
THE SENATE DEBATES

(UNOFFICIAL REPORT)

PARLIAMENT 2013 – 2018

THE SENATE

Wednesday, January 25, 2017

The Senate met in the Senate Chamber, Parliament Buildings, on Wednesday, the January 25, 2017 at 11 o'clock in the morning.

PRESENT

Her Honour Senator Miss Kerryann F. Ifill, B.Sc. (Hons.), M.B.A. (President)

His Honour Senator the Very Reverend H. E. Crichlow, G.C.M., B.A. (Hons.) Dunelm (Deputy President)

Senator Dr. the Hon. E. R. Byer Suckoo, M.B., B.S. (Minister of Labour, Social Security and Human Resource Development)

Senator the Hon. D. W. Boyce, B.Sc. (Econ.), M.B.A. (Fin.), CMA, F.C.A. (Minister in the Office of the Prime Minister)

Senator the Hon. P. M. T. Todd, B.Sc. (Minister of State in the Office of the Prime Minister)

Senator Mrs. V. I. Sandiford-Garner, CIM, Dip. Mng., M.B.A. (Parliamentary Secretary, Ministry of Tourism and International Transport)

Senator H. A. Husbands, M.L.I.R., B.Sc. (Public Administration) (Hons.), Ed. Cert. (U.W.I.) (Parliamentary Secretary, Ministry of Education, Science, Technology and Innovation)

Senator J. Ince, J.P., BB.A., M.B.A., DIP (Mgmt.) (Parliamentary Secretary, Ministry of Finance and Economic Affairs)

ABSENT

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

Senator R. A. Hunte, J.P.

Senator Rev. Dr. D. L. Durant, D. D. (Hon.)

Senator A. R. Worrell, B.A. (Hons.)

Senator Miss V. A. G. DePeiza, B.Sc. (Hons.), LL.M. (Merit)

Senator Dr. J. X. Walcott, M.B., B.S., F.R.C.S. (Edin.), J.P.

Senator W. A. Abrahams, LL.B. (Hons.)

Senator Sir Roy Trotman, K.A., M.A.

Senator Prof. Emeritus Sir Henry Fraser, K.A., G.C.M., B.Sc., M.B., B.S., Ph.D., FACP, FRCP

Senator Dr. Sir Trevor Carmichael, K.A., L.V.O., Q.C., B.Sc. (Econ.), M.A., Ph.D.

Senator A. A. Adams, J.P., B.A., Ed. Cert., M.Sc. Ed.

Senator J. A. Watson.

Senator Dr. Carol Lady Haynes, GM, BCH, M.B., B.S., Hon. DSc.

Prayers were led by His Honour the Deputy President.

MADAM PRESIDENT: The Senate is in Session.

ANNOUNCEMENTS BY HER HONOUR THE PRESIDENT

Madam PRESIDENT: I am in receipt of excuses from the following Senators: Senator McClean who is out of the country on Government business, Senator Andre Worrell and Senator Sandiford-Garner who will both be joining us later today. Further, I am in receipt of the Minutes for the last three Sittings of the Senate. Are there any errors or omissions to the Minutes of November 23? There being none, I ask that these Minutes be confirmed. Are there any errors or omissions in the Minutes of December 7? There being none, I ask that these Minutes be confirmed. Are there any errors or omissions in the Minutes of December 14? There being none, I ask that these Minutes be confirmed.

May I also take this opportunity to welcome everyone back, and to extend Happy New Year to all of our Members, the staff of Parliament, the ancillary staff and all other functionaries?

PAPERS

SENATOR Dr. the Hon. E.R. BYER-SUCKOO: Madam President, I am commanded to lay the following documents:

The Loan Agreement between Caribbean Development Bank Barbados and Student Revolving Loan Fund Management Committee.

The Barbados Investment and Development Corporation Annual Report, 2014-2015.

The Health Services Smoking Regulations, 2017

The Health Services Packing and Labelling of Tobacco Products Regulations, 2017

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

SUSPENSION OF STANDING ORDERS

SENATOR Dr. the Hon. E.R. BYER-SUCKOO: Madam President, I beg to move that Standing Orders 22 (1) and 42 (5) be suspended for the remainder of today's Sitting.

The question was put to the Senate and agreed to.

SENATOR Dr. the Hon. E.R. BYER-SUCKOO: Madam President, I beg to give Notice of the following:

The International Bank for Reconstruction and Development Membership of Barbados (Amendment) Bill, 2017.

The Health Services (Amendment) Bill, 2017.

The Profession, Trade and Business Registration (Amendment) Bill, 2017.

The Resolution to approve the Ministers and Parliamentary Secretaries Remuneration and Allowances Order, 2017.

The Resolution to approve the Senate and the House of Assembly Remuneration and Allowances of Members Order, 2017

INTRODUCTION OF BILLS

SENATOR Dr. the Hon. E.R. BYER-SUCKOO: Madam President, I beg to move the first reading of the following:

The Holidays with Pay Bill, 2017.

The Labour Department (Amendment) Bill, 2017.

The Minimum Wage Bill, 2017.

The Banks Tax on Assets Bill, 2017

The Tax on Assets Bill, 2017.

The Profession, Trade and Business Registration (Amendment) Bill, 2017.

The Health Services (Amendment) Bill, 2017.

The International Bank for Reconstruction and Development (Membership of Barbados) (Amendment) Bill, 2017.

The question was put to the Senate and agreed to.

PUBLIC BUSINESS

ORDER No. 8

THE PROFESSION, TRADE AND BUSINESS REGISTRATION (AMENDMENT) BILL, 2017.

Madam PRESIDENT: Senator Byer-Suckoo you have the Floor.

S:D1 (1)

Senator Dr. the Hon. E. R. BYER SUCKOO: Thank you, Madam President. Madam President, before I begin let me also wish you all the best for 2017. We are starting off this year with a lot to work on our slate and this morning we have several matters to be dealing with. I, however, take the liberty to move down the Order Paper and begin at Order No. 8 today because of the urgent nature of this particular Bill. This now is the second reading of the Professions, Trade and Registration (Amendment) Bill 2017.

As you, Madam President, and my colleagues in the Senate would be aware, this is January and this is the month when it is advised that all of the Professions, Trades and Registration fees and licences are paid. I think the fees increase significantly if you miss the January 31 deadline.

The reason we are here, Madam President, is that you would recall that back in 2015 the Honourable Minister of Finance had announced, among the strategies that he was putting forward at that time to sustain and intensify growth in Barbados, that he was looking at reducing the cost of doing business. This is something that has been very topical. In several of our debates we take the opportunity to examine the cost of doing business and look particularly at the small and medium sized businesses especially since one of the areas of focus of this Administration has been to improve entrepreneurship. There has been seven activities by seven ministries: my ministry, the ministry responsible for industry, and the Ministry of Finance has had some incentives. There has been a lot of work going on to lay the foundation for entrepreneurs to be able to establish and grow their businesses. One of the things that the Minister had proposed in those Budgetary Proposals of June 2015 was reducing the fees and licences related to certain professions, trades and businesses. At that time, Madam President, he had proposed, and I quote, a 25 per cent reduction in fees and licences related to operating a number of businesses in Barbados this year - this is 2015 - with a further 25 per cent reduction to be undertaken next year. Since that time, Madam President, we have not seen this come to fruition. In fact, what has happened is that the Labour Department which is under my ministry, the Ministry of Labour, Social Security and Human Resource Development, which is responsible for collecting some of these fees have actually been collecting at the old rates because there never was the legislation prepared to give effect to this particular proposal. In fact, there were some considerations and issues raised by professionals including the drafters of the legislation which had lent to us not having the legislation before this Parliament before now, but as I said we are at January 25, 2017 and so it is important that we try to get this particular matter resolved so that the new fees can actually take effect.

What this Bill then is proposing, Madam President, is very straightforward. What it is doing is defining or redefining the annual registration fee and the first registration fee to reflect the new structure that would be imposed henceforth and also to repeal the Fourth and Fifth Schedules of the Professions, Trades and Business Registration Act, which actually would look at those areas which are being affected here today. Madam President, that is fairly straightforward. The Fourth Schedule looks at the new fees and the Fifth Schedule looks at the temporary registration fee because there is also a temporary registration fee for certain categories of professionals.

Madam President, as I said, this is just to give effect to the new rate which was proposed, the idea being, to reduce the overheads for our businesses in particular the small businesses. Most of these persons that come under

this Act operate small businesses, and so it is my pleasure, Madam President, to move the second reading of this Bill.

MADAM PRESIDENT: Senator Abrahams, you have the Floor.

Senator W. A. ABRAHAM: Madam President, allow me to say good morning and happy New Year to everybody. To those I have seen happy New Year again.

Madam President, I am very glad to see that the Government is taking the decision to address this. I am quite shocked to hear Senator Byer Suckoo indicate that a number of people were never affected by the new rates and were charged under the old rates, and I would be real happy if those who were charged under the new rates can get some sort of refund because I can tell you that the lawyers were charged the increased rate. We were quite astounded when our professional fees went from \$500 a year to \$2 500 a year, an increase of over 500 per cent which we consider unconscionable and draconian. The professions will breathe a sigh of relief over this new development and I think it is as it should be. I believe still that the end result is an increase of about 250 per cent and maybe it needs to be looked at again. This is particularly difficult for young professionals. If we use lawyers as an example. When a lawyer gets call to the Bar, other than with the general call, let us say in October or November last year, the lawyer has to pay their full fees for the year and then turn around two months later having probably not earned any significant fees to then have to pay the full registration fee again, so maybe we need to look at prorating that especially for the young professionals. This is a very, very difficult and oppressive fee structure. If you look at what it is meant to do, when the young professionals are called usually late in the year following graduation from the University of the West Indies, the Government may look at waiving entirely the fee for the two or three months for that year and instituting the fee for the following year or charge the fee when you are first registered and waive it for the first year, these things may be considered.

Ma'am, I do not wish to take too much time to debate. There is a lot more I can say about this. I believe it was very, very unfair at the beginning. It caused grave difficulties to a lot of young professionals. If, as Senator Byer Suckoo has indicated, there are some professions that have not been charged the new fee and still operate under the old regime up to now, then I think that it is only equitable that those who would have paid the super-increase fees get some rebate or some allowance be made for them just as a matter of fairness. The law cannot apply to some and not to all. It either applies across the board or it does not, and in this case I would ask that rather than increasing and charging those who benefitted from the failure to implement the legislation an increased amount that we look at reducing and rebating those who did

actually pay the 500 per cent increase as it was in most places.

Madam President, I do not wish to extend this debate any further because we on this side believe that with what is currently going on in Barbados it is time that we look at other things as well that gravely impact upon Barbadians. Madam President, it is hard to stand up and debate in relation to the professionals alone when the National Conservation Commission workers who are severed have not gotten their full severance, there are a lot of people who are unemployed, we are having difficulty with the pot holes situation in Barbados and our reserves are declining. There are a lot of things that the Government needs to address that it has not addressed and we are hoping that they do because the Government needs to speak to the people of Barbados. Madam President, I actually will not take up any more of this Chambers' time but I happily cede my time if anybody from the Government side can shed some light on the questions that are burning and are really in need of answering and that the people of Barbados are asking.

Senate D1 Sequence 2

What is the full financial situation with the foreign reserves, what is being done to combat, when are the severed workers going to receive their severance and are we looking at a devaluation? Madam President, I would happily accede the rest of my time if we can address one, if not all, of those queries. I thank you, Madam President.

Madam PRESIDENT: Senator Byer-Suckoo.

Senator Dr. the Hon. E. R. BYER-SUCKOO: Madam President, in getting back to the relevant matter at hand today, we are looking at the fees for the Professions, Trade and Businesses. I noted the concern about the refund and so on. I do believe that those persons who were charged at the increased rate were done so at the legislation which applied to them and I think that was within the legislation at the time. These persons were also charged within the legislation that currently exists, once this is passed they will then get the new rates but it sounds like there is some room for the professional associations to engage in discussions with the relevant Ministry, that beign the Ministry of Finance and Economic Affairs. I know there have been ongoing discussions, for example, at the same time that in 2015 the Minister proposed this reduction in the rates there was also a policy that these professionals, business owners and trades persons also presented at the time of registration and individual tax clearance certificate and we know that since then the professional associations as well as individual professionals did make representation to the Ministry of Finance and Economic Affairs and so that particular provision has now actually made it into the legislation and therefore does not currently exist, so there are opportunities.

Madam President, I am sure that the Ministry of Finance and Economic Affairs operates like all other Government agencies and will entertain the discussions from the professional associations so that every body's needs can be heard and where possible these issues can be addressed, the issue of being equitable and I am sure that is the desire of my Administration and I am sure by the functionaries in the Ministry of Finance and Economic Affairs.

Madam President, there being nothing more to articulate on this particular legislation, I now beg to move that this Bill be read a second time.

The question was put to the Honourable the Senate and was resolved in the affirmative, without division.

On the separate motion of Senator Dr. the Hon. E. R. BYER-SUCKOO, the Senate resolved itself into Committee on the Bill. Senator Alwin A. ADAMS, Chairman of Committees in the Chair.

COMMITTEE

Mr. CHAIRMAN: The Senate is now in Committee.

Clauses 1 to 7, inclusive, were called and passed.

The Schedule was called and passed.

On the separate motion of Senator Dr. the Hon. E. R. BYER-SUCKOO, Mr. CHAIRMAN reported to Her Honour the PRESIDENT, the passing of one Bill in Committee and Her Honour the PRESIDENT resumed the Chair and reported accordingly.

On the separate motions of Senator Dr. the Hon. E. R. BYER-SUCKOO, the Bill was read a third time and passed and cited as the Profession, Trade and Business Registration (Amendment) Act, 2017.

ORDER NO. 1 – HOLIDAY (WITH PAY) BILL, 2017.

MADAM PRESIDENT: Senator Byer-Suckoo, you have the Floor.

No.D1 (3)

Sen. Dr. Hon. E. BYER-SUCKOO: Madam President, it gives me great honour this morning to stand here and to move yet another labour Bill. Colleagues would be aware, as you also, Madam President, that the last several years have seen this Chamber and the Other Place debating and passing quite a few labour Bills. All of these in an effort to ensure our workers in particular are treated fairly. Of course, I would reiterate it again during my presentation, but in all of these there has been tripartite

discussion as well to ensure our employers are also treated fairly in the process.

This, of course, as the Democratic Labour Party continues to pursue an agenda that is socially balanced, economically viable and environmentally sound and characterized by good governance. So we want to ensure that our workers are taken care of as well while all the other matters, the economic and environmental matters are also being addressed. This too is in keeping with our global agenda. We are part of the United Nations family. The United Nations last year articulated the United Nations Sustainable Development Goals. There are 17 goals and No. 8, at the heart of them, is decent working economic growth. Realising, of course, that sustainable development at the individual and the country level cannot happen unless the individuals are working. There are employed in decent employment that is what we are looking for. We are not just looking to create jobs for the sake of creating jobs for people to get up on mornings and have a place to go, but to ensure that in so doing they are entitled and treated to all the conditions we have agreed to as part of the ILO family, and all the conditions that we think are fair.

As a Government we have a history of working towards decent work as well as economic growth. This is nothing new. We have been doing this, certainly for the 50th years as a nation, we have been working towards this particular sustainable development goal.

In fact I am pleased to note that when I look through the sustainable development goals, as with the millennium development goals which preceded them, Barbados has long before these were articulately working on these goals and making significant strides. In fact some of them we can tick. Barbados has been ahead of the game in a number of areas. With decent work we know even when the decent work agenda from the ILO was articulated, again, there were several boxes we were able to tick. There was certain legislation that we are now discussing in other parts of the world that Barbados would be able say we have done.

Indeed the Bill before us, the Holidays With Pay, this is not a new Bill. We have had a Holidays With Pay Bill since 1951 when the first Holidays With Pay Bill was articulated. This is well before we became Independent, and long before the ILO started to discuss decent work. So it is with a lot of our labour legislation. Much of our legislation goes back many years. Madam President, as with this one and some of the others I brought, the Shops Act for example that was another old Bill we brought here. There were outdated. A Bill of 1951 reflects a different reality. Today things have changed. The workplace has changed. The needs in the workplace have changed and so it was important that we come back to the drawing board, as we are doing with other legislation as well, to see what

new legislation is needed and where amendments are needed for existing legislation.

As I said we have been moving on a path of decent work as well as economic growth. Barbados has moved steadily along that path. We have had a couple of upheavals along the way occasioned by more than one recession, but, of course we have been working to ensure that we are moving forward on path of sustainable development of economic growth and of decent work.

Today in Barbados we know there is some economic growth, certainly not -- we have not reached our target. We continue towards the mark, forgetting it is behind us, we press forward towards that mark in faith knowing that we will get there.

We have also seen an improvement in employment. We know that deep in the recession, which started in 2008, we saw our unemployment figures rise to nearly 13%, not as high as we have seen in other countries but certainly higher than we would want. For us we maintain that Barbados is more than an economy, it is a society and we know the ramifications of high unemployment. So we have been working to try in the first instance to contain the unemployment, certainly in the early years of the recession, from 2008 to about 2012 Government had committed to not laying off anyone, and in the private sector many companies had followed suit. Of course nobody had anticipated at that time that the recession would have lasted quite as long as it did. So we said that in 2013/2014 we started to see unemployment figures increased as companies could no longer contain, and Government also had to take some tough measures to be able to get the economy, our debt and our financial and fiscal situation back to where it was manageable. So we all know we had to see then in the private as well as the public sector an increase in unemployment. Unemployment as I said went up to around 3%.

Today our unemployment figures hover around 10%. So we are on a trajectory now that is downward and it has been around 10% for most of 2016. So this is where we want to continue moving. We want to continue seeing unemployment figures go down.

I know that my colleague is going to say we should not be looking at Holidays With Pay, when there are people in Barbados who are not working. I have heard the argument before. Certainly we know from our latest labour statistics published by the Labour Department or the MRSU, in my ministry, but we actually have right now a labour force of about 135 000. Madam, because there are about 13 000 who are not working at this time we are not going to say we cannot bring the Bill because 13 000 are not working. There are 135 000 who are working and who actually need the provisions of this Bill.

We know also of the labour force with the availability of the statistics we have, we estimate that about 30% or so of workers are unionized. It is only about 30%. As I said that is an estimate because we do not have access to all the figures from all the trade unions. The estimate is roughly around 30%. That means that only 30% are covered by a collective bargaining agreement. Certainly what we do here today and with the other labour legislation before us, we will be setting at least the minimum. Of course there are collective bargaining agreements that are well above the minimum, but what we are doing is establishing here a minimum in keeping with what we consider is decent, is fair, and lends itself to a better quality of life as well to achieving that work life balance.

As I said there are about 13 000 persons who are not working but we anticipate that very shortly they will all be working. So we want to ensure too that this legislation is in place because it will protect them too when that time comes.

Madam President, the Bill before us today is the Holidays With Pay Bill. As I said we had one in 1951. There was an amendment to that in 1980, but today, 37 years later, there is need for some further amendments to this Bill. In fact what we will do today will see then repealing the existing Act and replacing it with the Bill that is before this Chamber today.

First, let me just take you through the existing Bill and to explain to you what in the first instance has not changed.

First, the entitlement to holiday. The legislation that was articulated in 1951 indicated that persons are entitled to a holiday. That does not obtain across the board. There are many countries where there is no entitlement to holiday. How much holiday? Back in 1980 that was the change that was made and that remains unchanged in our legislation today.

Sequence 4

The annual holiday is actually 3 weeks for persons working 5 years or less and 4 weeks for persons working more than the 5 years. As I said that is a minimum. We know in some companies, some sectors, it is greater than that and certainly where there is collective bargaining agreements it is sometimes a lot more than that.

Madam, what also has not changed is holiday which can be taken in advance or when it becomes due by agreement. Of course we always subscribe to dialogue in the workplace. That is one of the tenets of decent work, that there is dialogue between employer and employee so there is dialogue as to when this holiday can be taken. Can it be taken before, or if it can be put back, can it be put

back? Of course that involves getting the consent of the Chief Labour Officer.

What also has not changed is, the employer has the final decision as to when this holiday can be taken. It is due. It is an entitlement under the current legislation and certainly under this one we are bringing today. There will be dialogue as to when it will be taken, but the employer is the one who has the final say, and has to then give at least 14 days' notice of this holiday. That is not a new provision. It is in the current Act but it is not a new provision, 14 days' notice the employer is not supposed to get up and say, let him have his holiday from today. That is not really how it is supposed to work. Some other arrangement can be made in that regard, but certainly not holiday. There is to be a 14 day notice period. As I said, if you postpone the taking of the holiday for the year in which it is due, according to the law, you are supposed to get the consent of the Chief Labour Office. That is important because sometimes especially if there is a termination issues arise as to what payment is due, because your terminal pay includes what is average pay you would have received for the holiday you did not take. That is in the existing legislation. It is in the new legislation that we will bring today. Upon termination you are entitled to the average holiday pay for all outstanding days. You get that average as part of your terminal payment. So if there is any postponement it has to be with the consent of the Chief Labour Officer. So that it does not become a point of contention.

I mentioned average pay, and that is in the old Bill. It is also in the new one that during your holiday period you are entitled to the average pay that you would have received if you were working at that time. So you will receive average pay for those days you are not working.

Of course, the Bill continues to insist that good records be kept and the Chief Labour Officer or whoever he empowers has access to that legislation and if there is a prepared contract which does not contain the provisions of this legislation as a minimum, then that contract is null and void. That is in the old legislation. That is also in the new legislation.

Let me draw your attention, Madam President, to what we are really asking this Chamber to do today, what is new in the legislation that is before us. What actually occasioned to return to the drawing board to refashion the Holidays With Pay Act, was an actual proposal that we do an amendment because there was just one simple thing we needed to do, but once we opened up to dialogue with our partners, we ended up entertaining other suggestions which then saw us now looking bring a new Bill, and to repeal the old one. In fact there are still other provisions and suggestions on the table for discussion, but those will take quite a little while longer. So we anticipate that sometime

in the future we will be coming with further amendments as we have done with all other legislation.

In 1980, you heard me mention, there was an amendment. That amendment in 1980 saw us increasing the amount of holiday workers were entitled to after the 3 years up to 5 years and after 5 years. There is actually an ongoing discussion as to the length of holiday, and there are proposals for even breaking down that holiday after 10 years and so on. That was on the drawing board. Those discussions were not completed before this legislation came before the Chamber. What happened in 1980 is, when that holiday was extended you had an increase for those persons under 5 years and those persons over 5 years. Further in the legislation where the calculations are done, the figures were not changed, so you were not then multiplying by the 3 weeks and 4 weeks, but instead what was written was in the old Bill, 2 weeks and 3 weeks. Madam, 2 weeks in the first instance and 3 weeks in the second instance remain unchanged. So when the calculations for terminal pay or average or whatever was done, you were using the original holiday period, 2 weeks and 3 weeks.

It was realized early on that there was a discrepancy which should be 3 weeks and 4 weeks. So we started discussion. Even though it was simple our process does include dialogue and that is when we opened the door to other discussions. The Labour Department decided we have to get this thing before Parliament because this continues to be a bug bearer. As long as it is in the law, then it becomes an issue trying to get the correct thing done with some employers. So we needed to amend the legislation.

We are here today even though we know there are some other amendments that have been proposed but will require further dialogue. So changing the legislation to allow calculations, using then the 3 weeks and the 4 weeks.

Madam, what has changed too significantly is the fines that will be introduced in this legislation. Under the old legislation we have seen fines of \$100 for persons not complying with the legislation. Of course, we have had in our dialogue with our partner -- there is a proposal that should go up to \$20 000 because certainly \$100 is not a deterrent. What we have actually settled on by agreement with the partners is, the fine will be \$10 000 for payment to comply with this legislation. So that is another significant change in this legislation.

Also new to this legislation, The Chief Labour Officer can refer matters to the Employment Rights Tribunal. You know in this Chamber we met and we debated the Employment Rights Act by which we were able to establish the Employment Rights Tribunal. The Employment Rights Tribunal currently hears matters under that Act. By this legislation and what we are doing here

today, in particular the Second Schedule, the Tribunal will now be able to hear matters related to this legislation in particular where the contract is void. I mentioned the contract being void, if it does not include the provisions of this legislation. Also if persons are given notice of termination while they are on holiday. That is in the old Bill and that is in the new Bill as well. You cannot give a worker notice of termination while he or she is on holiday. If that happens, then The Chief Labour Officer can, if he thinks necessary, refer that matter to the Employment Rights Tribunal.

Another matter before us, Madam President, is the definition of total remuneration. The old Bill referred to total remuneration, the average payment taking that concept into account, the concept of total remuneration. There has been a lot of discussion as to what should be included in total remuneration. In one draft of the Bill we looked at including not just your basic wage, but there was a suggestion of putting all the commissions, bonuses, overtime payments, allowances and everything. It was realized and accepted that would actually become too unruly because in certain sectors, in certain industries some of the allowances, not just your telephone allowances, you have boarding, you have lodging, you have uniform allowances for some people, travel allowances, all kinds of allowances. If you start to include all of those you could be looking at a pretty unmanageable figure, when you look at the total remuneration for which the average pay then would be taken to determine holiday pay. So we had many meetings, certainly under my Chairmanship we had several meetings.

Sequence 5

We had several meetings to get this definition correct. What I will do, Madam President, is actually read to you what it says in the Bill before us:

“ ‘Total remuneration’ means the total sum paid to an employee in respect of the labour or services performed for his employer under a contract of employment, being the sum of his basic wage

(a) together with any sum paid

(i) for services done or labour performed on a Sunday or Public Holiday where the contract of employment stipulates these days as a part of the standard work period; and

(ii) as a commission, or incentive payment, or any other sum paid based on the productivity of the employee where that sum is paid together with the basic wage, or paid in a similar manner as the salary or wage of the employee; and

(b). together with the cash value of any

(i) boarding or lodging provided by the employer which shall be paid at the rate specified in the First Schedule, unless the terms of the contract of employment between the employer and employee, or any other agreement or implied term states otherwise....”

Madam President, what it also says is that this total remuneration “shall not include a discretionary payment of any kind, paid by an employer to an employee.” We had the discussion about bonuses and these kinds of things and what happens with those discretionary payments. What we are actually looking at, in calculating the total remuneration, is the basic wage plus any other payment that is given regularly at the same time when you get your basic wage. If you are paid monthly and your monthly salary includes a basic wage and what you may get as a commission, or whatever payments are included in there, whatever is paid regularly when you get your basic salary, that is what we will use for total remuneration. It does not include the massive productivity bonus that you would be entitled to at the end of the year had you worked as well as you should, or whatever other holiday bonuses such as Christmas bonuses and all that kind of thing. It does not include those discretionary payments. However, because it includes commissions, we have had to also include in this legislation a definition of “commission”, and we agreed then with the workers and the employers on this definition of “commission; which is a sum of money paid under the terms of the contract based on performance, paid per unit of sale or completed task, where the payment of commission, again, forms part of the salary, remuneration or wage and paid together with the basic wage.

This is important because in devising this definition, we were concerned about certain categories of workers such as merchandisers, minibus drivers, insurance agents and so on, whose basic wages are very small; but what they take home at the end of the month or week or whatever is really in great part this commission. By whatever name it is called, it is this commission, and therefore if you were to give them holiday pay based on the basic wage alone, they could not afford to take holiday. There are people who have made representation through their agencies, their unions and whatever, or directly to the Ministry, to say, “We cannot take holiday because my basic wage is \$1 000 a month. Every month I am taking home \$4 000 but \$3 000 of that they have calculated as my commission.” The total remuneration now will include what they are accustomed getting every month. If you are accustomed getting \$4 000 every month but your basic wage is \$1 000, you cannot take the four-week holiday that you are entitled to, because for that four weeks you get just the \$1 000. This is a reality for many categories of workers. We put it to the unions and the employers’ representatives, we had a lot of back-and-forth on it, a lot of disagreement and a lot of research. On

all three sides we have done research and we have brought arguments, and this is what we settled upon. As I said, this commission then is paid with the basic wage and paid at the same time and in the same manner as the basic wage. It essentially is what you are accustomed getting when you get your pay pack, so that is what is included in there. I must say that is the point that occasioned the greatest discussion, even disagreement, and it took some time before we got here.

Madam President, in this legislation we looked at new areas like boarding and lodging, and that is in the First Schedule. We have figures in there for boarding and lodging, which applies to only certain categories of workers, and those reflect what the National Insurance Scheme (NIS) would have in their figures. I mentioned that there are new fees and that the Chief Labour Officer can take matters to the Employment Rights Tribunal, but what was not in the legislation and which we are certainly putting in here is that the Chief Labor Officer will also now be empowered to institute proceedings in his own name. There are other matters under this legislation that will have to go to the court for a magistrate to determine. I mentioned those that will go to the Tribunal; those about the contract being void or persons being given a Notice of Termination while they are on holiday. Those would be matters which, if the Chief Labour Officer cannot resolve them, he can send them to the Tribunal. There are other matters which the Chief Labour Officer would ordinarily want to go to the court, and now under this legislation he can actually begin these proceedings in his own name. That is new. Also, the court can charge interest; that was not in the legislation before. Where these matters are settled, the court was not before empowered to charge interest on some of these matters.

Finally, Madam President, what is new in this legislation also is a provision that allows the parties -- the employer and employee -- to agree on how the holidays can be split. According to the existing legislation, the holidays should be taken in one part, maybe in two, if there is agreement. Now a worker can break that holiday up if he can get the consent of the employer. We do know that there are some cases where you may be entitled to your four weeks’ holiday but something comes up. It is not sick leave, and I am not encouraging anybody to take sick leave to go and do anything that does not constitute sickness. We know that there is a practice in this country where persons....

I have seen people in my other life, wearing my other hat, who have come to me and said, “I am building a house and workmen are coming to put on the roof next week, and if I am not there they are not going to work properly, so I need sick leave so I can be home to monitor them doing the roof.” That is not what sick leave is for.

Asides.

Senator Dr. the Hon. E.R. BYER-SUCKOO: Of course, I did not give sick leave. In this particular case it actually worked out to be quite funny, because the gentleman who came to me said, "Doc, can you not write that I got the red eye? The red eye is stirring now." I said to him, "I do not lie for me. I do not lie for my children. I am not going to lie for you, and be careful what you call on yourself." Early the following week, I looked into my waiting room to see this gentleman sitting there with a bright, red pair of eyes, in agony and pain.

Asides.

Senator Dr. the Hon. E.R. BYER-SUCKOO: He could not even go outside at the time because of the photophobia, the sensitivity to light that he was experiencing. He could not do anything at that time when he had it. When he saw me, he and I had a laugh about it because I said, "I told you to be careful what you call on yourself." There are people who would come and say, "I need sick leave. My girlfriend is sending me a ticket to come and visit her in New York so I need a week's sick leave." I actually got cursed by a gentleman once because I would not write it. He said, "You like you do not want any money," and he used some descriptions and some adjectives there. He said, "You like you do not want any money. I am going to pay you for this sick leave." Of course, you cannot take sick leave and travel overseas. You are not supposed to take sick leave and be out of the country, unless your being out of the country is related to treatment for that illness. There is a lot of abuse of sick leave. That is a discussion which we will have at another time. My point is that there is now a provision in this legislation which allows you to be able to say to your employer, "I have three weeks of holiday left. Could I take one week next week because I need to monitor the guys doing my roof?" Rather than taking time away from work and reducing productivity and so on, you can now ask for that holiday. If there is agreement, you can then take that week rather than having to take all of it as a lump sum. We know that in the course of a year there are things which crop up that you did not plan for, so you may plan to take two weeks at Easter and maybe two weeks in the summer when the children are off but somewhere in there mummy gets sick or somewhere in there you need to monitor somebody doing the roof, so it allows you now that flexibility to say well I need two days off of my holiday, it may not even be a full week, because this thing has come up and I need to deal with it and as long as there is agreement.

12.23 p.m.

The idea being there has to be dialogue, that is the key to having successful workplaces. You have to have

dialogue on all matters including holiday so as long as you can dialogue with your employer and get that approval it is not against the law, the legislation says that can happen.

Madam President, you see how what was a straightforward discussion that we had with our tripartite partners, the workers and the employers, on amending the legislation so that we can have the right multiplier, the three fifty-second part and the four fifty-second part rather than the two fifty-second and the three fifty-second part, the two weeks and the three weeks, so we had the correct multiplier in determining what pay is due to you because your pay for one week is one fifty-second of what you would get for the year. That simple discussion to have the correct multiplier that the Labour Department can use legally... They have been using it because they have been showing their employers this is really what happened and this was an omission and getting the consent of the employers to use the correct multiplier but it was not in the law, so a simple discussion on changing that has led to a discussion on a number of other things, those things that I have articulated for you here today, all these things that we are proposing to change and because they are so many we will then end up having to repeal the old legislation and bring the new legislation.

I mentioned, Madam President, that we do have a couple of Schedules to the Bill. The First Schedule is of course the boarding and meal allowance which I said figures now reflect what we have from the National Insurance Scheme. The Second Schedule, which I made mentioned of earlier which I just want to draw your attention to actually amends the Employment Rights Act because by this amendment now we are actually changing the function of the Tribunal so that it can enforce now the rights conferred upon persons not only by the Employment Rights Act but by this Act and any other enactment that provides for enforcement by the Tribunal, so if there is any other legislation that comes up that says take it to the Tribunal by doing this Schedule now that amends the Employment Rights Act they will now be empowered to do so, the Tribunal will now be empowered to hear those matters, so once we have this passed, it is not just under the Employment Rights Act but under this Act as well.

We anticipate and we have what I hope is our final draft of the Sexual Harassment legislation. For example, issues of sexual harassment will be heard by the Employment Rights Act Tribunal as well. Once we have this amendment and we have that Bill passed sexual harassment issues can be heard by the Tribunal. I believe that anti-discrimination issues as well, another legislation that is very near to this Chamber, will also be able to go before the Employment Rights Tribunal and they will be able to hear it. It does not make any other changes to the Tribunal, it just allows for the Tribunal to be able to hear not just matters under the Employment Rights Act but

matters under this Act and any other Act that would then say so, so that is what we are looking to do in that.

Madam President, I think that is all I need to put before this Chamber for the Holidays With Pay Bill. We have had some discussions and we have done a lot of research about holidays and about productivity and so on, but nothing that we are doing here increases how much holiday persons are entitled to or how much money they are entitled to during the holidays except where we have included this commissions and other moneys that persons would have gotten on a regular basis were they at work. It does not include bonuses and productivity bonuses and all those other things, so it is not going to change the cost of doing business which of course is the first concern that we have had to address from our employers.

I imagine, Madam President, that this is something that should be well received certainly by workers. I ask for the support of my colleagues in the Chamber because this is again helping to ensure that Barbados continues to be a leader in providing decent work for Barbadians as we pursue our goal of being socially balanced, economically viable, environmentally sound and characterised by good governance and we further pursue that international goal of achieving all 17 of the SDGs, in particular SDG 8, the Goal of Decent Work and Economic Growth.

Madam President, I beg to move that this Bill be read a second time.

MADAM PRESIDENT: Senator Abrahams, you have the Floor.

Senator W. A. ABRAHAMS: Madam President, I rise to lend my voice very briefly to this debate. Madam President, Senator Byer Suckoo earlier in her address sought to predict what I was going to say and I thought to get up and interrupt her at that point in time, but this is her forte, Ma'am, and I would not like to interrupt her or give her pause when she is in full flow.

Senator Byer Suckoo suggested that I was going to say that we should not be debating holidays with pay when people are not working and we should not bring the Bill if people are not working. Madam President, that is far from the truth it is not even funny. I firmly support any legislation or any amendments to legislation that better the lot of the working man and woman in Barbados, I support any legislation that is for the social benefit for Barbadians, I support any legislation at all that deals with the standard of living that Barbadians enjoy or are suffering with, and Madam President, I support any debate at all that addresses the concerns that most Barbadians have, so I am not for a moment suggesting that we should not have this debate because the crux of this legislation is to actually better the lot of the working-class person in Barbados so it has my

full support and the support of the Opposition, but Madam President, there is a flip side to this.

The flip side is that the holidays with pay actually only benefit those who are actually working so while I am happy for those who have a job and for whom this now applies, I cannot with a clear conscience ignore those who have recently lost their job or lost their jobs in the last couple of years and who have no prospects of a job. I heard Senator Byer Suckoo saying that there are 13 000 persons unemployed but very shortly they would all be working. I would be curious and interested to hear when is very shortly because that is something that is going to concern a lot of people. I suspect that a lot of them might get some ad hoc employment as the deadline for elections draws near but Barbadians do not want to hear about that, Barbadians want to hear about serious and sustained employment.

Madam President, Barbadians want to hear what is happening with the CLICO policyholders who are still to get their money. Barbadians want to hear if we are serious about workers and workers' right, what is happening to the severed National Conservation Commission workers who still do not have their just entitlement under the law. They are entitled to severance so why have they not gotten it yet, that is a very real concern for thousands of people who were laid off, Madam President. Madam President, Barbadians want to hear about the millions of dollars due in VAT returns and the millions of dollars due in income tax returns. When are we who are supposed to get our returns going to get it, that is what Barbadians want to hear? Madam President, Barbadians want to hear and understand, especially these same workers who are getting the benefit on this legislation, what is the Government doing in respect of savaging the National Insurance Fund so that when these same workers who are getting increased benefits or a better deal with respect with holidays with pay come of retirement age, is there going to be money left in the fund to pay them their pensions.

Senate D1 Sequence 7

That is what they want to hear. Madam President, Barbadians want to hear about the state of the foreign exchange reserves in Barbados which the Governor of the Central Bank of Barbados has finally come out and admitted are now perilously low, almost at a record low that is what they want to hear. Madam President, as I said before I would haphazardly accede my time so that anyone on that side could address the real concerns of all Barbadians. The Holiday With Pay amendment is all well and good. I am sure that Sir Roy is going to deal with that fully, because if anybody is qualified to speak on that it is definitely Sir Roy so I am not even presume to say what he is going to say but Sir Roy is going to cover that from that end but after that what do you have to say on it. why can we not lend some of this debate to discussing the issues that really touch and

concern Barbadians, Barbadians want to know where are we going as a country and what is the true state of the economy in Barbados.

Madam President, I accede the rest of my time in the hope that somebody from that side uses that time in addition to theirs to answer the questions that Barbadians really want answered. I thank you Madam President.

MADAM PRESIDENT: Senator Trotman, you have the Floor.

Senator Sir ROY TROTMAN: Madam President, I rise not to speak for that other side that Senator Abrahams is speaking about but to accept the additional time which he offered. I did not hear any disagreement when the proposition was made that there could be that additional time and I therefore make the humble assumption Madam President...

Madam PRESIDENT: May I remind the Honourable Senator that it is the Chair who controls the time and not the Opposition.

Senator Sir ROY TROTMAN: Madam President, I thought that by your silence you had already approved of the proposal, in which case I regret that very much. I would wish then to commence starting now. Madam President, I wish to say that I wish personally to support the item that is before this Honourable House, the proposal or the Bill for the new Act, since we will be repealing a previous piece of legislation. The organisation that I worked for before I became unemployed did in fact support this particular piece of work and we met with employers and with Government officials in preliminary discussions to look at the matter and to have some suggestions which we made on the issue and so to some degree I am able to recognise the accuracy in what was put forward by the Minister regarding the process that was taken in trying to bring us where we were and where we are now.

Madam President, I think that workers generally should be able to recognise that there is in fact some improvement and there I would wish to say here and up front that particularly important to us in Barbados has to be a recognition that an attempt has been made to amend the Employment Rights Act by this particular piece and that that will deal with employment standards and that employment standards will be very important in any discussion which we will be having regarding this exercise, employment rights and employment standards. In fact, I would wish to say here, now and up front that we have always felt, those of us who represent workers, that a particularly strong aim of the Bill whenever it was scheduled to come here was the aim to reduce level of exploitation which takes place in Barbados even today and notwithstanding the comments made by the Minister about

the steps which Governments in the past have taken to remove that level of exploitation and while I will not argue that we are the worst, I am not concerned with the worst I am concerned with making Barbados the best that we can make it and so I take no comfort in being able to look at the person who is worse off than we are in this country.

Madam President, so I make need to have us recognised that there are several areas of exploitation which, hopefully, the new Act since it embraces the reference to the Employment Rights Tribunal and the Employment Rights Act itself will be able to save us from and that may include things like where we are today where people show up for work and they may work throughout the entire work day, only to be told or to have the employer writing the union that seeks recognition to say that there is nothing to negotiate for these people because they are not employees until we reach the targets which we set ourselves, of which the workers are not aware of, so young people go to the workplace hiding away from home, worked the whole day and do not get paid. That sort of exploitation hopefully will be addressed by the efforts which are being made.

Madam President, further, we may have situations where persons may work overtime or on special holidays that are double time days but when they have worked they are not compensated in legal tender that is dollars and cents. In fact, the employer in many instances in Barbados, would seek to have somebody who worked that triple time day to get time off in lieu, but the time off that he gives is not triple-time time off, but a basic eight hours for somebody who worked for his or her eight hours when the pay should be triple time. Madam President, hopefully dealing with this Bill and having the new Act will deal with issues of that sort.

Madam President, further we can have persons who are forced to take the time off when in fact the person who is working for a minimum wage or 42 hours in the work he or she is doing does not want any time off, what he or she wants to be able to do is to go buy some books for your children who need those books to continue and improve their education and so you want the triple-time pay instead of the time off but the employer makes you work the time, he or she does not negotiate or discuss with you how you are going to be paid, only to give you compensatory time off, except that that time is now compensatory. It does not equate and hopefully we will be addressing issues of that sort.

Madam President, in passing I should note that some employers who I do not wish to mention today because I have served a notice that I will mention them and they know who they are but I did not serve you notice Madam President, and so they will have to be named and shamed if they continue this,. We want to make the occasion to say

that human resource managers must not be permitted to tell union representatives that the law says that the worker can bring a union representative; so if two of them come, the employer is not going to listen to their problem. Because they have advisors, the law says “a representative”.

No.D1 (8)

They know and we all know that is stretching commonsense a little far, but that is what is being done. Workers are being denied, even as we speak, an opportunity as I speak to you to have their problem represented; and in one case that is where a worker is being told that the employer is going to start taking money out of his pay today unless he is able to bring one representative. When the union turns up as it did, the employer says, “No, I will not see you because there are two of you and two of you cannot come.”

We have to be able to recognise that in treating with people we are treating with flesh and blood, and we are treating with sentiment; and if people are forced or brought into situations where they can no longer take abusive behaviour, then they are going to behave anti-socially. We do not preach it, we do not want it, but we are urging that though we know we are in difficult times and though we know that people may look for excuses to avoid doing what they ought to be able to do because it is right, they should not cease to do it maybe because they have the might or believe they have the power and the might to do it.

Regarding the legislation itself, I am particularly pleased to see that emphasis is being placed on Holiday with Pay; particularly pleased to see the phrase “with pay” being recognised for what it is. Over many decades we have had fights with our major balancing partner, as some of the leaders of that organisation have sought to argue that we were talking about vacation or holidays but that you would pay part of it. They had problems or difficulties understanding it as we understood it, so we used to have occasions where that organisation would meet with us to give vacation. That would happen frequently in areas such as construction because, as you know, in construction Barbados usually takes a break and you can see very few examples of people working at that time and it is socially acceptable. The employer would say, “I gave vacation of three weeks, and if Christmas Day or Boxing Day come into that period, I am sorry. You are not going to be paid for those days.” That has remained so for decades in this country, and I am pleased that this piece of legislation spells out now absolutely clearly that where a public holiday falls within the vacation of anyone, that someone has to be paid for that public holiday as though that person had worked a full day or a full tour of duty.

Madam President, sometimes you would believe that what we say or what persons like me say are untruths, and

we know that there are some people who hold prominent office, too, and who do not like to hear when we talk about exploitation of the worker. We do not want to talk about it and we do not like to talk about it either, but the reality is that legislation of this sort is intended to remove the exploitation which there is and to make the conditions of workers as palatable and as acceptable as we can possibly try to do it. I am pleased that we have spelt it out in Section 8 of the legislation in order to correct some of the difficulties which exist. Madam President, if you will permit me, I will make reference to that Section, just so that I may be able to refresh myself on the matter and underscore the point which I am seeking to make. Section 8 speaks to public holidays and annual holidays. It makes the point and makes it very strongly, that where we have such an occasion as the public holiday:

“(b) ... the employee shall be paid his average pay in respect of that additional day. (3) Notwithstanding subsection (2)(b), the terms of the contract of employment of an employee as it relates to payment for a public holiday shall apply in respect of payment for that public holiday.”

It is very important that the Labour Department is empowered by the Ministry to ensure that those Amendments which are being considered and which, hopefully, will pass into law, will be made known by whatever media are available to the working man, the working woman and to the employer, so that we could reduce the levels of misunderstanding. I think it is also important to note that we were dealing with and we are going to be dealing with commissions. We have got situations where many people have very small basic rates. I can think of people who manufacture things like drinks or who, in fact, might distribute those things and who may only have \$20 a day as a basic rate and who will only get an average pay if there are acts of God which will prevent them from doing their work, but who otherwise are paid on the basis of what they deliver in terms of output for their work for that day. That is not stated as a means of criticising that employment relationship, because much of it is by collective agreement and we have been party to it and we would not want to depart from it because it is one of the ways by which we are seeking to help improve the levels of productivity which we all want to see in the country. It became a major issue when vacation time came, because the computation of that vacation was on the basis of the basic rate. We have had those of our members who were in the insurance business and who have had to get representation by us to treat this issue. I am pleased to say that we now have an approach to the matter which does not do any harm or damage to the interest which we all have on all sides to bring justice and equity, but which at the same time is going to be able to ensure that people can have their vacation or their annual holiday. There has been a school of thought which has felt that people should not proceed on holidays, and that holidays perhaps should only be for

those who can afford to have a beach house and have their vacation at their beach house.

12.53 p.m.

Asides.

Senator Sir Roy TROTMAN: The public needs to understand that vacation is given as a means of ensuring that the body is able to resuscitate and rebuild itself and that we are in a position to build our community by allowing families and those people who actually do the work and get the vacation to spend family time as well, and so that vacation should not be sneezed at and should not be rejected by anyone but when the persons go on vacation they ought not to be unduly bothered by whether they are going to be able to afford to pay the bills with which we all are saddled.

A very interesting thing came to us because I thought that sometimes we do not worry ourselves unduly about it, but in reading the Bill before us I became very conscious of the fact that the housing allowances, we call it board, are involved as well. We have a number of people who are migrant workers who are put up on the particular establishment as renters and it would be important to note or to recognise, I would love to know, whether those persons do get their allowances for housing as part of their vacation. I will have to check for where we have members where meals are part of the package whether those meals which have a cost by collective agreement are in fact part of the holidays with pay package that is to be had. I suspect not but I think that it is worthy of note here today.

Madam President, I move quickly to some other areas of interest. Clause 10 of the legislation is particularly worthy of our comment because it endeavours to prevent another insidious practice from being perpetrated. We always felt that this was so and it has always been so that now that we are reviewing the legislation we need to take note again that a contract or an agreement or any term thereof between an employer and an employee which purports to exclude the operation of any of the provisions of this Act shall be null and void. We always knew that was so. It is being rewritten and re-established here and it is important again for the Labour Department to be directed to make that clear because in many instances with young workers going into the market, where the employer knows that the worker works for that employer, the employer is endeavouring to indicate that those persons are under special arrangements, employment for service rather than contracts of service, and whatever other nancy stories are given to them, workers are under situations where they are led to work in conditions which violate their rights and employment terms and conditions. Now that we have the benefit of being able to amend the Employment Rights Act I believe that more of these problems might come to the

fore either through trade unions or directly by individuals who do not have to go only as one to the employer but when they take their representative the representative does not necessarily mean one person, it is what is convenient in the pursuit of the matter.

I am interested and pleased to notice that there is an increase in the penalty. The Minister is right, there some of us who have felt that the penalties were at a level where people thought it was a nuisance and they were much more prepared to pay the penalty than to correct the problem. Now there is going to be some change in that and the penalties have been improved but there seems to me to be an inconsistency in the pieces of legislation that are being addressed by us. I cannot speak to the pieces because they are not yet before the Chamber but I can make reference to situations in circumstances where I see variations. In the current piece of legislation being contemplated by us, the Clause in penalty, Clause 11 speaks to \$10 000 as a cash penalty and one year as an alternative penalty or both, and in some cases that happens. This relates to situations where people are treating in exploitation of employees but we are aware of other situations where either already there is or there is the thought of having situations where persons will have to pay \$20 000, similar situations, or six months or both. In the suggestion, which is in this text but is only as part of the Schedule because it relates to the amendment to the Employment Rights Act, we have a situation where we are talking about \$20 000, six months or both, but it is the same kind of situations that we are treating with, and the question that would have to stand out in the mind is whether the matters are on all-fours and whether we should not seek to bring some kind of harmony to the kinds of issues which exist with which we might want to treat.

I already made reference to the fact that employment standards and other employment rights are to be addressed. I commended this part of the exercise that we are dealing with and that it is my view that given what we know to be the problems that we are faced with today and given what we know is the situation that workers will have to face in difficult circumstances, we have to be careful to ensure that the monitoring of the legislation becomes an integral part of the implementation exercise.

MADAM PRESIDENT: The Honourable Senator has three more minutes.

Senator Sir Roy TROTMAN: Thank you, Ma'am. The Labour Department stands at the very centre of our wish and our effort to build a community where workers are trained, guided and shown by example, and I did say, how we are going to want to progress Barbados from one level of excellence to an improved level of excellence.

Senate D1 Sequence 10

Madam President, the workforce has to deliver following examples but the workforce that has to deliver has to be a workforce where the negatives are removed to the full extent that may be possible. Madam President, so we have to ensure that as leaders we give good examples, that we give good examples as lawmakers, that we give good examples by what we say in public forum and how the public perceives of our public interest as leaders but we also need to go beyond that to ensure that when our workers have problems that they are not made to believe that their problems are of no significance and that only in some areas are problems important but for some appeared insignificant or persons who are in any other way under any kind of challenges that only they are the ones to bear the brunt and so the Labour Department has to be given greater empowerment in terms of numbers and in terms of its authority.

Madam President, I am pleased to see that in the legislation before us that the Chief Labour Officer is going himself to be able to initiate legal proceedings in some of those issues which are of important to the Labour Department and to the Ministry of Labour. We have to work out how that will be done, I have no doubt that it is important for that Labour Department to be able properly to be empowered to approach the courts and to have the respect at that level for the fact that those people who come may not have gone to Hugh Wooding Law School and so we have to develop a culture of having the legal practitioners understanding that Barbados is moving towards an arrangement where low persons may appear before the Employment Rights Tribunal, before the Severance Payments Tribunal or before Magistrate's Courts and that allowances has to be made for the fact that their professionalism needs to be taken on board.

I am obliged to you, Madam President.

SUSPENSION

Senator Dr. the Hon. E. R. BYER-SUCKOO: Madam President, I beg to move that this Sitting be now suspended for Lunch, until 2.30 p.m.

The question was put to the Honourable the Senate and was resolved in the affirmative, without division and Madam President suspended the Sitting accordingly.

No.D1 (11)1.17 p.m.

RESUMPTION

MADAM PRESIDENT: ... This Sitting is resumed. Senator Hunte, you have the Floor.

Senator R.A. HUNTE: Thank you very much, Madam President. I rise to support the Holidays with Pay

Bill and to start by saying that I wish to pay credit to the Minister and the Leader of Government Business today, Senator Byer, for working as hard as she did to bring this Bill to the Chamber. I really mean that from the point of view that being a Member of the Parliamentary Group, this matter was first brought about two years ago, and of course the Parliamentary Group is second to the Cabinet. Therefore, it would have gone to Cabinet, come down to the Parliamentary Group, and there were a lot of questions asked and so on, inputs and points made in respect of this Bill. The opportunity was taken by the Minister, in her capacity as Minister, and her team -- because people cannot and usually do not do these things alone -- to have wide-ranging discussions with all the groups involved in Barbados; the trade unions, employers, and those civic groups which would have been glad to make an input and to agree and disagree on the proposals. I have to really give her credit. She is not here, but I have to give her credit because, as I said, it was about two years ago when this matter first came up for discussion before it got where it is now. Therefore, she really worked hard.

Madam President, this is a dynamic world in which we live, and in terms of legislation/laws these will from time to time be amended and changed to suit the circumstances which confront the country generally or, in this case, workers particularly. I find it really and truly very offensive -- no matter on which side you sit and in whichever House of Parliament you may sit -- to find that meaningful legislation which comes before the Chamber after languishing for so long.... I talked about the two years under the current Minister but my understanding is that for about ten years this piece of proposed legislation was knocking around, and who should have really brought it to the Chamber -- whoever was the Government of the day or the governing party -- it has now come. I find it offensive that, whatever haste people may have to sit in the seat of power, they would think that legislation being brought for purposes which we are discussing today makes no sense; because they feel we should be discussing something else. I find it very offensive. It is disrespect to a Chamber. You can argue on it; agree or disagree, or if you supporting you are supporting, but to think that you should not bring legislation because it does not suit you, whoever you are -- certainly not anybody in here, Madam President, at least at this time -- and to condemn it, is disrespect.

In 1951 when the Holidays with Pay Act was introduced, what was the state of Barbados? What was the state of workers in Barbados? People were working for \$5 a month, two shillings a week. All of that kind of undermining of workers in Barbados was taking place. Do you wait now until people get to the point where they are working for these large sums of money to introduce legislation to protect them? I think it is offensive to say, "Wait for this. Do not do this now. Do the next thing." I have never heard anybody lock up a country, and there is

nothing that Barbados has gone through that has not been corrected or that we have not overcome. When the 1941 Trade Union Act was introduced, workers could not have picketed in Barbados. They could not have gone on anybody's property or near it. They could not do it. The legislation was amended or changed to give them that privilege in 1965. This is a dynamic world. Things are going to change as circumstances arise.

I am speaking on this Bill for more than one reason. I see in here provisions for persons who work on commission. I worked in insurance on commission and never had a vacation in those three-and-a-half years because my basic pay in those days was only about \$45 a week, which was a lot of money, but I used to make a lot more than that. What would I have gone home on holiday for? To get \$45 which, I would agree, could buy a lot in 1968? I worked on commission, and \$300 to \$350 a week was a lot of money. I was able to put gas in my car at 68 cents per gallon; my little Ford Anglia. I was able to run a motorcar. I am saying that there has been progress. Workers have faced very difficult times in this country over the years, and credit must go to the forerunners of this Administration for certain types of legislation it brought, because the country demanded it. People who either come along with gold, silver and all kinds of spoons in their mouths cannot appreciate these kinds of proposals or this kind of legislation. I do. I do very much.

2.54 p.m.

these kinds of legislation. I do very much and that is why it really bothers me when I hear and see the display by people who should know better.

Madam President, with your permission I just want to give an example. When there was a difficulty on the South Coast with the sewerage system, you remember the behaviour, people were all over the place cursing the Government and the Prime Minister when there were people who were paid with the expertise that they had to have solved the problem, that was done. No Member of Cabinet or Parliament was out there with a peck and a hose washing down anything, it was done because there were people who were there to do it and they did their job. You are not hearing that anymore. That is what disturbs me so when I see all of this flare up, it really bothers me because I thought we have come a long way from those days when people feel that they could just oppose for opposing sake.

When I was a boy I used to go and carry out bread on a carrier bike early on mornings before I went to school at St. Leonard's and at the end of the week I used to get \$4. I worked with Cosmopolitan Bakery there on Roebuck Street directly opposite Country Road. You come down Country Road and you could have gone straight into Cosmopolitan Bakery. I know that Senator Trotman got

one or two stale breads from about there, and feel happy. Cosmopolitan Bakery was owned by the Agards. They have all gone to the great beyond now but I know that a lot of the Modern High School children used to go and get stale bread there because sometimes bread used to fall under the glass case and you pay a drop a penny and you took out the bread from under the glass case, all of that. We have come a long way.

Madam President, when I see the kinds of demands now that are made on Government in this still 166 square miles country, I think it is because in some cases - I am going to quote our late Prime Minister -- there are people who got mauby pockets but champagne taste, make no mistake about it. Progress is great, it is good and I am glad to see the kind of progress our people have made in this country and it is due to the opening of the educational opportunities. A lot of people live above their means and they cannot support their habits and their lifestyle, they really cannot, so they must do other things. Yes, the cost of living has gone up, there is no question about that but they feel that they must own a Mercedes Benz and do not have anything in the fridge, so you are living above your means. Madam President, because Ms. Clarke or Ms. Johnson or Mr. Brathwaite living a certain way, as the old people say, when you see a bird flying you do not on whose wings they does be flying. We try to copy other people lifestyles.

Madam President, I think that these kinds of amendments to legislation to enhance the conditions and so on of workers is going to go on and on and on but of course there are barriers and limitations to everything a Government can do.

I have to sometimes say that politicians, probably here, there and everywhere but I could only deal with Barbados, are the most abused persons when it suits people to do it. All of the legislation that had been for the enhancement of workers were brought and introduced by politicians. No business person out there introduced any legislation, we agreed to, to enhance the populace or the masses in this country, it is the politicians. The roads were built by politicians but you complain now because they got in a few holes in them. The schools were built by politicians. Only the other day we were talking about the churches and so on but we are moving past that, we understand why the church were involved. I went to Roebuck Boys' School, the building is still there, which was owned by the Moravian Church. The late Sir Frank Worrell and the Lionel Craig been there. It was a high school because it was on top of some big props and when you did something wrong and get send to the desk you could look down into Greenfield. The school was there but I know a particular guy who did not come in at all, he was about there running about with 'he thing' licking about the place and so on. He became a very great singer in Barbados probably not that successful because entertainment is not

one of the areas that you could really make money that well in Barbados. I just put in that to talk about the institution, to talk about where people came from.

Madam President, I feel really, really good to use a simple word to see the progress that have been made in this country, I really feel good but because of the progress and because of the opportunities which were given our people sometimes are a little ungrateful. Others said that they cannot be anti trade unionists but trade unions leaders are like everybody else, the politicians are, but that does not necessarily mean that every decision they make is the correct one. They got constituents who they must satisfy because that is what their job is all about but reality is reality and we must not be afraid to say these things. I am not against anybody.

We have people in this country - because legislation and laws can be put on the statute books but it depends on how they are enforced - who have been working for five and six years who do not get vacation. I will not call the particular institution because I was once associated with it.

I heard Senator Trotman mentioned that this legislation will be to the benefit of those young workers who are going into the workforce because whether they go in on contract or whether they work on commission they will be entitled to vacation pay based on what their income is or was, and that is great. If they work on commission, they will get their vacation money to suit.

Legislation like this cannot be played down or be pooh-poohed. We are dealing with a large part of the population in this country.

Senate D1 Sequence 13

Madam President, I feel offended by that because I have seen the last part of my life what this country has gone through and how it has progressed. It cannot be overlooked or played down and we have people who think that they can come around and say what should or should not be and when the opportunity comes they will realise the challenges which a country faces. Madam President, running a country is not like running a shop, a top economist talked about his mother was the best economist in the world because she had eight children and so with eight children you had to eat whatever she gave them, she did not have policemen to pay, nurses to pay, roads to repair, hospital to run. Therefore how could somebody compare a mother or any household for that matter with the responsibility of a Government? Is that really a comparison? That is incomparable.

Madam President, I am suing that because of my exposure to politics during the years when I hear foolishness I hear foolishness, especially if it is coming

from people who should know better, that kind of politics does not have any room in today's exercise, operations and behaviour. No, we need to be more intelligent than that.

Madam President, every piece of legislation that has come to this Honourable Chamber has served and has served well. We have some old laws on the Statute books, some 50, 60 or 100 years, for example, a man swearing would be fine \$9.60. That is outdated but when talking about fines in this legislation for employers who do not wish to adhere to what is provided in this Bill for workers will pay a very hefty penalty. Madam President, this was a wide-ranging discussed Bill and therefore the employers themselves know what the consequences would be if they do not adhere and the reason laws are placed on a statute book is that people (1), should adhere to them and (2), if they are dissatisfied they could challenge them as there is a place to challenge those things. There is a place to challenge laws, you can even challenge the Constitution if you wish to and because of some technicality you might win. It has happened before and it will continue to happen.

Madam President, I want to take this opportunity to speak about as though we are in a state of crisis, unheard of and experienced in this country before. Madam President, back in 1981 Barbados did not have one cent in foreign reserves and arrangements with a previous Administration would have an oil line product with Trinidad and Tobago was turning into something else, that came out in public where the late "Tom" Adams said to one of his colleagues that the people of Barbados did not have an foreign exchange, hence, they went to the International Monetary Fund like a thief in the night. Barbados was not informed, we pay our dues to the International Monetary Fund and if we go there we go there but because of the stigma, if that is the correct word to use for an institution like that, they went like a thief in the night.

Madam President, the late Dr. Richard Haynes with whom he and I had our differences but it was him who was able to get ahold of the documents and published them in the newspapers. Some people now come to town and think that everybody else who was around then are dead and gone, they know nothing. He is still living, a former Governor of the Central Bank of Barbados said as far back as the 1980s said to the late "Tom" Adams that you needed to trim the public service. "Tom" replied, what Government would be doing. Would Government be sending home 10 000 people and expect that they will survive? Because he was not thinking about the country then, they were thinking about getting back into office. That is the name of the game that has always been like that. We all know that whether it is a business, a company or whatever, that anytime that you are talking about reducing expenditure that the first thing they talk about, plan or take action with is the sending home of persons.

Madam President, I am not an economist but I was told things, 65 per cent of Barbados expenditure is in salaries. Of course, you would talk about deductions, taxes and National Insurance but 65 per cent of Government expenditure is in salaries and wages, in a small country like Barbados. If you send home 10 000 people you would see what would happen. If you are keeping noise at 3 000 persons what would you do at 10 000 persons but Government still has a responsibility and always will and we are still talking about 166 square mile island. These are facts.

Madam President, even in this regard a lot of programmes by way of legislation that was introduced in this country, there are countries that have more than we do are yet to implement some of these legislations or now trying to catch up. But of course what did Grantley Adams told them some years ago? Do not kill the goose that laid the golden egg. Of course, he was referring to the business people in Barbados when the unions went forward and tried to get what they should for the workers in Barbados.

Madam President, Sir Roy knows that I say good things about him and I am glad to see him but Sir Roy knows how he fought and took up the mantle that Sir Frank Walcott let behind and that was a man. I heard people talking they use to work at Lashley's in Swan Street, all of those thing I heard in this country some of the things that Mr. Barrow has called in this country; people who made a great contribution. Perhaps I want to be biblical, look at what they did to Jesus Christ, so who else they would not do these thing to? That is why I choose my friends, I do not fool myself, and I know this as a result well.

3.26 p.m.

look what they did to Jesus Christ. Who else would they not do these things to? That is why I choose my friends. I do not fool myself. I know this Barbados well. Madam President, I think everybody got a copy of the Bill and of course the Minister th Wednesday, January 25, 2017

is morning outlined most of the features, and Senator Sir Roy Trotman concurred regarding what this Bill means to the workers in Barbados, particularly those who are now coming onto the job market; and they will come. We are preparing for the future. That is forward thinking; you prepare for the future. Madam President, I wish to give my full support to this Holidays with Pay Bill, 2017. I am much obliged.

Madam PRESIDENT: Senator Adams, you have the Floor.

Senator A.A. ADAMS: Madam President, I rise to make a short contribution to this Holidays with Pay Bill, and I want to start by bringing a certain perspective to the

discussion, and that is by paying a debt of gratitude to the trade union movement in Barbados. We have heard of the contributions made by Sir Roy, and indeed every person who was listening in Barbados would have paid rapt attention to what he had to say. As a trade union giant in this country, he also has a chapter, I think it is Chapter 5, in the book 'Barbados: 50 Years of Independence' in which he wrote about the trade union movement in Barbados. Madam President, this book was edited by none other than our Senator here sitting next to me, Sir Trevor Carmichael, and Sir Roy and other Barbadians, including myself, contributed to this book. In his chapter, he took great pains to point out the relentless struggle carried out by the founding fathers of the trade union movement; namely the Right Excellent Sir Hugh Springer, Sir Frank Walcott and Sir Grantley Adams. The main thing I think he brought out was the fact that they brought a level of respectability to the workers in this country and, above all, gave them a rightful and equal place at the table. It is out of that struggle and the work done by those great men that the first Holidays with Pay Bill was put on the statute books here in Barbados. I think it was around the year 1951.

I am actually old enough to know when it happened, because in my household where I lived my mother was working as a domestic at the time, I had aunts and uncles working on the plantations, and there was a heightened euphoria when it was announced that workers in Barbados could have holidays with pay. This was virtually unthinkable, because at the time -- I think one writer made the point about the dark, dystopian era -- the ruling classes felt that the workers in Barbados were biologically designed only to work in the plantations and the fields and to do other menial work. They moved from that during the 1930s and 1940s and came to 1951. Indeed, when the first black Government took its reign of power in the country, one of the first things they did was to introduce a Bill for giving workers holidays with pay. It was received in conjunction with Adult Suffrage, where all adults in Barbados were allowed to vote for the first time. Workmen's compensation was also given, and I think at that time, Sir Roy, there was also the Factories Act.

This early Bill should not be seen in isolation, and indeed the present Bill, which brings it up to date because of the length of time that had passed, must not be seen in isolation either. We are very happy to be discussing today the amended Bill. One of the things which Senator Byer indicated was that it left in place a number of things which were in the original Bill, and I made some notes about what she said. First there is the entitlement that the workers should have their holiday pay, and secondly that the agreement as to when the holiday should be taken has to be done in consultation with the employers. The third point is that the employers would have the final decision as to the dates of the holiday, and fourthly that records should be kept so that any time there is a dispute, the Chief Labour

Officer can demand those records and be able to make a decision from the records if there is a dispute. Those things are still in place. We go all the way back to the 1950s. Then in 1980 we understand that there was also an Amendment. Those Amendments in 1980 did a number of things which we were told by Senator Byer-Suckoo, and one was that the way how the increase in the length of holidays was calculated was not included in that Bill, but this new Bill now states very clearly how those calculations ought to be made. Therefore, a worker cannot be shortchanged when it comes to the calculation of the pay and the rates and so on. She mentioned that you go, for example, from one-fifty-second in terms of the calculation right up to those workers who can now get four weeks and maybe even six. This Amendment brings into play the proper manner in which the calculations ought to be made.

We also find that where the employers sometimes contravene the law that the fines which were imposed in the 1950s and 1980s and so on are now obsolete, so new fines, I think it is something like \$10 000 in one case and a year imprisonment or both and in another case I think it is up to \$20 000 or one year in prison or both, and so those very important points.

3.23 p.m.

The third point that I thought ought to be mentioned and restated is the fact that the Employment Rights Tribunal now has the legal right to be involved in disputes. In other words, the worker or the worker's representative can now carry a case to the Employment Rights Tribunal. The good thing about that as I understand it is that they do not have to find money to pay a lawyer. I do not know if that is a good thing or a bad thing, but what has happened is that the worker will be able to go to the Employment Rights Tribunal without necessarily, I mean they can still go to a lawyer, having to go to a lawyer, and so those were some of the changes mentioned this morning.

I just want to say too that the notion of the workers having the right to a holiday tends to bring harmony in the workplace. You do not want to have workers who are antagonistic and so on. One of the things that would come about as a result of the Holidays With Pay Bill is that it brings a sense of harmony in the workplace.

The second thing I thought I ought to mention as well in that regard is the fact that traditionally people work so hard and had no time to spend with their families and now with the notion of actually having the holidays with pay a worker, and sometimes if there are two workers, in fact the father and the mother working together, if they could get the same time together then they are able to spend quality time with their children and that is extremely important, something that did not happen before.

I believe that the idea is that workers now can be more productive. I think that if you have harmony in the workplace, if you have workers being able to spend quality time with their families and so on that is likely to spill over into the workplace and the productivity of the worker is likely to be enhanced and as a result the economic growth of the country is also likely to benefit and so we cannot only look at the holiday with pay from a narrow perspective, the fact where you are just giving the worker a little bit more, what we are looking at is a broad-based perspective where productivity is involved and where harmony in the workplace is involved, where the worker is able to spend quality time with his family and in that sense you are looking at what we would call a situation in the workplace, the work environment in Barbados, that has been greatly enhanced, and the worker and the worker representatives are now able to have an equal place at the table which they did not have before. If a worker feel that their rights are being trammelled, they are able to come to the union, the union can go to negotiate and from those negotiations, if they are not successful, they can go to the Labour Office and the Labour Office can then go to the Employment Rights Tribunal and in that sense the workers' rights would be enhanced and so this Bill is not only be seen as a stand-alone Bill because later on today we expect to also discuss and debate the Minimum Wage Bill.

Bringing all these things together we find that the notion of focusing on the rights of the workers and an effort to bring the worker to the forefront, giving pre-eminence in this society, is something that we really want to enhance and so the notion of decent work is one which we can highlight, it is not just a worker going to work doing any odd job, but that the things that happened in the workplace are no longer for persons who are salaried. At first when the notion of holiday pay was mooted, it was the salaried persons that we first thought about. It was the struggle that the union put up that brought the wage workers and the ordinary labourers into the limelight so that that class structure that previously prevailed has now been eliminated, and so this Bill must be seen not in isolation or not as a stand-alone Bill but in relation to all of the other pieces of labour legislation that have been discussed and passed in this country that bring an upliftment to the working class in Barbados. Although there may not be the same type of euphoria that existed in 1951, we are sure that the entire working population in Barbados will be in agreement with most or all of the tenets of this Bill.

I want to mention before I sit, Madam President, the notion of young workers. I went to an institution recently to do some business and a young lady whom I often saw there in a little discussion said to me that she is now only given two days' work. Normally, she was working in a permanent kind of capacity. I wonder if when we were discussing this Bill if a young worker like this young lady

would be made fully aware of the rights that she should have now that she has been downgraded. I believe that the discussion that we are having here in this Chamber this evening will open up her eyes and other person's eye as to the importance and the details that happened to be in the body of this Bill so that they will know when their rights are being taken away from them or being trammelled or being short-changed. I think that this is one of the factors that might have been mentioned. I think Sir Roy mentioned it and I want to reinforce that young people of all categories, those who have been to secondary school and those who went to university and so on, are in the labour market and they ought to certainly know what their rights and indeed their responsibilities as well are and where they can go to ensure that their rights are not trammelled.

With those few words, Madam President, I rest my case.

MADAM PRESIDENT: Senator Lady Haynes, you have the Floor.

Senator Carol Lady HAYNES: Thank you, Madam President, I rise to support this Holidays With Pay Bill 2017 just to make a few brief points, first of all to thank our Leader of Government Business in today's session for really clarifying so well not just the amendment that we are looking at but the existing Act which we are going to be bringing into legislation this evening.

Having been one of the people who have previously commented on being concerned about our piecemeal editing and amending of Act, I think I should be woman enough to say that I am delighted that we are in fact rewriting and replacing legislation in what is such a very important piece of legislation.

Senate D1 Sequence 16

Madam President, certain people do not know but I do have a bit of a trade union background myself having been a longstanding member of the Barbados Association of Medical Practitioners but having been on the Executive Council at the time when we had the 8 per cent salary cut so that I was fully indoctrinated into the trade union since then and have for many years National HIV/AIDS Commission and sat at the feet of Sir Roy and his lieutenants and learnt how properly to represent. So I do have a very strong interest in unions. I am very impressed with this particular legislation as the Minister shared with us has been a long ongoing tripartite discussion which of course is essential if we are going to ensure that the Bill has the key that it is supposed to have.

I think they are all committed to ensuring that our workers are not exploited, and I will like to associate myself with Senator Adams comments and the debt of

gratitude to the union, the former leadership and now the current leadership of Miss Moore in working so hard to ensure that our labour force is properly protected.

Madam President, however, as Senator Byer-Suckoo was presenting this morning I was struck as she told us about the workforce where she said that 30 per cent of the workforce was unionized. I looked at some statistics the other day which tells me that 70 per cent of the workforce is not unionized and I think that has to be a major concern for us as we look at how we are going to monitor the implementation of this Bill because the Bill is just a piece of paper. We have to take into account how we are going to monitor the implementation in the non-traditional and the informal sectors to whom this Bill certainly applies because unions protect their workers and there were 70 per cent of workers who do not currently have that protection. Of course, Sir Roy I am sure that you would want to ensure that that 70 per cent becomes members of the union but in the meantime I am sure that the Government will ensure that attention is paid to all as this Bill is implemented and would monitor it.

Another concern prior to coming here as I read the Bill was the section that refers to total remuneration. To an extent Senator Byer-Suckoo put my mind at ease with it but I am still concerned this morning with the section that describes total remuneration Section D page 8 which says that any sum paid as a bonus, commission or other sum paid based on the productivity of the employee where that sum is paid together with the basic wage or paid in a similar manner of the salary or wage of the employee. Senator Byer-Suckoo did tell us this morning that this did not apply to things like Christmas bonuses and specific bonuses and I understood the point that Senator Byer-Suckoo made that this is, as Senator Hunte spoke to, for people on low basic salary and commission but I think we have to think about people who may not be on that notice who might just have commissions and therefore this may be an incentive to employers. I would like to see somewhere that we specify as Senator Byer-Suckoo said, that this does not apply for bonuses such as Christmas bonuses and so on, that it is for smaller commissions, but I do think that if we are not careful that what might happen is employers might start cutting back on their bonuses so as to cut back on whatever they have to pay to the labour force in annual holiday pay.

Madam President, that however is my only concern with what I think is an excellent Bill and I have no hesitation in supporting this Bill. I thank you.

MADAM PRESIDENT: Senator Fraser, you have the Floor. Senator Prof. Sir Henry S. FRASER: Madam President, I rise to give my 100 per cent support to this Bill but just to discuss one area of some concern. Madam President, there is an institution on Crompton Street, the

name of which I hesitate to call in this Senate, where a famous Headmaster is reputed to have said as he wheeled the cane over a youngster who had broken the rule, “young man, ignorance of the rules in no excuse.”

Madam President, my concern is that in a wonderful Bill like this which is extremely comprehensive and which has everyone’s support nevertheless there are areas of nuances which could lead to the separation of some of the employees themselves because I would hazard a guess that it is very few of the small employers in Barbados who read Acts such as these, who are familiar with all the details in an Act of some 30-odd pages and who would therefore be unaware of the list of eight potential offences on page 16 under Section 11.

Offences

(11) 1. Any employer who

(a) refuses to allow an employee to take an annual holiday to which he is entitled under this Act; (b) gives an employee less annual holiday than the annual holiday to which that employee is entitled; (c) fails to pay an employee the average pay or part thereof, to which he is entitled in respect of his annual holiday or part thereof, in accordance with the provisions of this Act;

(d) contravenes section 4(5);

(e) contravenes section 4(10);

(f) fails to keep records in accordance with section 9; (g) knowingly enters or causes to be entered in the records required under section 9 any false particular; or (h) wilfully delays or obstructs the Chief Labour Officer or any person duly authorised by him in the exercise of any power under section 9(3), is guilty of an offence and is liable on summary conviction to a fine of \$10 000, or to imprisonment for a term of one year, or to both.”

Madam President, what Section 11 says is of concern to me for those people who may be the single employee of some retired teacher or civil servant who live somewhere in Bank Hall, Beckles Hill or wherever and who not only might feel to allow an employee to take an annual holiday to which he is entitled but on commission. As Sir Roy said a possible exploitation but as you go further down you come to (d):

“Contravenes section 4(5)”

In at least 14 days of an employee’s holiday or contravening Section 4 (10) of notice during holiday themselves the employee not being aware of this or is simply being absentminded or not having a very good memory or competence because they are elderly and

somewhat insecure in what they are doing, there is... to keep records in accordance with Section 9. That requires an exceptional individual householder for example who may be employing a house cleaner or domestic help because he himself is incapable of doing all of these things and then finally delaying.

Madam President, there are several issues here liable to an offence, liable on summary conviction to a fine of \$10 000 -- moving from \$100 to \$10 000 which I think is 100 per cent increase -- or to imprisonment to a term of one year under the Bill and which of course lead them to the failure of that employee who might have had a grouse and might not have realised the implications of following you with that grouse then that employee loses their employment and then we had 13 001 unemployees in Barbados. Madam President, my concerns are not with the principles of the Bill which I wholeheartedly support but with the nuances of these areas related to acts of omission because the vast majority of small employers will not be intimately familiar with every element of an Act such as this.

Madam President, I remember being in Jamaica many years ago when an Act similar to this was being discussed and it was in the popular arena of discussion that there were people who lost their jobs because of reasons such as these. Madam, that is my concern. Now, I have discussed this with the Honourable Senator on my right who said, O, things will not be taken so seriously and the chief Labour Officer would be benign in terms of not \$10 000 is there to scare people, these would not really be enforced, but I would be concerned when things are in an Act that they are some to the older less competent, less organised individual employing one or possible even two people, sometimes on a part-time basis with their limited pensions or salaries could lead to very difficult situation which could lead to very difficult situations which would lead to not only their suffering but to the employee actually losing his or her employment.

No.D1 (17)3.54 p.m.

That is my only concern, Madam President, so if it is in the Act I would simply have to follow Sir Roy in saying that I hope the Chief Labour Officer would engage in all of the nuances that might lead to some of the difficulties, if there are emotional difficulties leading to an aggrieved employee reporting an employer for something which may be an act of omission rather than an act of commission. I see that as a potential area of problems which may affect some of our employees. Thank you, Madam President.

Madam PRESIDENT: Senator Husbands, you have the Floor.

Senator H.A. HUSBANDS: Thank you very much, Madam President. Like all Honourable Senators, I want to

wish you all the very best for the New Year and also extend that greeting to all Senators and all persons who work and operate within the precincts of this Chamber. There are essentially about three points I want to make. I want to make them rather briefly. I am going to make them briefly in the hour allocated to me. Madam President, the first one is that I was really disappointed by the contribution by the Honourable Member who represented the Opposition this morning. Here we have the Holidays with Pay Act. Senator Hunte reminded us that this is a 1951 piece of legislation. That alone says that the Barbados Labour Party played a great role in bringing holidays with pay to the people of Barbados. Yes, my father, who was a strong supporter of the Barbados Labour Party, would have helped. In what we heard this morning, there was no reference whatsoever. The young people of Barbados did not hear that. The opportunity was not used to educate young people in this country about the role played by the Barbados Labour Party in bringing holidays with pay to Barbados. Instead of that, we heard that we should not talk about holidays with pay, but we should talk about potholes. In a strange way, I agree with the Honourable Member, and I will tell you why. The Ministry of Education is right now deeply involved in preparation for the Common Entrance Examination, as it used to be called in my time. Tomorrow when I go to work we will cease that, and because this country has potholes, the teachers and the students should be talking about filling potholes; no preparation for the Common Entrance exam.

Asides.

Senator H.A. HUSBANDS: The kind of media we have in this country will report that I said we will abolish discussion about Common Entrance and talk about potholes. That is the level of discussion. Here is an opportunity to educate the people about the role played by the Barbados Labour Party in bringing holidays with pay to this country. I will go further, Madam President. We in the Ministry of Education just opened a major nursery school. In a couple of weeks we are going to open a second nursery school, but we are going to do away with that. We are not opening any nursery school. Opening a nursery school when we are facing a devaluation? What are these people educating the little children for? Let us talk about devaluation. Do not let us talk about bursary schools and educating the people in the country. That is the kind of logic we have. That is where we are in this country.

If we are really facing a crisis, we need to elevate the level of debate in the country to more meaningful stuff. The Ministry of Education has signed the Agreement and is now about to begin construction of the Hope Agriculture Training Institute in St. Lucy. No, we are not going to do that as of tomorrow. That shut down; we are going to take the money and buy garbage trucks. That is the level of debate. Why educate people and provide opportunities

when the money could be better spent on garbage trucks? That is where we are in this country. That is the alternative Government that cannot even seize the opportunity to educate the people of this country about the role which they played in bringing holidays with pay. This is an opportunity, but you know these are the same people who went into cane fields after the work of National Hero the Right Excellent Sir Grantley Adams and told the sugar workers they did not know that things were so bad. This was a grand opportunity to educate the young people of this country about the role they played in the development and the 50 years of Independence, and this is what we had passing as debate.

Next month the Ministry of Education is going to renew the technology in the primary and secondary schools in the country. It will be a complete renewal of technology, an updating of technology; so we are not going to do that anymore. We are going to do away with that and we are going to discuss the Governor of the Central Bank's Report. Why put technology in the schools? Why upgrade the technology? Why provide opportunities for people when the more serious issues like the Governor of the Central Bank's Report is to be discussed? That is the level of debate that has become acceptable in this Chamber. He cannot walk and chew gum at the same time, and feels proud. People feel proud that they do that.

Let me compliment the Minister of Labour for bringing this new Bill and enriching the existing provisions we have on holidays with pay. We have witnessed, and it is in a context, that under this Minister and under this Democratic Labour Party Administration led by the Right Honourable Freundel Jerome Stuart, in the face of the country's difficulties, we have brought more legislation to upgrade labour conditions in this country than for the 15 years they were in office. The Safety and Health at Work Bill, the Employment Rights Bill. The Honourable Member who spoke on behalf of the Opposition mentioned the National Conservation Commission (NCC) workers. It is under this Government, under this Minister of Labour and under this Prime Minister that the workers of the NCC have a remedy which they did not have before. We introduced rights at work in this country, working along with the other Social Partners. The Government cannot take sole credit for it. The workers at the NCC were able to take their case before the Employment Rights Tribunal, and the irony of it is that when I was in a different position, I watched as the then Administration was going to be "hoist(ed) with (its) own petard", and it turned out that way. The first major decision of the Employment Rights Tribunal was against the Government that brought to this Chamber the legislation. They did not have that opportunity before.

3.52 p.m.

That right did not exist before, so this that we are discussing here today is a context and it is a context that is created and built out by the Democratic Labour Party. If the Honourable Senator does not want to tell the people of Barbados the work that his party did in bringing labour legislation to the country that is his business, but I am going to take credit for what we did, what we have done and what we will do in the future.

Madam President, there is one section that I want to focus on because I think it is an important section that at first does not appear that way. I noticed that Senator Adams kind of stole my thunder because I see that Section where persons can now take their holiday in more than two pieces. We had a situation in Barbados where as I understand it you had to take all of the vacation one time or you had to take it in two pieces and those two pieces were with the agreement and so on of the Chief Labour Officer, blah blah blah. I worked a bit with that system before leaving Barbados but I went overseas and worked in a system where vacation could be taken by the hour. If a person was coming to work late they could call the supervisor and say I am going to be late today and the supervisor would ask them how should I charge this time, and one of the options they had was to charge the time to vacation. Now, that is in a highly technological system. If you are going to charge by hours and you have hundreds of employees and so on you cannot write that down in some big book and so on, so technology plays an important part in that you could glance at a computer screen and see how much time a person has taken and how much time they have left even if they had taken hours.

The importance of that I find, and I am in total agreement with Senator Adams having been a teacher myself, is that this offers the opportunity for parents, and they have to use it wisely, to spend more time or for them to be in a position to spend more time looking after their children's interest, it offers the opportunity for them to attend the school's Speech Day because they could now break up their vacation in various segments, it offers them the opportunity to attend the school's sport meeting, it offers them the opportunity to attend various activities that occurred at school during the day, and it offers them the opportunity to take some of the vacation during the summer holidays when the children are on vacation so that they can take them to the beach and on picnics and so on and so forth. Everybody may not want to do that, everybody may not have children, the children may be grown or whatever, but these possibilities exist, and for me I think that enhances... I do not know that the framers of this piece of legislation thought of it in that way when they were designing it, but I think that it can be used creatively if you can now do that. I do not know if it applies to hours but my point simply is that because you can now take your vacation in smaller pieces it offers greater opportunities for the development of family life. It would also, I think, cut

back on the amount of time parents take for the sickness of their children. The sick leave is for your sickness not for the sickness of your children but a lot of parents have to call in sick not because they are ill but because their children are ill. They have to take the children to the doctor or they have to remain at home while the children are ill, so it offers them an opportunity to again express some of this.

Madam President, we still have to be careful about some of these changes because the legislation stipulated what it did because it did not want employers dictating to people how they should take their vacation except outside understanding that your vacation is taken according to the exigencies of the business. It did not want employers conspiring to influence unduly people in the taking of their vacation.

Madam President, I think that we are on a very good footing on this matter. Again, I want to congratulate the Ministry of Labour, Social Security and Human Resource Development for the work they have done on this and the work that we are going to discuss later in the other labour-related issues that will come before the Chamber.

Madam President, there are two other points I want to clear up which were made by two Honourable Senators. I know that this is really in the realm of Senator Sir Roy but the 30 per cent unionisation, as quoted by Senator Lady Haynes, while it is true that it means that 70 per cent are not unionised, in a country is extremely high and makes Barbados one of the most densely unionised country in the world. This is the point that I have made repeatedly when people in Barbados in academia and so on have criticised the unions in Barbados. Barbados still remains an anomaly in many parts of the world for its union density. I take the point even further that we trick ourselves if we only focus on the 30 per cent but if you look at the areas where the unionisation is strongest in an island at the ports of entry, in the main economic areas, even if it were only 10 per cent, the size of Barbados which has large membership in those areas, the number to be focussed on is not the 30 per cent but really the areas of control, so that is one.

In relation to the final point made by Senator Fraser, I understand quite well the concern that he has. I said here already that when my mother-in-law was sick my wife hired a lady to look after her and the first thing I told my wife is I love you but you are the employer. That is why you have the Labour Department. It is only a telephone call away to all of those people in those situations that he described. Advice is always available, for small employers, not just household situations.

Senate D1 Sequence 19

I think that many of the cases, however, the courts and the tribunals look at household situations slightly

differently to how they look at other forms of formal employment, but that is why organisations like the Small Business Association should encourage people to join organisations that are there to represent them; if you are a doctor you should be a member of the Barbados Association of Medical Practitioners but as a doctor you also employ people so that in one capacity you are a worker and in another you are an employer that is why we promote joining these organisations and paying the subscriptions. But it is a matter of principle that you should belong to these organisations because they offer the kind of advice and they have people who can advise you and coach you along in these matters. Madam President, while I do understand this part I do not think the situation is as dark and desperate as it may at first appear.

Madam President, again I want to close by congratulating the Minister of Labour and her team in the Ministry of Labour, the Social Partnership who would have worked on this and I am confident that this continues to play an important role in the activities that this Administration has outlined in the development of labour in Barbados; I thank you.

MADAM PRESIDENT: Senator Boyce, you have the Floor.

Senator the Hon. D. W. BOYCE: Madam President, I just want to say a few words in support of this legislation the Holiday With Pay Act. I wish to congratulate the Minister of Labour, as well as everyone else who has worked to put this legislation together. Madam President, I know that what this piece of legislation calls upon us to do, it calls upon employers and employees in respect of holiday with pay is what we would expect any decent person to do.

No.D1 (20)

A suggestion was given that there would be some Election gimmickry that would put all of them in short-term work, et cetera. No, I was speaking a little more substantially than that. I have said that in the context of the fact that we have been working over these past many years and will continue to work to ensure economic growth, to ensure that our economy continues to be vibrant or becomes even more vibrant, and becomes an economy that can then find places, especially in the private sector. It is not a case of filling up the public sector with more workers and then we find ourselves with the challenges which we have with the Government wages bill being unwieldy and so on, but it is a case of continuing to work to ensure that our economy can provide jobs for these Barbadians who are looking for work.

We know there are other Barbadians in the statistics who are not looking for work, but this is our aim; to ensure

that there is work for these persons. I also mentioned our drive towards entrepreneurship, so that not every one of those persons may find themselves employed but may find themselves managing their own businesses and may themselves be employers; so it is important that they become aware of what we are doing here today. I think it was Senator Fraser who then asked about these small businesspersons and the little old lady who is employing a domestic worker, and what would become of that person. There are a couple of things I must say. One is that once this becomes a reality, the Labour Department will do what it has done with all of its legislation. It will go out, meet with employers, have fora, have all kinds of training sessions, go to employers, go to workplaces, and bring people into them. Those kinds of sensitisation and education programmes will commence on this particular legislation, so I am confident that will happen. The Chief Labour Officer will lead that charge and he will continue to do that.

We have also been working with the Barbados Employers' Confederation, the Small Business Association and other such organisations, again, as we have been working to develop the entrepreneurship sector. We have been talking to the Employers' Confederation and to the Small Business Association and saying, "Expand, step up your drive to get more members because we are going to create more entrepreneurs, so you need to get them under your wing. They need to have a place where they can go to get information about their obligations such as National Insurance, holidays with pay, employment rights, contracts, everything. They need to have that access." The Labour Department continues to serve them but we believe, too, that there is a role for other agencies to reach out to these persons, to ensure that there is no ignorance of the legislation. The unions have continued to do this as well, because this is a two-sided thing. In fact, it is not the employers who have often come to the Labour Department with their complaints. It is the workers when they are aware that something is amiss. They are the ones who will call the Labour Department and come in and say, "So and so happened. I am pretty certain that he is not supposed to do this to me under the legislation." You sensitise the general public, we ask the media for their support, the Government Information Service will help us in that regard, and the unions will help to sensitise the workers as well. That is actually going to become a reality from this point on.

This may not occur in any particular order but Senator Trotman, I believe, had a question about what appeared to him to be a disparity in the fees; the fees in the Second Schedule relating to the Employment Rights Tribunal and the fees in Section 11 relating to the offences under this Act. As I looked at it, I just want to say that one set of fees referred to the offences under the Act. In the Second Schedule, that referred to the Employment Rights

Tribunal and what they can do if there is failure to comply with their stipulations after they have heard a matter and they have judged the situation and determined this is what has to happen. If there is failure to comply, those fees in the Second Schedule refer to the Employment Rights Tribunal, so they are not exactly the same thing. While we are talking about the Employment Rights Tribunal, I also want to emphasise -- and this is another case for sensitisation and I have spoken with the Employment Rights Tribunal and the Labour Department -- that we need to work to ensure that workers know they do not need to have a lawyer to come before the Employment Rights Tribunal. The legislation is written in such a way that anybody can come. You do not have to feel that you cannot get justice unless you have a lawyer with you. In the same way, as Sir Roy pointed out, you can go before the Magistrate's Court, you can go before the Severance Payments Tribunal, you can also go before the Employment Rights Tribunal and you do not need to have a lawyer to be with you. You do not need to be afraid that the other side may have a lawyer with them, because the Tribunal is constituted in such a way that there are lawyers on it with considerable experience, so you would get a fair hearing.

Senator Lady Haynes referred to her concern about total remuneration and how it was calculated and, yes, I was able to hear your contribution and you did understand the gist of what we were saying about what it includes and does not include. Regarding your final concern, I just wanted to draw your attention to Section C of that particular definition of "total remuneration", which actually stipulates that,

"It shall not include a discretionary payment of any kind paid by an employer to an employee."

It is nothing discretionary. It is only what they receive when they receive their regular weekly, bi-weekly or monthly wage. That is what is considered in there; not any discretionary payment. That should also help to allay some concerns. It does not mean that we have covered all the bases, because once you put legislation into practice something else will raise its head, but this has been in the works now for a long time. Senator Haynes suggested that it was two years ago that we first brought this. It was 2012 when this first came on the Order Paper in the Lower House, and then we brought it back out to make some revisions, and a revised version came back in 2013 and another came in 2014. Each time somebody asked, "What about that?" so this has gone through a lot of revision. We have had a number of attempts to ensure that we got this right.

I thank Senator Trotman for articulating the provision on public holidays, and that if a public holiday falls during your holiday period it is a day that you would get back; that is your day. Based on your contract and if

you get paid in your contract for the public holiday, then you will get the pay for that day as well. I thank him for raising that point which, in my discussion this morning, I had actually passed over. I just wish to emphasise, too, the point which Senator Boyce was making just now about persons who, in making contracts, think they can get around this and so on. Remember that we did articulate that the legislation says that any contract does not include the provisions in here, the minimum provisions -- you can have more and there is no ceiling -- in this legislation is null and void. It also speaks about termination, which I just want to highlight as well, for those who are listening. Any notice of termination given when you are on holiday is also null and void, and that is a matter, of course, which goes to the Chief Labour Officer and can then go to the Tribunal if he deems it necessary. I just wanted to say that because I do know that we have seen that particular matter coming up.

Senator Trotman did raise a concern about the housing and meal allowances for migrant workers. My Ministry just actually put together a Document, a migrant labour policy document, where we looked through other policies and legislation and so on, and sought to have in one Document a policy that employers of migrant workers as well as the migrant workers themselves can have this Document so they can see what they are entitled to. Of course, migrant workers are entitled to everything which our workers have. Every provision in legislation here that protects our workers will also protect our migrant workers, but we of course have to keep our ears to the ground, and once these things are identified, the Chief Labour Officer is empowered to deal with this. We are developing a sort of task force in the Ministry where we will work with the Immigration Department, the Town Planner, the Environmental Protection Department and the Ministry of Health and other agencies, which have to go in from time to time and inspect conditions of work and places where people work, including migrant workers, in order to ensure that these provisions are intact.

4.22 p.m.

Madam President, I will have to look back at the policy document because we did say to Cabinet when it was approved that as other things come up we will fine-tune that policy document, so we will have to ensure that the housing and meal allowance that Sir Roy referred to does so in that migrant worker document.

Madam President, there is one other point I want to support and that is the point that Senator Husbands made about now being able to break up your holiday in parts. I want to encourage employers to have their human resources departments sensitised to this provision. I encourage dialogue. I would not want that we have a worker saying well I need to take half day off and an employer then saying: Oh well, our payroll system is not

made up to account for that or things like that, so I want to encourage employers to get the systems in place that can support if an employee wants to take a half day off. We hear employers talking about productivity and we know that if a worker can get the half day off and come to work for the other half it would be better than them taking a whole day off just to do something they knew would have taken half of a day, so I want to encourage employers to set up their system so that if an employee wants to take a half day or one day here they can account for the half day and the one day here and the one day there and know well this is how much time the employee has due to them.

I also want to encourage employers to keep good records because if a worker says that they only took ten days and the system is saying no they took 11 days, the Chief Labour Officer can come and ask employers to produce those documents, and of course there is a fine if you do not produce these documents when the Chief Labour Officer ask for them, so I am encouraging employers to have their systems in place that can facilitate this kind of programme where employees can take the time off like this and have their records accessible so that should we need to look at them in the event of a query we can do so.

Madam President, I mentioned the sick leave but what I did not say earlier is that folks want to challenge how we manage our sick leave, our National Insurance Scheme. Madam President, I know that nobody in Barbados was denied any benefit, be it pension, sick leave or funeral grant, from the National Insurance Scheme because of any crisis at the National Insurance Scheme because the National Insurance Scheme did not have any money or anything like that, that has never been the case. I have been hearing rumours that this is what is happening. Anybody who did not get any benefit it would have been as a result of administrative issues where sometimes forms are not fully filled in. We had an IT challenge some time ago but we have been working to ensure that not only the financial management of the National Insurance Scheme but that administratively other systems are in place to tighten up.

Madam President, this provision here is about time off where persons now can use a little time off here and a little holiday here and a little holiday there to do what they have to do because we will be clamping down on this injudicious use of sick leave, those are things we have to do. We talk about guarding the vine because it is the little foxes that come through the holes that damage the vine. We have to look not only at the bigger things that everybody is talking about but these administrative things we have to do to protect our National Insurance Scheme. These are the kinds of discussions we have to have.

Madam President, to underscore what Senator Husbands said, I too am disappointed that we did not have that kind of contribution coming from the other side on holidays with pay. It is clear that the Barbados Labour Party is no longer a labour party and cannot engage on issues such as these but instead would want to cede time to discuss matters that are unrelated to the Bill at hand, I do not understand the parliamentary process. There is a time for everything and a place and today we are here to discuss holidays with pay.

Madam President, I am glad that we had the support of all persons who contributed today. Of course, I am glad I did not hear anybody ask why holidays or hear anybody even suggest that we get too much holidays or we should not be getting holidays because at the end of the day we have to look after the holistic man, body, mind and soul and holidays are part of that. We talk about work life balance. Holidays are part of that and we have to ensure that workers can have their holidays and they can be paid for their holidays. They cannot be afraid to take their holiday because they may starve if they do so.

Madam President, we have had a good discussion, I believe, on the Holidays With Pay Bill and again I thank everybody for their support and beg to move that this Bill be read a second time.

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

On the motion of Senator Dr. the Hon. E. R. BYER SUCKOO, the Senate resolved itself into Committee, His Honour Senator the Very Reverend H. E. Crichtlow in the Chair.

COMMITTEE

Mr. CHAIRMAN: The Senate is in Committee.

Part I, Clauses 1 -- 2 inclusive were called and passed.

Part II, Clauses 3 -- 8 inclusive were called and passed.

Part III, Clauses 9 -- 17 inclusive were called and passed.

The First Schedule was called and passed.

The Second Schedule was called and passed.

On the motion of Senator Dr. the Hon. E. B. BYER SUCKOO, Mr. CHAIRMAN reported to Her Honour the PRESIDENT the passing of one Bill in Committee and

MADAM PRESIDENT resumed the Chair and reported accordingly.

Senate D1 Sequence 22

On the separate motions of Senator Dr. the Hon. E. R. BYER-SUCKOO, the Bill was read a third time and passed and cited as the Holiday (With Pay) Act, 2017.

ORDER NO. 2 – LABOUR DEPARTMENT (AMENDMENT)
BILL, 2017.

MADAM PRESIDENT: Senator Byer-Suckoo, you have the Floor.

Senator Dr. the Hon. E. R. BYER-SUCKOO: Madam President, the amendment before us is not seeking to take up much of our time. This Labour Department Act was passed in 1943, for the administration of the Labour Department in the Ministry of Labour. Madam President, the reason we have the amendment before us is because we have just done the Holiday (With Pay) Act. As you know, we have just increased the fines under the Holiday (With Pay) Act and so we are ensuring that there is no discredence between now what is in the Labour Department Act and what is in the Holiday (With Pay) Act, if you were to read Cap. 23, the Labour Department Act. Madam President, the only change though is that under this amendment the fines will be increased and so Section 12 states the following offences:

“12(1) Every person who, being required in accordance with this Act to furnish information or particulars to the Chief Labour Officer, Deputy Chief Labour Officer or a Labour Officer, and who;

(a) wilfully refuses or without lawful cause neglects to furnish the information or particulars required within the time specified or in the form specified or prescribed or to authenticate the same in the prescribed manner or to deliver the same at the place or in the manner specified or described for the delivery thereof;

(b) wilfully furnishes or causes to be furnished any false information or particulars lawfully requested;

(c) refuses to answer or wilfully gives a false answer to any question necessary for the provision of any information or particulars required; or

(d) hinders, obstructs or molests the Chief Labour Officer, Deputy Chief Labour Officer or a Labour Officer in the exercise of any of the powers conferred upon him by law,

is guilty of an offence and is liable on summary conviction, under the current law, to a fine of \$50, or to imprisonment for a term of three months.”

Madam President, as I said, this is an Act that goes way back to 1943 and is hardly a hindrance today and because we have just amended the fines under the Holiday (With Pay) Act, we are now saying that such a person who has committed these offences is guilty of an offence and is liable on summary conviction to a fine of \$10 000, or to imprisonment for a term of one year or to both.”

Madam President, at 12(2) it goes on to say:

“Where a person is convicted of an offence under this Act and a fine is imposed, and that person fails to comply with the order of the court in respect of that fine, that person is liable to a further fine of \$500 for each day during which the failure to comply continues.”

Madam President, the aim here is that the fees will be a deterrent but also the further fine of \$500 for not complying with the order of the court would in itself be enough stimulus for you to ensure that you make good on that order of the court.

Madam President, that is exactly what we have before this Honourable Chamber today as we ask for the Labour Department Act to be amended. I now beg to move that this Bill be now read a second time.

MADAM PRESIDENT: Senator Trotman, you have the Floor.

Senator Sir ROY TROTMAN: Madam President, I do not plan to delay the Senate on this matter. I recognised that the former penalties were \$50 or three months but did not provide for both, while in this case we have taken the matter up to somewhat more higher level for both things and I imagine and can support this, that this has come out of the wealth of experience we have had over the many years of my involvement in labour management matters in Barbados, where employers have bluntly refused to respect simple requests from the Chief Labour Officer to respond or to work with the Labour Department where matters of the exploitation of workers and/or their conditions have been involved. Madam President, I support anything that goes towards making us all realise that we have to be a community that respects order and respects the rules that govern our community and our society.

Madam President, after I have sought to remind us all that this comes out of an experience of lack of employer respect for the Labour Department and that anybody who just thinks that it is a whim or fancy that they should review what has been happening historically and should realise that this is a matter which has been going for far too

long without remedy. my question in this matter spins from the fact that the old legislation, Cap. 23, makes provision for the Chief Labour Officer to be able to initiate proceedings against defaulters. In a previous discussion -- and I am not commenting adversely on that decision -- we commended that decision to have the Government to be able under a different piece of legislation and that is the Holiday (With Pay) Act, we commended the Government for allowing for the Chief Labour Officer to be able not to engage a legal officer but to be able in his own person to appear before the courts and to initiate proceedings. However, in this particular legislation while that provision was in the legislation I noticed that that provision is now removed from the legislation and that there is no longer a provision for that to take place. Madam President, I am wondering whether this was an oversight or whether there was a deliberate policy that in this regard it would not be proper for the Chief Labour Officer to deal with the matter engaging himself and his office.

MADAM PRESIDENT: Senator Carmichael, you have the Floor.

Senator Dr. Sir Trevor CARMICHAEL: Madam President, I do not know in terms of greater or smaller, but let me say that anything that seeks to enhance the power and integrity of the Labour department is something that I strongly support.

No.D1 (23)

Very few people may recognise or remember or even know that the Labour Department, and in particular the agency of the Chief Labour Officer, is one which gives valuable support to lawyers. I have always found that one of the ways to actually conduct a matter and bring it to an equitable solution is very often to have a polite word with the Chief Labour Officer or some of those who work closely with him. I therefore strongly support any legislation which seeks to protect the integrity of that Office, and which seeks to enhance the integrity of that Office.

I would obviously endorse the remarks and the comments of Senator Sir Roy, my colleague, and I would also ask a similar question to one which he has asked. I am sure that there will be an explanation to that question. My remarks are really essentially to support this. It is not anything which anyone will not support, but I rise to give these remarks only to solidify, enhance and simply state my strong support of the Office and of the Chief Labour Officer. All of them, including Mr. Burnett, who have served in that Office have been outstanding Barbadians who have given fair and resolute public service; so I support what is before us, Madam President. Thank you.

Madam PRESIDENT: Senator Byer-Suckoo, you have the Floor.

Senator Dr. the Hon. E.R. BYER-SUCKOO: Thank you very much, Madam President. I want to thank first Senator Carmichael for his support of the Labour Department and in particular the Office of the Chief Labour Officer; and indeed it has been the testimony of many that the word of the Chief Labour Officer has been conciliatory, and that once you have a chat with him he will treat fairly to the issue. It was on another Bill, but I do recall that just a little while ago a concern was raised about the little old lady who is hiring a nurse and may have committed an offence of omission or whatever. You can have a word with the Chief Labour Officer, and where he is satisfied that this was not the matter, that it was not a willful disobedience and that it was a case of not knowing, he would use his judgement and has used his judgement. The Office of the Labour Department is now 76 years old, having been established back in 1941 when the first Labour Commissioner Guy Perrin came; and since then they have been working at this and have fine-tuned this art. They have also become quite invaluable in industrial relations in Barbados; so in a case like that of a little old lady who did not realise she should have given 14 days' notice, for example, there is a role of conciliation there where the Chief Labour Officer can talk to the two parties and say, "This is what we can do to work this out." That role continues and it will be there. I do not see us moving away from that.

Even with the Tribunal having been established, the role of the Chief Labour Officer first is to try to address these issues. Where there are matters which do not go to the Tribunal and may be referred to the Minister, it is the Chief Labour Officer who first deals with these matters and tries to achieve some sort of solution before they have to get to the level of the Minister. We have been ensuring, too, that there is training in that Office; not for the Chief Labour Officer only but for all the officers in that department to ensure that they have the capacity to deal with this.

My reading of the Labour Department Act, though, to address the question that was asked -- and if I am wrong, please direct me to it -- is that what we are doing is amending Section 12 of CAP 23. No, Section 13 says:

"The Chief Labour Officer, Deputy Chief Labour Officer or a labour officer may institute proceedings in his own name against an employer for any contravention of or offence committed under this Act, and may appear and conduct any such proceedings."

Unless there was a typographical error in a brief or memorandum somewhere, I am actually looking at CAP 23 before me, and that particular provision is in Section 13. It

is Section 12 which we are amending by changing the fine and the term of imprisonment and also including that provision of a further fine for every day that there is failure to comply. I hope that then puts everybody's fears to rest. Madam President, with that I beg to move that this Bill be read a second time.

This question was put and resolved in the affirmative.

On the motion of Senator Dr. the Hon. E.R. BYER-SUCKOO, the Senate resolved itself into Committee. His Honour the DEPUTY PRESIDENT in the Chair.

COMMITTEE

Mr. CHAIRMAN: The Senate is now in Committee.

Clauses 1 -- 3, inclusive, were called and passed.

On the motion of Senator Dr. the Hon. E.R. BYER-SUCKOO, the CHAIRMAN, His Honour the DEPUTY PRESIDENT, reported to Her Honour the PRESIDENT the passing of one Bill in Committee, and Madam PRESIDENT resumed the Chair and reported accordingly.

On the separate motion of Senator Dr. the Hon. E.R. BYER-SUCKOO, the Bill was read a third time, passed and cited as the Labour Department (Amendment) Act, 2017.

4.51 p.m.

SUSPENSION

Senator Dr. the Hon. E. B. BYER SUCKOO: Madam President, I beg to move that this Sitting be suspended until 5.10 p.m. today.

The question that the Sitting do now suspend until 5.10 p.m. was put and resolved in the affirmative without division and MADAM PRESIDENT suspended the Sitting accordingly.

Senate D1 Sequence 25

RESUMPTION

MADAM PRESIDENT: This Sitting is resumed.

ORDER NO. 4

This Resolution seeks the approval of Parliament for the recession of a Resolution NO. 21 OF 2016, which was passed by the Honourable House of Assembly on the 13th December, 2016, and by the Honourable Senate on the 14th December, 2016 approving the Government borrowing

USD\$15.0 million from First Citizens Bank Limited in Trinidad and Tobago by way of a revolving credit line.

MADAM PRESIDENT: Senator Ince, you have the Floor.

Senator J. INCE: Madam President, before I move the passing of the Resolution, I beg your permission to have Items 4 and 5 of the Order Paper as dated Wednesday 25th January, 2017, to be considered a cognate debate.

The question was put to the Honourable The Senate and was agreed to.

Senator J. INCE: Madam President, Item 4 of the Resolution approving the loan of US\$15 million from FirstCitizens Bank Limited, Trinidad and Tobago, passed in the House of Assembly on 13th December, 2016, and in the Senate 14th December, 2016, No. 21 of 2016. Item No. 5 reads, to move the passing of a Resolution that Parliament approves the borrowing of the sum of \$15 million from the FirstCitizens Bank Limited, Trinidad and Tobago, by way of a revolving credit line, the proceeds of which will be used to fund projects approved by the Government in accordance with the requisite criteria for the utilisation of funding available to the Government from the Development Bank of Latin America.

Madam President, as I stated earlier the items were discussed in the Senate and passed in this Chamber. I now beg to move that this Resolution do now pass.

MADAM PRESIDENT: Senator Todd, you now have the Floor.

Senator The Hon. P. M. T. TODD: Madam President, in a very brief presentation, I rise to support the passage of these two Resolutions. Madam President, I just want to congratulate this Democratic Labour Party Administration for being able to achieve what the Barbados Labour Party was unable to do during their 14 years holding office in Barbados, up until 2008 in terms of being able to have access to these funds available through the CAF.

Madam President, like the Inter-American Development Bank, the Caribbean Development Bank and other international lending agencies, this is a development bank which assists developing countries such as Barbados by way of the provision of concessional loans, that is to the extent that the interest rate is very low, compared to interest rates on the international lending markets. These developmental loans are critical to build capacity within the various sectors of our economy, in terms of infrastructural development, roads and other critical areas that are necessary to propel the economic development of countries such as Barbados. Madam President, already we are seeing

the benefits of CAF financing as we seek to utilise funds which can reach upwards of US\$300 million over the short to medium term, funds that can be earmarked, for example to support road rehabilitation in terms of milling and paving or the resurfacing of the asphalt surfaces, not just filling in potholes but excavating the asphalt surface and repaving the entire road surface. This is timely intervention, for example, we would have seen just during the last few months the Democratic Labour Party Government has been able to resurface in our nation's capital that stretch of road along Coleridge Street, up White Park Road, passed the Central Police Station and the Supreme Court.

Madam President, this road had not been paved for well over a decade, certainly when the Barbados Labour Party was in office and your humble servant as Member of Parliament for the City would have earmarked that road, along with others, for urgent attention and so I congratulate the Democratic Labour Party Government, particularly the Minister of Transport and Works for heeding that call and now we have the convenience of well-paved road way. This is just one installment but with the funds available from CAF miles of road resurfacing will be able to be executed over the next few years, thus generating jobs and keeping people employed in the various employed in the various road construction and road repair companies and of course within the Ministry of Transport and Works.

Madam President, of course we will also be accessing funds through the Inter-American Development Bank to assist in road works, in terms of the rehabilitation of bridges, particularly the rural areas such as St. Andrew among others, critical roadways that link rural areas with central parts of Barbados in the urban corridor. Ma'am, these millions of funds in terms of concessionary loans from development banks such as CAF will go a long way to improve the infrastructure in terms of our road network. Also, the construction of important facilities, for example, it is quite possible that we can be able to negotiate with CAF access to development concessional loans to rebuild the Fairchild Street bus terminus and adjoining public market as well as the Sea View minibus and ZR terminus, which would be located just west of the Cheapside General Post Office headquarters. These are very key areas of infrastructural development that would definitely assist in the quality of life of Barbadians and visitors alike.

No.D1 (26)5.33 p.m.

Therefore, I look forward to Government being able to access these funds, which of course represent an inflow of valuable foreign exchange at concessional interest rates, as I said. This would ensure that the foreign reserves of the country are properly and appropriately augmented to support the parity of our exchange rate and to ensure that we continue to have the confidence of the investor

community internationally and locally; so that the economy can be propelled in terms of economic growth.

These two Resolutions are critical, Madam President, as this Democratic Labour Party, as I said, has been able to gain access to membership of this Bank. Madam President, we have raised the necessary initial funding required to pay our way, and this is important when you realise that we have been graduated from the World Bank so we do not have access to those concessional World Bank loans which we would have had in the past to build schools and other infrastructural development areas as occurred in the past. This access to upwards of US\$300 million from the CAF will definitely replace and augment those traditional sources of concessional loans available to Barbados. Without further ado, I fully support the passage of these Resolutions, Madam President.

Madam PRESIDENT: Senator Trotman, you have the Floor.

Senator Sir ROY A. TROTMAN: Madam President, in 1986 something just like this happened and I did just what I am going to do now. Madam President, it was in another place, and I got up to say that even though it was a Democratic Labour Party Government and even though at the time I was a backbencher in that Democratic Labour Party Government, that I was going to object to the Item before the Parliament because I resented the lack of respect which the Leader of the Motion was bringing to the House by failing to present the Item in a manner that would show the appropriate level of respect required by Honourable Members in that Chamber. I make the same observation this afternoon.

Madam President, I must have had a senior moment of about 30 seconds, and within that time two Resolutions before the House were explained to this Senate, and the question was put that the matter should be passed. Those of us who serve in the Senate as persons chosen by His Excellency do not receive any remuneration. We used to be given an allowance, and the tax man has now decided that he is taking more than half of it. We serve here because we believe we owe a debt of respect to the people of Barbados, and we are serving almost free, gratis and for nothing. When we come here, we expect to be respected. We expect that if an instrument is before the House, however simple it might appear because one group or one party has the knowledge of what is happening, that knowledge may not be known to everybody. For example, we were able to hear the seconder of the Resolutions, Senator Todd, speak to \$300 million which relate in some way or another to the Resolution. I have sought to rebut the Resolutions before us since I see nothing in these of any numbers except for US\$15 million from the First Citizens Bank, and in the other Resolution US\$15 million from the same bank. I have heard of no reason for rescinding a decision this

Senate took just over a month ago, and I have heard no reference to any other agencies like the United States bank of whatever sort. Although the aim may be fair and, I believe, honest, and although it may very well be something from which the entire country may benefit, what I am talking about is respect and decency. Madam President, I am saying that if the Government hopes to get respect, certainly from this Member -- I cannot speak for anybody else -- they would have to start by respecting this Member. This Member does not have to be here, but His Excellency felt I could make a contribution to the wellbeing of this nation and he asked me to serve and I am humbled and honoured to do so. However, in doing so I will take no disrespect of that sort from anyone.

I cannot support this, not when I do not know what we are talking about, and not when I know further that this is not the way we have to behave. This matter has gone out to the public of Barbados via the media; direct contact with the public of Barbados. What is the public supposed to believe? Madam, are we supposed to believe that we have become so arrogant and so disrespectful of the population of this country that we would come here and go on a charade, saying that we are dealing with the people's business but not explaining to the people what that business is that we are talking about. It grieves me that I have to raise this, because I love the speaker very much like a son, but if a son has to be chastised, then the son will be chastised. I am not going to say any more on it, but I want it to be clearly recognised that this Senator does not accept that the public of Barbados deserves this kind of bad treatment and disrespect from anybody; whether in this Chamber or the next or with anybody in public life. If there are Ministers or other public leaders who believe that we do not count for anything, I have another saying for them. Madam President, I cannot support this.

Madam PRESIDENT: Senator Abrahams, you have the Floor.

5.40 p.m.

Senator W. A. ABRAHAMS: Madam President, I do not expect to be very long on this matter but I entirely support the intervention of Senator Trotman. Senator Todd started by congratulating this Democratic Labour Party Government for doing what the Barbados Labour Party could not do in 15 years in accessing the sort of funds from these Latin American sources. Madam President, that is almost insulting. The reason we are here is because in December, a month ago, we would have debated a loan for \$15 million, and today we are debating a revolving line of credit. The fact is that the Government came the wrong route to access this funding. Madam President, I do not have a difficulty with that. Mistakes are made but start by explaining that a mistake was made, start by saying we were seeking to repeal what we debated in December and

bringing it properly to access the revolving line of credit and give the explanation so that others, not just in this Senate, who are listening understand why it appears as if we are repealing one thing and bringing back the identical thing.

Madam President, the other issue I take with what just happened was that my last intervention was quite short and I was lambasted by Senator Husbands for the fact that this is every important Bill being debated that the Barbados Labour Party had input into originally and that I missed the opportunity to educate the public as to the Barbados Labour Party's role in labour and that my contribution as short as it was, was effectively disrespectful.

Well, Madam President, if my contribution was disrespectful, then I do not know what to call what just happened. We have never had so short a presentation on anything in this Senate. Like Sir Roy, Madam President, I was surprised when Senator Ince sat down, I thought I had missed something as well. I have never heard somebody else speak longer than the person who proposes the legislation or the change, so that is another first for me.

Madam President, if a mistake was made, a mistake was made, and if it has to be clarified for the funding to be accessed, it has to be clarified, so then let the person who is purposing at least be honest with us all and put the cards on the table so that we understand why we are here effectively re-debating something that we debated in December, it is just common courtesy. We talked about the rules of debate and we talked about disrespect in abbreviating performance. I realise that Senator Husbands is real, real silence right now. He is as quiet as a mouse, and I trust he is going to have words with his fellow Senator about the length of his contribution, and if we are measuring it on the same yardstick he would give him half as good as what he gave me. Madam President, I do not propose to spend any more time on this because I believe there are way more important things that we need to concentrate on.

Madam President, we are looking at a revolving line of credit to finance Government projects. Madam President, that is all well and good because things need to get going in Barbados. The public in Barbados is concerned that we seem to be at a standstill. Senator Todd spoke that this line of credit could be used to repair roads. Look, it is good to find out where the money is coming from to fix the roads but, Madam President, the public also wants to know where is the money coming from to pay back the CLICO shareholders, where is the money coming from and when is it coming to pay the compensation to the severed National Conservation Commission workers, where is the money coming from and when is it coming to buy new garbage trucks, where is the money coming from and when is it coming to prop back up our failing foreign reserves that were highlighted by the Governor of the Central Bank of

Barbados, where is the money coming from and when is it coming to pay back the VAT returns that are due to the people on Barbados, where is the money coming from and when is it coming to pay back the income tax returns that many Barbadians are waiting on, where is the money coming from and when is it coming to pay back the money into the National Insurance Scheme that was ravaged by the policies of this Government and where is the money coming from and when is it coming to get Barbados back on good footing. The average Barbadian is afraid. They do not understand the full economic implications of what the Government is doing in Barbados. These are things that the people want to hear about. They want to get some comfort from the Government. The Government cannot dodge the people for much longer.

Madam President, we probably are going to pass this measure but like Senator Trotman based on what was put before us and put on the table there is not sufficient information here for me to support this, and I cannot.

MADAM PRESIDENT: Senator Boyce, you have the Floor.

Senator the Hon. D. W. BOYCE: Madam President, thank you for recognising me. I want to support the Resolutions, one for the rescission and the other one for the adoption of the appropriately and properly worded Resolution which we have in front of us today. As I understand it, the Resolution which came earlier on in December did not cite the authority under which the loan from First Citizens Bank was being raised. That authority is the Special Loans Act, Cap. 105. After that Resolution was passed, other public servants advised us that the Resolution should have stated the authority under which the First Citizens Revolving Credit line was being sought and that for good order the Resolution should be rescinded and a new one passed which cited the authority.

As you would recall, Madam President, whenever we have come to this Chamber for loans, for guarantees or for approval of loans under the Special Loans Act we have always cited the authority for the loan. That, Madam President, is what I understand to be the reason for rescinding the earlier Resolution and replacing it with one which is the same thing except for the inclusion of those important facts of the legal authority under which the loan is being raised. Politicians are not drafters of Resolutions but we have to take the responsibility for what comes here eventually. An omission was made and therefore we brought it back here to get it fixed and put it in the right way so that we can move forward cleanly and properly with this initiative to start the work for which we will get the funding eventually from the Latin American Development Bank.

That is as I understand it, and I do not claim 100 per cent understanding of all these matters. As I understand it that was the rationale for the change which is why it looks like it is the same Resolution but it just has that important thing, the authority under which the Government is borrowing that money, which is now cited in the Resolution, which is what we have been advised by our legal people should have been the case in the first place, so that what we did a month ago for this first authority is now being properly cited.

Madam President, unfortunately I was having a meeting just now and did not hear the many presentations but coming from behind I am now coming to give what I understand is the situation. I must say there was no disrespect meant to this Honourable Chamber and therefore for anyone taking this approach, I do apologise but there was no disrespect meant to any Member of this Honourable Chamber or to this Honourable Chamber. Madam President, I do support the rescission of the Resolution and the adoption of a new Resolution. I thank you.

Senator J. INCE: Madam President, I have been in this Honourable Chamber for some time presenting, for the Democratic Labour Party, information on financial matters. This Resolution if the interest rate was manipulated in any way, or the terms and conditions of the Resolution were changed in any way, this Senator would have explained it to this Honourable Senate, so that there is no disrespect. Madam President, if I have something to say I will say it, my personality allows me to do so, it does not allow me to hide. Madam President, what was missing were three simple words - special loans, basic commonsense.

Madam President, I presented this to this Honourable Chamber and I presented it in all honesty. I do not play those kinds of games and whether I am a member of the Democratic Labour Party or not, my integrity has never been called into question. Madam President, one thing I can say is that I work under both parties and would say boldly that I came home from Wall Street as a young investment banker, at the request of the former Prime Minister and Minister of Finance at the time, Owen Seymour Arthur and headed the National Insurance Department and worked along with the Board and my integrity has never been called into question or disrespect and I am saying to you Madam President, that those simple seven words such as under special loans Act, Cap. 105, that should have been in the Resolution were not there, so that to me I did not see it as anything major. If the terms and conditions were changed then I could understand. Madam President, I had made a statement while knowing very well that the terms and conditions have changed and never explained it to the Senate then I would have a serious problem with it. but as far as that is concerned Madam President, those were simple words. So I do not have to disrespect other Senators, utterly ridiculous, I have learned

to respect persons who are older than I am. I was brought up that way, I had a father who I have never heard him curse in my life or never saw him being drunk and disorderly, so that when it comes to respect and working for the Government I was blessed that I worked for the Barbados Labour Party and the Democratic Labour Party and have advised Prime Ministers on the development of this country. and if I did not have that in me I could not have brought Barbados today because the National Insurance Scheme would have had BDS\$40 million in CLICO International Life Limited National and this Jepter Ince said no. I did not matter who was Chairman at the time, I said no. so do not let us get in here and talk about disrespect and frivolous.

Madam President, I beg to move that this Resolution do now pass.

The question that the Resolution do now was put and agreed to.

No.D1 (29)

ORDER NO. 6

To move the First Reading of the Banks (Tax on Assets) Bill, 2017.

Madam PRESIDENT: Senator Ince you have the Floor.

Senator J. INCE: Madam President I beg your permission to have Item 6 and 7 on the Order as dated Wednesday January 25, 2017 to be a public debate.

The question was put to the Senate and agreed to.

Madam President, what we have before us is Budgetary proposal that came in the month of Tuesday, August 16, 2016, where the Government of Barbados moved the percentage on assets from 0.2% to 0.3%. That measure has been implemented and what we are doing, as I would say, is a matter of putting things in perspective. When we look at the Banks (Tax on Assets) Bill as well as the Tax on Assets Bill, you would see there is a differentiation and Senators may want to know why. As I always do, I will seek to explain it. Madam President, when we speak of a banking institution, this is different from an insurance institution because some insurance institutions do take deposits; but the functions of a bank, where you look at the overnight lending rate as well as the reserve deposits, are totally different from an insurance institution where you look at statutory funds, risk and exposure to underwriting the risk. If we had used one Bill, the Government could have found itself challenged, for the simple reason that you cannot have deposit-taking institutions which are non-banking. For example, the credit union is a deposit-taking

institution but it is non-banking as classified under the regulations, because the investment criteria and the requirements to meet reserves differ from a credit union and an insurance company, as opposed to a bank. For example, if one were to examine the Government of Barbados, the Government's strategic areas would be foreign reserves, fiscal deficit, current account and balance of payments. That is why we look at the critical areas. Although the assets within a non-banking institution as well as a bank or an insurance company may be what we would call homogeneous in nature, meaning identical, the under-strategies for operation differ. You therefore cannot, under the regulations and for tax purposes, classify a bank the same way as a credit union or an insurance company or what we term non-deposit-taking institutions. We have both the Banks (Tax on Assets) Bill and the Tax on Assets Bill, but the underlying feature is that the tax was moved from 0.2 per cent to 0.35.

Let me state here that credit unions are no longer taxed. They are not, because that came to an end. Government said clearly that we had a time in which that must stop and it came to an end; but the increase and this current Budgetary Proposal looked at what we term banks and other non-banking institutions and insurance companies while excluding credit unions. Madam President, I beg that this Bill be read a second time.

Madam PRESIDENT: Senator Abrahams, you have the Floor.

Senator W.A. ABRAHAMS: Madam President, I rise to speak. Look at how different life is when there is a full explanation being presented for what is before us. I cannot argue with what Senator Ince just said. I am not necessarily going to support it, but I cannot argue with the way it was presented. I am fully aware now, fully seized of the matter, so to speak. I understand why it is being done. I understand the difference between banks and credit unions and this tax as it applies to each one, and I understand that it is just to tie up the loose ends and implement the legislation necessary to support measures in the Budget by the Minister of Finance. I understand that now fully from the simple, respectful explanation that was just given.

Madam President, I will not speak much more to trouble us on this, but simply we are talking about taxes. Taxes have a reflection and an effect on our economy. The economy is of great concern to the average Barbadians, and once again I am appealing to the Government, and I will cede the rest of my time for someone on that side to speak out and address the state of the economy in Barbados and the questions I have previously stated, which are of burning and driving concern to the average Barbadian. These are the things that hit close to home: When at the National Conservation Commission are the severed workers going to get their just entitlement under the law? When are we going

to get the garbage trucks? What is happening with the roads? What really is the true state of play for the foreign reserves in Barbados? Are we going to the International Monetary Fund? Are we looking at a devaluation? Madam President, if someone could start to address those questions, it might put the country at ease. It would definitely do a lot to alleviate my growing and increasingly heavy spirit today, Madam President. With those few words, I will take my seat.

Madam PRESIDENT: Senator Ince.

Senator J. INCE: Madam President, I beg that this Bill be read a second time.

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

On the motion of Senator J. INCE, the Senate resolved itself into Committee. His Honour the DEPUTY PRESIDENT in the Chair.

COMMITTEE

Mr. CHAIRMAN: The Senate is in Committee.

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

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

Clauses 11 -- 13, inclusive, were called and passed.

On the motion of Senator J. INCE, the CHAIRMAN, His Honour the DEPUTY PRESIDENT reported to Her Honour the PRESIDENT the passing of one Bill in Committee, and Madam PRESIDENT resumed the Chair and reported accordingly.

6.10 p.m.

On the separate motion of Senator J. INCE, the Bill was read a third time and passed and cited as the Banks (Tax on Assets) Act, 2017.

ORDER No. 7

TAX ON ASSETS BILL, 2017

Senator J. INCE: Madam President, I sought your permission already to have both Items as a cognate debate and you granted that permission, so therefore I move that this Bill be read a second time.

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

On the motion of Senator J. INCE, the Senate resolved itself into Committee, His Honour Senator the Very Reverend H. E. Crichtlow in the Chair.

COMMITTEE

Mr. CHAIRMAN: The Senate is in Committee.

Clauses 1 -- 5 inclusive were called and passed.

Clauses 6 -- 10 inclusive were called and passed.

Clauses 11 -- 14 inclusive were called and passed.

On the motion of Senator J. INCE, Mr. CHAIRMAN reported to Her Honour the PRESIDENT the passing of one Bill in Committee and MADAM PRESIDENT resumed the Chair and reported accordingly.

On the separate motion of Senator J. INCE, the Bill was read a third time and passed and cited as the Tax on Assets Act, 2017.

ORDER No. 11

RESOLUTION TO APPROVE THE MINISTERS AND PARLIAMENTARY SECRETARIES (REMUNERATION AND ALLOWANCES) ORDER, 2016

MADAM PRESIDENT: Senator Todd, you have the Floor.

Senator the Hon. P. M. T. TODD: Mr. Speaker, I am seeking your permission to treat Order Nos. 11 and 12 as one cognate debate.

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

Senator the Hon. P. M. T. TODD: Madam President, on December 13, 2013, the Honourable Minister of Finance and Economic Affairs in his Ministerial Statement on Government's Fiscal Consolidation Programme indicated that the Cabinet had agreed to a 10 per cent cut in the salaries of all Ministers, Government MPs, Parliamentary Secretaries, Personal Assistants and other political appointees. Consequently, the Cabinet at its meeting held in February 2014 considered and agreed to a proposal to lay in Parliament Orders to give effect to this and so the Orders were appropriately passed in the Houses of Parliament. The Orders were initially to have been for a period of 19 months consistent with the 19-month Fiscal Consolidation Programme of the Government to reduce the overall Government's wages and salaries bill among other measures to stabilise the economy.

Madam President, subsequently the Honourable Minister of Finance and Economic Affairs in his Ministerial Statement on December 16, 2014 announced that the initial measures which were implemented to reduce the Government's expenditure would be extended to March 31 2016, and therefore, Madam President, the Cabinet took the decision that the 10 per cent reduction in salaries in Ministers, Parliamentary secretaries and other parliamentarians would be extended to the same time period up until March 31, 2016.

Senate D1 Sequence 31

Madam President, the Cabinet further agreed that there will be no further extension of this 10 per cent salary cut, so that effective April 1, 2016, a new order would have to be prepared to effectively rescind the initial 2014 order, thereby restoring the remuneration of Ministers, Parliamentary Secretaries and other Parliamentarians to the initial level. Madam President, this is what is before this Honourable Chamber today, this new order that effectively will restore the salaries of these before mentioned persons to the original level.

Madam President, without further ado I would wish to commend this Resolution for approval in this Honourable Chamber. As I said, this is not a salary increase, it is simply a restoration of the salaries which Ministers, Parliamentary Secretaries and other Members of Parliament would have enjoyed prior to the fiscal consolidation measures implemented by the Government. Madam President, I now beg to move that this Resolution do now pass. I thank you.

MADAM PRESIDENT: Senator Abrahams, you have the Floor.

Senator W. A. ABRAHAMS: Madam President, I find myself in the most awkward position that I cannot possibly support this Resolution. Madam President, Senator Todd took great pains to at the end to explain that this is a restoration, that this is not an increase. Madam President, I have heard that debate going on in the public over the last couple of days but whether it is a restoration or an increase that is simply a question of semantics, the bottom line is that Parliamentarians and the other people affected will now be taking home more money than they did last month. That is the bottom line, so that whether we choose to call it a restoration or an increase, the financial net position of those affected is going to be 10 per cent higher than it was the last time. Madam President, worse yet, this is retroactive to last year April, so that there is going to be a lump sum and then carrying forward a 10 per cent better off position.

Madam President, I find it almost unconscionable having stood here today and articulated on the behalf of the

average Barbadian the questions that they want address as to what is going on with the true state of the economy, and what is the position with the foreign reserves, and when they are going to have their tax refunds, and what is the position with the National Insurance Scheme, that I am being asked to support a Resolution seeking to put more money back into the pockets of the people who are responsible effectively for the current economic situation in Barbados

Madam President, the Government cannot even pay the National Insurance Scheme for Government workers. The foreign reserves are at a perilous low, and that came from the Governor of the Central Bank of Barbados. The Governor of the Central Bank of Barbados having proved to be the most optimistic Governor the Central Bank has ever had, has finally come out and said that it is at a perilous low. Public servants in Barbados have not had an increase in pay for over nine years.

Madam President, I heard Senator Todd said that this was for a fixed time, it was for 19 months, it was then extended but that the time has now run out, so that we are good on time frames when it is convenient. The increase in VAT from 15 per cent to 17.5 per cent was supposed to be for 18 months years ago and it is still in place. When this was done we stood here and magnanimously debated this and it was deemed that we were going to be in solidarity with the people of Barbados who are suffering and feeling the pain. Are we not in solidarity anymore? The people are still feeling the pain. If they were in pain two years ago, Madam President, they are in even worse pain now the pain is more acute. This is when we really should be in solidarity with the Barbadian who is feeling the pinch, this is not the time to restore our emoluments that were taken away, because we opted to have them taken away in solidarity. Is solidarity no longer convenient?

Madam President, what is our point? It rings hollow, it is a slap in the face to the average Barbadian who is suffering, who have had no raise for almost the two terms of Government. Madam President, the cost of living in Barbados has gone up by over 40 per cent, the money cannot buy what it did. There is no end for them on the horizon. There is no raise of 10 per cent for them. There is no prospect of cutting the VAT. There is no reprieve of allowance. The refunds are not coming back. Where do we gain the wherewithal to raise our salaries by 10 per cent? Madam President, I have heard some people in other places saying that the Barbados Labour Party has objected to this. I was not a part of any objection, I stood here willingly and opted to give up my 10 per cent because I understand we have to show solidarity with the people whom we are supposed to represent, it cannot be all pain for the common man and none for us, we need to feel it too.

Madam President, I know as a fact that every single Member of Parliament for the Barbados Labour Party, those in the Lower House and those in the Upper House signed a letter saying we do not want it back, if it has to be paid we are going to send it to charity. We do not wish to receive any benefit from that coming back, so that whoever wishes to say that some people objected to it at the time, the fact is that as a party we have taken a stance that until the public of Barbados gets a raise, until the people get back their VAT returns, until there is some relief for the common man, we do not want it back, it is blood money. We want no part of this. Madam President, I cannot believe that we are here debating that when the Government still has not answered the call to address the issues which are of concern to the average Barbadian.

Madam President, the average Barbadian is in pain. We opted to stand in solidarity when it was convenient but when the pain became too much we are putting it back, we are restoring it, but the people are still suffering in pain. I do not want any of that money. I cannot stand here and support any restoration, any increase, anything that puts back 10 per cent back into the pockets of the Government of anybody who opted to take that cut in solidarity. If we restore this 10 per cent, we could never be taken seriously ever again. I want no part of it, Madam President.

Madam President, I said what I have to say on this and to be honest, my conscience would not allow me to be here for any further part of it or for the vote when the vote is taken. I can pledge to Barbados and Barbadians, I will not spend a cent of that, that anything that comes back to me will go back to a charity or to somebody who is poor, to benefit someone who is less fortunate and with whom I chose to stand in solidarity. Madam President, that is my promise, I will continue to stand in solidarity where that is concerned. I have nothing further, Madam President.

No.D1 (32)6.31 p.m.

Madam PRESIDENT: Senator Ince, you have the Floor.

Senator J. INCE: Madam President, I rise to support the Resolution that is before this Honourable Chamber, and as outlined, at the time of the challenges.... Do not let the political posturing, and the antics for the gallery are not going to fool me or blindside me one way or the other. Madam President, this Democratic Labour Party increased the pensions of the most vulnerable in Barbados. For 2016, pensioners in Barbados received one of the largest increases, as far as their benefits were concerned, for 2016, and this Government stated that clearly. I heard this argument about public servants not getting an increase. We have just settled with those persons working at the airport. I do not know whose employees they are; if they are private sector or public. Madam President, if any of the people of

Barbados have the capacity to purchase a motorcar, you can walk into any motor dealer in Barbados once you meet the requirements, and purchase a motorcar. You can go to the polyclinics and get your medication. You can go to the Queen Elizabeth Hospital without having to wave an insurance policy. When we said to the credit unions that we were going to impose a tax on them for a period of time, when that time came we removed the tax from the credit unions and we answered the call of the credit union members who said they were willing and they wanted it removed in a specific time. We did that.

Madam President, this Democratic Labour Party said to the people of Barbados that we were going to protect the most vulnerable. Our schoolchildren are going to have the best school meals tomorrow and the next day. We said that we were going to provide low-income housing, and when we volunteered, the Opposition -- I am sorry that Senator Abrahams walked out of the Chamber at this time, Madam President, like a hit-and-run -- objected when we said when we were going to volunteer the ten per cent cut. The Opposition said no. They said, "No, do not touch it." Now, if you said you do not want it and not to touch it, do not touch it. Madam President, would I be so stupid as a Senator that if you said to me you do not want it, are you now going to come back to defend it? If you say to me do not touch it, then what are you defending? You have already made your decision. We went ahead from 2013 and volunteered. We said at the end of the 19 months, we thought as Cabinet and as a Government that the people of Barbados were going to endure months of challenges, and we went along with it.

Madam President, the salaries of Ministers are tied to public servants' negotiations and increases. The Barbados Labour Party was the party which put it in place. I said it is sad, Madam President, when you do not read and research. I always said if you want to hide something in this country, put it in writing, place it in a book and put the book in the library; it is going to stay there. Too many times we have too many intelligent persons and individuals who are bandwagon jumpers. The Barbados Labour Party were the ones who did that when the late Tom Adams was Prime Minister and Minister of Finance. They said that Ministers' salaries were going to be tied to public servants' negotiations, but what they are telling the public of Barbados is, "We want it only when public servants get theirs." They are not saying, "No, let it stay as is and let us get the increase." No. Madam President, whenever public servants get the increase, they are going to say yes, and we have to go retroactive, like everything else, and pay them, and they are going to end up with more money than the persons in Government.

Madam President, sometimes if you do not understand numbers, persons believe that they can come and pull wool over your eyes. They are going to get

increases, but they are saying, “No, we only want it when public servants get it,” and trying to fool the people of Barbados. We are going to settle with public servants. We have the airport finished. Madam President, negotiations are going on with the Public Service and we are going to settle. I just want the public servants to be quiet and be patient. We gave them one of the largest increases in the time of a recession in 2008; nine per cent. It was one of the largest increases in the history of Barbados. Let us go back to 1966 from the time of Independence. The largest increase the public servants of Barbados ever got in salary increases was under this Democratic Labour Party. Challenge that. Say Senator Ince is wrong and I would apologise, but I am not. That is what we did; the largest increase in pensions. Tell me when any pensioner in Barbados....

I heard them on the radio and some of them said they got an extra \$90, and one guy called the radio and said he could not believe it. He asked the postman if he got the right cheques. He said he could not believe that he had gotten that type of increase in a time of challenges, but that is what the Democratic Labour Party is all about. This is not a party of greed. We clearly understand the challenges. We clearly understand the pain and I have said it before and I will say it again: They collected \$3.5 billion in taxes between 2000 and 2005. I ask every Barbadian to look around this country and tell this Senator or this Honourable Chamber what they did with \$3.5 billion in taxes. Look around and show me; not a housing project completed, not a roadworks programme. Tell the country. When they had the opportunity, they allowed Barbados Water Authority to run to the ground, allowed the sewage plant to run to the ground. All of these things we are doing now for the comfort of Barbadians. They allowed the sugar industry to literally collapse. We are now restructuring the sugar industry, and they are running up and down this country wanting to tell people that we are getting a salary increase.

Madam President, I am not going to hold up this Chamber any longer, but I just want to end with a simple.... I would always follow Debates in this House of Assembly, and as a young man I would leave the countryside sometimes to come to the House, and then had to rush back to the bus-stand to get the old Elite bus because I love the politics.

6.39 p.m.

During the recession of 1981 -- 1986, I could remember clearly that a Member of Parliament made a presentation in the Other Place - I mentioned this before - and a reporter asked the late Eric Sealy what he thought about the presentation because the person who made the presentation also mentioned something about Mr. Sealy, and the late Mr. Sealy summed it up in simple words- I

cannot forget it -- that it remind him of a fool on a mule in the middle of the road.

Madam President, with those words, I am obliged.

MADAM PRESIDENT: Senator Boyce, you have the Floor.

Senator the Hon. D. W. BOYCE: Thank you, Madam President. Madam President, I am not ashamed to support this Resolution for the restoration. I do not know that there are too many other groups in this country over the last four years who are still employed who have taken a cut in their remuneration. Those people who are self-employed obviously have to go with the vagaries of the profession and the vagaries of how well they can get work. Madam President, if persons have taken a cut in their salary for over three years and they have lived in the same society as all other people have lived in and faced the same issues as all of the other people have faced, those persons would have been dealt a double blow, they would have been dealt the same hardships as the rest of the society and they were dealt the hardship by their position of taking a cut in their remuneration.

Madam President, if I agreed to a cut in my remuneration I have entered into a voluntary contract with my employer, and when the time of that contract that I have entered into voluntarily have come to end, I have the right either to extend it or to change it. We extended it once and I feel that at this time we ought to end that contract. It is only fair, I think, that if we feel like we have given up that 10 per cent for three years or whatever it is - to tell the truth I do not know how long it is, I have taken steadfastly to not look to see how much money they pay me when the months come, but all I know is that it is far too little compared to what I used to earn -- and if we choose at this stage not to endure the additional hardship through which we have put ourselves, I really do not see that there is anything wrong with that. We have not getting an increase over what we should normally have got, we have been restored to just where we were before, and I cannot say what that is is any degree of unfairness. I think that for the next few years we should get what we are entitled to get and what we had signed up to get when we became parliamentarians, so there is nothing unfair or wrong about that.

Madam President, I do not have a difficulty in supporting this Resolution. To me giving it up is neither here nor there and getting it back is neither here or there but the issue is that is for me to decide. You cannot touch a man's salary unless he so agrees to do it and you cannot touch a man's pension unless he so agrees to do it, so if we decide now that we are going to put us back in a position where we have been where we can decide on that, what is wrong with that.

Madam President, with those few simple very clear words, I hope, I have no reservation whatsoever in supporting this Resolution. I thank you and I am much obliged.

MADAM PRESIDENT: Senator Husbands, you have the Floor.

Senator H. A. HUSBANDS: Madam President, when we brought the Resolution here to voluntarily give up 10 per cent of our salaries, I wanted the record to show that I was in support of it and with this Resolution I want the record to show that I am also in support of it.

I heard this thing about who would give theirs to charity so let me say that for the last 20 years I have given to a variety of charities. Giving to charities is nothing new to me. I realised many years ago that instead of going to Oistins every Friday night and partaking in some activities, I could give money to charities. Even in times of austerity I gave to charities so nobody is going to lecture me about giving to charity, I did not come here for that. Right now I give to the St. Leonard's Church, the Barbados Red Cross and the Barbados Homeless and Vagrant society and I am a member of the Museum and I donate to the Cathedral restoration fund, so let that be clear. I did not come recently donating to any charity. Even with the 10 per cent cut I have given to charities and I will continue so to do.

Thank you very much.

MADAM PRESIDENT: Senator Hunte, you have the Floor.

Senator R. A. HUNTE: Madam President, I thank you very much. I just wish to be brief in respect of this matter. First of all, I support it. Madam President, politicians, or some politicians, are their worst enemy. I say that and I will repeat it if necessary and I will tell you why. Politicians know the work that is involved -- they got some lazy ones too - so why is it that people should feel that a Minister or a Parliamentary Secretary should not be paid. A man was just dismissed in the private sector working for \$300 000 a year. When I told that to some of my colleagues they could not believe it. That is more than what the Honourable Prime Minister gets when the year comes.

Senate D1 Sequence 34

Madam President, there are people in the private sector who receive large packages -- I am not going to get into whether or not they deserve it -- but a politician must be abused, he must have people calling your house to have their electricity paid, their water bills paid, their children taken care of. All of a sudden I see politicians -- and I canvassed with them for a long time -- going and pulling people out of the hands of Court Marshals. .. would have

had to deal with those sorts of matters but all of a sudden now holier than thou the people at the Barbados Water Authority have got their money, the people at the airport got theirs, the public servant looking for theirs but the people who must make the decision should not be paid or should not be properly paid. If there is a principle in giving up, there is also a principle in taking back. What is wrong with that? All of us are hearing this kind of nonsense in Barbados for too long from people who should know better, and they are more honest than somebody else. In August there was a disaster in Dominica, an event was held at Kensington Oval to raise funds to be presented to the people of Dominica. Have they got a cent as yet? This was done by people who put out themselves as the answerer to the people's problems in Barbados. That is in my view dishonesty, that is fraud. But politicians whose hair turn from black to grey overnight studying the challenges that are touching persons must not get their just reward.

Madam President, I think that this kind of thing in Barbados has been going on for too long. Let us not talk about what took place at both ports, I was getting some information at greater lengths only the other day. They know whether they want changes at both ports. There was a guy who came into Barbados representing institutions, quietly and privately monitoring what goes on in Barbados at our ports of entry and he had to report to this Government. I am not a member of the Cabinet so they would know if I am wrong or right, that your problem in Barbados is not about a recession, your problem in Barbados is that Government is not getting its just due in terms of revenue, for everybody can fatten their pockets whether legally or illegally but those who sit down and work long hours...

Madam President, I remember a debate taking place in Parliament about salaries before they were attached to the public service by way of "Tom" Adams, Mr. Bernard St. John said no judge should get more than him. I used to go into the House of Assembly. Mr. Lionel Craigg said that he was not a maid, that he should be paid more money. All of that term now gone to the Great Beyond. I am saying that politicians are their worse enemies, it now beats down inside of them that they need the money, they have to work, they know they have to live, they have their children, they may have a mortgage, or some little "bird" on the outside that they have to deal with. Madam President, I honestly think, I am not a Minister, I do not sit in Cabinet, I do not expect to do so at this stage of my life anyhow but I know what it entails, it is not a cheap exercise in which to be involved in politics or political campaigns. I find that all this grandstanding all of a sudden, O Lord, the people poor. Madam President, the people are poor, yet there are three or four banks trucks that are selling out beers at Q-in-the-Community every Thursday night.

Madam President, I had to get involved in this debate because I think it is pure, unadulterated hypocrisy on the behalf of some persons who are crying like the boy on the burning deck. It is sad and when I say that I thought that our politics had reached or had gone past this level, what about those years ago who did not get one cent? Madam President, what made me looking at politics differently is that when the Barbados Labour Party won the Government in 1976, they gave ministries to two old retired politicians only to up their pensions, L.E. Cox and Ronald Mapp. Madam President, do you know what a member of this party who has now gone to the Great Beyond said to me? He said that he is not vexed with people like Cox and Mapp, Mapp had left working in the Law Courts, small salaries in those days, to go join Grantley Adams, and Mapp sacrificed himself to join with Grantley Adams to help to win a Government.

Madam President that made me looked at things very differently. I used to think that once you are a Barbados Labour Party and you were not on my side I will get to you- but my outlook- has changed because linking with those old politicians who have gone to the Great Beyond spoke to me in detail about the sacrifices that they made and that is why I speak the way I do when I heard these alarmists, these Johnnies come lately dancing and parading like they are the best things since slice bread, all of a sudden they love more people than the people themselves. They are hypocrites. Madam President, I think that this kind of behaviour should comet an end.

Madam President, I would not be surprised and I will say something here now, this Government has challenges, there is no question about that. Secondly, no election is ever easy so do not think that you do not have to go out and work, you have to go out there and knock on houses, you have to get hoarseness in your voice in terms of campaigning, so it is not an easy elections but I will say this and this is my strong feeling. Madam President, I have made some assessments and I have been listening to one or two people and do not be surprised if this Democratic Labour Party Government is returned to office because the Democratic Labour Party has always had challenges as a political party.

No.D1 (35)6.59 p.m.

Madam President, I am not going to go through the Record now, but let me just in closing say that I support the restoration of this remuneration for those who have had to suffer the time. Remember, it was on a principle that it was given up. Let it be the same principle now for its return. Madam President, with that I am much obliged.

Madam PRESIDENT: Senator Byer-Suckoo, you have the Floor.

Senator Dr. the Hon. E.R. BYER-SUCKOO: Madam President, thank you for this opportunity to speak very briefly to this Resolution that is before this Chamber. Certainly, at the beginning we did not have as many colleagues who indicated that they were going to speak, but clearly this is a matter that we all feel very passionately about. It is not about the money. In fact, when I speak to my colleagues you heard Senator Boyce and others say, "It is not about the money, Madam President." Before I go to the actual Bill, I have a concern, Madam President. I know you are the President of this Chamber and so on, but today I have witnessed this breach in parliamentary procedure which I really hope does not continue. This protocol, Madam President, I know you cannot see it but where a Member can get up and decide, "I am not going to speak to the matter that is at hand", that is not parliamentary procedure. There is a matter being debated, and you speak to that. You do not say, "I will cede my time so you can speak to something else." You speak to what is on the Order Paper. You speak to the matter that you, Madam President, have given us the time to speak to.

Then you say you object to a particular Resolution, and instead of staying to vote, you walk out. I do not understand that protocol either. If you are a parliamentarian and you do not agree to something, let the Record show that you voted against it but you do not walk out. Madam President, I hope that we are not expected to be treated to this level of disrespect over the course of the next year. I really hope not. Anyhow. Madam President, on this matter I just want to weigh in because of where I sit as a Minister of Labour. We are not, as parliamentarians, covered by the Ministry of Labour; we are not covered by the Ministry of the Civil Service, and we do not have a union. I remember joking with Sir Roy in the same way that, like Senator Lady Haynes, I do have my background in the Barbados Association of Medical Practitioners, and I said that we need to form an association where we can get some representation for parliamentarians. I speak as a Minister of Labour, where we are talking about the tenets of decent work, and at the base of it the workman is worthy of his hire. There is that parable in the Bible where a wage is agreed to, and if you came in and agreed to a wage for a day and somebody else came in and agreed to the same wage for two hours, it is what you agreed to. Our Lord told that parable and the person who came in at the last hour got the same as the people who came in from the beginning of the day, but that was what they agreed to.

Madam President, with respect to labour principles, as I said we are not covered by the Labour Department, and the truth is in terms of what we are earning, I know that certainly for most Ministers who could work in the private sector, we are working for much less. For some of us, it is less than a half. When we see what our peers in the private sector are working for, they work for way more than we do as Ministers. They get cars, paid vacations and other things.

This morning we sat here and we debated the minimum standards for holidays with pay, and we said that between one and five years you get three weeks; and we do not get holidays. We do not get vacations, or cars, or things like that. We see Cabinet Papers, we appoint people to directorships here and directorships there, leading this and that statutory agency, getting six weeks' vacation, cars and fully maintained vehicles; magistrates, judges and so on get vehicles and we do not get them. It is what we signed on to, so we are not here arguing that we should get cars. I am certainly not here arguing for a car or a paid vacation. My point is simple: We came on, we signed on for X and that is what was agreed to.

This morning, we talked about dialogue. If there has to be a change in the terms and conditions, there needs to be dialogue. Employer and employee need to talk and you need to agree. If you are going to take your holiday in two, three or four parts, there has to be dialogue; you have to agree. If there is any change, there must be dialogue, there must be agreement, and that is what we did in good faith as parliamentarians, as Ministers, whatever. That is what we did. When we came on, we knew what we were not getting, we knew what we were giving up, and we knew what we were getting. When we had discussions about what we would do during the fiscal consolidation programme -- that 19-month adjustment programme -- we determined that among all the other measures, we should take this ten per cent cut for 19 months. At the end of the 19 months, our boss said to us, "Nineteen months have come. We need to extend some of these measures. Will you extend that one as well?" It came to Cabinet and we dialogued, and we agreed. I think if I were sitting in my chair as Minister of Labour and somebody came to me and said, "My boss and I agreed that I would do X for 31 months and now that time has come to an end, my boss does not want to give me." We talked about the role of the Chief Labour Officer. If the Chief Labour Officer were doing that, it would be a straightforward case. You had an agreement, 31 months are up, and you need to pay. It is as simple as that. To me, it is not about how much money; it is about the principle. You engaged us to do a job, we agreed, we agreed to a change for a fixed time, and that fixed time has come. I cannot, on the one hand, look at other workers and say, "You need to be treated fairly. You employers have to stick to the contract. You have to do this and they have to do that, all of those things," and then say to my colleagues here, "No, when you have a contractual arrangement with your employer, it does not matter." It cannot work both ways. What we had was an agreement with our employer which has come to an end. I do not know it should have occasioned any big fuss. Nobody quarreled when we said we were going to take the cut. Nobody else took a cut. When we negotiated what had to happen and what we could do in the 19-month programme, I was part of the discussions when we talked about retrenchments, and I remember the unions came and they brought a whole list of

alternatives which we could put. We talked about the unions and even talked about letting folks take a cut in salary rather than having to retrench persons, but we were told, "No, civil servants cannot take a cut in salary now." Nobody took a cut in salary. The cut that we took has not done much in terms of the quantum. You are talking about a handful of people here. It has not done much in terms of the quantum; it was the principle of the thing. The same principle said: We agreed to 19 months, you came back and asked us to add another 12 months, we agreed to that, you have not asked us to take anymore, and therefore you need to reinstate. It is as simple as that.

Dialogue is a very important principle of decent work, and I think that certainly in any sphere of work it is important that we can dialogue, that we have the respect with each other, and that when we say to each other this is what we are going to do, this is what we will do. That is why I need to stand here and support this. It is not about the amount of money. Where does the money go? Most of the money I get - I know that as we go through this year it is going to be even more - there are people who believe the money I earn is theirs, and they are not related to me or my children. When you represent a constituency -- I say "represent" not meaning in Parliament but I do represent my constituency of St. George South -- and I walk through the constituency, the demands that I get for food, clothing, bills, all kinds of assistance, and repairs to roofs and so on; everybody in here knows about that. It is not about the amount of money. At the end of the day, I am sure I am not going to be seeing any more of this as cash in hand. That is not the point. That is not why I stand to support this. I stand to support this because for the last seven years, I have been Minister of Labour and I have been preaching the principles of decent work and I have been preaching about the importance of sticking to the contract. The workman is worthy of his hire, and what he has agreed to he should be paid. The same way I would argue that for the maid, the teacher and for anybody else, I think that the workman here, the parliamentarians, we are also worthy of our hire. Madam President, I thank you.

7.08 p.m.

MADAM PRESIDENT: Senator Todd, you have the Floor.

Senator the Hon. P. M. T. TODD: Thank you very much, Madam President. As I seek to briefly wrap up the debate on this matter, I am really saddened by the response of the Opposition to this matter. As I said all of the time I am trained in Mathematics and Economics and we are trained to think very logically and I reflect that we are here today because of the initiative of this Democratic Labour Party Administration in particular our Prime Minister, the Right Honourable Fruendel Stuart, who initiated this decision which the Parliament of Barbados agreed to to

have the 10 per cent reduction in our salary a few years ago. It did not come from the Barbados Labour Party, Madam President. Not a single Member of the Barbados Labour Party initiated this 10 per cent cut. This Democratic Labour Party Administration could have gone ahead without introducing a 10 per cent salary cut and continued getting the original salary and this debate would not be necessary. Madam President, it is this Democratic Labour Party Administration that took the decision to voluntarily cut our salaries by 10 per cent, and the Barbados Labour Party has the audacity to seek to gain cheap political mileage from these grandstanding tactics when, as other Honourable Senators in here have mentioned that when this Democratic Labour Party Administration introduced this proposal, it was reported in the media that elements of the Opposition were saying not to touch their salary, so you see the hypocrisy here.

Madam President, this was a sacrifice and I am happy that Senator Reggie Hunte made the point that some politicians can be their worst enemy when in an attempt to gain cheap political mileage they give the vocation of politics a bad name.

Madam President, do we go back to the days in the early part of the last century when parliamentarians, including senior parliamentarians, were paid a pittance so that if you were from the working-class you could not sustain yourself, your spouse and your children on a parliamentary salary and therefore only the rich and the famous who had other sources of income would be able to grace these Honourable Chambers? I am sure that we are not going back to those days because many of us, certainly on the Democratic Labour Party side, spring from the working-class and a number of us are still members of the working-class.

This 10 per cent reduction in the salary of ministers amounts to nearly \$1 000 a month over a three-year period but it is a significant sacrifice because when you look at it a 10 per cent reduction in salary was not contemplated initially so that one would have, as the Minister of Labour, Social Security and Human Resource Development made the point, gone into a situation understanding that this would be one's remuneration for a month so one would have taken the necessary decision, be it mortgages for house, land, vehicles or what have you, and so that sudden reduction of 10 per cent in one's salary, that \$1 000 in the case of ministers, comes out of your living expenses, that is, food, shelter, transportation and clothing, basic amenities, and helping to support yourself and your family. Members of Parliament are not robots, they have dependents. I myself do not have any but I look forward to being blessed with a toddler or two eventually but you may have dependents, parents and grandparents.

Asides.

Senator the Hon. P. M. T. TODD: It is nothing to be ashamed of, Madam President, to expect a basic remuneration so that that person could be able to be comfortable enough that they be fit therefore to do the people's business without undue financial hardship, so it was a sacrifice. For almost three years parliamentarians have given up tens of thousands of dollars so it is nothing to be ashamed of.

Madam President, I would not wish to prolong the debate further and I therefore beg to move that this Resolution do now pass.

The question that the Resolution do now pass was put and resolved in the affirmative without division.

ORDER No. 12

RESOLUTION TO APPROVE THE SENATE AND THE
HOUSE OF ASSEMBLY (REMUNERATION AND
ALLOWANCES OF MEMBERS) ORDER,
2016

Senator the Hon. P. M. T. TODD: Madam President, I beg to move that this Resolution do now pass.

The question that the Resolution do now pass was put and resolved in the affirmative without division.

ADJOURNMENT

Senator Dr. the Hon. E. B. BYER SUCKOO: Madam President, we have done a lot of work today and I think that we should call it a day for now. There were some other matters we were hoping to get to but we will call it a day for now, and therefore, I beg to move that the Senate do now adjourn until Wednesday, February 01, 2017 at 11.00 a.m.

The question that the Senate do now adjourn until Wednesday, February 01, 2017 at 11.00 a.m. was put and resolved in the affirmative without division and MADAM PRESIDENT adjourned the Senate accordingly.

Senate D1 Sequence 37

7.19 p.m.

CONTENTS

ANNOUNCEMENTS BY HER HONOUR THE
PRESIDENT

PAPERS

SENATOR Dr. the Hon. E.R. BYER-SUCKOO.....2MOTIONS RELATING TO THE BUSINESS OR
SITTINGS OF THE SENATE AND MOVED BY
A MINISTER

SUSPENSION OF STANDING ORDERS

SENATOR Dr. the Hon. E.R. BYER-SUCKOO.....2

INTRODUCTION OF BILLS

SENATOR Dr. the Hon. E.R. BYER-SUCKOO.....2

PUBLIC BUSINESS

THE PROFESSION, TRADE AND BUSINESS
REGISTRATION (AMENDMENT) BILL, 2017.**Senator Dr. the Hon. E. B. BYER SUCKOO.....2**

Senator W. A. Abrahams, 3; Senator Dr. the Hon. E.R. Byer-Suckoo, 4.

COMMITTEE

ORDER NO. 1 – HOLIDAY (WITH PAY) BILL, 2017.. 4

Senator Dr. the Hon. E.R. Byer-Suckoo, 4, 9; Senator W. A. Abrahams, 10; Senator Sir Roy Trotman, 11, 13.

RESUMPTION

ORDER NO. 1 (resumed)

Senator R.A. Hunte, 14; Senator A.A. Adams, 17; Senator Carol Lady Haynes, 19; Senator H.A. Husbands, 20, 21; Senator the Hon. D. W. Boyce, 23.

**ORDER NO. 2 – LABOUR DEPARTMENT
(AMENDMENT) BILL, 2017.....26**

Senator Dr. the Hon. E.R. Byer-Suckoo, 26, 27; Senator Sir Roy Trotman, 26; Senator Dr. Sir Trevor Carmichael, 27.

RESUMPTION

ORDER NO. 2 (resumed)

ORDER NO. 4.....28

Senator J. Ince, 28, 31; Senator the Hon. P. M. T. Todd, 28; Senator Sir Roy Trotman, 29; Senator W. A. Abrahams, 30; Senator the Hon. D. W. Boyce, 31.

ORDER NO. 6.....32

Senator J. Ince, 32, 33; Senator W. A. Abrahams, 32.

TAX ON ASSETS BILL, 2017

Senator J. INCE.....33RESOLUTION TO APPROVE THE MINISTERS AND
PARLIAMENTARY SECRETARIES
(REMUNERATION AND ALLOWANCES)
ORDER, 2016**Senator the Hon. P. M. T. TODD.....33**

Senator W. A. Abrahams, 34; Senator J. Ince, 35; Senator the Hon. D. W. Boyce, 36; Senator H.A. Husbands, 37; Senator R.A. Hunte, 37; Senator Dr. the Hon. E.R. Byer-Suckoo, 38.

RESOLUTION TO APPROVE THE SENATE AND THE
HOUSE OF ASSEMBLY (REMUNERATION AND
ALLOWANCES OF MEMBERS) ORDER,
2016**Senator the Hon. P. M. T. TODD.....40****SUSPENSIONS.....14, 28.****ADJOURNMENT.....40**

Senator Dr. the Hon. E. B. Byer Suckoo, 40.

SPEAKERS IN THIS ISSUE

ABRAHAM, Senator W. A.

ADAMS, Senator A.A.

BOYCE, Senator the Hon. D. W.

BYER-SUCKOO, Senator Dr. the Hon. E.R.

CARMICHAEL, Senator Dr. Sir Trevor

HAYNES, Senator Carol Lady

HUNTE, Senator R.A.

HUSBANDS, Senator H.A.

INCE, Senator J.

SUCKOO, Senator Dr. the Hon. E. B. BYER

TODD, Senator the Hon. P. M. T.

TROTMAN, Senator Sir ROY

DISCLAIMER. This transcript was prepared with the assistance of artificial intelligence tools and is provided for reference only. It has not been reviewed, verified or approved by the Hansard Department of the Parliament of Barbados and does not constitute an official parliamentary record. It may contain errors or omissions, including inaccuracies in wording or speaker identification. For authoritative quotations or confirmation of proceedings, consult the official Hansard record when available.

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. Order No. 1, take-slip H:No.D1 (14) 3.26 p.m.. The source carries two copies of the same passage (from ‘Madam President, I feel offended by that ...’ to the take-slip ‘H:No.D1 (14)3.26 p.m.’), the second under the label ‘Senator the Hon. D. W. BOYCE’. The first copy, which also has the lines after the take-slip (‘look what they did to Jesus Christ ...’), is printed; the second (about 1,040 words) has been left out. The closing paragraph (‘... is morning outlined most of the features ...’) follows the first copy. Please confirm.

Q3. Order No. 1, from take-slip S: D1 (12) 2.54 p.m.. After the take-slip the speech printed under Senator R. A. Hunte’s label continues mid-sentence (‘these kinds of legislation ...’) in what appears to be Senator the Hon. D. W. Boyce’s speech: the same passage is repeated later under his label. No speech label for Senator Boyce or call from the Chair appears at this point. Printed as in the source; please check.

Q4. Order No. 1, Senator Prof. Sir Henry S. Fraser. The President’s call and Senator Fraser’s whole speech are run together under the label ‘MADAM PRESIDENT’ (‘Senator Fraser, you have the Floor. Senator Prof. Sir Henry S. FRASER: Madam President, I rise ...’). Printed as in the source.

Q5. Announcements. The President refers to ‘the Minutes of November 23?’, with a question mark in the source for the ordinal. Printed as in the source.

Q6. Orders Nos. 11 and 12; Notices; Order No. 1. The two remuneration Orders are given notice of as ‘... Order, 2017’ but headed as ‘... ORDER, 2016’. The Bill read a first time as ‘The Holidays with Pay Bill, 2017’ is headed ‘HOLIDAY (WITH PAY) BILL, 2017’. Printed as in the source.

Q7. Order No. 4. The Resolution is said to seek ‘the recession of a Resolution NO. 21 OF 2016’; Items 4 and 5 were taken together but only one question is recorded, which reads ‘The question that the Resolution do now was put and agreed to.’ Printed as in the source.

Q8. Order No. 6. The Order reads ‘To move the First Reading of the Banks (Tax on Assets) Bill, 2017’, though the Bill was debated and passed through all stages, and Senator Ince asks that Items 6 and 7 be ‘a public debate’, later calling it a cognate debate. Printed as in the source.

DEBATE SUMMARY

(Editorial summary — not part of the record.)

The Senate met on Wednesday, 25th January, 2017 at 11.00 a.m., with Her Honour Senator Miss Kerryann F. Ifill, the President, in the Chair; prayers were led by the Deputy President. Excuses were received from Senator McClean and others. The Leader of Government Business, Senator Dr. the Hon. E. R. Byer-Suckoo, laid papers including the Barbados Investment and Development Corporation Annual Report, 2014-2015 and the Health Services Smoking Regulations, 2017, and moved the first reading of eight Bills, among them the Holidays with Pay Bill, the Minimum Wage Bill and the Tax on Assets Bill, 2017.

Taking Order No. 8 first because fees fell due by 31st January, Senator Byer-Suckoo moved the Profession, Trade and Business Registration (Amendment) Bill, 2017, which gave effect to the reduced fees announced in 2015. Senator W. A. Abrahams asked that persons charged at the old rates be refunded. The Bill passed.

Under Order No. 1 Senator Byer-Suckoo moved the Holiday (With Pay) Bill, 2017, replacing the Act of 1951. She explained that holiday pay would be based on total remuneration, including commissions, so that a worker with a basic wage of \$1 000 but take-home pay of \$4 000 could afford the four weeks’ holiday; that holidays could be split with the employer’s consent; and that fines of \$100 under the old law would be increased. Senator Sir Roy Trotman, reminded by the President that the Chair controls the time, supported it and spoke on the Labour Department. After lunch Senator R. A. Hunte recalled the Act of 1951, when people worked for \$5 a month, and Senator Boyce spoke on Barbados’s progress. Senators A. A. Adams, Carol Lady Haynes, Prof. Sir Henry S. Fraser and H. A. Husbands also supported the Bill, which passed. The Labour Department (Amendment) Bill, 2017, raising the penalties in line with the new Act, was supported by Senators Sir Roy Trotman and Dr. Sir Trevor Carmichael and passed.

After a suspension until 5.10 p.m., Senator J. Ince moved, under Order No. 4, the rescission of Resolution No. 21 of 2016 approving a US\$15 million revolving credit line

from First Citizens Bank Limited, Trinidad and Tobago, together with a new Resolution for the same borrowing. Senator Sir Roy Trotman objected that the Resolutions had been explained in 30 seconds and said he could not support them; Senator Abrahams agreed; Senator Boyce explained that the earlier Resolution had not cited the authority for the loan; and Senator Ince defended his integrity. The Resolution was agreed to. Senator Ince then moved the Banks (Tax on Assets) Bill and the Tax on Assets Bill, 2017, giving effect to the 2016 Budget increase in the tax from 0.2 per cent to 0.3 per cent, with credit unions no longer taxed. Both passed.

Under Orders Nos. 11 and 12 Senator the Hon. P. M. T. Todd moved Resolutions approving Orders restoring the 10 per cent cut in the salaries of Ministers, Parliamentary Secretaries and Members made in 2013. Senator Abrahams opposed them, citing the state of the economy, the foreign reserves and arrears to the National Insurance Scheme. Senators Ince, Boyce, Husbands, Hunte and Byer-Suckoo supported them; Senator Byer-Suckoo criticised those who walked out rather than vote. Both Resolutions passed, and the Senate was adjourned until Wednesday, 1st February, 2017 at 11.00 a.m.