service was why continue with your whole concept of Personal Management, when in fact, we are in the era of Human Resource Management. Let us put some trained Human Resource people in place. There are a number of people, from about 1992, who have gone abroad and some would have studied here at the University of the West Indies, have gained graduate degrees in Human Resource Management, and some of them are not even anywhere near being a Senior Personnel Officer, or being able to practise Human Resource Management in what is a modern Civil Service.

The first place to have started, certainly, would be at the Recruitment and Selection Code. I think that is where you had to start. The Act sets out how it should be done. I am not sure if after two years of operation, whether we have reached to that place yet, but in first position, certainly coming out of the private sector, suggest that you have to advertise positions, you have to shortlist those competent persons who could do the job, you have to interview them by a competent panel and you have to select the most competent person. The moment you go to select the most competent person in this current of environment, you are going to come up against some difficulties, because you have a Civil Service which is steeped in seniority, not merit, not education and qualification, and therefore, you are going to come up against some difficulties.

Sir, you have to put a system of management which begins to recognise change, and sometimes the change is so

rapid that some of the persons you now have in management positions, in my view, are not able to cope with some of the changes which they have to manage.

Sir, one of the things I had to deal with in my own Ministry, in the last six months or so, is the rapidity of change to get public servants to begin to think outside the box. There is no point saying to me that you are accustomed recruiting people for the Canadian Farm Labour Programme when you know that the Canadians who would not normally have gone into that programme will now go into the programme because they have been displaced.

There are new opportunities in the cruise industry. Are you going to go and talk to the cruise industry people and ask them for access to some of those opportunities? That has posed a difficulty, because public servants for the most part, certainly in Barbados, has still stayed in their traditional mode as much as we have spoken about 44 years of Independence, sometimes it is not a lot of independent thought, so you have to put some of these new systems in place to begin to deal with how you are going to manage the Civil Service.

One of the things that amused me earlier, in 2008, when I spoke to the Ministry of the Civil Service was very simply this. As a Human Resource practitioner, every person that enters into my employment I would wish to say to them, come, sit down in a room and let me tell you how this company operates and what the rules are. None of that is practised in any specific way within the Public Service.

Sir, you have 28 000 persons in a Public Service. You may have a couple thousand supervisors, how many supervising courses do they run? Do you know how many supervising courses are being run in the Training Department that you were just praising? I do not want to be critical of them, two a year.

S A26 4.00 p.m. Sequence 21

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Senate A26, Sequence 22, 4.00 p.m.

SENATOR the Hon. A. B. WALTERS: How many courses do they offer in Safety and Health? One. Sir, that is the change you now have to move past for a modern and contemporary type Public Service. You have to move past some of those hurdles, to begin to get a Public Service to be effective and able to negotiate and compete, because Barbados has to find itself, out of its relations in its Public Service, to be able to compete Regionally and internationally, otherwise we are dead in the water.

When we come out of this recession, the Public Service must be a body which understands that there are significant changes taking place around us, and there is a requirement to compete, Sir, and the best way to do that is to start with orientation and some significant amount of training.

We talk about putting in a code of conduct and ethics, to improve the standards of conduct in the Public Service. Fine. The Civil Service is a large monolithic organisation. The first thing is that an external customer arrives at Grantley Adams International Airport. Whom do you meet? An Immigration Officer and a Customs Officer.

Secondly when an external customer arrives at the Bridgetown Port whom do you meet? An Immigration Officer and a Customs Officer. Sir, either they conduct their relations in a certain way or, the tourists take the wrong impression out of Barbados very quickly.

One of the things we had to deal with, in recent times, is bringing high-end value individuals into Barbados, people who could afford to buy properties at Sandy Lane for \$13 million to \$15 million at a time. When they arrive at the Airport, as Europeans coming out of the Schengen countries, they should get an automatic three months' visa, but somebody may decide, "I do not think you have any money. Here, seven days. If you want an extension, go down at the back of the wharf."

Sir, there are some changes that we have to get involved in. We have to begin to think out of the box. We want to attract people into Barbados that now have some money to invest in our projects and sometimes we have to treat them a little differently than we may treat some of the average persons, who are passing through.

The Opposition spoke about Public Sector Reform. A brilliant idea and you have to ask this question: "How far has it gotten in the period of 15 years in place? One of the officers in that Department would usually say, you know I cannot go into anybody's department and tell them what to change. I can recommend. Sir, if you do not get that kind of change, what reforms are you going to put in place? The whole business of Service Excellence was formed out of the Social Partnership.

The Opposition made the point that there was no consultation. The consultation has been held with the trade unions over the two-year period. There is constant discussion at the level of the Social Partnership.

Asides.

SENATOR the Hon. A. B. WALTERS: By 2006-2007 the Social Partnership was down on its knees, where there were two people from the private sector attending the

meetings, myself and the President of the Barbados Employers Confederation. There used to be three people from the Public Service and about 20 from the trade unions. If you come to a social partnership meeting now, you have a full delegation from the private sector agency.

Asides.

SENATOR the Hon. A. B. WALTERS: Sir, you will have a full delegation from the Public Service, including the Minister of Economic Affairs, the Minister of Tourism, the Minister of Agriculture and the Minister of whatever is being discussed, so please, when you talk about consultation, remember that I am also the person who is in charge of the business of social dialogue in Barbados.

Asides.

SENATOR the Hon. A. B. WALTERS: Please, if you say that you are not at the meetings, say that you are not representing the trade unions, or otherwise, but that does not mean that we are not consulting with them.

I keep meetings as the Minister of Labour with the trade unions on a regular basis, at least every six months, outside of the protocol and with the private sector and recently, with the religious organisations and the Non-Governmental Organisations.

Asides.

SENATOR the Hon. A. B. WALTERS: Mr. President, I do not think I need to go on much further.

Maybe in the future, there is going to be a need for further Amendments. In fact, my view is that there needs probably to be a complete overhaul of this legislation to bring the Public Service into the 21st Century.

Sir, one of the things we are attempting to do out of the provisions here, is for some of the disciplinary provisions and the grievance handling provision, to mirror what would be envisioned an employment rights regime.

Let us take the Employment Rights Regime of the United Kingdom in 1996, where people have access to a proper disciplinary code and procedure. The procedure is still unwieldy within the Public Service. I will admit that in the private sector there probably is not a very good disciplinary procedure, because people still operate on the basis of the common Law and under the basis of: if I get wrongfully dismissed, I have to use the provision of the Severance Payment Act.

The second thing, certainly I would like to make some comment on, is the ability within the Public Service for people to air their grievances properly. There are

grievances that you will encounter in the workplace. Sir, because of the conditions of work, there are grievances you will encounter in the workplace because of how your fellow employees treat you and how your supervisor treats you.

Barbados is still a very small community and sometimes, depending on which village you came from, will determine how far you go, and you may not even get short-listed in the current environment sometimes, if you came from certain environments to enter into the Civil Service.

The point that you all were making, is that the Opposition centres have been making comments publicly about why remove section 3.3 of the First Schedule. Why leave it in there and leave the person who may have a record at the discretion of a person who, because of the smallest of this community, may know? Why leave that discretion in there? If you do not mention it, nobody can go and refer to it.

Senate A26, Sequence 22, 4.10 p.m.

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SENATOR the Hon. A. B. WALTERS: Mr. President, as soon as you say, “may recommend”, as the unions normally tell me, “You know Walters, you ain’t gine always be there, you may have a very good CPO or a very good Service Commission, but they may not always be there, or you may have a good Permanent Secretary and he may not always be there and somebody else may come along, and you may have some old lick that happened in the village...

An old lick is an old fight. I have had a few of them out of the village that I come out of, because sometimes it depends on what kind of relations you have in your own community, that may determine how you are going to progress in a body as large as the Public Service.

One of the things I would hope that comes out of this is that Barbados does not continue to develop a series of different cultures. There are two employment cultures existing in Barbados at the moment, therefore, one of the things we need to do is to make sure that we bring one employment culture, both in the public and private sectors to bear.

By that I mean simply this. In my sojourn at the University of the West Indies at Cave Hill, I taught Sociology at one point for a number of years. There is a phenomenon known in the Caribbean as the plantation society model. Everything is a master and servant concept that we begin to deal with. We really have to put on that master plantation society model, modify I would have to

say “modify” since the 1960s, but that is also saying something else.

At about 1962, we went to the place of offering free secondary education to all Barbadians, so that we have an educated workforce, not a trained workforce, and we have a divide because Public Service employees have a security of tenure which does not exist in the private sector, because as Senator Benn said, all you have to do is to turn up for 33 years and at the end of the 33rd year say to Service Commission you want your pension. Mr. President, I cannot put it any better than that. I would not want to use the language that the late Right Excellent Errol Barrow used some time ago about the...

Mr. PRESIDENT: Feel free to use any language once it is understandable.

SENATOR the Hon. A. B. WALTERS: One needs to make the point about the security of tenure because even at our level sometimes it is thrown at us: “You just come here, you only here for a five-year period and we are going to be here long after you left.” Sometimes that dictates how the behaviour is within the Public Service.

Interestingly enough, when you look at the private sector, a private sector employee is dependent on the Severance Payment Act and on the National Insurance Act for a pension at the end of the day. He is very much at risk by the very nature of the change that takes place.

Mr. President, I remember something about what has happened the last year or so, the change had been rapid. I was in Seattle the morning when the Stock Market dropped through the sky. There was a bank in Seattle which was claiming that they were a No. 1 bank, they had the best customer service and everything else. By the Saturday morning when I got back to Miami, one of the persons who was escorting me through the Airport said to me: “You know Senator, I got some money in this bank, but when I put you on that plane to Barbados, I gine and get this money out of that bank because it is not safe no more.” I am talking about 2008. That is the basis of the change.

The private sector and the public sector are the life blood of this economy. They complement each other and they do not want ever to be in a position where they are putting two classes of people out there, one class who believes that he does not have any security and another class who believes they have some security and they could do what they want. To build Barbados I believe that we have to have a competent, efficient and comparative Civil Service and, therefore, I want them to be able to complement what is happening in the private sector, bearing in mind the kind of changes that we are going through.

With those few remarks, Mr. President, I am obliged to you.

Mr. PRESIDENT: Senator Griffith.

SENATOR D. K. A. GRIFFITH: Mr. President, I rise to support this Bill. First and foremost, I would like to touch on one of the latter comments made by my colleague, Senator Walters, who referred to the change in the legislation, which specifically removes the Clause giving discretion to the Public Service Commission to employ people who have a criminal conviction.

Mr. President, I think that it is very important that we hammer home in this debate the reality of that Clause. I was quite interested to hear Senator Holder on the Other Side refer to the fact that the Clause was specifically put in by the last Administration. I think that is something that is detrimental beyond measure.

The fact that you put discretion in place in a society like that of Barbados, where people with all sorts of malicious and officious intent, then have the discretion to determine whether people who are at a point of their life where they are seeking change, or are at a point of their life where they have gone through whatever prosecution, or conviction, it was that they had been tried for and now are at a point where they can start over.

I say that knowing that many things impact upon the process of distribution of interviewing for jobs. I know that, coming from a unique perspective, I guess among myself and my peers where you can go into a job interview and have things like your hair, the way you speak and the way you dress being considered. It has been of an occasion for me personally, let alone other people in our society that it is said, that persons got picky hair, so we do not want them walking about here, or that person has some attribute that we do not like. The fact of the matter is that the Clause that was removed put the discretion into the situation, removing it now says there is no discretion, you cannot consider it at all.

I think that point has been muddled throughout this debate by the Members of the Opposition. There is no detriment to people who have criminal convictions. As far as I am concerned, their position puts those people in far worse positions than they would be when we pass this Act.

The Democratic Labour Party has always been about ensuring the rights of the disenfranchised and we would not be part of the process of disenfranchising people, therefore, we are taking this out with that in mind.

Senate A26 Sequence 23

4.20 p.m.

Wednesday, January 27, 2009

SENATOR D. K. A. GRIFFITH: Mr. President, I want also to speak to their opposition, to the section of the Act which speaks to short-term vacancies. Sir, I have listened to both speeches and have been at a lost to understand how it is that the simple words, and I will quote from the Act, the words being substituted:

“When filling short-term vacancies for a period of not more than 12 months ...”

Mr. President, I do now see how this can cause such confusion. It never said that you had to fill it for the full 12 months, it gave you the discretion. If there is a job that has a 12-month requirement, you can fill it for the entire 12 months. I think this goes back to enfranchising people. Sir, people who work, people who have held real jobs, will tell you that the difference between a nine-month contract and a 12-month contract is significant.

Financial institutions place a considerable amount of emphasis on people who work for at least one year. When you go and review documentation, you will see that phrase continuously present, “at least one year.” Therefore, empowering civil servants now to have one-year contracts, where we were renewing these contracts every three months, gives them more stability in the financial context. Sir, that is significantly important.

However, moving away from, I think those very two simple arguments that have been muddled here today, I really would like to support Senator Walters in the concept of looking at Human Resource Management in Barbados. I think it is something that neither the public, nor private sector has yet to get right. We have not gotten there because the human is the critical factor that we need to look at. We need to be understanding what it is that makes people comfortable in their work environment, whether it is the physical location, the access to opportunities for growth and development and what we can do to get them there.

I think we have often complained about how badly civil servants operate, but I find that in my interaction, I can say that I have had both good and bad interactions with the Civil Service, with the good far outweighing the bad. What I must say is, I often meet people who do not understand how their job will impact their life going forward. Sir, I say that in looking at the aspect of the fact, we have a system called Personnel Administration Division. Sir, personnel administration and human resources differ so greatly, that it is impossible to meld one into the other. Sir, personnel administration has always been concerned about keeping attendants, looking at who has sat at their desk for the appropriate amount of time throughout the day. It has nothing to do with productivity.

You can sit at your desk and can be the most unproductive person in the world and you would still be rewarded for it.

Mr. President, as opposed to human resources which starts to look at concepts that have not been readily taken into account, Senator Thompson spoke about the modernisation of the Public Service regarding computers, et cetera, but sticking a computer on a number of desks does not mean that we have modernised. Sir, I think that is one of the biggest problems. I know for a fact that there are Permanent Secretaries with computers on their desks, where these computers have never got turned on. It was something that was amazing to me and yet we think we have done it, but we have not looked at how we change in this current environment to make sure that people are more productive, e.g. how do we make sure that people who have the wherewithal to be able to do work from home, people who do commuting and making it more accessible for people to work, because everyone does not have the same resources, or need.

Mr. President, I think that in looking at how we go forward from that human resource perspective, looking at what the needs of the employees are versus the needs of the business, and seeing how best we come to a mutually beneficial situation, is what we need to do.

There are many people who can achieve more between 12:00 midnight and 2.00 a.m. than some people can achieve sitting all day in a ministry from 8:15 a.m. to 4.30 p.m. We need to figure out how we could tap into that potential resource and be able to draw on it. It needs to be something that we innovate. We can see from experience that given the shift that the Act that we are now seeking to amend being put upon us, we can see that qualifications become synonymous with merit. That is one of the biggest problems we are going to have to look at in the future.

Sir, because of the fact that one has academic qualifications, does not fully and entirely suggest that person merits the position into which he or she would be going. That was one of the major errors in this Act and it is still something on which we have to contemplate deeply, given the situation in which we now find ourselves.

Sir, how do we find out who most merits for a situation? We do give allowances for people who have academic qualifications, but we also look at people who have experience. We also have to look at people who have new ideas and new life to breathe into Ministries because one of the things that is universal about people working in Barbados, whether in the private sector, or public sector is that most of them have pride in their jobs. Therefore, I think that if nothing else, comfort and professional pride is what we need to inspire more in people to ensure that we get the result we want.

Mr. President, having said that, putting people into an environment where they feel that their ideas do not matter and will never matter, is never going to redound to our benefit. We have to realise that the world is changing. Sir, speaking from my generation, one that expects things very much right now, what we need to look at is that we have to find ways of recruiting, ways of attracting this talent that is very much more likely to get their degree and go to live in some foreign metropolis like Toronto, London, or some part of the United States of America, as opposed to staying here and using that energy to the benefit of Barbados by educating others.

Mr. President, therefore, in terms of looking at human resources in both the private sector and public sector, we have to understand that we need to change and that as such, the Public Service must be the model. Sir, in many ways, it is the model right now. I think if you look at the payment that the average member of the Public Service is getting, the disparity, especially when you speak to the lower salary scales in the Public Service, it is better than par with the private sector. We need to use the Public Service as an example to say, this is the type of behaviour that we can use, to say this is an example for that financial point, to say this is what people working should be remunerated.

Mr. President, I think incumbent on us today is the need to understand clearly, that this set of Amendments is simply here to make sure that the Government functions efficiently. It has taken into account problems that were enacted by a previous legislation, but never implemented. The implementers have said, these are the problems we have found and these are the problems we are capable of fixing at this point in time. It is therefore incumbent upon us to empower them to do that.

Mr. President, as such, I firmly and fervently support this piece of legislation. I thank you.

4.30 p.m.

Wednesday, January 27, 2010

Mr. PRESIDENT: Senator Crichlow.

SENATOR the Very Reverend H. E. CRICHLLOW:
Thank you, Mr. President.

I rise to support the Bill. The business of the Senate today is a very complex one and takes in the whole matter of what the word "ethics" is in Barbados and I would think throughout most of the Caribbean, because of our social history. I do not think it is a matter of Party either. I think it goes beyond Party.

Sir, only yesterday when I was conducting a funeral and heard from the eulogist that the person was a very hardworking person, I did say a little on the whole business of work in Barbados and I try to encourage people to think of work not as something negative, but as something very positive. I was impressed with the debate so far and I am only going to be a few minutes.

Mr. President, the Leader of Government Business pointed to the ideal situation when she spoke about impartial and well-trained Public Service. What we need is an impartial and well-trained Public Service, free from political influence. I said it was an idea that I would support because that is really what we need and this is what a number of Senators, I can think of, have said, and I think we have to take everything in and we have to live with it too.

We do need a new political culture in these parts, but I do not think that we will get away from political patronage in a short time. We have to live with that and I do not think it has to do with Party.

Sir, any Party in office will have the same problems and if we can do something to alleviate much of the suffering and injustice in society, I think we should.

Mr. President, I have heard many discussions on Public Service Reform since it started, but I have not heard it in official circles that the biggest problem is political patronage. If you speak to civil servants, you would find that many persons complain of political patronage and lose interest in the work they are doing, because people are promoted over their heads and then they have to teach the people the work. Sir, those who are promoted are drawing the big salary and those who are teaching are drawing a much smaller salary and it is all because of political patronage.

Mr. President, I think that we need to get rid of that as much as we can, but I do not think we will be able to get rid of all of it.

Mr. President, young Senator Griffith spoke of merit and qualification. I subscribe to that as well, but I am afraid that this is not what people are going for today, not even the youth, because you have to have merit along with your qualification, because this has to do with attitude. Sir, I do not think it is stressed enough at the university stage where people have to remember when they are doing university work, that they are doing it to go out and help the society. They have to learn responsibility, they have to learn how to plan and so on, but it is all for the good of society. I think the individual outlook is so dominant that some young people hardly think of their social responsibility.

Mr. President, when I was Chaplain at Mona in the late 1960s and early 1970s, I used to go around to the hall, visit the students and so on, and when I asked them what they are going to work at when leaving university, I came across a very bright, young man and I was hoping he would say he would teach. He asked me if I wanted him to work when he left university because he was working so hard for the degree, that he should not have to work when he left university, and that he should not have to work twice for the same thing. He said that when he goes into the society, that the society owes him a living for working so hard at the university.

Mr. President, especially in Barbados, the taxpayers educate the young and at a certain time you could not get Government support for certain studies, but now you can become professional in any field at the expense of the taxpayers. You hardly have to pay anything. I do not think that we have been able to get over to students that after they are qualified, they have a moral duty to serve the society.

Sir, Dr. Leonard Shorey, a colleague of mine, was Chairman of the Committee that reviewed the Common Entrance, the transfer from primary to secondary, and he is always on the question of students working to repay the community. We do not have the political system that allows people to work a certain number of years in repayment of the taxes that were spent on them so that we would be able all the time to educate our people.

S/A26/4.40 p.m. Sequence 25

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SENATOR the Very Rev. H. E. CRICHLAW: You can be educated at the expense of the taxpayers and then make as much money as you can. Some leave the Caribbean and work for good salaries in the metropolitan countries. That kind of system would mean that if you are supplied with money to become a professional, then how is a small island like Barbados, a dot on the world map and on some world maps you cannot find it.

Asides.

SENATOR the Very Rev. H. E. CRICHLAW: In England, some years ago, in the 1950s, I went to a primary school to talk about the West Indies, about Barbados especially, and I asked them to bring a world map for me to show them where it was. I looked all over that map and it was not there.

Asides.

SENATOR the Very Rev. H. E. CRICHLAW: It was too small to get on the map, and yet we think we are the

world. I know we think that we are on top of the world because we go to America, England and Canada, so we are on top.

Sir, a small poor country like Barbados really cannot afford to educate its citizens to the highest level, to provide housing for many of our people, to provide health care and so many things that we have to provide for people out of the taxpayers' money. I think it is a miracle that we continue to exist. How we are able to do all of this with so little, there must be something that we are doing right. I think that we in Barbados certainly have so much to be thankful for, that we could stop worrying as much as we do. I think that would improve our health as well. Sir, many people come here and see what we have and all the time they hear us complaining.

I am saying it is a massive job we have. I think the motives behind the Bill are proper. Laws have to be changed and the Latin Master used to say, *mutadis mutandis*, the Laws are meant to be changed. All Laws have to be changed as we develop and so on.

Sir, I think that it would be fair to support this Bill and hope that we, especially at a time like this, as a community, as Barbados, there are a number of things we have to get together on, and even rise above Party, and I am saying this to most Parties, in order to haste this crisis and bring us through safely.

Sir, with those few words, I support this Bill.

Mr. PRESIDENT: Senator McClean.

SENATOR the Hon. Miss M. P. O. McCLEAN: Mr. President, I rise to wrap up the debate on this Public Service (Amendment) Bill, 2010. Over the time of the debate, and I do concur with the Honourable Senator Crichlow, it was, to all intents and purposes, an excellent debate. I am happy to say, as I sat diagonally from my former student, to hear him on the Other Side debate. I observed his growing confidence, et cetera, as one of our newer Senators.

I believe that, perhaps, it is also illustrative of some of the things we in Barbados can be proud of, contrary to the view that maybe we are spending too much money on things like education. I believe that those investments stand testimony to the success we have been able to accomplish so far in the public sector.

We heard, of course, in the context which the 2007 Amendments took place, and I certainly was very pleased with the seriousness with which successive Democratic Labour Party Governments have undertaken the task of legislative reform.

I believe that the contribution of Senator Hunte provided us with a very comprehensive and useful overview of change. It also, perhaps, demonstrates an important point that he was making that this Administration would have done in previous terms when in office, it looked to implement our reform legislation. It is not doing so in any willy-nilly fashion. It is doing so against the background of a commitment to bring about meaningful change in this country and to maintain the gains that we would have achieved post-Independence.

Sir, unfortunately, however, we were treated with an attempt to deride and make little of the proposed Amendments. I would, therefore, simply make the point that in relation to two of them which were highlighted, one which speaks of the role of the Prime Minister in the context of temporary appointments, that in no way, shape, or fashion, is that intended to accrue to the Prime Minister a level of power and influence, but rather, like all of the other Amendments, these have been requested by the public officers who have to run this country. They have in a very short space of time recognised the constraints that have been imposed by the Amendments that took place in 2007.

Sir, the point was made on more than one occasion, that having introduced a limited set of Amendments at the end of 2007, the Administration of the day did not have a chance to see this at work, the difficulties became evident immediately. These Amendments recognise the challenges and, therefore, an early response to the concerns and the difficulties faced.

There is a commitment to further review this because, obviously, what was contemplated in the White Paper of 1995, was not translated into a comprehensive suite of legislative changes, and those things are very much still there. I will not belabour the discussion seeking to stress those, but I will reinforce.

I was made to understand that I did not articulate any broad vision. Perhaps my words were not heard by the Honourable Member on the Other Side. I do not know if she was not listening, or what might have been, or she just did not hear what I said for some other reason, but it is important to recognise that our vision is, in very broad terms, to engender in our Public Service a high level of professionalism, one in which we can truly create what is seen as a modern Public Service translating into one which we have in place, recruited, selected, trained and developed a competent workforce providing the necessary support to our private and non-profit sectors in civil society, one in which they serve as the engine of growth in the society. To do that, we have to put in place structures of recruitment, selection and promotion, as I mentioned before, compensation and physical working conditions, which would make that possible.

Sir, reference was made to training at the University of the West Indies. As I referred to my former student, and as I listened to him and reflected on my involvement, I happened to be one of the first students in the BST and Public Administration. It is now called Public Sector Management. That goes back, and I am not afraid to say, to 1975.

SA26 4.50 p.m. Sequence 26

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Senate A26, Sequence 27, 4.50 p.m.

SENATOR the Hon. Miss M. P. O. McCLEAN: Sir, to suggest that training in the public sector was not being done, is to not understand what the University of the West Indies offers. Beyond that, when I became a lecturer and got involved in public sector management training at the undergraduate level, at what is now the Cave Hill School of Business, previously known as the Centre for Management Development, there was ongoing collaboration with the Training Department.

I have very good friends in the Barbados Defence Force and the Prison Service, because of that training in collaboration with CMB and the Government Training Unit. I could go across the public sector and talk about persons who work within the hospital, geriatric, or the Queen Elizabeth Hospital and the whole range of Public Service entities, and so that has happened. However, what is envisaged by this Administration is that we will move that whole training model to a different level.

Mr. President, you would have heard from the Hon. Senator Walters, as the Minister responsible, his plans, and I could go on and on. The objective is to ensure that the workforce called the Public Service, those more than 20 000 persons, have an opportunity to have a real career as public servants. We also recognise that there are numbers of issues which have to be dealt with very quickly. One of those issues is the question of succession planning.

I remember talking to somebody, Mr. President, about the need for succession planning in the Public Service and the person responded to me, how do you do that, because they were thinking of succession planning equating to the training of a person for a single position.

Mr. President, the reality is, as a complex public sector, catering to a multiplicity of needs of the public, we need to have individuals who have the capacity to demonstrate certain key skills, attitudinal, technical and otherwise, who need to have a comprehensive understanding, and therefore, any model of succession planning would have to be so crafted, to meet the needs for the public sector, and it cannot just simply copy an

approach that would be found in a company. Sir, rather than looking at that, the best way I can equate that is to look at a conglomerate.

I can tell you that in my other life as a director of a large conglomerate, that was one of the critical things done during my life, as one of those directors, where the person responsible for Human Resource Management recognised the need to develop succession planning and that is an issue.

Sir, if we look across the public sector and we look at the top layer, what we will find happening is that a large percentage of senior officers are eligible for retirement and we must look at those things. I must say that I was very dismayed when I looked at that and I thought that these things were a matter of course. Part of the vision is that we will build a process of decision-making, on key areas that reflect best practice in terms of management, whether it is management across the private sector, or public sector, to craft a Public Service that is geared towards building Barbados in the way that helps us to achieve the miracles that the Very Rev. Senator Crichlow spoke about.

Sir, people marvel at our ability to invest in education from nursery to tertiary and to provide health care, but part of that is, that it is not done in a handout, in the strictest sense. It is done in a way that we all contribute at some point in time to those achievements.

Mr. President, with those words, I will say that the Amendments that are proposed, are essential to the improved management and operation of the public sector. Essentially, it is our first round of Amendments, because they are absolutely necessary, for there are many public servants who are faced with the issues that we are addressing, I will tell you it is necessary for them to be able to improve the performance of their job.

Sir, we, therefore, are looking to have these Amendments approved, as a means to getting things to work better, while there is an ongoing - and I want to stress, ongoing - review of the broader issues. Several other issues for Amendment have been identified and articulated, but in terms of the time-lag between drafting and other considerations, it was felt absolutely necessary to bring these Amendments to Parliament in order to expedite improvement, while we build on more complex and comprehensive evaluation and Amendment.

With those few words, Mr. President, I beg to move that this Bill be read a second time.

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

On the motion of SENATOR the Hon. Miss M. P. O. McCLEAN, the Senate resolved itself into Committee for further consideration of this Bill, SENATOR the Hon. Miss K. F. IFILL in the Chair.

COMMITTEE

Madam DEPUTY PRESIDENT: The Senate is now in Committee.

Clauses 1 to 12, inclusive, were called and passed.

Senate A26, Sequence 27, 5.01 p.m.

Wednesday, January 27, 2010

Clauses 13 to 17, inclusive, were called and passed.

On the motion of SENATOR the Hon. Miss M. P. O. McCLEAN, 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. Miss M. P. O. McCLEAN, the Bill was read a third time and passed and cited as the Public Service (Amendment) Act, 2010.

ORDER NO. 2

CONSTITUTION (Amendment) BILL, 2010

SENATOR the Hon. Miss M. P. O. McCLEAN: Mr. President, an Amendment to the Constitution is required consequent upon the Amendments to the Public Service Act. Mr. President, the debate and the discussion that would have been heard in the Senate Chamber for the previous part of the day, pretty much reflects the issues that are captured here. Mr. President, it is, therefore, not my intention to repeat those points, but to simply indicate that it is necessary to make those Amendments.

Section 98 (10) of the Constitution, which establishes the Public Service Appeal Board, is being amended to reflect Amendments to the actual Public Service Act. These are simple, but necessary changes that have to be made in relation to some terminology and statements incorporated in the Act.

Mr. President, I know that you would have signalled previously that there is a place for specific references within Committee and other kinds of dialogues or discussions within the general debate, but I have signalled that the debate, which spoke about the importance of legislation which shapes the Public Service in a way that makes it efficient and effective, applies in this case. In

essence, what I am saying is that these Amendments are necessary, following on the Amendments of the legislation. Mr. President, in some instances, there is a necessity to expand the provision to speak to the role of the Service Commission in respect of the disciplining of officers. In other instances there is a necessity to ensure proper specificity, such as the reference to the Constitution rather than to this Act.

Mr. President, in essence, it is a tidying up of previous Amendments consistent with what we sought to do in relation to the Public Service Act. Mr. President, on the basis of my previous contribution to justify the Amendments to the Public Service Act, I believe that I would have laid the groundwork for the necessary Amendments to follow from the Constitution.

With those few words, Mr. President, I beg to move that the Constitution (Amendment) Bill, 2010 be read a second time.

The question was put to the Senate and agreed to.

On the motion of SENATOR the Hon. Miss M. P. O. McCLEAN, the Senate resolved itself into Committee, Her Honour, SENATOR Miss K. F. IFILL in the Chair.

COMMITTEE

Madam CHAIRMAN: The Senate is in Committee.

Clauses 1 to 2 were called and passed.

On the motion of SENATOR the Hon. Miss M. P. O. McCLEAN, Madam CHAIRMAN reported to His Honour, the PRESIDENT the passing of one Bill in Committee and Mr. PRESIDENT resumed the Chair and reported accordingly.

Senate A26 Sequence 28

5.10 p.m.

Wednesday, January 27, 2009

On the separate motion of SENATOR the Hon. Miss M.P. O. McCLEAN, the Bill was read a third time. A division has been called for. The bell was rung. The Senate dividing as follows:

AYES: Senator the Hon. M. P. O. McClean, Senator LaV. Benn, Senator A. B. Walters, Senator the Hon. D. W. Boyce, Senator Mrs. V. I. Sandiford-Garner, Senator P. W. B. Gilkes, Senator Miss P. I. Inniss, Senator D. K. A. Griffith, Senator J. P. Ince, Senator R. A. Hunte, Her Honour Senator Miss K. F. Ifill, Senator the Very Rev. H. E. Crichlow and Senator Dr. F. L. Chandler -

13.

NOES: Senator Miss H.E. Thompson and Senator A. E. Holder - 2.

Mr. CLERK: Mr. President, the Bill has, therefore, been passed in accordance with Section 49 (2) of the Constitution.

Mr. PRESIDENT: The Clerk has reported that this Bill has been passed in accordance with Section 49 (2) of the Constitution of Barbados. I, therefore, declare this Bill passed and cited as the Constitutional (Amendment) Act, 2010.

REPORTS FROM SELECT COMMITTEES
(Recommitted)

Mr. PRESIDENT: Honourable Senators will recall there was a Sitting of the Committee of Selection. The Report of that Committee has, therefore, been circulated to all Honourable Senators.

On the separate motions of Senator the Hon. Miss M. P. O. McCLEAN, the Report from the Committee of Selection was adopted.

ADJOURNMENT

SENATOR the Hon. Miss M. P. O. McCLEAN: Mr. President, this brings us to the end of Government Business for the day. I beg to move that this Honourable Senate do now adjourn sine die.

The question that the Honourable Senate do now adjourn sine die was put to the Senate and agreed to and Mr. PRESIDENT adjourned the Senate accordingly.

5.15 p.m.

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EDITORIAL NOTES — NOT PART OF THE REPORT

Prepared with the transcript; for checking against the recording and the Minutes.

EDITORIAL QUERIES

Points noted while preparing this report from the edited transcript. The text has not been altered except where stated.

Q1. Masthead. The session is not stated in the source, so no session line is printed.

Q2. Take-slips. Three take-slips are dated ‘Wednesday, January 27, 2009’; the sitting was on Wednesday, January 27, 2010. Printed as in the source.

Q3. Order No. 2, third reading. The Bill is introduced and debated as the ‘Constitution (Amendment) Bill, 2010’, but the President declares it ‘passed and cited as the Constitutional (Amendment) Act, 2010’. Printed as in the source.

Q4. Order No. 2, division. The division list gives ‘Senator Mrs. V. I. Sandiford-Garner’; the PRESENT list has ‘SANDIFORD-GARDNER’. It also lists ‘Senator LaV. Benn’ without initial or title. Printed as in the source.

Q5. Order No. 1, Senator J. P. Ince’s speech. Senator Ince refers to the ‘Public Service (Amendment) Bill, 2009’; the Bill before the Senate is the Public Service (Amendment) Bill, 2010. Printed as in the source.

Q6. Announcements and Order No. 1, headings. The word ‘BRIDGETOWN’ in the address of Sir Roy Trotman’s letter, and the Manifesto section title ‘21.”A MODERN CIVIL SERVICE”’ quoted by Senator McClean, are set as headings in the source. Printed as in the source.

Q7. Order No. 1, speaker label and Committee. One speech heading reads ‘SENATOR the Hon. Miss M. P. O. McCLEAN’ (with a zero). In Committee the Chair is headed ‘Madam DEPUTY PRESIDENT’ on the first Bill and ‘Madam CHAIRMAN’ on the second. Printed as in the source.

DEBATE SUMMARY

(Editorial summary — not part of the record.)

The Senate met on Wednesday, 27th January, 2010 at 11.11 a.m., with the President, Senator Dr. B. M. Taitt, in the Chair; prayers were led by Senator the Very Rev. H. E. Crichlow. The Senate observed a minute’s silence for those who perished in the earthquake in Haiti. The President announced that Senators Newton, Hutson, Cave and Trotman had asked to be excused and read Sir Roy

Trotman’s letter on his International Labour Organisation duties. The Leader of the Senate, Senator the Hon. Miss M. P. O. McClean, laid the Customs Tariff (Amendment) (No. 8) and (No. 9) Orders, 2009 and the Report on the Audit of the Accounts of the Public Enterprise Investment Fund for the year ended 31st March, 2008; Standing Order 45(2) was suspended and the Public Service (Amendment) Bill, 2010 and the Constitution (Amendment) Bill, 2010 were read a first time.

Senator McClean moved the second reading of the Public Service (Amendment) Bill, 2010. She reviewed the 1995 White Paper on public sector reform and the Government’s 2008 Manifesto commitment to a modern Civil Service, and said the amendments would remove bottlenecks created by the 2007 Act, citing the three-month limit on acting appointments. Senator Dr. F. L. Chandler said the aim should be efficiency, justice and fair play for employees and the public, and that he had seen no significant change since the 2007 Act.

Senator Miss H. E. Thompson opposed the amendments on three grounds: extending temporary posts from three months to 12 months, which she said was not justified by the paper work; repealing the provision that allowed persons with minor convictions to work in the Civil Service; and giving the Prime Minister once again a direct role in certain appointments, which she linked to a ‘fatted calf’ policy. Senator McClean rose on points of elucidation and of order to deny that the Prime Minister would act other than independently and transparently. Senator R. O. Marville supported the Bill from his experience in the foreign service.

After the lunch suspension, Senator R. A. Hunte said the 2007 amendments had been passed just before the January 15, 2008 election and the previous Government had never worked with them; the President reminded him that names could not be called. Senator the Hon. H. LaV. Benn said three-month appointments were causing payment problems in Smart Stream and one year would let the system flow. Senator J. P. Ince supported the Bill, and the President cautioned him against referring to specific persons in specific posts.

Senator A. E. Holder opposed the amendments, recalling that the Public Service Reduction of Employment Bill, 1991 had cut public servants’ salaries by 8 per cent; Senator the Hon. D. W. Boyce disputed this on a point of order. Reading section 14(1), Senator Holder argued that removing the words ‘by order’, under which temporary offices for up to three years were published in the Official Gazette, would give the Minister unfettered power; Senator Ince and Senator McClean rose on points of order, and the

President reminded the Senate that clause details belonged in Committee. Senator the Hon. A. B. Walters spoke of the Social Partnership and security of tenure, Senator D. K. A. Griffith said there was no detriment to persons with convictions and defended the 12-month provision, and Senator the Very Rev. H. E. Crichlow called for an impartial, well-trained Public Service free from political influence.

Senator McClean replied, defending training in the public sector, and the Bill was read a second time. In Committee, with the Deputy President, Senator Miss K. F.

Ifill, in the Chair, clauses 1 to 17 were passed, and the Bill passed as the Public Service (Amendment) Act, 2010. Senator McClean then moved the consequential Constitution (Amendment) Bill, 2010, amending section 98 (10) on the Public Service Appeal Board; on the third reading a division was called and the Bill passed by 13 votes to 2, Senators Thompson and Holder voting against, the Clerk reporting it passed in accordance with section 49 (2) of the Constitution. The Report of the Committee of Selection was adopted, and the Senate was adjourned sine die.