

Official Report

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2006-2010) OF THE NINTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN

124TH Sitting

Thursday, 3RD June, 2010

The Assembly convened at 2.07 p.m.

Prayers

[Mr. Speaker in Chair]

REPORTS FROM COMMITTEES

The following Reports were laid:

- (1) Report of the Special Select Committee on Persons with Disabilities Bill 2009 – Bill No. 44/2009 [Minister of Health – Chairman]
- (2) Report of the Special Select Committee on the Conclusion of the Consideration of the 2004 Report of the Disciplined Forces Commission [The Prime Minister – Chairman]

QUESTIONS ON NOTICE

Written Replies

1. REFERRAL OF PATIENT BY REGIONAL HOSPITALS

Mrs. Holder: Would the Hon. Minister of Health be good enough to give us some of the reasons for the many patient cases which Regional Hospitals were set up to deal with being referred by these Hospitals?

Minister of Health [Dr. Ramsammy]: “There were 603 referrals to the Maternity Department of the GPHC and 3,200 referrals to the Emergency Department in 2009. The

Tables below give the details of the referrals. The major reasons for referrals vary from Region to Region. Some surgical cases are referred to GPHC because the local hospital may not have the surgical capacity to handle the cases. Maternity high risk cases are referred to GPHC. Complicated malaria cases are referred to GPHC.

Regions	Maternity Cases	Accident and Emergency Cases
1	115	218
2	6	72
3	46	827
4	147	1,092
5	69	479
6	22	115
7	90	166
8	35	107
9	15	27
10	58	97
Total	603	3,200

The main causes were as follows:

Main Causes	Regions										Total
	1	2	3	4	5	6	7	8	9	10	
Abdominal Pains	17	6	47	88	18	7	10	11	0	6	210
Abscess	1	0	6	5	1	0	0	0	0	2	15

Allergy	0	0	0	6	0	0	0	1	0	0	7
Appendicitis	1	0	5	7	6	0	2	0	0	3	24
Assault	11	0	5	7	3	0	3	3	0	1	33
Burns	0	0	0	0	0	8	0	0	0	0	8
Cancer	0	0	3	6	2	0	2	0	0	0	13
Cardiac	4	0	22	16	6	0	2	1	0	1	52
Diabetes	1	6	16	16	5	2	1	2	0	0	49
Diarrhea	7	0	5	9	2	0	1	2	0	1	27
Dislocation	0	0	0	0	0	0	6	0	0	0	6
Fall	9	0	42	41	18	7	10	0	0	0	127
FB	0	0	20	0	0	0	0	0	0	0	20
Fever	7	2	7	27	14	2	1	3	0	3	66
Fracture	16	11	39	40	42	18	13	8	0	11	198
Hypertension	1	2	9	12	2	0	1	1	0	0	28
Incomplete Abortion	0	0	9	12	2	0	3	0	0	1	27
Ingestion of Chemicals	2	0	32	36	14	0	0	1	0	0	85
Injuries	0	0	0	0	0	0	6	0	0	0	6
Laceration	3	0	36	4	8	0	6	9	3	1	70
Malaria	0	0	3	9	1	0	0	1	1	1	16
MVA	2	1	48	33	40	10	8	2	11	7	162
Pains	7	0	27	19	2	1	12	0	1	1	70
PV Bleeding	0	0	63	61	21	1	12	8	0	7	173

Snake Bites	6	0	0	24	10	0	5	5	0	0	50
SOB	3	0	10	50	12	0	0	1	0	0	76
TB	0	0	1	6	1	0	0	4	0	0	12
Trauma	16	9	47	54	44	8	14	12	0	0	204
Vomiting	8	0	21	49	22	3	2	4	0	1	110
Total	122	37	523	659	296	67	120	79	16	47	1,966

2. OCCUPANCY LEVEL OF HOTELS/GUEST HOUSES IN 2009

Mrs. Holder: Can the Hon. Minister say what the level of occupancy was in 2009 at the hotel/guest houses in the country?

Minister of Tourism, Industry & Commerce [Mr. Prashad]: The level of occupancy in percentage for 2009 at hotels/guest houses in Guyana are: In Guyana's interior lodges (Surama, Nappi, Iwokrama, Dadanawa, Karanumbu, and Rewa) operated at an average of 78% occupancy while coastal accommodation establishments operated at approximately 60%.

3. CONSUMER PROTECTION AND HIRE PURCHASE LEGISLATION

Mrs. Holder: Can the Hon. Minister say, what is the Government's position with respect to the Consumer Protection and Hire Purchase Legislation?

Mr. Prashad: "The Bill is currently undergoing a legal review which will be completed by the end of March. It will be subsequently submitted to the Attorney General Chambers for final vetting, and will then be submitted to Parliament. The Government is aiming for this to happen by mid-year.

Hon. Members, please be informed that the National Competitiveness Strategy Unit (NCSU) which falls under the purview of my Ministry has currently started to work on a Hire Purchase Bill and will present a draft for consideration in the next three months."

4. LABELLING OF PRODUCTS

Mrs. Holder: Can the Hon. Minister say what the state of labelling of products is, including those written in foreign languages?

Mr. Prashad: “Hon.e Members, please be informed that the Guyana National Bureau of Standards (GNBS) which falls under the purview of my Ministry currently monitors twenty (20) categories of products under its standards compliance programme for compliance with national standards.

Domestic electrical appliances, weighing and measuring devices, textiles, garments, footwear, safety matches, new and used tyres, fertilisers, cellular phones, gas stoves, furniture, safety helmets, cigarettes, PVC Pipes, seat belts, Toys and play things, Soap Powder, Christmas Trees and decorative lighting out fits, electricity meters and water meters.

The products are monitored against the relevant national standards for labelling and quality requirements at the post-of- entry, sales outlets, bonds and warehouses. Reports received from the GNBS, indicated that these products comply with the labelling standards including foreign languages requirements. In situations where any information is missing from the labels in accordance with the relevant standards, the products are held (detained) until such information is provided, and the products labelled with the missing information.

Regarding food items, drugs, pharmaceuticals and medical devices, these products are monitored by the Food and Drugs Department under the Ministry of Health.”

5. FUTURE TOURISM CHANGES WITH RESPECT TO THE LOW CARBON DEVELOPMENT STRATEGY

Mrs. Holder: With the Low Carbon Development Strategy requiring significant changes to the use of our forests, what new approaches does the Ministry propose taking with tourism in the future, whether it is eco-tourism, sports tourism, etc?

Mr. Prashad: “Hon. Member, first of all I would like to clarify that the LCDS will not require us to stop using our forest or to significantly change to the way we use our forest. In fact, Guyana’s high forest cover of over 80% and exceptionally low deforestation rate – one of the lowest in the world, is as a result of Government’s policies on sustainable forest use and management.

Guyana’s forests is a critical element of our tourism product and the basis upon which we have made significant stride in developing birding tourism, adventure tourism, and nature-

based and eco-tourism. It is for these reasons that tourism is one of the priority sectors within the LCDS.

Guyana's climate change advocacy and our LCDS have gained international recognition and has placed our country on the world stage – in a positive way. The tourism sector will be one of the first to benefit from this. The other elements of the LCDS – improved hinterland infrastructure, social services to communities, improved telecommunication – will all assist Guyana's tourism development.

The tourism sector will position itself to maximise opportunities created by the LCDS and in so doing will continue to improve in areas such as branding and marketing, airlift capacity and human resource development across our country.”

6. EAST DEMERARA WATER CONSERVANCY

Mr. Carberry: (a) With respect to the proposal to construct the East Demerara Water Conservancy Northern Relief at Hope/DochFour East Coast Demerara, could the Hon. Minister inform this National Assembly:

- (i) When was the Feasibility Study completed?
- (ii) Who were the Consultants that conducted the Feasibility Study?
- (iii) What were the specific options evaluated and compare?
- (iv) What were the findings of the Consultants for each of the specific options compared?

(b) With respect to the Environmental Impact Study for the Deep Level Foreshore Discharge Option at Hope/DochFour, could the Hon. Minister inform this National Assembly:

- (i) When was the Environmental Impact Study completed?
- (ii) Who were the Consultants that conducted the Environmental Impact Study completed?
- (iii) What were the findings of the Environmental Impact Study?

(c) With respect to the Sluices for the East Demerara Water Conservancy, could the Hon. Minister inform this National Assembly:

- (i) Whether the Sluices at Maduni, Lama, Kofi, Cunha and the Spill/Weir at Land of Cannan are currently functioning at their original Design capacity?

- (ii) What are the original Design capacity for each of the Sluices at Maduni, Lama, Kofi, Cunha and the Sill/Weir at Land of Cannan?
- (iii) At what capacity are these Sluices at Maduni, Lama, Kofi, Cunha and the Spill/Weir at Land of Cannan now functioning?

(d) With respect to the East Demerara Water Conservancy, could the Hon. Minister inform this National Assembly:

- (i) At what GD level is there a threat of overtopping?
- (ii) When did this level last occur?

Minister of Agriculture [Mr. Persaud]: “(i) The East Demerara Water Conservancy is a shallow impounded reservoir formed by an earthen embankment measuring 60Km long and has a total catchment area of 582Km.

Previous studies on the conservancy under UNDAC 2005 and the Conservancy Flood Management Modeling Report 2005 has all recommended an additional outlet to address the drainage problems of the conservancy.

The Infrastructure Rehabilitation Plan prepared by Mott MacDonald in July, 2005 recommended an additional 30m wide flood relief structure to pass a 10,000 year flood to improve the safety standards of the conservancy. Hydrological and reservoir studies undertaken in 2009 determined that the conservancy does not act as a level pool with observed cross conservancy hydraulic gradient often of the order of 2ft to 3ft. The implication of such hydraulic head difference during floods with eastern water levels above the perceived safe maximum water level of 58.50 GD is the opening of the Eastern flood relief gates (Lama and Maduni) that exacerbates flood conditions in the Mahaica/Mahaicony areas.

Interestingly, in every year since the floods in 2005, the recorded water levels at Flagstaff exceeded the maximum safe water level of 58.50 GD, with 10% of the dam overtopping in 2005 although flood relief gates were operating. The EDWC embankment has been breached in the past, and widespread overtopping and breaching would have occurred had the January, 2005 flood levels been only 60mm higher (UNDAC, 2005).

In the circumstance of the recommendations and the poor condition of the conservancy known for over 60 years, and confirmed by recent flood events, a feasibility study would stand only to re-confirm the deficiencies in flood relief capacity of the EDWC.

A consultancy contact was therefore commissioned to conduct hydrological analysis and reservoir studies of the capacity of the existing flood relief outlets to determine the required capacity of the proposed relief structure under various storms recurrences to produce design criteria in order to achieve the optimum solution.

(ii) The justifiable need for an additional flood relief structure to improve the eastern flood control of the EDWC, the Ministry of Agriculture's NDIA contracted CEMCO/SRKN' engineering Joint venture in association with Mott MacDonald to produce the Engineering Design for the East Demerara Water Conservancy Northern Relief Channel at Hope/Doch Four, East Coast Demerara, Region No. 4.

(iii) In the Engineering Design for the East Demerara Water Conservancy Northern Relief Channel at Hope/DochFour, East Coast Demerara, Region No. 4, two (2) options have been considered:

Option 1: A relief channel and associated structures at Hope/Dochfour discharging into the Atlantic Ocean and considering a deep foreshore sluice and high spill/weir.

Option 2: The Flagstaff to Mahaica River relief channel.

(iv) Option 1: **“Weir Discharge”**: This option was found to provide a discharge of 62.1m/sec with a conservancy relief system consisting of a head regulator comprising of 3 No. 5 meters wide opening reinforced concrete structure with invert at 14.0m GD discharging into a 10.3Km long 30m wide relief channel having a invert of 14.0m GD. This relief channel discharges into the Atlantic Ocean foreshore via eight (8) five (5) meters wide radial gates sitting at 16.0m GD high crest weir. The estimated cost is G\$3.6B. This option produces the most practical and optimum solution in which it will reduce peak conservancy water in a 1000 year flood event.

“Deep Foreshore Discharge”:- This option was found to provide a discharge capacity of 66.0m/sec with a conservancy relief system consisting of 3 no. 5 meters wide opening reinforced concrete structure with a 14.0m GD invert level discharging into a 10.3Km long earthen channel. Flows from this channel is discharged into the Atlantic Ocean

through three (3) No. Five (5) meters wide reinforced concrete sluice with invert level at 14.00m GD. However, dredging of a 2.5Km long outfall channel under unstable foreshore condition will be necessary to achieve the design flows. The estimated cost is G\$3.2B excluding dredging maintenance cost. This option is considered impractical to implement and costly to maintain.

Option 2: The Flagstaff to Mahaica River relief Channel: This is a shorter relief route measuring 3.5Km. This option assess in a preliminary way the impact of taking flows from the EDWC to the Mahaica River at Belmont and its impact to water levels upstream of the Mahaica at Little Baiboo. A model simulation revealed, with an EDWC discharge of 43m/sec, the back water effect will increase at Little Baiboo by 0.1m. However, cross sections based on hydrographic survey, revealed a reverse gradient in bed level of the Mahaica creek from Mosquito Hall to Little Baiboo, undoubtedly due to sediment inflow from the Atlantic. Also, a bar existing across the mouth of the Mahaica River, inhibits full tidal drainage in the system.

The indications from the preliminary simulated results are with improved cross section in the lower 7Km of the Mahaica River, it could be possible to discharge in excess of 90m/sec from the conservancy with increased water level that will impact on upstream conditions of the Mahaica River. It is also possible that drainage in Mahaica could be improved in lower return period. However, an important indication is this option would also require dredging and maintenance similar to the Hope/DochFour option but less costly.

However, a more detailed study is required to determine the effects of discharging flows from the EDWC into the Mahaica River during higher flood return period.

(b) A deep foreshore level discharge is not recommended for implementation, therefore, no impact study is required. The Environmental Protection Agency has determined that the Environmental Impact Assessment (EIA) will not be required for the construction of the relief channel and support structures. However, an Environmental Management Plan will be required and approved from the EPA.

- As required, an Environmental Management Plan (EMP) was submitted to the NDIA by the consultancy firm, CEMCO/SRKN' engineering Joint Venture in association with Mott MacDonald in February, 2010. The EMP can be made available.

- As required, the EMP was produced by the sub consultant, Environmental Management Consultants (EMC).
 - Environmental Impact STUDY WAS NOT REQUIRED. However, an EMP was prepared and the findings/recommendations are available. The NDIA will be responsible for implementating the EMP.
- (c) (i) It is believed that sluices at Maduni and Lama are functioning at their designcapacity. However, Kofi, Cunha and the Spill/Weir at Land of Canaan are currently not functioning at their original design capacity for reasons of cross conservancy hydraulic gradients.
- (ii) With the exception of the Land and Canaan Spill/Weir, the estimated capacity of the Lama, Maduni and Kofi Sluices are given below:

- Maduni Sluice 55.0m/sec
- Lama Sluice (Big) 55.0m/sec
- Lama Sluice (Small) 25.0m/sec
- Cunha Sluice 55.0m/sec
- Land of Canaan Spill Water 56.6m/sec or 2000 cfs

@ a water level of 57.5 GD

(iii) The capacity at which the Sluices at Maduni, Lama, Kofi, Cunha and the Spill Weir at Land of Canaan are now functioning are:

- Maduni Sluice 55.0-60.0m/sec (1940 – 2120 cfs)
- Lama Sluice 55.0-60.0m/sec (1940 – 2120 cfs)

- Kofi Sluice 55.0-60.0m/sec (1940 – 2120 cfs)
- Cunha Sluice 35.0-40.0m/sec (1235 – 1415 cfs)
- Spill Weir at Land of Canaan 40.0-45m/sec (1415 – 1590 cfs)

(d) (i) At the level of 58.80 GD, there is a threat of overtopping of the East Demerara Water Conservancy Dam.

(ii) The water level in every year since January, 2005 exceeded 58.50 GD at Flagstaff.”

Oral Replies

7. CURRICULA OF SECONDARY SCHOOLS

Mr. Franklin: Thank you Mr. Speaker. I beg to ask the Hon. Minister of Education question number 7 on the Order Paper standing in my name:

(i) Is the Minister aware that the curricula of many secondary schools cannot possibly be fully accommodated nor completed within the schools’ time tables and thus the students have to resort to extra lessons to complete required syllabuses?

(ii) What steps will the Minister undertake to address this situation?

(iii) Will the Minister agree that, due in part to the above, secondary education is not free in Guyana?

Minister of Education [Mr. Baksh]: Firstly, there is a difference between curriculum and syllabus. The syllabus is just part of the curriculum specifying the content to be covered as defined by objectives. The curriculum however is broader in focus with guidelines for teaching strategies, recommendations for the use of various learning resources and suggested evaluation techniques among others.

The general secondary school is a five years duration. At the end of that period students write the CXC (Caribbean Examination Council) examinations. The syllabus for each subject is defined by the Caribbean Examination Council. Schools are expected, within the five year

period, to adequately prepared students for the examination. The syllabus for each subject is broken down into year programs, which are further broken down into three terms. The curriculum provided by the Ministry is just a guide. Schools are required to adopt it to their peculiar needs. The school then determines the quantum of work to be covered by students. Hence the nexus between completion of curriculum and extra lessons is an unfair comparison.

There has been consultation with the Principals of secondary schools. An assessment was carried out by the professional officers of the Ministry of Education, and it has been determined that the syllabuses are completed within the schools' time tables. Some schools make adjustments to their time tables from time to time to ensure the completion of syllabuses within the school year.

There seems therefore to be no need to answer question two "What steps will the Minister undertake to address this situation". Sufficed to say, from time to time shortages do occur in the secondary school system. In that case, the response of the Ministry is to recruit part time teaching staff for specialised areas such as physics and some science subjects. This will put a strain, of course, on what the school will be doing. But, schools have been responding in adjusting their time tables from time to time, to take care of those contingencies.

In terms of the third part of the question, whether the Government provides free education that is a known fact. From Nursery to Primary, to Secondary, and to Post Secondary, education is free. Not only in a sense of no fee paying for education, but also free text books. From September of this year each child in the Secondary School will be given a uniform. These are all to facilitate great attendance at School.

Even at the University of Guyana, I want to state that the fees are highly subsidised by the Government.

Mr. Franklin: Minister, I appreciate your correction of the difference between syllabus and curricula. I respect that. However is the Minister saying at this stage that the results and performance of our students, particularly in secondary schools, will be the same if these children did not attend extra lessons? Are you saying that extra lessons have absolutely no effect on the performance of our students?

Mr Ramotar: How do you know that?

Mr. Baksh: Mr. Speaker, I cannot determine that. This will necessitate some research. As a matter of fact, the Ministry is already engaging this year, some research, to assess or evaluate the impact of extra lessons on the performance of students at the CSEC (Caribbean Secondary Education Certificate). We are in the process of carrying out a study to enlighten us on the phenomenon.

Mr. Franklin: Mr. Minister, you can then actually tell the parents of these students that the Ministry is not sure whether or not that extra money and effort that they are spending is making any sense. That is what you are saying here.

Mr. Baksh: I am not saying that. Extra-lessons by parents are a matter of parental choice. In a highly competitive academic environment, parents for their own self-interest would like to have a greater assurance that their children in this competitive environment will excel. We will not take away that right from parents, to do so. I want to make it clear that we have banned extra lessons on a fee paying basis in the school system, in Guyana.

8. VIOLENCE WITHIN THE SCHOOL SYSTEM

Mr. Franklin: Thank you Mr. Speaker. I beg to ask the Hon. Minister of Education question number 8 on the Order Paper standing in my name:

- Will the Hon. Minister state what steps the Ministry is taking to address the growing organised violence within the school system against students and teachers, much of which is being ascribed to gang activity.

Mr. Baksh: I want to broaden that question as we go along.

Mr. Franklin: Feel free to do so.

Mr. Baksh: There has been only one reported in-school case of gang violence, for the academic year. We do have a strong reporting system. One reported case of gang related violence in school. That is not to say that there are not gangs outside the school system. I am not saying that. As far as the school system is concerned, and the reports which I have received, there has only been one case. I do not think I will elaborate. If the question was related to other forms of violence in the school system, I would have elaborated and spent some more time on that. This has been a topic in the media for some time. What I want to do is let this Hon. House know what steps – this is going to question number two, I think – what

steps the ministry has been taken to ensure that violence in the school system is minimized if not eliminated.

As I mentioned before over the last couple of months, there has been a lot of sensational news reporting in the media. As a matter of fact, one section of the media even fabricated a case of violence in the school in the West Berbice area, where that was not the case. It was an accident, after thorough investigations were carried out in that case. Sufficed to say, on a broader basis, that when we compare the reported cases of violence that was not gang related in the school system for the last two school years, there has been a significant decline in 2009 – 2010 over 2008 – 2009 school years. There has been a decline, but there have been some sensation in the media in those cases which were reported to us.

We have taken steps, several measures. Only three months ago, we had an open forum to address the issue of the promotion of good behaviour in schools and acceptable values and safe schools. Here again, some sections of the media went at pains to undermine that open forum which benefited us. There were many stakeholders; parents, NGO's, and international organisations that were present. From the reports that came out, we have now chartered a way forwards in terms of this violence in schools, in terms of our strategies, our plans and our programs. We have a ten point plan. As you have asked the question, I want to deal with some of them. And, this may have been responsible for the reduction in violence over the last year. We have to work very hard to maintain that position, with all stakeholders. I want to say this from upfront. I have already made an appeal to religious organisations, NGO's, the community and parents. Good parenting is very important. This cannot be a matter for the Ministry of Education or the Educations sector alone. Other sectors will have to be involved and other stakeholders in Guyana, to ensure that we control this violence in the schools.

There are several things we have done. Recently we have launched the voluntary mentoring programme in some selected schools. We would expand it as we go along, granted that it is just about five schools it has been launched in, and we have seen some results already.

Secondly, we have placed Guidance and Counselling Officers for the first time in the education sector.

Mrs. Backer: We had that since 1970.

Mr. Baksh: This is a more planned and structural approach to guidance and counselling. We have now placed it in some of the schools, and it is showing some results. Some of the

schools, since we have placed the Guidance and Counselling Officers over the last three months, had shown no incidents of violence, some the prominent schools in the city of Georgetown. We do want to expand that programme to other Regions. Very likely we will do so. I have to get the requisite approvals for increase in the staffing.

Thirdly, the School Welfare Department has been strengthened. From three years ago, when we had twenty five School Welfare Officers, we now have 60 School Welfare Officers, so we can better monitor the system, to better link with the homes and promote school-home linkages and so on. That is working very well. We have some very hard working School Welfare Officers. You have read, over the last three months about the number of truancy campaigns. We are saving hundreds of children, and encouraging the parents to send them to school. We are appealing. We have processes. Finally we have had to take some of the parents to Court. We hope that this can send a strong signal. That is not our intention, but inevitably we have had to do it, because these are parents that had to be warned 2-3 times and have not done so. We know that there are other circumstances or causes. We have been referring these parents to the Ministry of Human Services for any assistance that can be offered to help.

The Government has programmes in place for the primary schools, nursery schools. From September, one uniform per child, to help. We have also the school feeding program, \$800 million. I want to report to this House that already the schools have been reporting higher attendance rates. I am pleased about that. I hope we can improve on that as we go along so that we can get better results from the education system. We also have a programme of child-friendly schools. These are all measures to reduce violence in the school system. The Hon. Member seemed to be oblivious to these things. I have to educate her. I will elaborate further now.

The child-friendly schools have been a success. This is a programme with UNICEF, trying to have a child centred approach, rather than a teacher centred approach in our schools, better sanitation and health in the school system. All these things were a success and we want to expand that over the next two to three years to other Regions of the country. That has also been.... The health and family life education programme is a key programme. We are getting support from UNICEF and the ILO. We are looking, only recently a top officer from the Ministry went to a conference in CARICOM and is looking at the framework...

Mrs. Backer: Who is that, the Chief Education Officer?

Mr. Baksh: The Deputy Chief Education Officer of Development. She was there, because she is a specialist in this area. We are looking at the CARICOM framework for this health and family life education. We are looking at some re-design of the programme. Also, we are to employ a Coordinator for health and family life education to ensure that it is expanded across the school system with the requisite teaching methodologies. We are doing that. We feel that parts of that programme will be interpersonal relations, developing personal skills, anger management, human rights education, sexual education, and these things. We are considering having thirty schools in a pilot project from September, where we will timetable the subject slot. Now it is being thought through infusion method. We feel the time has come in Guyana, and other CARICOM countries are promoting the same thing. We are working together on this to have that programme timetabled in the school system.

Ultimately, we have to also prepare our teachers at the CPCE (Cyril Potter College of Education). We have a good tutor at CPCE on health and family life education. That is very important.

Finally, we want to, in advance of our legislation, to introduce Students Counsels. We feel this is an important way of giving students a voice in the schools system to minimize violence in schools. It is related also the kind of gang activities outside of the school system which may also exist within the school system. The Student Counsels, we will do a pilot of ten to fifteen schools, giving youth a voice in the affairs of the schools. These are some of the things. There are many more. It is a ten point plan. I have only given you about five of them. If you need I can go on and on. I want to make it clear to this House that one case of violence is of concern to the Ministry of Education and its officer, one single case. We do zero in on this, and have counselling services and so on. We are in the move with this area here, and we do not want to deteriorate to a situation that exists in Trinidad and in Jamaica.

We are working very hard to contain the situation. I want to state clearly, unlike what the media is saying, schools are not out of control in that sense. Schools are not out of control in terms of violence. I am not saying that there is no violence – get me clear

Mrs. Backer: But there is only one reported case.

Mr. Baksh: That is in gang relation, but there are other cases of violence in the school system. Thank you very much.

Mr. Franklin: Thank you for that elaborate explanation. It was informative. I am happy that the Minister recognises that we have problems in our schools and is taking steps to head it off. One quick question; what is the reporting structure? When does a school's administration determine that something is violence within the school? Is it that anything outside the school compound is not reported as violence within the school?

Most of the violence around the school happens just outside the school. This one case seems rather odd in terms of the reporting structure. What is the reporting procedure as far as that is concerned?

Mr. Baksh: Mr. Speaker, there is a reporting structure. We are now improving on that. There is a reporting structure where whenever any incident of violence occurs in the school system, the Principal or Head Teacher must immediately report to the School Welfare Department. There is a School Welfare Department, and they must do that. It is incumbent on them to do that. From there on, there is an immediate visit to the school by the School Welfare Officer, and if necessary the Police are called in and so on.

I do not know the extent of the out-of-school gang activities near the school compound. There may have been a few cases there, but we do not know the gravity of it, the extent of the kind of violence in it. I must admit that. Clearly, the new approach as I said which we need to strengthen, will take that into account. We must take into account any violence that occurs within the vicinity of the school or even further afield if reports go back to the Principal. This is what we will be doing. As I said we are getting some assistance to develop not only a reporting mechanism, but also we want to develop a crisis response. If there is a serious case in a school, teachers must be prepared just like in the case of disaster preparedness. We must have such a response in the school system. We are now moving to get some technical assistance to help us. We will also have to train our teachers in these areas.

9. USE AND SALE OF NARCOTICS IN SCHOOLS IN GEORGETOWN

Mr. Franklin: Yes. I hope it will be very brief. I beg to ask the Hon. Minister of Education question number 9 on the Order Paper standing in my name:

- Can the Minister pronounce on the use and sale of narcotics in schools within Georgetown? If cases have been identified, what advice has the Ministry given schools, school boards, teachers and parents in this regard?

Mr. Baksh: Mr. Speaker, I have done extensive consultations.

Mrs. Backer: With whom?

Mr. Baksh: With the Chief Schools Welfare Officer and the Principal Education Officer of Georgetown and their Officers. As a matter of fact I convened a special meeting on that. They showed me that they have visited several schools, not all the schools perhaps, in Georgetown. From the data that has come in, I am speaking here for period of September 2009 to June 2010; there has been no reported case of narcotic use and sale. They have reported that there were two cases in the school year 2008 – 2009. These cases, the Police came into the matter, and the cases are before the courts, 2008 – 2009. For this school year there are no reported cases in the schools in Georgetown.

As mentioned before, it is incumbent upon the Principals and Heads to report any case of abuse or use of drugs. We do have a circular. We have a zero tolerance on drugs, alcohol and carrying of weapons into schools. The Ministry has issued a circular on this matter clearly stating that these substances are banned. If we find one teacher or one student with this, we take a very serious view of it, and serious disciplinary action will also be taken against the teacher.

So, there is a zero tolerance on this. We have demarcated all schools as no smoking zones. You can see how serious we are taking this issue. **[Interruption]** I am talking about tobacco smoking. You can see much more we will view any use of drugs in the school system, even at the school fairs and school parties. Right now we have one teacher before the Disciplinary Committee. She was found selling alcohol outside of the school compound at a school fair.

We have stated quite clearly by way of a circular that there should be no sale of alcohol at school fairs and school parties. This is banned, within the school compound and that vicinity.

2.37 p.m.

APPOINTMENT OF A PERSONAL REPRESENTATIVE TO GOOD OFFICES PROCESS

Minister of Foreign affairs [Mrs. Rodrigues-Birkett]: Hon. Members of the House would recall that in October last year I provided an update on the efforts which were being made by the Governments of Guyana and Venezuela, in collaboration with the Secretary General of

the United Nations, to resuscitate the Good Offices Process of the United Nations Secretary General. While the information is already public, I am nevertheless pleased to formally inform the Hon. Members that the Secretary General of the United Nations, who performs the role of Good Officer to assist Guyana and Venezuela in the search for a solution to the controversy which emerged from the Venezuelan contention that the arbitral award of October 3rd, 1899 is null and void, has appointed Professor Norman Girvan as his personal representative in this process.

The Hon. Members would recall too, that in my statement, last October, I had said that the nominee, jointly proposed to the Secretary General of the United Nations by Guyana and Venezuela, has the Government of Guyana's full confidence. I am sure, now that the Hon. Members are informed of the name and person who was nominated and they too share the same confidence which the Government of Guyana has in him.

I am happy to inform the House that Professor Girvan made a familiarisation visit to Guyana from May 26th to May 29th last. I also want to inform Members that Mr. Ralph Ramkarran, that is you, Mr. Speaker, not in your role as Speaker, of course, continues to be Guyana's facilitator in the process. The agreement between Guyana and Venezuela on the person to be appointed personal representative in the Good Offices Process is not the only positive sign that things are improving between Guyana and Venezuela, in relations to the controversy. Only a few months ago President Hugo Chavez was quoted in the international media as saying that his Government extruded conflict with Guyana regarding the controversy and reiterated Venezuela's commitment to the Good Offices Process of the United Nations Secretary General.

Likewise, the Government of Guyana, during the visit of Professor Girvan, reaffirmed its commitment to the Good Offices Process and assured the personal representative of her full support in his efforts to fulfil this mandate.

GOVERNMENT OF GUYANA JOINS IN CONDEMNING ATTACK BY ISRAELI MILITARY

Mrs. Rodrigues-Birkett: I also have a second statement, very short. The Government of Guyana joins the rest of the international community in unequivocally condemning the recent act launched by the Israeli military on a flotilla carrying humanitarian aid to the Gaza Strip on May 31st, 2010. The Government of Guyana is once again saddened by the loss of lives and

injuries sustained, resulting from another reprehensible act committed by the Israeli military, and expresses its heartfelt sympathy to the relatives and families of the deceased and the injured.

This criminal act committed in international waters is extremely unhelpful and sets back the cause of the Palestinian people in their just struggle for a full realisation of their inalienable rights, including their rights to a home land, and it complicates the efforts which are being made to revive peace talks in the Middle East.

Guyana supports fully the United Nations Secretary General and the Security Council in their call for a full investigation into this latest action by the Israeli military and for those responsible for this violent act to be brought to justice. Guyana further calls for a lifting of the blockade on Gaza. Thank you. [Applause]

PUBLIC BUSINESS

GOVERNMENT BUSINESS

BILLS – SECOND READINGS

FISCAL ENACTMENT (AMENDMENT) BILL 2010 – BILL No. 5/2010

A Bill intituled:

“An Act to amend the Income Tax Act and the Corporation Tax Act.”
[Minister of Finance].

Minister of Finance [Dr. Singh]: I rise to speak on and in favour of the Fiscal Enactments (Amendment) Bill 2010 - Bill No. 5/2010, and in doing so, I say that it is my belief that this is a simple Bill, and my expectation is that it will enjoy the benefit of universal support in this Hon. House.

As is indicated in the explanatory memorandum, the Bill seeks to establish a framework within which there can be granted a waiver of taxes on income earned and generated by the designated small business lending companies, derived specifically from loans provided to small businesses, in a manner specified by agreement as is provided under the Bill. I am sure that many Members of this Hon. House would recognise and recall previous legislation, brought by this administration to this Hon. House and enacted, which bore striking resemblance and similarity to the Bill which is currently before us. Here, I refer specifically

to a Bill which was subsequently passed and became the Income Tax (Amendment) Act 2000, Act No. 6/2000, under which this Hon. House introduced a framework of incentives to promote lending for the purposes of low income housing development. It goes without saying that that enactment has resulted in phenomenal growth in our country's housing programme, and indeed has proven to be an inseparable link to our land distribution and infrastructure development programmes, a matter to which I will return shortly.

What this Bill seeks to do, as I indicated, is quite simple, and that is, to permit us to establish small business lending programmes with, as is indicated in the Bill, designated small business lending companies which typically would be expected to be licensed financial institutions. It permits us under those programmes to exempt from Income Taxes or Corporation Taxes the income that is earned by those companies on the loans granted under the programme. The direct result and consequence of this would be a reduction in the cost of lending under such programmes, and indeed, it is our expectation and intention in the course of discussing and concluding these arrangements with the financial institutions concerned to ensure that we reduce, to an absolute minimum, the costs of lending under the programmes to be implemented.

Put simply, if the financial institution or institutions concerned will enjoy an exemption from tax on income earned on the loans which they grant to small businesses under the programme, it is our expectation that the benefit that they will enjoy from the tax exemption will be passed on and reflected in the cost of lending to the beneficiaries under the programme. This, in fact, is a tried and tested mechanism, because, as I indicated, there is already a similar framework that exists for the purposes of low-income housing, and it has, indeed, worked very well.

The current Bill can be viewed from many perspectives. It can be viewed from the perspective of improving access to, reducing the costs of credit for persons - especially vulnerable persons, and here it is well known that access to financing is often the critical opportunity that is required for the entrepreneurial spirit to be harnessed, and particularly in the case where one is in difficult circumstances, perhaps unable to demonstrate financial capacity or financial ability, perhaps without property or assets to pledge to a financial institution by way of collateral. Often those circumstances might deny a person who otherwise would have the will, the spirit, the commitment and the creativity to establish a small business, to generate income for themselves and family, to create wealth, however

modest in the first instance, and to create and increase that wealth with the passage of time. Often those circumstances to which I alluded prove to be an impediment against accessing financing and by extension cause the entrepreneurial spirit, to which I refer, not to be mobilised. This is not without consequence to the persons concerned, it is not without consequence to the economy as a whole and, indeed, it is not without consequence to the financial sector, because there are good bankable opportunities out there which cannot be accessed because of the more conventional approach to providing credit. This administration is seeking to remove one of those impediments by promoting and encouraging targeted small business lending.

The Bill, as I said, can be viewed from the perspective of simply reducing the cost of credit for the most vulnerable people of our country. The Bill can also be viewed from the perspective of promoting small businesses. Here, there is a vast literature, to which I will return briefly, on the important role that can be played, and that is played in many parts of the world, indeed, including Guyana, by small businesses in reducing poverty and improving the circumstances of the people.

The Bill can also be seen from the point of view of empowerment. Indeed, we currently have already engaged with us one financial institution which has indicated the intention and the willingness to make available an amount of \$500 million to establish a facility under this programme. When one speaks of lending \$500 million, and if one were to imagine that we are speaking of small loans, say of \$100 000 - \$200 000, to the most vulnerable people who have an idea, who have been trained, who have passed through programmes such as our Board of Industrial Training programme, or youth empowerment programme, or single parent programme, and in particular the programmes which we anticipate launching and which will be drawn from and closely related to our single parent programme, we are speaking here, potentially, of five thousand vulnerable people accessing financing when they otherwise could not. We are speaking here of five thousand small businesses potentially being established, when otherwise they would not have been.

The Bill can also be viewed from the perspective of creating lending opportunities for the financial sector. We have, as is widely known, a financial sector which has adequate, indeed, many would say surplus liquidity, and, in fact, if I might be permitted a minor digression, there was a time when one saw surplus liquidity as a great dilemma for the financial system. But the onset of the global financial crisis and the sight of financial institutions in some of the

large capitals and metropolises of the world coming under liquidity stress have reiterated to financial sectors and financial regulators around the world the importance of adequate liquidity. So what previously used to be viewed as surplus liquidity is certainly no longer viewed the way that it was two or three years ago. But we have a financial system which is known to have adequate liquidity, and as I said, indeed, liquidity that goes above all of the well established prudential norms, therefore, a financial sector which is seeking good lending opportunities. On the one hand, we have a financial sector that has liquidity and is seeking lending opportunities, seeking businesses and individuals to which it can lend resources which it has. We have on the other hand, a business sector which quite understandably says that if it had improved access to financing then it would be able to grow more rapidly.

It is our Government's firm commitment to marry these two; to bring these two issues together and to resolve them, that is to say, to create or to harness business opportunities and bring them into the financial system so that access to credit is not an impediment to the establishment of businesses and growth, and at the same time our financial sector has optimal access to good lending opportunities. This Bill represents yet another initiative in this regard, an initiative that is aimed at creating good lending opportunities for the financial sector.

The Bill can also be seen from the perspective of what is described as inclusive banking, or bringing what is described as the *un-banked* into the formal financial system. Here, again, we speak of an agenda for ensuring that as many members of our population have access to the formal financial system. Why is this important? This is important because the financial system has a critical role to intermediate funds. It mobilises private savings. Having mobilised those private savings it is expected to intermediate those savings efficiently, that is to say, to manage and invest those resources in an efficient manner, to provide credit with the objective of stimulating economic growth and doing all of this within prudent guidelines which ensure soundness and stability.

But if some members of our population do not have access to the formal financial system, then that proves to be an impediment to their opportunities. Here I speak not only of access from the point of view of income level, I speak of access from other dimensions too, and Government has been at pains to promote universal access to the formal financial system, from every perspective. So if one were to look at the geographical perspective, the Government believes that it is important that access to the financial system can be enjoyed by people in every Region of our country and in every major population centre. This has seen it

granting licences for the establishment of branches in a number of areas which previously did not have a branch of a licensed financial institution. This has seen the growth of financial services in major population centres and serving their satellite communities. I refer here, for example, to places like Parika, Bartica and Lethem which now have at least one bank with a branch, in some cases more than one bank branch, and providing financial services to the people of those communities, whereas previously they might not have enjoyed those services. I just gave those three examples, but there is the East Bank, there is Rosignol, there are areas in Berbice, there is Linden. There are so many areas throughout our country where the Government has sought to promote and encourage financial institutions establishing a presence, so that our people, the population of this country in every Region, can enjoy access to the financial system.

But there are other means too: access through, for example, technology. So Government has been encouraging the financial institutions, and on every occasion I have had an engagement with them I reiterated this point. We have encouraged the use of technology to increase access and encourage access. Here I speak of things such as the use of ATM machines, point of sale terminals, internet banking and other such means.

Indeed, the financial system now speaks even of the use of the mobile telephony network in order to bring financial services to those in communities where a physical bank – which is called a “bricks and mortar presence” - is not present. Financial transactions: today the technology allows one to use one mobile telephone to execute some transactions and this is something that equally the Government is encouraging the banks to explore.

But as I said, apart from the geographical perspective of access to financial services, our Government believes that the establishment of a relationship with the formal financial system, whether from a geographical perspective or an income perspective, whether one is low-income, whether one’s income is very modest, whether one lives in a distant community, creates incentives, creates opportunities, encourages and facilitates savings, and it facilitates access to credit. When one develops a relationship with the bank one is able to borrow eventually, even if initially, it is at a small scale. It might be borrowing to buy a bicycle, a motorcycle, a sewing machine to establish a very small business in the first instance, but it represents the start of an engagement with the formal financial system which we believe, and the literature, in fact, proves around the world leads to empowerment of people.

The Bill can also be seen as yet another important element, or manifestation of our Government's commitment to the use of the public/private partnership mode for implementing initiatives. Because under the Bill, what one will see is, and in fact that is the aim of the Bill, to establish a framework under which, privately owned licensed financial institutions, the banks which we all know, using their resources, but under the framework of an arrangement designed under this Bill, and facilitated under this legislative intervention made by Government, in order for those resources of these private financial institutions to be provided for what essentially is a very important social policy objective - that is, providing financing for small business growth and development amongst vulnerable communities. The Bill can also be seen as another important element of Government's public/private partnership agenda.

The Bill, in fact, perhaps coincidentally or fortuitously, comes on an Order Paper which will also see us later this evening debate another piece of legislation - well, perhaps I should not use the word debate, because I know there was a debate on the second reading already of the Credit Reporting Bill - but will be considering the Report emerging from the Special Select Committee which considered the Credit Reporting Bill, which in fact is a Bill which has objectives that are not unrelated to the Bill which is currently and immediately before us. In fact, as I will indicate and elaborate when we address the Credit Reporting Bill, the principle objective is the same, encouraging access to financing and reducing cost of credit to small businesses.

The Bill can also be seen as yet another attempt for us to innovate, modernise and to strengthen, our financial system. If one were to cast one's eyes back a few years, one would witness and see the establishment of a comprehensive framework for a strong and stable financial system aimed at discharging the important responsibilities of a financial system in a country such as ours. Here I speak particularly to the important role of the financial system in lending for the purposes of business growth and economic development.

There has been enacted, for example, legislation which has provided for a strong Central Bank supervision and regulation of the financial system. So there are the Bank of Guyana Act and the Financial Institutions Act. There is legislation which has addressed the liberalising of our entire financial system. Here I speak of legislation such as the Foreign Exchange Miscellaneous Provisions Act and the Dealers in Foreign Currency Act. There is legislation which has addressed the integrity of our financial system. Here I speak of, most recently, the

Anti- Money Laundering and Countering the Financing of Terrorism Act which was passed by this Hon. House last year. There is legislation which has addressed new and emerging financial services, such as, the Money Transfer Agencies Licensing Act, and there will be, hopefully, after this evening, and following what we hope would be a smooth passage of the Credit Reporting Bill, legislation to provide for the establishment of credit bureaus.

Government has also issued an extensive range of prudential guidelines aimed at ensuring the strength of its financial system. There are guidelines which address issues such as capital adequacy, loan portfolio review, classification, provisioning, limits on large loans, acquisition of control, and most recently guidelines issued on corporate governance and risk management. These are guidelines, of course, issued under the Financial Institutions Act and applicable to institutions licensed under that Act.

These initiatives have brought with them considerable results as it relates to the growth of our financial sector. In fact, if we were to look at total loans and advances granted to the private sector by our commercial banks we would see very striking results. If I were in fact to look back at perhaps the last four and a half years, at the end of 2005, and I were to compare growth in loans and advances granted to our private sector over that period, a period of just about four and a half years, I would see that total loans and advances granted by our commercial banks to the rest of the private sector have, in fact, grown from \$37.3 billion to \$60.8 billion in the space of four years, a sixty-three per cent increase.

If we were, in fact, to examine growth of loans and advances just to the household sector we will see a strikingly similar pattern. Loans and advances granted by a commercial bank to the household sector grew from \$10.3 billion at the end of 2005 to \$15.8 billion at the end of April 2010, a fifty-three per cent growth over the space of four and a half years, bearing in mind that this straddles the period when financial systems around the world were in fact contracting.

3.07 p.m.

If we were to look specifically at loans granted by the entire financial system for the purposes of real estate mortgage loans, and I referred earlier to a deliberate legislative intervention on the part of this Administration to promote growth of lending, to enhance access to financing for the purposes of low income housing and if I were to look solely at loans granted by our entire financial system for the purpose of real estate mortgage loans, one would see that total

real estate mortgage loans grew from \$9.3 billion at the end of 2005 to \$27.3 billion at the end of 2009. This is growth over the space of four years of 193%. This is by no means an insignificant achievement, but an achievement which is reflective of something that was referred to by His Excellency The President in a speech he made yesterday as an indication which speaks to what we can fairly describe as “*creation of wealth*” because all of these resources have gone into acquisition of homes, typically by vulnerable persons who were not previously home owners. They have resulted in the growth of completely new communities in Guyana. We do not have to look very far to see how these new communities have emerged, mushroomed, blossomed and flourished. One merely has to look at any county such as Parfait Harmony, Grove/Diamond, Sophia, Cummings Lodge, Onderneeming and so many other areas where we have new housing schemes developed and literally tens of thousands of Guyanese are now joining the ranks of home owners when previously, perhaps ten years ago or more, they would not have owned their own homes.

The success that has been enjoyed and recorded and that which has been demonstrated as it relates to home ownership, we expect to be replicated as it relates to small business ownership under the provision of this Act.

I alluded early to the fact that the Bill can be seen under many perspectives and I spoke of the importance of small businesses. I do not believe that to an audience such as this or those beyond the precincts of this National Assembly, viewing this afternoon’s proceedings through the cameras present today, to any domestic audience, one need necessarily elaborate on the role that small businesses can play in empowering people, especially the poor, in creating opportunities for them in generating wealth and in helping to grow our economy.

In 2004, the United Nations saw it fit to declare that 2005 be the International Year of Microcredit, this was 18th November, 2004:

“The United Nations launches the International Year of Microcredit today in an effort to build support for making financial services more accessible to the poor and low-income people. It will raise awareness about microcredit and microfinance and promote innovative partnerships among Governments, donors, international organisations, non-governmental organisations, the private sector, and academia and microfinance clients. The year’s overarching goal is to provide greater access to credit, savings, insurance, transfer remittances and other financial services for the poor and low-income

households in order to move towards more secure livelihoods and prosperous futures. Although microcredit and microfinance have already had a positive impact on the household income and quality of life of millions of poor people, many still lack access to financial services that could raise their standard of living and protect them against economic setbacks. Billions of people could benefit from financial services although today only a tiny fraction of this demand is being met. They meet this huge gap in services. The year calls for constructing inclusive financial sectors that strengthen the powerful, but often untapped entrepreneurial spirit that exists all over the world. By viewing poor people as vital contributors to their local and national economies, the International Year of Microcredit 2005, has the potential to unleash a new wave of micro-entrepreneurship, giving the poor and low-income people a chance to build better lives.”

Importantly, and very relevant to the initiative that we are currently implementing is what was said next by the United Nations:

“Another primary aim of the year is to increase public awareness about the reliability of micro-finance clients, especially women, in repaying loans, managing household incomes, building assets and enterprises and contributing to the economy.”

I know this is an issue that my colleague, the Hon. Minister of Human Services and Social Security, will be returning to because the programme that we are currently developing is targeted to exactly that community-women and in particular, vulnerable women in Guyana. It is being so designed because we recognise that exactly as was stated by the United Nations – the striking reliability of small business clients especially, as they stated, women in managing such businesses, managing household income and assets and contributing to the economy.

The Fiscal Enactments (Amendment) Bill 2010, as I have stated and I will reiterate, is yet another step being taken by our Government to create such opportunities, but it is not the first step being taken. In fact, over the years we have implemented a number of initiatives aimed at promoting and facilitating small business development. Indeed our partnership with the private sector in this instance comes on the heels of a number of other highly successful partnerships with a number of our development partners- donor agencies- as they are called – we have already implemented programmes that have seen thousands of Guyanese benefit

from microcredit facilities, small business loans and indeed small business grants or matching grants.

I will not succumb to the temptation of detaining this House for another half of an hour because I would indeed require more than half of an hour if I were to provide all of the details of all of these programmes, but I will simply and very briefly highlight a few examples of such programmes. Under the Linden Economic Advancement Programme (LEAP), for example, we established, by design, a facility known as the Linden Economic Advancement Fund (LEAF) which was a facility intended to provide microcredit lending to small businesses. The programme saw nearly €2 million provided – in excess of US \$2.5 million – to establish this fund and out of that literally hundreds of small businesses benefitted from it. Small entrepreneurs in the targeted area also benefitted from this facility. Up to today there are a number of small businesses that you can see operating. You see them at the various exhibitions organised at which they are able to showcase their products; you see them when you visit the community. A number of these small businesses have grown and have done so phenomenally and have also established presence in their community and in some cases, have expanded beyond their community. That programme was developed in partnership with the European Union, but it was not the only programme. We also had the European Union Rice Credit Scheme under which an amount of €24 million was provided. This, in fact, was a regional programme so it was developed in collaboration with Suriname and the resources were equally divided between our two countries which aimed at improving the competitiveness of our rice sector. This programme saw small loans being granted to farmers in the rice sector, it worked very similar to the LEAP programme. There were a number of other programmes. In collaboration with our Canadian partners we had the Building Community Capacity Project (BCCP) that saw literally millions of dollars aimed at developing local level and micro-level enterprise.

The Fiscal Enactments (Amendment) Bill 2010 is yet another extremely important step being taken by this PPP/Civic Administration aimed at improving further the opportunities available to our small business sector and, in particular, at creating opportunities for the most vulnerable in our society. It is therefore an important piece of legislation that I believe that will contribute to increased private sector lending. I am confident that it will manifest itself in increased lending to the private sector and I am confident that it will contribute, in no small measure, to improving the lives of the persons who will access the facilities created under this programme; establish small businesses, grow these small businesses and create wealth as I

indicated, however modest, in the first instance. With those words of introduction, it gives me great pleasure to commend this Fiscal Enactments (Amendment) Bill 2010 to this Hon. House and it is my intention, at the appropriate time, to move that the Bill be read a second time. Thank you very much. [Applause]

Mr. Corbin: Mr. Speaker, the People's National Congress Reform (PNCR), in principle, could not be opposed to any scheme or programme which seeks to reduce the cost of credit or to promote small businesses in Guyana. Our own record of governance would show that we place and have placed great emphasis in this particular area and in many of the areas referred to by the Minister a few moments ago. Therefore, we find no difficulty in supporting this, as I see it, tax measure which would serve as an incentive to institutions to facilitate easy credit to small businesses.

My only worry was the reason why the Hon. Minister felt that it was necessary to lift a sledge hammer to kill a flea and use the opportunity, like his colleague, a few moments ago on this Bill, to present a statement by Ministers on the state of the financial sector and the record of credit, and so on in this area.

This measure is worthy of support. It provides an opportunity, as we see it, to institutions that are willing to provide credit to get a tax break and, therefore, it is not a complicated measure. I would have much preferred to hear such a lengthy speech from the Hon. Minister if indeed the Bill before the House was a legislation to introduce not a tax break or tax incentive for microcredit, but indeed to bring a Bill for comprehensive tax reform, which we on this side of the House and, indeed, the private sector have been calling for some time now. That would have justified the length of time it took to present this simple tax incentive, but I look forward with hope that in the not too distant future we would have a similarly excellent presentation on the comprehensive tax reform that we have been calling for some time now, rather than to deal with these matters in a piecemeal manner.

As the Minister rightfully states, microcredit is not new and in fact, there is much to be learned from experiences in many countries, particularly England and Bangladesh where many such microcredit schemes have been very instrumental and are important in empowering many rural communities, particularly women as the Minister rightfully said, giving them an opportunity to earn a decent livelihood.

In Guyana, we have had some forerunners in this area long before the tax incentive came into being and we must commend those persons such as Mr. Yesu Persaud and, I think, Mr. Gafoor how have, without these tax measures, sought to facilitate schemes that can provide easy credit to small businesses that are interested in developing and making projects a reality. I am not necessarily agreeing with the Minister that the tax incentive alone will be sufficient, but I believe that coupled with the credit reporting mechanism, that is likely to be approved later today, one would be able to have an arrangement which would enable persons without collateral, so to speak, to benefit from credit without the need to put up substantial collateral as is the case today which sometimes acts as a disincentive, even though the schemes are there, for the really needy people to benefit from such schemes.

The area that I had some question about and I had hoped to hear the Minister address was the question about the criteria that will be used for determining small credit. It is relative in terms of the size of an economy and since this incentive will be determined, I am not sure if in a subjective or objective way because there are no criteria laid down here. It will always be a discretionary matter on the part of the Minister of Finance or the Government agency that is negotiating with the proposed institution to engage in microcredit to benefit from the tax incentives which are being offered. Therefore, I hope that the Minister, in his response, will be able to address this issue: What do you consider small business and what do you consider the criteria? I hope that the Minister understands the point that I am trying to make because small business can range from \$5 million down depending on what criteria are being used, but I noticed that you mention there is \$500 million that one particular institution is about to invest, but you have arbitrarily said that 5,000 people are likely to benefit which means that in the Minister's mind there must be some calculation which he has already worked out that suggests that there is some criteria to be put up to determine what are small businesses and I would like to hear something about that.

I would also wish that in addition to this incentive which is being offered for the facilitating of microcredit that the Minister also thinks of what incentives could be given for Crop Insurance in the agriculture sector. He has spoken at length about the other facilities and schemes, some of them I am aware of, which have facilitated microcredit in other sectors. We do not disagree with them in the context of Guyana, but I believe that in the agricultural sector there is also a very urgent need and that if we are to promote those particularly small entrepreneurs whether this facility or some kind of facility, could be provided to institutions so that there can be incentives to move in that particular area.

With those few words, as I said, this is not a major measure. It is a tax incentive, we support it and I look forward to the clarification on the criteria which will be used on the matters that I have raised. Thank you very much. [Applause]

Minister of Human Services and Social Security [Ms. Manickchand]: I rise to support the Bill No. 2005, 2010, Fiscal Enactments (Amendment) Bill presented by Dr. Ashni Singh, Minister of Finance, in the Hon. House this afternoon.

The Government has made no secret of the fact that we are interested and very keen on taking care of our vulnerable populations; our elders, women and children. Over the last years in Government, particularly the last four years which I intend to speak on, one would note that much has been done for these groups with respect to children – our very weakest in the society. We have passed several children’s legislation which we are in the process of implementing. We have sought to reduce street dwelling by implementing a programme called Mission Child Protection where we removed children from dwelling on the streets. We have given every year to the poorest of our school, children uniform vouchers so that they can be better able to attend schools. We have written many policies and implemented those with a view to ensuring that not only all children, but specifically children who are orphans and are from vulnerable circumstances, are taken care of.

With regard to our senior citizens, we have sought to ensure that old age pension is delivered more efficiently in a timely manner and we have consistently, over the years, increased the amount paid to our senior citizens. We ensure also that this is universally distributed to all old age persons over the age of 65 years old – if we can consider that old – who are residing in Guyana for two years or longer and are entitled to receiving this grant for which they had to make no contribution over their lifetime except being patriotic citizens of the country.

We have sought to reduce street dwelling and address the persons and their needs who find themselves displaced and on the streets by improving the facilities at what used to be called the Night Shelter which is now a shelter opened all day for persons. On any given day we have over 180 persons dwelling there where they are provided with meals and all of the necessities to live without which, these 180 persons would be displaced and find themselves on the street. As is known, we are in the process of constructing a \$400 million facility at Onverwagt where we will be able to house in excess of 200 or more such persons.

We are addressing the needs of persons with disabilities- another vulnerable group in our society. We are passing legislation that is comprehensive and implementing ways and means of taking care of these persons, including examining how we can provide financial assistance to them on our various schemes. As of today 44,326 persons benefit from our Old Age Pension Scheme and 7,764 persons benefit from our Public Assistance Scheme.

We recognise, as another vulnerable group- women- particularly because they are perceived to be weaker and are still struggling for equality in this country, as in most other countries in our world. We recognise that women have particular needs that have to be addressed separately and apart from the rest of the population. However, we recognise specifically that single-parent women will have more of those needs and will have to be paid specific attention to. Regarding what we have done for our women generally over the last few years, we have passed legislation that allows them to be protected from various forms of violence in the Domestic Violence Act and recently, on the 24th May 2010, His Excellency President Jagdeo assented to the Act No. 7 of 2010, the Sexual Offences Act.

We recognise that even though we have done all of this and I have heard a comment earlier about what it is that we have done since the 2005 declaration of the Year of Microcredit, we recognise that single parents need specific attention. Over the years, we have been paying specific attention to single parents, particularly single parent women. Perhaps we have not said enough, which is the reason that we can get questions and comments on why we have taken so long to move on to the 2005 declaration. We have been moving specifically over the years to address this particular group- a move that we have not seen hitherto. While in 2005 we had that declaration in 2006, when the PPP/Civic went to the electorate, they said in their manifesto on page 23:

“We will further empower women by strengthening laws and institutions that protect their rights. We will implement a Single-Parent Assistance Plan which will include microcredit for income generation activities.”

We come here today, through this Bill, to allow us to realise this promise that we made in 2006 to the people of Guyana, particularly the women. We come in 2010 to do this because manifestos, by their nature, are very brief, but we have a five-year term to implement and no one can doubt, even the biggest cynic, that much has been done for women and particularly single parent women ever since the publication of that document to present time.

3.37 p.m.

Last year alone, we spent in excess of \$58 million on meeting the needs of our single parents in the country - 99% of those parents were women. We trained 362 single parents through our single parent plan. That was done through Minister Nadir's Board of Industrial Training programme. All the parents we trained were trained in areas that they chose: child care, care for the elderly, garment construction, catering, cosmetology, information technology, office procedures, computer repairs and networking. All the single parents, trained in the areas they chose to be trained in were given vouchers at the end of their training save one who dies. We gave vouchers to 361 persons of \$65,000 each, so that they could go and purchase equipment to put their training into practice so that they can better take care of themselves and their families. That is what we have done for single parent women. All of these persons were also exposed, because we had a vision that we were coming with micro-credit facilities, all these persons were exposed to training on micro-enterprises and Basic English and Mathematics. That is what we have done for single parents in addition to giving to single parent mothers who had children at day care vouchers for them to be assisted in paying for the day care. We gave in excess of 500 persons those vouchers which amounted to in excess of \$8M.

Additionally, the Guyana Women's Leadership Institute (GWLI) trained in 2009 alone, 176 persons. These persons were trained in fields that they chose so that they can use that training to either get jobs or set up businesses of their own with the assistance of the Government. You would note too, that the GWLI existed for many years before 2005 and before the declaration of the United Nation's which means that we had seen even before then that this would be needed. When the year 2005 was declared by the UN, the then Secretary General Kofi Anand said:

“The international year of Micro-Credit 2005 under-scores the importance of micro finance as an integral part of our collective effort to meet the millennium development goals. Sustainable access to micro finance helps alleviate poverty by generating income, creating jobs, allowing children to go to school, enabling families to obtain health care and empowering people to make the choices that best serve their needs. Together we can and must build inclusive financial sectors that help people improve their lives.”

This is a very short but succinct statement s to what Micro-Credit can do and what it can do for our single parent families in Guyana. It is going to help our women, we are going to be

able to alleviate poverty generally but specifically amongst our women. It is going to create income, create jobs, allow our children to go to school, enable our families to obtain health care and empower women to make the choices that best serve their needs. Together we can do this in this country if today we give our approval of this piece of legislation that is before us.

We have partnered with the Guyana Bank for Trade and Industry (GBTI), particularly, on this scheme where we are going to be expending in excess of \$500M on meeting the needs of single parents by allowing them, particularly women, to access loans that would allow them to set up their own businesses or enterprises that will generate incomes so that they could meet the needs of their families.

It is a very simple programme where the criteria for benefit would be that you have to be a woman; you have to be between the ages of 18 and 60 years old; that you have to be earning or receiving under \$40,000 every month- we are aiming at the poorest of our single parent women; you have to be on the single parent register and have knowledge of some type of skill or expertise. There is going to be no collateral required to be able to access this loan. If there was any doubt that the Government cares for our single parents then this Bill should remove that doubt from the minds of any cynic who might have had questions before.

We have seen micro-credit work in other in other countries. We have seen micro-credit work in Bangladesh, Cambodia, Uganda and India, countries where women are specifically targeted and we have seen the success stories that came out of those. We have not adopted the models in those countries, because we believe it would not work in ours. In Guyana you would not need to be a part of a group before you can access this scheme. We expect the scheme that we are about to launch tomorrow- to which all of the members of this Hon. House are invited and to which I expect they will come to show their support to single parent women is called "Women of Worth." We are partnering with GBTI... [**Member:** Where are the invitations?] Invitations for that launch was sent by the Clerk of this National Assembly who so kindly agreed to assist me in delivering the invitations. I just heard a question about where the invitations are. They would have gone out since Tuesday. I am aware the Mr. Nandalall received his because he was asking about it.

We expect that the WOW programme that we begin with GBTI will be emulated by other banks so that we can spread it wider and further. The training that we have done thus far, has met women from regions 2, 3, 4, 5, 6 and 10. We would like to reach the women of all ten

Regions of Guyana and as Dr. Ashni Singh said: ‘if we do the mathematics we can reach as many as 5000 women’ who will access this facility as well as by the Governments input be trained in specific areas which skill will be left with them for the rest of their lives and which they can pass on to another generation.

In a brochure printed by the United Nation for their 2005 year of micro-finance, to answer a question asked why micro-finance is so important is for women. This is what they said:

“In a world where most poor people are women studies have shown that access to financial services have improved the status of women within the family and the community. Women have become more assertive and confident. Furthermore, as a result of micro-finance women own assets including land and housing, they play a stronger role in decision making and take on leadership roles in their communities.”

This is what we expect this facility is going to do for us. We expect it to improve the status of women. We expect it to improve the income of single parent women. We expect our single parent women to accumulate wealth. We expect our single parent women after being empowered by these facilities to play a larger part in the decision making of this country. We expect that because women are going to depend less on their partners or on persons that could take advantage of them, that this facility will reduce violence against women and children. This is a facility that will catapult us, I believe, towards gender equality and we all know the benefits of gender equality. Guyana could take off because our women and men enjoy equal status in our country in a way that we never could have imagined.

We are embarking on furthering the empowering of our women. This facility that we intend to launch as a result of the passage of this piece of legislation, which is by no means an unimportant piece of legislation, is going to help to empower our women. I am happy to say that the women Leaders of this country, women Leaders of this House particularly, Mrs. Sheila Holder, Ms. Gail Teixeira, Mrs. Cheryl Sampson and Mrs. Indranie Chandernal have endorsed this programme and are looking forward to the benefits it can bring to the women of Guyana. That pleases me because if we are to take our women further, particularly our single parent women that I believe we have to hold hands not only across the corridors of this House but also with our private partners like GBTI and move our country forward. This is what I believe this legislation is going to allow us to do and I commend this legislation for passage in this National Assembly. I thank you. [Applause]

Mr. Speaker: Hon. Member Dr. Ashni Singh.

Mr. Ramjattan: Sir.

Mr. Speaker: My apologies. Hon. Member Mr. Ramjattan.

Mr. Ramjattan: I hope my name is on the list Sir.

Mr. Speaker: We did not have your name but we had the Alliance for Change

Mr. Ramjattan: Thank you very much Mr. Speaker. Any Bill which seeks, in this very over taxed country, to wave taxes the Alliance for Change will definitely support it. On that score, the Alliance for Change wishes to make it quite clear that, indeed, this amendment which amends the Income Tax and Corporate Tax Act of 2010 is supported. However, as said by the Hon. Leader of the Opposition, they are some concerns as regards to what are some of the categories of small business that will be entitled to this waiver? Generally, prior to a tax waiver or an exemption being granted we would have had a specialised definition of what small business mean. What are the characteristics that compartmentalises this set of small businesses? It is going to be friends of the Government? What are some of the categories and characteristics? They are not here and this is why I am saying that there is an element of vagueness about this all. We do not know because it is going to be left exclusively to the discretion of the Minister- any company which has entered into an agreement with the Government of Guyana and the criteria for that company. How small should it be? What should its share capital be? And so we have a variety of matters that are left hanging in the air to the extent that we are uncertain about it. And knowing exactly how this Government operates, especially in the context... Mr. Speaker, remember the Queens Atlantic deal? We are still at a loss because you could very well start giving a set of duty free concessions and tax exemptions. In this case... **[Ms. Manickchand: Inaudible.]** Sorry I did not interrupt you. It would appear that my comments are having some effects. It is getting the Hon. Member Ms. Manickchand worked up.

Prior to granting tax exemptions to any category of companies there should generally be an assessment as to which companies have made that demand. I picked up the phone and called 3 or 4 numbers at the Ministry of Finance requesting some amount of information as to which small business, companies that had indeed made this demand on Government for the tax exemption. Who and who were literally the intellectual authors of this kind of Bill to change section 15. I got no information; absolutely none. One is not given the information and so

what happens when you are not brought up with the enlightenment as to who will be the beneficiaries of the tax exemption? That is why I make the point that I hope that it is not going to be that small companies are going to be discriminated. Those small companies that might not be pro-Government and those small companies that are anti-Government- those companies will never get this tax exemption if they want to go into the business of lending so that the women folk that the Hon. Priya Manickchand will be beneficiaries.

I also want to make the additional point because I wanted to know, as is always the case when tax exemption Bills are brought to any National Assembly, what it is that will be the revenues foregone as a result of this tax exemption and no information. I hope the Minister is going to help us with that. [Mr. Hinds: I thought you wanted...] Yes but how much is foregone and where is it going to come from in relation to this foregoing. That is how we deal with taxes Mr. Prime Minister.

The other concern that the Alliance for Change has, has to do with these companies involved in this new measure - micro-credit you call it and of course I take the point of the Opposition Leader, would it be \$10 million to qualify it a small business loan? What is the size of it? Whether they are going to come under the supervisory authority because my readings in relation to micro-credit organisations that lend money like these are, certain countries of the world have been utilised for money laundering purposes. I am hoping that this is not going to be the case here and our supervisory authority under the bank of Guyana and the money Laundering Act is going to have an eye out on whosoever is going to be lent moneys here so that they could be lent back or contract with the Government for that purpose. This is an important issue we must be looked at because of course from all the state departments reports and so on we are seeing that lots of people want to legitimise through a variety of ways. This has been proven to be a way in other countries where there has been legitimising of funds coming from narco deals and other criminal activities.

Finally, I wish to make the point that indeed lots have been said by the Minister, I apologise for being late I only heard the ending of his speech, and Ms. Manickchand about what they intend to do to ease tax burdens, especially on women. The Alliance for Change has been calling that there should be, because we are an Agro based country, that we must start thinking in terms of ensuring that we do things like these at a larger level for our agriculture and Agro business industries. For that reason, I am asking, that the Finance Minister start dealing with what tax exemptions he can start, in relation to having an Agriculture Bank that

will lend rice farmers and other Agro businesses at special rates. You are just going to say to very poor people here but we need entrepreneurs in this country. We are urging that the same kind of hard effort that was put in to talk about this micro-credits and lending...we must start indicating some energy and effort towards dealing with persons or companies that would like to set up agri-banks and make sure that they get the tax incentives so that we can have people involved in agriculture borrowing. It is important. [Mr. Hinds: What about bauxite?] That could be the next one I am not in any way stating exclusion here. Miners too but indeed largely because right now I am thinking about the agri industry- why not that. Miners are doing very well. In this context, the Alliance for Change supports the Bill with those concerns in mind. [Applause]

Dr. Singh (replying): Thank you Mr. Speaker. Permit me Sir to respond very briefly to... [Mrs. Bakker: Briefly like earlier?] ...not quite as brief as earlier. Permit me Sir to respond - and in his customary fashion - Mr. Ramjattan strolls into the Hon. House late, Mr. Speaker and when his comments are to be responded to scurries out of the House, customary behaviour. It reminds me of the budget debate. Through you Mr. Speaker, I urge the leader of the A.F.C to impose some discipline on its members. It is contemptuous to miss every speech made before, walk in, make your remarks and then stroll out without listening to the response that follows. It is disrespectful of this Hon. House. [Interruption]

Permit me Mr. Speaker, to register my appreciation and that of the Government of the words of support that were expressed by the Hon. Leader of the Opposition, so magnanimously in my opinion, and the words of support expressed by the Hon. Member speaking on behalf of the A.F.C however grudgingly those words were offered. As I said at the inception, this Bill is a simple one and I am not surprised that it will enjoy the support on both sides of the House. A few observations and questions were asked to which I will endeavour a response.

The Hon. Leader of the Opposition raised, in particular, the issue of crop insurance. Amongst the comments he made he raised a question about crop insurance as it relates to Guyana. Let me respond by sharing with him information on two initiatives. First of all at a national level in collaboration with development partners, in particular, the World Bank and our Caribbean Community (CARICOM) partners we have in fact participated over the last three or four years in the development of a facility called the Caribbean Catastrophe Risk Insurance Facility. This is a facility aimed at providing insurance to members participating in the facility and taking out policies under the facility, insuring against the risk of catastrophes -

natural disasters, events such as hurricanes and earthquakes. In fact a number of Caribbean countries have already accessed that facility, have taken out insurance policies and some have regrettably had to file claims and have been paid sums under that facility. Only recently Haiti made a successful claim following the devastating earthquake that struck that country. Notwithstanding that the amount insured was extremely modest compared to the scale and scope of the devastation wrought upon that country. We have, and here I speak of Guyana, stated from the inception that we will support the facility fully as we have done. We will also participate in a financial way in the facility when it extends its services beyond earthquake and hurricane coverage and into other areas of risk such as flooding because we do not view ourselves as facing a great risk of hurricane or earthquake catastrophe right now fortunately, but we have said that once the facility extends its services, as I said, to flooding and crop insurance we will in fact seek and obtain insurance under that facility at a national level.

In addition to that, we have also been working at a CARICOM level at developing the capability to have crop insurance issued not as under the CCRIF to a national authority but to individual persons exposed to risks. So here the farmers and other entrepreneurs in the agriculture sector who face risk...and that is the facility I suppose Mr. Corbin is speaking of. They are both crop insurance except that one would be at a national level and the other would be at an individual business level. In fact, I have myself met on a couple of occasions with World Bank teams doing analytical work so that we can better understand the sources of risks to our agriculture sector as it relates to crop insurance, sources of risks, how these can be modelled and quantified in a manner that makes them amenable to the financial models that are required to compute probabilities of incidence, estimations of losses, probability distributions of losses and therefore, attach in a rigorous manner a premium to the quantified risks that is faced. That technical work is ongoing and I have met with the team that is doing work on this and a member of staff from the Ministry of Agriculture will be participating in a work shop in the Region, aimed at advancing this discussion and obtaining more information on... Minister Robert Persaud has himself been integrally involved in this process. I can assure the Hon. Leader of the Opposition that this work is certainly in progress.

The question was asked both by the Leader of the Opposition and the Hon. Member Mr. Ramjattan as it relates to criteria for eligibility under this programme. Let me say that this is a facility that is not being extended to the small businesses per se. It is not in fact an exemption that is being extended to the small businesses. But in fact it is a facility being extended to the lending institution that will be lending their own resources and will be managing their own

portfolios, in identical financial fashion as the Low Income Housing Programme has been implemented. This is not Government lending or Government providing tax exemptions to individual businesses. This is a lending institution, lending its own resources. In fact the details of how the mechanism would work would depend entirely on how much resources the institution is prepared to provide, what kind of loans the institution is prepared to grant and what kind of risks the institution is prepared to accept. Those are going to emerge out of a deliberate consideration by the institution itself in discussion and collaboration with the Government.

4.07 p.m.

But very importantly, had the Hon. Member, Mr. Khemraj Ramjattan, taken the time to read the Bill carefully rather than to find ways to dramatise and to make caustic a debate that otherwise could have been extremely cordial, instead of devoting his attentions to his customary vitriol, he would have noted that the Bill states very clearly that any agreement executed with a small business or lending company shall be tabled before this National Assembly. Section 15 (a) (3) of the Bill states that very clearly; in the new Section 15 that is being inserted in the Income Tax Act:

“...that a copy of an agreement mentioned in sub-sections I and II shall be laid before the National Assembly as soon as practicable after the making of an order under sub-section I.”

That is stated very clearly, but he did not read it. He was more concerned about casting aspersions and making all sorts of insinuations about friends of the Government. Any small Guyanese business person who is desirous of accessing a lending facility for the purpose of establishing or growing his/her business is a friend of this Government. The 5,000 women who will benefit from the facility which will be launched tomorrow, we are proud to say are friends of this Government. The people of Guyana are friends of the Government of Guyana. We are not afraid to say that.

Let me repeat what I said at the inception; we in the Government are grateful for the support that was received and extended magnanimously by the Leader of the Opposition and grudgingly, by Mr. Ramjattan. I commend this Bill to the House and Move that it be read the second time.

Question put, and agreed to.

Bill read a second time

Assembly in Committee

[Clauses 1, 2 and 3 agreed to and ordered to stand part of the Bill.]

Assembly Resumed

Dr. Singh: Mr. Speaker, I beg to Report that the Fiscal Enactments (Amendment) Bill 2010 was considered in Committee and was passed as printed. I now move that the Bill be read a third time.

Bill read the third time and passed as printed.

Assembly suspended at 4.12 p.m.

Assembly resumed at 5.26 p.m.

PUBLIC BUSINESS

MOTION

NO CONFIDENCE IN THE MINISTER OF LABOUR, HON. MANZOOR NADIR, M.P.

WHEREAS Section 4 of the Labour Act, Chapter 98:01 of the Laws of Guyana delegates powers to the Minister of Labour in cases of trade disputes including:

- (a) inquiring into the causes and circumstances of the difference;
- (b) taking such steps as to him may seem expedient for the purpose of promoting a settlement of the difference; and
- (c) with the consent of both parties to the difference, or of either of them, **or without their consent**, refer the matter for settlement to the arbitration of an arbitration tribunal consisting of one or more persons appointed by the Minister;

AND WHEREAS Section 6, of the said Labour Act gives the Minister of Labour the power to appoint an Advisory Committee in case of existing or apprehended trade disputes, which Committee shall inquire into the matters referred to it and shall report thereon and make such recommendations as it may deem expedient to the Minister;

AND WHEREAS the Trade Union Recognition Act, Chapter 98:07, provides for the improvement and promotion of industrial relations by the establishment of procedures for the certifying of trade unions as recognised majority unions and for the matters connected therewith;

AND WHEREAS Section 23(1) of the said Trade Union Recognition Act states that where a trade union obtains a certificate of recognition for workers comprised in a bargaining unit, the employer shall recognise the union, and the union and the employer shall bargain in good faith and enter into negotiations with each other for the purpose of collective bargaining;

AND WHEREAS Section 23 (3) of the said Act states that an employer who fails to comply with the provisions of subsection (I) shall be guilty of an offence and liable on summary conviction to a fine, and, in addition, to a fine for every day the breach continues until the employer has complied with such provisions;

AND WHEREAS Section 26 (I) of the said Act states that no worker shall be dismissed, or have his employment adversely affected, or his position altered by his employer, by reason of the circumstances that the worker:

- (a) is an officer, delegate or member of a trade union; or
- (b) has for reasonable cause absented himself from work without leave after he has made an application for leave for the purpose of carrying out his duties under the Act as an officer or delegate of a trade union and such leave has been unreasonably refused or withheld;

AND WHEREAS the said Act states that an employer who contravenes any of the provisions of subsection (I) and (II) shall be guilty of an offence and liable on summary conviction to a fine, and, the Magistrate making the order for conviction, shall also order that the worker be reimbursed any wage lost by him and direct that, notwithstanding any rule of law to the contrary, the worker be reinstated in his former position or in a similar position with terms and conditions of employment no less favourable;

AND WHEREAS the Minister of Labour is charged with the responsibility of ensuring that the provisions of the Labour Act and the Trade Union Recognition Act

are complied with and section 37 (I) of the Trade Union Recognition Act further empowers the Minister to make regulations generally for carrying out the provisions of this Act, including, regulations prescribing anything which is to be prescribed under this Act;

AND WHEREAS the Guyana Bauxite and General Workers Union (G.B.&G.W.U) is the recognized Trade Union for workers employed with the RUSAL (Russian Aluminum) and the Government of Guyana owned Bauxite Company of Guyana Inc. (BCGI) at Aroaima and Kwakwani, Berbice and that Union, representing their members, entered into negotiations as a result of which there exists a Collective Labour Agreement (C.L.A.), which is of three (3) years duration – beginning from 1st January, 2008 and ending on the 31st December, 2010;

AND WHEREAS Article 28 (A) (I) of the Labour Amendment Act No. 9 of 1984 makes every written Collective Labour Agreement legally enforceable, except where the Parties agree otherwise;

AND WHEREAS in the exercise of their constitutional and legal rights the bauxite workers of BCGI proceeded on strike on 22nd November, 2009 and in retaliation, BCGI issued suspension and dismissal letters to most of the workers, fifty-seven (57) of whom are union leaders;

AND WHEREAS on 1st December, 2009, the company notified the Ministry of Labour that it had arbitrarily terminated the Collective Labour Agreement and commenced the process of derecognizing the legitimate union;

AND WHEREAS despite letters, from the President of the GB&GWU (13th January, 2010), the Leader of the Opposition (13th January, 2010), the Secretary General of the Trade Union Confederation of the Americas (28th January, 2010) and the President of the American Federation of Labour and Congress of Industrial Organisations (17th March, 2010), requesting his intervention, using the powers vested in him by Law, to resolve the trade dispute between the GB&GWU and the BCGI (which is owned by RUSAL and the Government of Guyana), the Minister of Labour has failed to carry out his legal responsibility for the settlement of this trade dispute;

AND WHEREAS the Minister has an obligation to equally protect the rights of the workers and ensure that the Laws of Guyana are not willfully and wantonly

disregarded but has persistently refused to carry out his obligation to protect the interest of Guyana's workers,

BE IT RESOLVED:

That this National Assembly expresses its lack of confidence in the Minister of Labour, Hon. Manzoor Nadir, M.P., for his failure to carry out his legal responsibilities for the settlement of trade disputes particularly, the dispute between the GB&GWU and the Bauxite Company of Guyana Inc. which is owned by RUSAL and the Government of Guyana;

BE IT FURTHER RESOLVED:

That this National Assembly calls on the Minister of Labour to observe, and on the Government of Guyana to honour, the many conventions of the ILO, particularly ILO Conventions Nos. 87, 98, 135, 154, 158 and 163, to which it is a signatory and also to ensure that the labour Laws of Guyana are honoured by all employers more particularly, the RUSAL and Government of Guyana owned, Bauxite Company of Guyana Inc.;

BE IT FURTHER RESOLVED:

That this National Assembly condemns BCGI's unlawful, arbitrary and unilateral de-recognition of the GB&GWU in violation of the Trade Union Recognition Act;

BE IT FURTHER RESOLVED:

That this National Assembly supports the demands of the GB&GWU for the reinstatement of the dismissed workers and the impartial and professional intervention in the dispute by the Chief Labour Officer consistent with the Labour Laws and the Collective Labour Agreements (CLA);

BE IT FURTHER RESOLVED:

That this National Assembly initiates an international appeal for support from all Parliaments in those countries in which RUSAL is presently carrying out any type of business operations as well as seek solidarity and support from all relevant international Organisations. *[Mr. Basil Williams]*

Mr. B. Williams: Thank you Mr. Speaker. I rise to speak on this Motion standing in my name and move this Motion on behalf of the People's National Congress Reform 1-G.

Since I am in Parliament, I think it is the first Motion of its kind and one would recognise that it was not a decision that was taken whimsically and a capriciously. In fact, it was a decision that we were constrained to exercise in the face of a stoic, continuous refusal on the part of the Minister of Labour to activate his substantial powers under the Trade Union Legislation to achieve the harmony that was contemplated and should be achieved in the Labour Movement.

The Minister of Labour stands astride of the Labour Movement. He is the one in which all those powers are reposed and, therefore, whatever is the state of the Labour Movement must be a direct reflection on how he executes those powers. This Motion comes at a time when the Labour Movement is so fractured that we have two umbrella organisations – Federation of Independent Trade Unions of Guyana (FITUG) and the Guyana Trades Union Congress (GTUC), an umbrella organisation of August standing in this country. There are persons of the view that the FITUG union is aligned to the Government and the GTUC is the real independent and free trade union organisation body.

One cannot gainsay the role of the Minister of Labour in maintaining a homoeostatic condition in the Labour Movement. In fact, no less a person than the International Labour Organisation (ILO's) Regional Director, Mr. Jean Maginat, underscored the importance of the role of the Minister of Labour and he did so at the last Regional CARICOM Council for Human and Social Development (COSHOD) Conference which was held in Guyana:

“The Regional Director for the International Labour Organisation's Regional Office for Latin America, Mr. Jean Maginat, yesterday asserted that any recovery of the regional economy would necessitate an integrated approach. In this regard, he underscored the critical role of the Ministers of Labour and Labour Ministries had to play in the recovery process.”

In other words, to move forward in this Region, the belief is that the Minister of Labour has a pivotal role if we are going to have increased job creation so that people could have a better standard of life in this country.

However, what is the terrain upon which this Hon. Minister presides? The Guyana Public Service Union (GPSU) has had the check-off system, which was operative in their favour cut

off. Has the Minister done anything to restore it in keeping with Trade Union practice? Fortunately, no, the Minister has done nothing about that.

There is the Critchlow Labour College's subvention. Has the Minister of Labour done anything to effect a restoration of that subvention to what is a very August body? Even Ministers from the Government's side passed through that learning institution. He has done nothing! There is also the removal of the Guyana Trades Union Congress from the tripartite system and process that is contemplated under the Trades Union Recognition Act.

Minister of Labour [Mr. Nadir]: On a point of order, Mr. Speaker, The Hon. Member, Mr. Williams, said that we took out the Guyana Trades Union Congress from the tripartite process, but this is inaccurate. In fact, we had sent the letters of invitation to them since November of 2009 and they named their nominations only last week.

Mr. Williams: I am repeating and relying on what I said earlier. There is legislation here. There is the Amendment to the Trade Union Recognition Act of 2006 that was passed in this Hon. House where the criteria and qualification to be consulted was changed to exclude the GTUC. In other words, the legislation before that had the GTUC was involved in the process and that was taken out by the virtue of this Act. I do not know what the complaint is. In other words, they have removed the GTUC from that process and made some provisions that are shady because under the new arrangement, they could have consulted anybody they wanted.

Mr. Speaker: What does that have to do with the Motion?

Mr. Williams: I am showing you that under the current Minister of Labour's watch, there is legislation that is designed to disturb the peace of the Trade Union movement; legislation that does not foster harmony in the movement.

Mr. Speaker: That is not in the Motion, however you can proceed.

Mr. Williams: I understand what you are saying, but it is a related matter. Also, when we look at the present terrain we find that the collective bargaining process, particularly with respect to wages and salaries negotiations, is breached with impunity.

If I might respectfully read from the International Trade Union Confederation's Report for the World Trade Organisation (WTO) Council review of the Trade policies of Guyana held in Geneva from 8th – 10th July 2009, it was put in proper perspective. I will read from page 3:

“Guyanese workers have the right to bargain collectively in both the public and private sectors. However, over the last decade, collective agreements in many Public Services have not been honoured by the Government. Collective agreements recognised by the Government and/or State agencies with many trade unions, including the National Union of Public Service Employers or Amalgamated Transport and General Workers’ Union, the Public Service Union, the Postal and Telecommunications Workers’ Union, the General Workers Union, etc., have been replaced by circulars issued by the Administration, ignoring the collective bargaining agreements. Thereby, the Government has been imposing salaries/wage increases to all public service and public sector employees of State agencies since 2001.”

That is the state of the reality here. It comes from an International Trade Union Confederation body. What is the Minister of Labour doing in this regard? We expect that by the very nature of this Motion where we are expressing concern on the part of the Minister’s failure to activate and restore himself and apply our laws to bring about what was intended by the framers of these laws in this country, and by the seasoned trade unionists in this country. What do we have?

I am surprised to hear this because I would have expected that with this kind of Motion we would have had support from the Government side. This is not a Motion for partisan and narrow political interest. This is one where the entire House should see itself as having a prior and perpetual retainer for the people and workers of this country.

I am more taken aback when I see the Hon. Prime Minister, Mr. Samuel Hinds – the former bauxite miner - I am shocked that he has no empathy with the area that was his former benefactor. I am surprised by the Hon. Members, Mr. Donald Ramotar, Ms. Gail Teixeira and Mr. Clement Rohee and I would not be surprised by the Hon. Member, Mr. Moses Nagamootoo, he is a principal person and, maybe, that is why he is not in here. Perhaps that is why Mr. Komal Chand is not here too. It is clear that they have consciences and decided to boycott perceiving what the general reaction from that side of the House might be. How could the Hon. Members, whose names I have called, take issue with a Motion of this nature when they walked with members of that union in times past? I remember distinctly the Hon. Members Mr. Donald Ramotar and Ms. Gail Teixeira walking with members of this union in other times. I am surprised that they do not wish at this time to be in solidarity with this same

union. Mr. Lincoln Lewis, you must grieve a lot when you see the attitude of your erstwhile Comrades. [Ms. Teixeira: You tear-gassed the bauxite workers.] You know a lot!

It is against this backdrop that this Motion comes. This Motion comes to this Hon. House, if only, to bring back sanity in the Labour Movement. So when we refer to the various WHEREAS clauses, the truth will ring out.

The first WHEREAS clause identifies section 4 of the Labour Act, Chapter 98:01 of the Laws of Guyana which specifically reposes the power in the Minister of Labour in case of trade disputes and differences between employers and workers and between workers and workers. This power includes:

- (a) “inquiring into causes and circumstances of the difference or the dispute;
- (b) taking such steps as to him may seem expedient for the purpose of promoting a settlement of the different”

They are trying to isolate you now Mr. Minister. What they are saying is that this has nothing to do with the Government of the day: “this is a Mr. Nadir matter”. That is what I heard over there. I would tell you that I have known Mr. Nadir for years and I know him as a nice guy. Before he joined the Government benches, he was a decent fellow. He worked very hard. I remember when he used to get into it by the car park, taking control of the minibuses and so on. He was a good man at the time. I do not know what has happened. Alas, he has stepped away from the sun. One could easily say that he stepped away from light and into darkness.

The laws in his armory are such that if he were to show the same fervour as he did when he was in the sun, he would be a giant of a Minister of Labour. Unfortunately, he keeps ignoring this power that he has.

Section 4 (c) of the said Act says:

- (c) “With the consent of both parties to the difference, or of either of them, or without their consent, refer the matter for settlement to the arbitration of an arbitration tribunal consisting of one or more persons appointed by the Minister.”

It is important that all the Members of this Hon. House keep in their mind the powers that the Minister has and they will see how he will weave them against the factual matrix in the case that we are presenting here today.

WHEREAS clause 2:

“The Minister by virtue of Section 6 of the Labour Act has power to appoint an Advisory Committee, also in the case of existing or apprehended trade disputes, which Committee shall inquire into the matters referred to it and shall report thereon and make recommendations as deemed expedient to the Minister. “

The Minister cannot complain. This is all the power that he wants. He does not have to consult anybody. Is he acting? No, he is not!

WHEREAS clause 3:

“The Trade Union Recognition Act also provides for the improvement and promotion of industrial relations by the establishment of procedures for the certifying of Trade Unions and recognised majority unions for the matters connected therewith. Section 23 (1), in particular, of that Act says that where a Trade Union obtains a certificate of recognition for workers comprising a bargaining unit, the employer shall recognise the union and the union and the employer shall bargain in good faith and enter into negotiations with each other for the purpose of collective bargaining.”

We are going to come to an approach that is used in Las Vegas or a certain town in Mexico where a person could go with his spouse and say: “I divorce you, I divorce you” – twice – and that is the end of the matter. We will deal with that just now. [Ms. Shadick: It is three times and only Muslims can do that.] We are not talking about Muslims; we are talking about Las Vegas.

You will see that at a conciliation where the Chief Labour Officer was present, the Bauxite Company of Guyana Inc. (BCGI), 90% of which is owned by Russian Aluminum (RUSAL), a Russian ex-pat company and 10% by the Government, had the temerity to issue a letter to the Bauxite Union Representatives telling them there and then that they de-recognised them. We are going to go more in detail with that later.

The Trade Union Recognition Act also provides punishment and creates offences. Section 23 (3) states that an employer who fails to comply with the provisions of sub-section I shall be guilty of an offence and liability on summary conviction to a fine and, in addition, to a fine

for everyday the breach continues until the employer had complied with such provisions. [Mr. Hinds: Read Section 23 (2)] You will be speaking just now. With respect, Mr. Prime Minister, I do not think that you know what Section 23 (2) says.

Section 26 (1) creates offences and this is what is relevant:

“No worker shall be dismissed and have his employment adversely affected or his position altered by his employer by reason of the circumstances that the worker:

(a) Is an officer, a delegate or a member of a trade union”

It is very clear and so we know that the breaches by BCGI/RUSAL/Government are very clear breaches of the law, yet we have no action taken.

WHEREAS clause 7:

“Where an employer who contravenes any of the provisions of subsection (I) and (II) shall be guilty of an offence and liable on summary conviction to a fine, and, the Magistrate making the order for conviction, shall also order that the worker be reimbursed any wage lost by him and direct that, notwithstanding any rule of law to the contrary, the worker be reinstated in his former position or in a similar position with terms and conditions of employment no less favourable;”

We see that the common thread running throughout the legislation is that it seeks to do justice to the workers of this country. It seeks to make the workers of this country understand and be in a position where they are insulated by the depravities of the employers. We have to guard zealously these protections that are guaranteed and given by the legislation.

The Minister also has power to make regulations under the Trade Union Recognition Act. He has a lot of power; he has more power than any other Minister sitting down on that side because most of the Ministers have to do consultations here and there; most of the times they do not do it meaningfully.

WHEREAS clause 9:

“WHEREAS the Guyana Bauxite and General Workers Union (GB&GWU) is the recognised trade union employed with RUSAL and that is undisputed and the Government of Guyana owned BCGI at Aroaima and Kwakwani, Berbice

and that union represented their members and entered into negotiations as a result of which there exists a Collective Labour Agreement. A Collective Labour Agreement exists and its tenure and duration is from 1st January, 2008 to 31st December, 2010.”

I know they must be playing for time, but time is not on their side. This is the legal basis for the engagement between the union and BCGI and we are going to go into some of the clauses later.

WHEREAS clause 10:

“Article 128 (A) (1) of the Labour Amendment Act of 1984 makes every written Collective Labour Agreement enforceable in law, except where the parties contract otherwise.”

5.51 p.m.

There is no exemption or exclusion clause in this Collective Labour Agreement making it unenforceable in law – none!

WHEREAS clause 11:

“AND WHEREAS in the exercise of their constitutional and legal rights the bauxite workers of BCGI proceeded on strike on the 22nd November, 2009 and, in retaliation, BCGI issued suspension and dismissal letters to most of the workers, fifty-seven (57) of whom are union leaders;”

This is a breach of section 26 of the Trade Union Recognition Act.

We see clearly that there is a legal regime to protect workers and their representatives in this country. Let us have recourse, now, to the factual matrix that is the basis of the contention against the Hon. Minister. This practice was owned up, as was recognised by the International Trade Union Confederation. It had good practice with the Public Service Union. That is the first place it developed its skills at breaking Collective Labour Agreements. In that case, as was seen from since 2001 - the Arbitration Award - the Government, which is the biggest employer in this country, has been in breach of collective bargaining in this country. Notwithstanding that the collective bargaining conventions and the right to organise and to

strike were long received, were long made part of the laws of Guyana by the People's National Congress Reform Government.

With respect to the Public Service Union, over the past nine years, the union has been making, continuously, efforts to get the Government to honour its obligations as set out by the Agreement for the Avoidance and Settlement of Disputes as enshrined in the Public Service rules and under the International Labour Organisation Conventions 87, 98, 150 and 151 which the National Assembly has ratified. Instead of honouring its obligations as set out in that agreement and the conventions, the Government has shown total disregard for collective bargaining with the Public Service Union, and by extension, conciliation and arbitration, and has been imposing salaries, as was said before. Whenever negotiations ended in deadlock, circulars are sent imposing salary increases. On one occasion, in 2003/2004, the Government agreed to arbitration in the early part of the year and then by the end of the year it derailed that arrangement with respect to any intended arbitration. In other words, for the past decade the Guyana Public Service Union has been unable to negotiate, in keeping with the collective agreements, with the Government for the workers' salary increases in this country.

What has happened? Has the Minister, at any time, used his substantial powers to put Dr. Luncheon or the Minister of Public Service in their places? We must be reminded that no one is above the law in this country – no one! So, the Minister cannot have these powers and be afraid to act against the Head of the Public Service (HPS) and the Ministry of Public Service, or the Office of the President. The Minister must either decide whether he is man or whether he is mouse. He must show strength, and he must decide what he is doing. The Hon. Minister has failed, during his watch, to bring the Government to account in the collective bargaining process for salaries and wages increases on behalf of the public servants of this country. He has done that. That is clear. There is no defence to that. What has happened now, is that instead of the Minister using his powers to find the employer and bring the employer to account under the Trade Union Recognition Act, nothing has been done. So having gotten away with it in that case, he turned his attention up river to Aroaima and in other areas where BCGI operates.

Our Constitution, under article 147 (1) and (2), empowers trade unions in this country. It gives workers the right to organise themselves into trade unions. It also gives them the right to strike, except where they decide to themselves that they do not want to exercise that right.

It gains expression at the highest level in our Constitution. Trade unionism is not a fly- by- night exercise. In fact, it is one of the areas where certain persons in this country lived the whole process of the evolution of trade unionism in Guyana. People actually lived it. It was evolving even up to the time when the great Hubert Nathaniel Critchlow died. Fortunately for him, there was an honourable gentleman by the name of Linden Forbes Sampson Burnham who happened to be the first Executive President of this country could have realised, like Joshua, all the dreams of Hubert Nathaniel Critchlow – everything he implemented for him.

On the 22nd of November the bauxite union was forced to take strike action because of this: the time was met for the salary increases for its workers, but it first sought to request of the President to let it have a reinstatement of the tax free overtime pay, in lieu of pay increases, to guarantee workers a better take home pay. This tax free benefit was won by Guyana Bauxite and General Workers' Union and it was also won by Guyana Agricultural Workers Union. GAWU also enjoys that. It was taken away for some reason – I do not know why - from the bauxite workers, but they tried to re-engage on the issue. That did not get anywhere. So they tried to get a collective agreement for voluntary collective bargaining under the Avoidance of Dispute Procedure. That was a situation in which three proposes were basically put by the company, and when the bauxite union opted for the one that it thought would have been more favourable to the workers, apparently it did not meet the agreement of the employers. That notwithstanding, on 22nd November 2009 the bauxite workers were, therefore, forced to take strike action because they felt that the company was not negotiating in accordance with the Collective Labour Agreement. On the 24th November 2009, two days later, the management visited the picket line and thereat issued suspension and dismissal letters to fifty-seven workers, including union leaders. They were arbitrarily dismissed and that was in direct breach of section 26 of the Trade Union Recognition Act.

On 2nd December, a meeting scheduled by the Ministry of Labour with the union and the company, and in which the Chief Labour Officer was in attendance at Aroaima, was aborted, when at that meeting the company presented a letter to the union dated 1st December, 2009, saying some dramatic things. Let me read, Mr. Speaker, with your leave, this letter. It is under the letter head of RUSAL Bauxite Company of Guyana.

“Dear Mr. Sampson,

We wish to advise that the Bauxite Company of Guyana Inc. hereby deems the Collective Labour Agreement entered into between the company and the

Guyana Bauxite General Workers' Union and the Ministry of Labour, dated the 4th April 2008, as terminated with immediate effect.”

That was the first time in the history, I believe, of any country that a Collective Labour Agreement was purported to have been terminated in that manner. It cannot be terminated in that manner because the Collective Labour Agreement itself only made provisions for termination in two circumstances: that is, if the shares have been taken over and therefore it has no controlling interest; or the company is bought over. It has nothing for one of them deeming, like in the divorce situation I have mentioned earlier, that it was terminated.

Secondly, it continues:

“The Union had on the 30th March, 2009, and again 22nd May, and yet again on the 22nd November 2009, committed fundamental breaches of the Collective Labour Agreement by causing or directing industrial action.”

I do not know how that could have been a problem when the very Collective Labour Agreement made provision in clause 46 to this effect:

“In the event of any action such as strikes, go-slows, picketing or lock-outs, or any actions that will interfere with the company's operations, senior officers of the company along with the central and branch offices of the union shall, as a matter of urgency, expeditiously seek to have this situation return to normalcy.”

In other words, this clause obviously not only recognises the ability of the union to strike, but it makes provision for the big boys of the company to get together with the leaders of the union expeditiously and urgently to resolve the matter. How could they say that they cannot strike and when they struck...? In any event, to say they cannot strike is in breach of the Constitution. There must be a specific provision in our laws to prevent that. That cannot be done by any Collective Labour Agreement. What we are seeing here clearly is the attitude of this company. The company has no respect for the bauxite workers of this country, nor workers' legitimate representatives. I dare say it has no respect for the ten per cent the Government has in it – none!

I continue:

“Please note that further to the accepting of the union’s repudiation of the Collective Labour Agreement and having regard to the loss of confidence by the company in the union...”

It is not the loss of confidence by the workers, it is by the company.

“...and similar sentiments expressed by a number of the workers of the company, the company will move to derecognise the union.”

All of this is in flagrant breach of the Trade Union Recognition Act’s provisions which I just outlined in the WHEREAS clauses. There was no ground upon which the BCGI could stand in this matter. Therefore, the situation was set and right for my honourable friend to make a *grande entrance* to invoke his powers and bring the parties together, as was contemplated by the legislation. Has the Minister done that to date? Has the Chief Labour Officer done that to date? It is no. Mr. Speaker. I could say at this point that I rest my, but like my honourable friend, Mr. DeSantos, I will continue, because I love to continue talking too.

On the 30th December, 2009, the union wrote to Mr. Yoganand Persaud, Chief Labour Officer, in relation to the impasse with BCGI and GB&GWU It says this:

“You are aware of the current impasse between GB&GWU and BCGI, as a result of the strike which began in November 22nd, 2009. You are also aware of the action by the company terminating the Collective Labour Agreement (CLA) and also the initiation of measures to derecognise the Union. You are also aware of the dismissal of over sixty workers by the company who exercise their constitutional right to strike. By way of this correspondence, the GB&GWU requests the intervention of the Ministry of Labour to have these issues resolved.”

There is no problem. This is a clear letter of request begging the Ministry to use its powers, its considerable power, to come and resolve this matter. Not to be outdone, there was no movement on that letter and request. The Minister was then written to on January 13th, 2010, and the same sentiments were expressed in the letter, and the same request was made. Did the Minister respond? Again, it is no. The Minister failed to respond. The Minister and his chief executive both ignored the plight of the bauxite workers in their struggle to have a decent living wage from the employer, the Bauxite Company of Guyana Inc.

This was not only a delinquency recognised by GB&GWU, the People's National Congress Reform and by the workers of BCGI. This was a breach and a dereliction which were recognised the world over by strong trade union organisations in this world, one of which was the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO). The AFL-CIO wrote a letter to the Hon. Minister pointing out the various breaches of BCGI - RUSAL and the treatment of the workers: arbitrarily dismissing them, failing to reinstate them and purporting to unilaterally derecognise and breach the Collective Labour Agreement. All of those are fundamentally trade union matters and so the Government was written to by these unions.

The Hon. Leader of the Opposition also had to write the Minister. To my surprise, and to the surprise, I suppose, of the Minister himself, no less a body than GAWU also wrote him in relation to his treatment or inaction with respect of the bauxite workers. You will see, Mr. Speaker, the response of the Minister to these entreaties by no less a person than the Hon. Leader of the Opposition, those international organisations, and Mr. Komal Chand who sits among them. I suppose he is protesting the response or non-response.

Let us first deal with the first response that was given. It was reported in the *Stabroek News* of Saturday, May 1, 2010 –Labour Day itself – “Nadir defends handling of bauxite row - accuses GAWU of taking irrational stand.” Things fall apart.

‘Labour Minister Manzoor Nadir has defended his handling of the dispute between the Guyana Bauxite and General Workers’ Union (GB&GWU) and RUSAL subsidiary, the Bauxite Company of Guyana Inc. (BCGI), dismissing criticism that he has not been acting in the workers’ interests. In response to a call by the Guyana Agricultural and General Workers Union (GAWU) for him “to shoulder his responsibilities...”’

I quote that the union told the Minister that he must shoulder his responsibilities, lest he makes this a partisan matter.

Then the American powerful union...I am not sure if my hon. friend did not make a mistake and responded too hastily because this union has power to carry a lash. It will not carry a lash to Minister Nadir. When it will be carrying the lash it will be to the whole Cabinet. I do not know if the Cabinet is aware of this either. Let us see how the Hon. Member alone committed the whole Government of the day in his response to this union. This is the response. I am

reading from *Stabroek News* of 6th May, 2010, headline: “American union condemns govt action in bauxite workers saga - vows move to ILO if matters not resolved.”

“An American union has condemned the Guyana Government’s actions in relation to the ongoing bauxite union saga...”

It did not say it condemned the Minister of Labour, it is the whole Government, including the Minister of the Ministry of Public Service, the Hon. Member Dr. Westford.

“In a letter sent to the Minister of Labour, Manzoor Nadir, the Service Employees International Union (SEIU) 1199, United Healthcare Workers each noted the Guyana Bauxite and General Workers’ Union’s (GB&GWU) seven-month-old impasse...”

In seven months the international community noted the Minister was unable to be restored himself, and the letter was also sent to President Bharrat Jagdeo and the Head of the Presidential Secretariat, Dr. Roger Luncheon. This is what the Minister has caused. He caused Dr. Luncheon to receive letter from somebody abroad and the President too. I do not know, he seems to have a charmed life.

“The union pointed to the violations of International Labour Conventions by BCGI, the company’s arbitrary termination of the Collective Labour Agreement and the wrongful dismissal of 57 workers, including union leaders. It said that the Guyanese government, a signatory to the International Labour Organisation Convention, countenanced these acts which violated international law.”

It says the Guyana Government. I did not see the Guyana Government came out and rebutted this contention. All the time I am saying the Hon. Member, Minister Manzoor Nadir, was on a frolic of his own. It seems like the Cabinet or the Government is pulling the strings, I do not know. But that was his response.

The response to Mr. Corbin’s letter, the powerful Minister of Labour...He is powerful in pockets. This is the *Stabroek News* of January 20, 2010, page 13.

“Labour Minister, Manzoor Nadir, is refuting recent the statements made by Opposition Leader, Robert Corbin, and says that his Ministry has been doing

all in its power to intercede in the dispute between the Guyana Bauxite and General Workers' Union and RUSAL'S Guyana Bauxite Company Inc.”

Well, if that is all his power, arid, the Hon. Member, he is straining. He is straining, but what is he straining to produce? [Mr. Neendkumar: You must read Mr. Corbin's letter.] Mr. Corbin will read his letter for you just now.

“Nadir, in a statement yesterday...” [Interruption]

I was reading Mr. Nadir's response to your letter, Hon. Leader of the Opposition.

“Nadir, in a statement yesterday sent through GINA responded to Corbin's assertions that the Ministry was not doing enough to carry out its constitutional duty to intervene in the dispute. Corbin had made these statements last week Thursday during the party's weekly press conference. On that occasion, Mr. Corbin said he had written to the Minister on the matter. However, Nadir said he is yet to receive the letter that the PNC leader said he had sent to him.”

But he responded to it by saying he never got it.

Mr. Speaker: Your time is up Hon. Member.

Mrs. Backer: Mr. Speaker I rise to move that the Hon. Member be given fifteen more minutes to continue his presentation.

Question put, and agreed to.

Mr. B. Williams: The reality of this matter is that we cannot, especially when foreign companies come into Guyana, have them riding roughshod over the people of Guyana. That is a no, no. We have to protect our workers irrespective of where these companies come from.

In case we do not understand the impact of the atrocities perpetrated on them, these workers in those communities, let me say this that it has brought great privation to the families of these dismissed workers. Already the people are suffering heavily in this country to make ends meet. So that a company just arbitrarily terminated them and put them on the breadline, what does this lead to in those communities? There will be an unstable industrial environment. There will be a loss of income: approximately fifty-seven households supported

bauxite workers whose geographical location is a hindrance to much viable alternative economic activity outside of bauxite; hardship: severe economic hardships, a domestic tension within households proliferate where dismissed workers are the main breadwinners. We see that, everyday, how the tensions are manifested. We do not have that culture in Guyana that we could just arbitrarily say, "dismiss workers." Certainly, under the PNC Government, it preferred to redeploy someone because he or she would still get paid. But people are not dismissed like that, because a lot of persons are riding on your tyres. [Mr. Neendkumar: You used to retrench people] Are you suffering from *coastitis*? If you were retrenched you go into the interior and we would have financed you in the interior. We probably would have had good cities in the interior by now.

6.21 p.m.

Debt accumulation: The reduced ability to meet demands for debt incurred prior to dismissals and even after; the emotional challenges - diminished pride, dignity and independence from the impact of self-sufficiency images in the community. When men have no money in their pockets, there is tension in the households; people disrespect them. It is not that they do not want to work, and it is hard work to work in the mines. The Prime Minister knows about that. More than anyone else he has more first-hand knowledge. So we do not just encourage foreigners to come to this country and set companies up and knock our people off without notice. We feel very strongly on this matter. We want foreign investment, because we know you will want to say that we do not like foreign investment. We like it, but you have to ensure that you protect the interests of your workers.

Mr. Speaker, these communities in which the BCGI workers operate are ravaged. They have lost confidence; it has been eroded, so poverty raises its ugly head even more in those communities. I have a good friend who believes he knows why this is happening, he has a word to describe it. But suffice it to say, after 17 to 18 months, it is unconscionable for the Minister not to have intervened in this matter up to now. In fact, what we have the Minister doing is looking as though he is representing one side, the company. If I refer you to *Stabroek News* of 20th March "Workers Have a Plight to Have Bauxite Union Derecognised". Now, who do you think is saying this? It is not a poaching bauxite union; it is not the workers; it is no less a person than the Hon. Minister, himself. He is telling you something that is unlawful. This is what he is saying Hon Member. I am not saying that he has mens rea

or is culpable, or is consciously perpetrating an unlawful act. What I am saying is what he has done is tantamount to that.

“The Trade Union Recognition and Certification Board is considering an application made by some RUSAL workers to have the Guyana Bauxite and General Workers Union de-recognised as their bargaining representative.”

Instead of the Minister calling the people and having conciliation or and if conciliation fails arbitration, voluntary or involuntary, the Minister is awaiting to see how many more members they can get to sign the paper saying they do not want the Guyana Bauxite Union, they want the other Union. Which is the other Union by the way? My good friend from NACCIE has disowned any engagement of poaching in the bauxite union. NACCIE says they have nothing to do with that. What they have decided to do is go the way of the workers themselves, trying to get a bargaining unit going. But they had hurdles under the Recognition Act because they have to get for 40%. That is why this is stretching into 17 or 18 months; because they cannot get enough people to make that qualifying standard to dislodge the Guyana Bauxite Union. What has happened as a result of that in the interim? Everywhere you turn, you see, the Minister of Labour is publicising that... **[Interruption]** No, I agree with you. We recognise the Guyana Bauxite Union as the bargaining unit for BCGI. Then, we see the Chief Labour Officer getting into the act. Yes, we recognise the bauxite union as the bargaining unit. In other words, they are paying lip service to this thing, but underneath nothing is happening. They are waiting for de-recognition to occur. They are waiting for the Trade Union Recognition and Certification Board to come out and get rid of GB&GWU. And that can't be right. You can't be encouraging union busting. When people went back to work they were giving them a paper to sign saying they'd do not want GB&GWU anymore. Then they formed a workers' committee to get workers to sign up with some other union and deny the GB&GWU. To what end? What is this? This certainly now is not a trade union matter simpliciter. Something is wrong. There is more in the mortar than the pestle. So perhaps the Minister would be able to shed some light.

Mr. Speaker, we are contending that in all these circumstances the facts evince gross reticence on the part of the Minister; a stark refusal to execute the power he was invested with; gross dereliction of duty; and as a result we are resolving that:

“The National Assembly expresses its lack of confidence in the Minister of Labour, the Hon. Member Manzoor Nadir, for his failure to carry out his legal responsibilities for the

settlement of trade disputes, particularly the dispute between the GB&GWU and the Bauxite Company of Guyana, which is owned by RUSAL and the Government of Guyana”.

- (2) “That this National Assembly calls on the Minister of Labour to observe, and on the Government of Guyana to honour, the many conventions of the International Labour Organisation, particularly the ILO Conventions Nos. 87, 98, 135, 154,158 and 163, to which it is a signatory and also to ensure that the Labour Laws of Guyana are honoured by all employers more particularly, the RUSAL and Government of Guyana owned Bauxite company of Guyana Inc.”
- (3) “That this National Assembly condemns BCGI’s unlawful, arbitrary and unilateral de-recognition of the Guyana Bauxite and General Workers Union in violation of the Trade Union Recognition Act”.
- (4) “ That this National Assembly supports and demands the GB&GWU for the reinstatement of the dismissed workers and the impartial and professional intervention in the dispute by the Chief Labour Officer consistent with the Labour Laws and the Collective Labour Agreements”.
- (5) “That this National Assembly initiates an international appeal for support from all parliaments in those countries in which RUSAL is presently carrying out any type of business operations as well as seek solidarity and support from all relevant international organisations.

Mr. Speaker, we have outlined or case quite succinctly and copiously. The case is overwhelmingly established that either the Minister of Labour is unaware of his powers, which is the same result, or knows of his powers, wants to exercise his powers, but something is holding him back. If that is the case, we could only surmise that it is the Government of the day that does not want the Hon. Minister to go forward and settle this dispute. The Minister though likes to put up strong and defences that he thinks he should do against matters of these nature. That is not good enough. We don't want every time someone writes the Minister properly showing concern for the workers impasse with BCGI he gets on a high horse and becomes virtually - I don't want to use the term abusive - but he becomes very aggressive. We have to have a Minister of Labour who understands when something is wrong it is wrong and we have to correct it. But you can't turn a Nelson’s eye to all of these atrocities and still try to force it down and tell yourself that everything is all right. A point in

fact: the Minister is given figures from established Authorities about the unemployment rate. What is the Minister's response? He attacks the messenger: Williams is *failing* at windmills, but Williams has 31,028 unemployed in 2002, and more than 28,000 plus unemployed in 2006. I interpolated from that because of the pressure, lack of job creation, lack of any economic activity other than loans and grants, that there must be a higher number of unemployed. What does the Minister do? He attacks me, but does not furnish a single figure. That is the kind of person we are dealing with Mr. Speaker. We have to have this Minister understand that people's lives and people's livelihood is not a game. People feel it; people are suffering; people are hungry; people need jobs. [Mr Neendkumar: And you knock off your secretary.] Mr Speaker, do you see the kind of behaviour that the Minister of Finance was talking about earlier? Look at the behaviour. The same behaviour the Minister was talking about earlier. I am sorry that he took advantage of his absence.

So the People's National congress Reform and the concerned members of the Trade Union fraternity, some of whom are here – are very concerned about the direction in which the labour movement is being taken under the watch of the Hon. Minister Manzoor Nadir. It is very much in this context that we believe that the Minister of Labour should either put up or shut up. On this occasion I would like to move the Motion standing in my name. Thank you, Mr. Speaker. [Applause]

Prime Minister and Minister of Public Works and Communications [Mr. Hinds]: Mr. Speaker, Hon. Members we had a performance from Hon. Member Mr. Basil Williams. And I rise to lead in repudiating and rejecting this misguided Motion. This Motion of 'No Confidence' moved by the Hon. Member against my colleague the Hon. Minister of Labour is nothing but clutching at straws. My first inclination is to dismiss it with short shrift, but one can see in this Motion an attempt to engage old levers, old fears, old insecurities, old attitudes from old times. This debate is an occasion therefore to speak again to the changed circumstances of our bauxite industry, the changed and changing circumstances of Guyana, and indeed to the changed circumstances in the world at large.

Mr. Speaker, Hon. Members, while this Motion is premised on the events of late November, 2009 and the subsequent handling by the Minister of Labour those events can be traced back to early January 2009 when the trade union approached the Company, BCGI, for a wage increase. For a realistic consideration of this Motion we need to return ourselves to the period of mid-July of mid-2008 and through 2009. We all will recall the great financial crisis which

was precipitated in the financial sector in the world in mid-2008 and which spread steadily through the economy hitting raw materials terribly as evidenced in the price of oil which hit \$147 a barrel in 2008 but then bottomed at less than \$35 a barrel in March, 2009. Aluminium prices collapsed at the same time from \$3,067 a ton in July 2008 to \$1338 a ton in February 2009 with corresponding problems for the precursor materials of alumina and bauxite. Demand for raw material had collapsed. Things were so bad, no one know what tomorrow would bring. No one knew if any company would be still operating tomorrow or the day after tomorrow.

In Jamaica, we all would have known that three of the four alumina plants were eventually closed and bauxite/alumina is one of the largest sectors in Jamaica. This is the background on which the demand for increased wages during 2009 was to be played out. And it was not easy. There was unrest on 30th March and then again unrest on 22nd May before the events in November. This Minister and Ministry of Labour stayed engaged.

Hon. Members when word got to me, as Minister responsible for Mining including bauxite, about trouble about working conditions then, at Aroaima on Sunday 24th May, I got hold of the Chief Labour Officer, Mr Yagonand Persaud, and was quite pleased that he readily undertook to drive into Aroaima to try and smooth matters. He departed Georgetown at about 5:00a.m. Monday, 25th May, 2009 taking about six hours to traverse the trail in the poor conditions in that rainy period, arriving at Aroaima at about 11:00a.m. He immediately got engaged in a series of talks with the Union, representatives of management, which lasted about eleven hours. When an agreement was reached about 11:00 p.m. he left, just before midnight, returning to Georgetown through those dark hours and arriving home at dawn on Independence Day 2009. I say this to show the amount of attention and involvement of the Ministry of Labour in the matters at Aroaima. The Chief Labour Officer was there for 24 hours; he was on the job. I don't know if he ever went through the trail to Aroaima before but he went through it and I was quite pleased with his action and I let his Minister know that.

If we look at that particular time of troubles in May, the company made good on its promises to correct the issues of working conditions. They did so within 2 weeks as agreed. The question of pay increase for 2009, as was agreed, was left for later. I want to ask everyone here if this supports the accusation that the Minister of Labour or the Ministry of Labour are not paying attention to or have abandoned the bauxite industry and workers in the bauxite industry?

I must say I wondered for much of the presentation by Hon. Member Williams whether he was speaking to the Motion before us, the Motion he has introduced. This Motion before us arises mainly from events at the next occasion of troubles, about 22nd November. We can go into step by step, blow by blow, detail of those events but the important things lie around the options that were put to the union leaders for pay increases for 2009. The company put three options and there was the selection by the Union Leaders of one option, and the subsequent attempt by the union leaders to take one part of the option but choosing then to distance them-selves from the other part of the option.

The Hon. Member Mr. Williams made quite a case about people being out of work, being at home with nothing to do, about tensions in the home, loosing self respect because they have no work to go to. The company was conscious of this and in the three options it put to the Union one of them recognised these very things that Mr. Williams spoke about. Let us look at the three options in some detail. I too have a copy of the same letters that Mr. Williams held up in his hand just now. And, of course, he read some parts but I wouldn't do like him. I am ready to ready the whole letter, every word.

In the letter dated 7th November, the Company wrote to Mr. Leslie Gonsalves, the General Secretary, putting the three options.

Option No. 1: An increase in wages up to 10% with retroactive payments, but affecting retrenchment of approximately 14% of the workers in line with the lower production. That was one of the options – have an increase in wage rates with retroactive payments to the 1st January, but we are carrying more workers than are needed for this lower amount of production and we will have to reduce the work force by about 14 percent.

Option No. 2: An increase in wage rates up to 10% with retroactive payments but with shifts reduced from 12 hours to no less than 8 hours as required by law. With this option, the workers in bauxite and in many parts of the world, workers on shifts in industry, there has been movement, in the 1970s, towards longer shifts – ten and twelve hour shifts. Part of it being to reduce the number of times people travel to and from work. So they said they would reduce their hours of work from 12 to the legally required minimum of 8 hours and give the ten percent with retroactive payment. Note in this case there is no retrenchment; the number of workers remain the same; the rate is increased but it is likely individuals will receive less income because they would not be working overtime anymore. We recognise that.

Option No. 3: A lump sum payment amounting to the yearly safety bonus, about 2 percent of the annual wage, with the company paying the tax on this bonus because workers had been complaining about having to pay the Government tax. As this comes up let me address one of the matters that the Hon. Member raised. Hon Member Mr. Basil Williams said, and I hope I remember him correctly, that this Government took away tax free payment from bauxite workers but is maintaining it with sugar workers. That's not the way it is, Sir. That is not the way it is or it was. The tax free pay was not taken away from bauxite workers it was ended with the companies on privatisation. It is not appropriate for a private company to be granted tax free for its workers. It is not appropriate. It was we understand— and I was there – during those difficult times particularly when pay from Government was so low that Government owned agencies and companies, adopted the practice or got the permanent position of the practice of not having to pay income tax on overtime pay for their workers. But this is certainly not appropriate for a private company, and it is not appropriate in our new circumstances in Guyana. The company knowing how much this issue agitated workers said, they are going to give the usual two percent yearly safety bonus and on this occasion they were going to pay the tax so the workers get it without any tax deduction. So those were the three options put to the union leaders.

The letter also invited the union leaders to begin negotiations for wage increases for 2010 on 1st December. So the company even invited them saying these are the options, choose one and on 1st December we will start talking about wage increases which are possible for 2010.

Mr. Speaker, Hon. Members, as to be expected I kept abreast of the developments and was surprised to learn that the union leaders choose option one; their option was retrenchment. I did say to the company that they needed to get a written confirmation or to somehow get the choice of the union leaders into the public domain because the union leaders may want to back away from the retrenchment section of the agreement, the retrenchment part of the bargain. I thought therefore that the union leaders were being very responsible, that they had changed their ways and that I owed them an apology when I was told of the letter of 13th November where the General Secretary Acting, Mr. Leslie Gonsalves, wrote the company confirming the acceptance of option one, and for good measure, repeated in full, option one as was put by the company.

6.51 p.m.

Here we have that letter. I am sure that the Hon. Member Mr. Basil Williams has that letter too, but he did not tell us about it. Let me read this letter from Mr. Gonsalves, it is not too long of a letter. It says,

“Dear Sir,”

Mr. Surgey Kustyuk, and it is on November the 13th.

“During negotiations with the Management of BCGI on 11th November 2009 at the Mine-Site the Guyana Bauxite & General Workers’ Union was presented with three proposals by the Management of BCGI.

The Guyana Bauxite & General Workers’ Union agreed to accept the Company’s #1 Proposal which read as follow:”

I think he put it to make sure that the company could not move from it. Maybe the company was glad that he put it, so that the Union also could not move from it. It was something that should be done, so that if we are serious people, we should have no hesitation in putting down what we have agreed to. We read it here –

“The Company will increase wages up to 10% and make retroactive payments. In order to perform this action it is necessary to carry out retrenchment of Workers in proportion according to the production volume decrease in 2009. Please be reminded that BCGI produced 1890 thousand tonnes of bauxite with 496 employees within 2007 and 1634 thousand tonnes of bauxite within 2008. In 2008 retrenchment amounted to as low as practicable 12%. Production target of 2009 is 1293 thousand tonnes. Thus expected retrenchment may affect another 14% of the current staff or 75 employees.

Yours sincerely,

Leslie Gonsalves

General Secretary (Acting)”

That is the situation that we have had. That is the germane thing in this matter that we are discussing.

As I said, I thought I needed to extend an apology to the Union and the Union leaders, and I was prepared to. I am still prepared to, if they do the right thing. I breathed the sigh of relief, but I was not to be relieved for long. The company proceeded to draft a wage increases agreement in line with option 1, inclusive of the retrenchment of 75 workers and the 10% increase. The company and the Union met on November 20th, but the group of Union leaders refused to sign such an agreement, wanting the 10% increase to be stated, but maintaining that there should be no mention of the reduction in employment.

The Company and Union representatives fell out, but agreed to meet at the Ministry of Labour on the 24th, but trouble began on the 22nd. Eventually 142 workers out of a total employment of 338 workers went on strike. During those days of the strike a number of workers became engaged in threatening and riotous behaviour. So much so, that security forces had to be flown in to ensure that peace was maintained.

Of the 142 workers that struck, 55 were dismissed. So it is not true that every worker who struck was dismissed. One hundred and forty two workers struck and 55 were dismissed for riotous and threatening behaviour. It is pertinent to note that not all who struck were dismissed. This was not a dismissal of workers who went on strike, whether the strike was legal or illegal. Workers who were dismissed included Union members and non-union members. Workers who were not dismissed included union members and non-union members. Indeed a certain Mr. Ivan Leacock, a Vice President of the Union, a member of the negotiating team, and one who went on strike was not dismissed; is at work. He was not involved in riotous and threatening behaviour.

The facts do not support the allegation of an attack on Union Members and Union officials. It does not support that allegation.

This motion is a long one, and I see that the Hon. Member anticipated me, or he did what I did. He like me, numbered his WHEREAS clauses. We can count the same. We have 14 WHEREAS clauses and 5 RESOLVED clauses. I think for ease of reference, I too had planned to speak to them by their number.

I will refer briefly in my opening address. I have a number of members of my team coming behind me. I will refer briefly to the clauses one after the other. Let me say, that this motion hangs on the incompleteness of the statements of the Hon. Member, and the particular colour

he has tried to put on a number of things, about three things in particular. He has tried to colour:

- The dismissal of workers, in a certain way.
- The company's interpretation of the Union's action as a repudiation of the CLA by the Union and the company's threat to proceed to derecognise the Union.

In fact he refused to read the whole letter. He just read a part of the letter from the company, dated December 1st. He tries to put a certain spin and a certain colour on the action of our Hon. Minister of Labour.

For the record, let me just say that the Company eventually agreed, acting on its own, paid 6 ½% increase retroactive to 1st October. They combined two of the three, and they paid the safety bonus as normal, but with the taxes deducted. So, they combined some portions of it. This is what happened. I am just stating for the record. I am sure Mr. Williams knows himself, but which he chose not to talk about. He knew about it also.

Now that I have stated the gist of the events around which this motion has been raised, let me briefly address the clauses of this motion. My colleagues will enlarge on them.

The WHEREAS clauses 1 – 5, being quotes from the Labour Act and the Trade Union Recognition Act are essentially factual. The Hon. Member Mr. Basil Williams may have been un-intentionally selective when he referred to 23(3) which speak to the offence committed by the employer, but missed 23(2) which speaks to a similar offence committed by the Union. The clauses there are facts. They are mutual facts, but this is a matter of appearances in this motion. This motion is nothing else but appearances.

WHEREAS clause 6, which is essentially an extract of clause 26(1) from the Trade Union Recognition Act, is essentially a fact, however its implication is all wrong. Clause 26(1) states, that no one should be dismissed or otherwise suffer for being an officer, delegate or member of a Trade Union and in pursuing such duties. As I have pointed out earlier, those dismissed whether they were officers, delegates or members of the Union or not, were dismissed for riotous and threatening behaviour, not for membership, nor for holding office in the Union.

Similarly, whilst WHEREAS clauses 7 – 11 are also based on extracts from Acts. My colleagues will develop our arguments that we have not violated any Acts. We will argue that the Hon. member Mr. Williams is just playing to the gallery, and glossing over some specifics. For example, whilst the Minister of Labour is charged with responsibility for the Trade Union Recognition Act, the functions of the Act are carried out by the Board. It is the Board which authorises any prosecution, not the Minister.

With respect to WHEREAS clause 11, I maintain again that we on the Government are satisfied that those who were dismissed were not dismissed because they exercised their constitutional right to strike, but because they rioted and threatened, actions for which there is no constitutional right. There is no constitutional right to riot and threaten.

With respect to WHEREAS clause 11 the Government maintains that the Company has no authority in itself to derecognise the Union. In fact someone sent me a sheet from Stabroek News dated Wednesday, March 1st 1989. I understand that the management at a certain company called GUYMINE said that they were experiencing the same level of frustrations. They said something, that GUYMINE immediately derecognises the two bauxite unions and terminate all relations due to breach of commitments in calling out bauxite workers, etc.

Let us recognise that managements may be frustrated and may attempt to take certain actions. We agree that the company has, of itself and in itself, no right to derecognise the Union.

With respect to WHEREAS clauses 13 and 14, we are satisfied. My other Colleagues and the Minister himself will make the case that he has been carrying out his legal responsibilities fairly and equitably, respectful of the rights of the Union and the Rights of every worker and also respectful of the Laws of Guyana.

I spoke earlier about this Motion seeking to engage old levers, and to galvanise old fears, old insecurities, and old attitudes from old times. The behaviour of the Union Leaders and the expectations of the Minister are a throw-back to pre-independence days, pre-nationalisation days, the days of DEMBA, ALCAN and REYNOLDS, and the days leading to the nationalisation of the bauxite companies. The Union leaders were much the same. Mr. Sampson, and Mr. Lewis, my old friends, we all were there together. This time, in 2010, they are behaving as they would have behaved in the 1950s or 1960s and expect the Minister of Labour also to behave like a Minister of Labour of that era. We are today at the end of the

first decade of the 21st Century. We have had ourselves some 30 years of ownership of bauxite, some 30 turbulent years from which we should have learnt much.

In case someone would be thinking that I was being carried away, I would like to refer to a letter in the News Papers of Kaieteur News of April 10th 2010.

Mr. Speaker: Your time is up Hon. Prime Minister.

Mr. Ramsammy: Mr. Speaker I move that the Hon. Prime Minister be given fifteen minutes to continue.

Question put, and agreed to.

Mr. Hinds: In case people think that my referring to this Motion, as being a throwback to the years of 1950s and 1960s, the years before independence, the years leading up to nationalisation, let me just say. Ms. Juliet Holder Allen in her letter here to the Kaieteur News dated April 10th, entitled “PNC’s No Confidence Motion against Minister Nadir does not go far enough”, and says here:

“I would understand the workings of the minds of bauxite workers better than most persons since I was born and grew up in a bauxite community at a time when the bauxite company had considerable impact on the lives of the people on a daily basis.”

What we have here is an expectation that the Minister would behave as a Minister would have behaved in those times.

In passing, I would also say that Ms. Allen may be looking back to the past through rose tinted glasses. I would recognise that I, though not born in the bauxite community, had been in contact with the bauxite community since 1963, and have lived and worked there from 1967 continuously to 1992.

Ms. Allen, Mr. Sampson, Mr. Lincoln Lewis, myself, we all go back to that era of pre-independence, pre-nationalisation, when workers fought justly in many just causes. When we think of how insulting we found many of the arrangements of that time, and how many of the actions at that time were repugnant to us, to our being, our colour, our race, our birth, our nation, it is perhaps only human that with the focus of the justice of our cause, we indulged in, allowed and supported from all quarters anything that would have been disruptive. We

supported then, many actions by workers and Union that could have been argued to have been unreasonable and unlawful. As independent people in 2010, and after 30 years of bitter experience when we owned the bauxite company, we have to move on. We cannot stay where we were. We have to move on.

We cannot get away from the fact that below this motion, behind and between the lines, there are a number of currents. There are a number of currents between the lines. I think this debate would serve some good if it prompted us to recognise the need for a review of the role of unions; what unions should take account of, how they should behave and what they should aim to achieve in these times. Many of the assumptions which were pertinent in pre-independence and pre-nationalisation times may need to be quietly put aside. In a number of cases, maybe even the opposite position should be taken in this new era of responsible, independent people.

In pre-independence and pre-nationalisation times, Unions and workers would be interested only in winning an increase in wage rates each year. This would be all that they would be interested in. In those circumstances we did not expect workers and Unions to be concerned about where money would come from. Employers also seem to start from the same position. I recall in the run up just before nationalisation of bauxite, Mr. Joe Tyndal, a subsequent Minister of Trade and Industry in the PNC administration who was commissioned to enquire into a strike in the latter days of DEMBA reflecting... **[Interruption]** He was not a Minister then. I said a subsequent Minister. He was reflecting with me that DEMBA had not said and never seemed to have said that it did not have the money. However, Mr. Tyndal, looking at the accounts was not sure that DEMBA at the time was making enough money.

These days, Unions and union members must consciously and explicitly add to the positions from which we start. I would like to put forward some positions. One of them must be that increases in wages could only be paid where there is the money to pay it. That any company, country or family has to balance its books: it cannot sustainably spend more than it has coming in.

I can refer to someone that Mr. Corbin may know. I could refer to a statement that Mr. Corbin may recall. He may recall a statement that says: “do you want \$14, or do you want flour and hydro”. A statement that obviously recognises that there is only so much money to be dealt with, and that you had to make even difficult choices. Mr. Corbin would remember that statement and the circumstances. It is relevant. Fourteen dollars was an increased pay that

was being called for. Another position that we have to take on board these days is that, to secure livelihood we have secure places of employment.

The Hon. Member Mr. Williams spoke to some letter from a group of Unions in America. I would like him to look and see what occurred in the last 18 months or so, not only in America, but throughout the developed world, throughout the whole world. He only has to look and see that the UAW, I think my colleague behind me, Mr. Ramotar, had mentioned it and brought it to his attention that the UAW in that period not only accepted zero increase in wages, but it accepted huge cutbacks in wages and pensions and other benefits. And also at the same time, huge cutbacks in numbers employed. That is the issue, why the behaviour of the Union could not be tolerated.

Another fact is that we, – all of us as workers – have to also take on board that companies and places of employment are not the same from day to day. Changes take place continually.

7.21 p.m.

Companies, like individuals, are born into certain situations, they may grow, but they eventually become mature and then they are superseded - they wither away. I mention this particularly because our bauxite operations have gone through this life cycle. In fact, I very much recall reading in 1980 an article written by the Bauxite Institute in Jamaica which stated that the bauxite industry in Guyana was in its old age. When a life cycle analysis of the bauxite operations in Guyana was taken it was in its old age. It was, maybe, only waiting to have its eyes closed, and this was in 1980. I will admit that this has been a difficult background for us who have been in bauxite - myself, Mr. Sampson, Mrs. Juliet Allen-Holder and Mr. Lincoln Lewis. It has been a bitter pill for us to swallow and come to terms with. I see this as also affecting the situation here.

Mr. Speaker and Hon. Members, I will close my case here, because I have a number of eligible, very able persons following me. There are a number of things which I could have referred to, but I think I have referred to them enough. I hope that whilst I certainly do not take the Hon. Member, Mr. Williams' position that this motion is not undertaken capaciously, mischievously, and so on, I want to say that it may be a good thing. It may have something good in it if we were to recognise that there is need for change. This time, in 2010, we are not in the same position that we were in the 1950s and 1960s. Thank you. [Applause]

Mr. Speaker: Thank you Hon. Member, who is next please?

Mr. Trotman: I am next, but do we take that statutory break or do we go through?

Mr. Speaker: Well, Hon. Member, you just had dinner so I do not know if you are hungry already.

Mr. Trotman: Very well I was just making sure.

Mr. Speaker: Hon. Member, let us pause for a minute. Because you are normally very creative in the length of time that you speak, I will take you and then we will have the break.

Mr. Trotman: Creative is a very board hint as my colleague, Mr. Nandall, said.

We have before us a very long motion with some fourteen “WHEREAS” clauses and five “RESOLVED” clauses. I had to remind myself, on several times, tonight why we are here. I got lost hours ago as we were taken all over the world, post and pre-independence periods, and given treaties on what happened in bauxite companies in Jamaica and elsewhere. The simple truth is that the matter before is whether or not a Minister of Government to which the Minister of Labour is guilty of some form of dereliction of duty in not looking into the affair of the workers of the Guyana Bauxite Company Inc. Sad to say, however, but I have to make this point that I would have expected that my colleague on this side, Mr. Williams, would have been a bit more forceful and pointed in his attack. Maybe, I believe, Mr. Williams sought to be nice and still not, as he said, dealt with it in a very contentious manner, because we are still all surprised, in fact amazed, that after all these months this matter is still not resolved. That is the matter at hand.

Mr. Williams set out what he called the “Matrix of Facts”. I believe if I had my way I would have re-organised this motion and brought the first four or the last four “RESOLVED” clauses first, and after those four, then I would have asked for the Minister to be pronounced upon.

We in this House, not in this Parliament, but in a previous Parliament, brought a motion quite similar to this one against a sitting Minister with regards to an issue surrounding the acquisition of law books. I remember Mr. Desmond Hoyte presented that motion and I assisted him in his drafting and seconding it. We did not succeed because of the numbers, no doubt, but I believe that the point had been made.

With the time given to me I know you have asked me to be “creative”, Mr. Speaker, I will try to make a few points. There is a human side to this to matter. We have heard section 4 and

clauses of the ILO Convention and of the Constitution of Guyana, but the human side is that side which took place in Aroaima. In December and, again, in January I travelled into that area and met with the residents and the workers. There is another side, Minister Nadir, and I dare say that I have my misgivings, and I am still to hear, and I hope that he makes some firm statements tonight. But I witnessed first-hand the presence of four black clothes squads in Kwakwani and Aroaima. I witnessed first-hand the fear experienced by workers in those communities and the residents, in particular the women and the children, who could not understand why there were four squads of black clothes officers who were terrorising them and telling them to get off the streets even at seven in the evening, when they were just trying to go about the normal activities. I witnessed the pain and anguish of women who had no food to put on the table for their families. I witnessed that. I witnessed the ordinary citizens and business people from Linden and Georgetown and union leaders providing from their pockets money for rice and other things. That is the human side.

I believe what we are concerned with is, what if at all and what more could Minister Nadir have done? We believe that notwithstanding whatever may have been options numbers one, two, or three, five, six or seven, that the Minister of the Government and people of Guyana ought to have stood up and represented the people and workers of this country far better than was done, even if it meant, at the end of the day, that he was unsuccessful.

I am hesitant, but I will still refer to a matter that is of some recent vintage in Jamaica, where quite belatedly the Government of Jamaica, through its Attorney General, sought to lay a case for the interpretation of whether or not certain extra-judicial warrants should be issued for a now notorious wanted fugitive. The fact remains that even if the Minister of Labour was in possession of advice, legal or otherwise, that section 4 had not been contravened, he could have had a case stated in the Courts of Guyana for its interpretation. Even if he felt that the company had a right to say to the workers or the union that it was terminating the Collective Labour Agreement which, even though I do not practise extensively labour law, no company, especially a foreign one, has the right to come to this country and tell any local worker or any citizen that he or she has no rights and that it is taking away his or her rights unilaterally. All we asked and all we expected was for our Minister of Government to represent all of the workers. At least he should have said to the company, “you have no right to do what you are doing, and even if your lawyers - and even if some lawyers are of the view - or there is legal opinion which says that the company was within its rights, I am going to discharge my

responsibility by asking a higher authority to rule or to give me some declaration or declaratory orders in this matter". That is all I believe.

But what we have seen, I believe the word used by Mr. Williams, was a certain reticence. We have seen the Minister was saying that his hands were tied; that this was a matter between private company and workers. Yet I sat here and heard the Hon. Prime Minister said, a few minutes ago, that he enquired of the company, "you had better get it into written form". In other words, there seem to have been some kind of sideways arrangements. How the Prime Minister of Guyana have been having dealings with the company, when the Minister of Labour is telling us that his hands were tied and it was a private matter between the company and workers? Yet the Hon. Prime Minister was telling the company, giving advice, to get the agreement in writing, because these people can change their minds and often change their minds. That is wrong and he has usurped the function of the Minister of Labour. What it tells us is that the Government of Guyana is quite prepared to put its feet, both feet, and both hands into a situation when it suits it, and it is quite prepared to take both feet and both hands out when it also suits it.

This is the point that the Hon. Member who has long taken flight, the President of Guyana Agriculture Workers Union, was trying to make when he issued a statement chiding, if I may use the word, and I know the Hon. Member, Minister Nadir who remains a good friend of mine, but principle is principle, the Minister's actions by saying that, "GAWU feels compelled and as a matter of principle and solidarity to call on the Minister of Labour to reconsider his previous and current indifference with respect to the issue". I think that is what bothered most right thinking Guyanese, a sense of indifference.

We may have been wrong, but the perception went abroad that these workers and these families meant nothing, and that were it in the sugar belt there would have been a different response. That is what Mr. Komal Chand referenced to in his statement, he said, "there is the perception that if it was sugar the Minister would have reacted and because it was not sugar he has not done so." Even Mr. Komal Chand had the good sense to recognise what was happening here. That is what pains us - the indifference.

I would like to mention a matter which has been dealt with extensively by the Hon. Prime Minister earlier and that is the issue of this option number one and option number two. I was in Aroaima and Kwakwani on two occasions during that time, and if we are going to read the facts let us read everything. Option number one spoke to the issue of, yes, a fourteen per cent

reduction, and it also said the company will increase wages by ten per cent and make retroactive payments. Yet when the company prepared the agreement for signature, this is what the company said:

“The company agrees to an increase of the wages of its workers by ten per cent for the year 2009”.

So if the Prime Minister wants to speak about bad faith, this is where the bad faith began; not on the side of the workers, but when it came to signing the agreement, instead of making it retroactive and ten per cent for all time... If I know that some of my comrades and workers are going to... **[Interruptions]** You may take the Point of Order if you wish. Do you wish to make the Point of Order?

The point I am making is, if I were to read this letter that the company will increase wages by ten per cent and make retroactive payments, no where in this first option, in the letter issued by RUSAL, is there any mention to 2009. Yet when the agreement came to signature it limited the ten per cent, and bearing in mind, Mr. Speaker, it was in November, just for 2009, so that you were about to see seventy-five of your comrades going on the breadline so that you can draw what in law we would call *filthy lucre* of ten per cent for twelve months. I am in agreement with the workers that they would not accept anything of the sort. **[Interruptions]** ...you had your chance. So the point I am making is that the bad faith arose when this agreement was prepared and put for signature for all intent and purposes, and rightly so, it had to be rejected. No self-respecting worker or workers' representatives could have accepted this because they would have been signing away not only their rights, but the rights of hundreds of persons.

When it was that the workers sought to go on strike legitimately, which is their Constitutional and basic human right, they were dismissed. I will say, without fear of successful contradiction, that whilst I was in Aroaima, workers came to me and told me that if they had wanted to go back to work they were being stopped at the gate. They were not being allowed to pass through the gate unless they signed a document denouncing the Guyana Bauxite & General Workers' Union. That was the term on which they were allowed to enter the compound to go to work. That is another matter. I, having being twice in the community, having being to the gate of the bauxite operations, having being denied entry, having stood up and spoken to workers and seen what was going on, can speak without fear of successful contradiction. They were told that they could not enter unless they had signed that document

renouncing and denouncing their union. Some were even told that they had to sign up for another union. That other union has since washed its hands and said it had nothing to do with that.

The point we are making is that whilst all of this is going on, whilst we may be upset with the bauxite company, we believe that our Government, our Ministers and Government functionaries should stand up on our behalf. That is all we are asking for, no more and no less. In this case we believe that the Minister of Labour had his hands tied; because listening to the Hon. Prime Minister it would appear that there was a higher order at work to make sure that the company put this agreement into written form, so that by the time it came to the Minister of Labour he could have done nothing. So, it may be that Mr. Williams has brought the motion against the wrong Member of the House. I am now believing that based on the facts before us, we ought to either bring a motion to free the Hon. Member Minister Nadir's hands or to tie those of the other high ranking chief Minister of the Government.

So being creative, I do not have to go around the world and put this issue in the context of the global financial meltdown. But I can say to the Hon. Prime Minister is whilst the Guyana Bauxite Company Inc. was locking its workers out, denying them food, in December in the rains, if one were to travel on that trail in December to know what happens, BOSAI was giving its workers 4.5% increase in Linden, in the same Region, for mining bauxite. We are told that things are so bad that the Government can give no increase - everything is always so different - but it went to Jamaica and it imported Jamaica - I am importing Linden into Kwakwani – into Kwakwani to justify the dismissal of workers. I am importing a community seventy miles away to show the difference that the workers seventy miles away, in the same bauxite belt, were able to get to get an increase of 4.5% by a Chinese-led company. [Mr. Needkumar: RUSAL gets ten per cent increase.]. You do not know what you are speaking about. You will have a chance to speak. Sixty-five or seventy miles away the workers there were sent home and they were told, “Oh you chose option one so all other options are shut off from you”. They were misled, if I may say so, in choosing option one; because the option one here was not reproduced in clause 2 of the agreement. There are two completely different clauses. If I were their legal adviser - Mr. Williams, are you their adviser? - I would have advised them not to sign. I believe that they were within their right to go on strike. I believe that the company was wrong to dismiss them. I believe that the Minister of Labour or the Ministry of Labour and all of the functionaries, I am told that some of them are here, and who it was that travelled through the night and all of that... I travelled

on that trail regularly... **[Interruption]** Congratulations to you, but that is your job. We commend him for going but it is not the travelling on the trail at midnight on the dawn of Independence Day, it was what he was able to achieve that we have not heard. I have not heard a single thing, except that this man, a good citizen of Guyana, and we are happy that we have such good officers, travelled the trail in the dark of night and returned. *Punta finale* we do not know what else has happened. The workers have remained dismissed and nothing has happened.

So being creative, I would say that the Alliance for Change, notwithstanding our discomfort with some of the RESOLVED clauses, because we believe that perhaps a series of events should have taken place before we should have called for this House to express its no confidence in the Minister, would ask, before we vote, that this Minister makes a full and frank statement to this House as to his actions. We expect him to do so. He seems well prepared and charged. There are other speakers after me and I hope that he will not allow any gag order to be placed on him, or to be intimidated as the people of Aroaima were by those four black clothes squads, some of whom were flown in by sky van and some were trucked in. I met with them. But do not be intimidated, there are people here, remember at one time you had belonged here, who will watch your back.

With those words on being creative, we will support this motion and we expect to hear something exceptional from Minister Nadir that would change our opinion that he has discharged his remit effectively. Thank you very much. [Applause]

Mr. Speaker: Thank you Hon. Member. Hon. Members, we will suspend for ten minutes and return.

Assembly suspended at 7.44 p.m.

Assembly resumed at 8.10 p.m.

Mr. Lumumba: I am pleased to stand before this House to speak against the motion presented by my young brother, Member of Parliament, Mr. Basil Williams. I believe that so far Mr. Williams has not proved to this House that he has any real facts, or there is any seriousness about his desire to move this motion against the Hon. Minister Nadir.

First of all, I would like to comment on Member of Parliament, Mr. Trotman's point. As usual Mr. Trotman is very passionate, but sometimes, not often, he is inaccurate.

A letter was sent from the Guyana Bauxite and General Workers' Union to the Personnel Manager of RUSAL, on January 13th 2009, and it says:

“By way of correspondence, I am informing you that pertaining to the union’s proposals for negotiation for 2009, I am taking this opportunity to let you know that all monetary aspects of the proposal will be retroactive from January 1st, 2009.”

I think it is important to provide that clarification. I think in matters of trade union movement, we must have some historical base, but what is more important is that we must understand that there are several sides to a story, and there are several views to a story. But I want to first point out that on February 25th, a gentleman named Mr. Patrick Yarde, who is known in many circles to be very anti-government, said the following about Minister Nadir:

“Dear Minister Nadir,

On behalf of the Executive Council and Members of the GPSU, especially those employed at the Guyana Civil Aviation Authority, I would like to express our appreciation for your principle and professional role in bringing conclusion to this matter. I am also urging that the other outstanding recognition certification issues, like the Guyana Revenue Authority, Kuru Kuru Co-op College, Central Housing and Planning Authority should be finalised...

In this regard, I would be pleased if we could meet on Friday, February 26th, 2010.”

Before I go into some details, I want to make another point. I took the liberty of quoting from another person, who is basically anti-government, Mrs. Juliet Holder-Allen. She said, “the PNCR’s no confidence motion against Mr. Nadir does not go far enough”. For whatever views she has, she felt it should have been against the Government. This is interesting. Minister Nadir, as a Minister, is a creature of the Government of Guyana. I find it interesting that a Member would launch a no confidence motion against a Minister who is carrying out his work and directive and not against the Government. But I understand why and we are going to get into that. The issue cannot be Minister Nadir, it has to be about the Government. I said earlier that the Minister is a creature of the Government, and, in particular, a creature of the President of Guyana.

Let us pause a moment on the issues. When we deal with this issue we must not deal with bauxite, we must deal with Linden and Kwakwani. Prior to the PPP/C coming in to power, we could have easily directed a no confidence motion against the total executive membership of the then Government of the People's National Congress, from the late President Burnham to the late President Hoyte. Let us look at the issues. There are facts that the PNC Government, under the late President Mr. L.F.S. Burnham, conspired or worked with an Australian company to close down the bauxite industry, if the industry was not able to make profits.

We have had several incidents in the Linden community where no confidence votes could have been brought against all of the Ministers of the then PNC Government. I believe that a Government which lacks the ability to provide basic things like bread, oil and even water to its people should have been tested by a no confidence vote - not even toilet paper.

8.15 p.m.

A Government that denies its citizens their basic rights of freedom to speak, protest and hold meetings should have been brought forward for a No Confidence vote. I find it interesting that Mr. Lincoln Lewis was at the brunt, on many occasions, of the onslaught of the Peoples National Congress as it related to freedom and liberty of the Trade Union members. I do not need to go in this direction; there are tonnes of information on this issue.

I can point out why the Opposition lacks the courage to bring a No Confidence motion against the Government and want to sideline Mr. Nadir as if he is the issue. Can the Leader of the Opposition and the gentlemen from Linden deal with the following facts?

Should he not have brought a No Confidence motion against this Government because this Government has refused to close down the bauxite industry? Should the Opposition Leader not have floated the idea of a No Confidence motion because this Government has been able to subsidise electricity bills of the citizens of Region 10 by billions of dollars? This issue is bigger than Minister Nadir; it cannot be about Minister Nadir.

There is empirical evidence that this Government has provided millions of US dollars to sustain the bauxite industry and sustain employment in Region 10 prior to the privatisation of that industry.

I believe that the PNCR is blinded by facts and that is why I said that it cannot be about Minister Nadir; it is an end around. The PNCR does not have the guts to deal with the reality that is; if they go to Linden tomorrow, most of the roads are fixed, they have a brand new hospital, brand new schools and peace and tranquility in the Region. The Opposition cannot deal with the fact that this Government has the capacity and capability to go into any Region in this country, point to the goods and deal with what it has delivered.

We need to go back in history. If we go back in history we will see that the PNCR has never been a friend of the Trade Union Movement and I find this to be a basic contradiction. The PNC Government disliked criticism and moved to curb all acts of criticism. They have argued that organisations should be subservient to the ruling Party to the extent that all Public Servant Heads, Executives and top Managers were requested, at short notice, to attend rallies and even General Council Meetings of the PNC.

There has never been any evidence that this Government or the PPP/C has ordered Public Servants and Executives to attend Congress or participate in any form of meetings. The then Opposition, especially the Catholic Standard, had heavily criticised the paramount of the Party to the extent that the Editor of the Catholic Standard and the Catholic Priest were subjected to harassment by a private security agency by the Government called the House of Israel. That group had its members in Police uniforms, moved around in large numbers with weapons and reigned terror on our citizens. In one of the demonstrations outside of Brickdam where protestors were fighting for bread, democracy and justice, it was there that Father Dark went outside with his camera and we know that the end of the story is that he was murdered. This Government does not have that kind of history. Those are the kinds of issues that should warrant a No Confidence motion in this House.

When one attempts to cast blame on others and more specifically, the Minister of Labour, one needs to remember that the liberty we now enjoy as a result of the PPP/C Government was totally deprived under the PNC Government. Workers were not allowed to march and if attempts were made, they were met with the blunt of the armed forces. This was clear in 1978 when the Bauxite workers were fighting for improved working conditions which the PNC denied them. They were forced to take strike action which was supported by Guyana Agricultural Workers Union and the CCWU Records would show that the then ex-President, Mr. Desmond Hoyte, participated in “thuggish” activities, destruction of food and water for union leaders and the seizure...

Mr. Corbin: On a Point of Order, Sir, I do not know that it is appropriate for a Member of this House to make such substantive statements without presenting the facts on a former President of this country and Member of this Hon. House to state that the late Mr. Hoyte was involved in “thuggish” behaviour at Linden. I have known of no such report in the national newspapers. I do not know of him ever being charged with anything like that and I ask that unless some evidence such as a paper Report is produced on the late Mr. Hoyte being involved in any “thuggish” behaviour, that his good name not be smeared in this House.

Mr. Lumumba: Mr. Hoyte was not the President during that process; he was a Minister and I think it is fair-game for me to be critical.

Mr. Speaker: Hon. Members, I do not think it is fair-game to select individuals who are not present in House and who have no opportunity to respond and this has nothing to do with you. I have said it over and over again. It is not fair game to attack people who are not Members of the House and who are not present here to answer.

Mr. Lumumba: I withdraw that. I would say leading Members of the PNC Executive including that gentleman. Is that okay Mr. Speaker?

Mr. Speaker: Proceed, Hon. Member. Recall, please, the terms of the motion that we have before us.

Mr. Lumumba: What I am attempting to do is show the nexus and how inappropriate the motion is in relationship to the past and present and show what is the justification or what he had in mind in bringing such a motion to this House.

The Minister of Labour has to ensure at all times that the scale is balanced. In that, Management must be protected and the workers must also be protected. It had to take a collection of weak minded persons whose intention was to destroy, regardless of the reality of what is just.

The RUSAL matter was reported to the Chief Labour Officer (CLO) and later referred to the Trade Union Recognition Board. It is important to note that when there was the first incident with RUSAL, the Regional Chairman, Mr. Mingo – a PNCR appointee and I went to Kwakwani and sat with the workers and Management of the company and worked out some type of arrangement which allowed the Minister’s staff to go in the same night or the next

day and resolve the issue. We did not see it as a party issue; we saw it as a national issue in terms of how to resolve a national problem.

As I speak, no representation has been made by the Bauxite Union on behalf of the seven workers who were laid off and this is normal since they have agreed with the company to a 10% increase and retrenchment.

Since my friend and brother, Mr. Williams, has decided to aim his gun, if he has one, towards Minister Nadir, it is important that I make a few points. Minister Nadir has not only been dealing with Labour most competently and professionally, but he has continued to serve as a very effective Minister. We on this side have no doubt about his ability and capacity because we have seen what he can do. When he was the Minister of Tourism, Industry and Commerce he laid a strong foundation for the future. My friend and Member of Parliament, Mr. Williams, must remember that Minister Nadir piloted the Guyana Tourism Authority Bill and established the Guyana Tourism Authority (GTA) as a semi-autonomous agency.

Another initiative that needed his leadership and energy was the small business sector. He worked with the Guyana Small Business Association (GSBS) and piloted the Guyana Small Business Act through Parliament. He also set up the Small Business Council. Another piece of legislation that he successfully piloted was the Competition and Fair Trading Act; that Commission is up and running. There was also the \$27 million Inter-American Development Bank competitiveness programme for which Minister Nadir was the point person for developing and steering. How can we forget his dynamism and how he developed Guy Expo with his leadership and vision? I make these points so that we can assure this Hon. House and my friend Mr. Basil Williams, in particular, that again his critique and his waste of time motion to get rid of Minister Nadir does not make sense and has no logic. I want to be very careful that I do not say any harsh words that I would have to withdraw, but I would anticipate that Mr. Williams has reached a point in his political career where he feels it is important that he stands out as the next leader of the PNCR and, therefore, he must bring these erroneous matters to Parliament to justify to his supporters that he is ready to take the helm of a sinking ship. Mr. Williams, therefore, I anticipate that you would do what you could have done since you do have some threads of nobility in your system and withdraw this motion. Thank you very much. [Applause]

Mr. Neendkumar: I rise to speak on the motion regarding the Hon. Member, Mr. Manzoor Nadir, moved by the Hon. Member, Mr. Basil Williams. I wish, from the very inception, to

say that I am fully supportive of workers' rights and their rights to trade unionism. The workers in our country and in particular, the workers of the Bauxite Company must be respected and given our unflinching support in their struggle for the implementation of the Collective Labour Agreement (CLA).

In respect to the comments made by the Hon. Member, Mr. Raphael Trotman, I would like to tell him that the Hon. Prime Minister, Mr. Samuel Hinds, is not trying to boost up the work of Mr. Nadir, but he is a father-figure in this Government and in the Mining Industry and he always pay attention to what goes on in the industry. I would also like to tell him that while BOSAI pays 4.5%, BOSAI is in the Steel and Factory Industry and RUSAL is in the field of aluminum and they pay 6.5%. He must also understand this.

We on this side of the House cannot support this No Confidence motion against our Minister who is a man of integrity and a man whom the Guyanese people respect. Minister Nadir was in Kwakwani only two Saturdays ago on a Cabinet Outreach Programme. There he spoke to a large section of the community which came out to listen to his meeting at the Kwakwani Worker's Club. There were twenty-nine interventions and the residents in Kwakwani were fully supportive of the PPP/C Government; they were thankful for the tremendous improvement in the lives of the people in the Kwakwani area. The workers in Aroaima were happy to have discussions with our Ministers and are pleased with the management of BCGI. In fact, they are proud to know that with RUSAL there is likelihood that bauxite resource would be available for another twenty-five years.

I would like to let the Hon. Member, Mr. Basil Williams, know that while the PPP/C brought in RUSAL, the PNC brought in the House of Israel and Rabbi Washington to establish the plantain chip industry and give "licks" to the working class people of this country. If they want something to compare to BOSAI, the PNCR brought Jim Jones and Jonestown. That is their investment in this country!

I must say that I am forced to laugh that the mover of the motion is calling on the Minister to replace principle with expediency. More seriously, almost every piece of legislation that we bring to this Hon. House, our friends in the Opposition are in the habit of questioning the Minister's role. Hence, it is clear that when it suits them, they want the Minister to act and when the Ministers, by law, are allowed to act, they are criticising Ministers and their authority. This is unfair.

With respect to the 4th RESOLVE clause, I would like to say that it is amazing to know that the General Secretary (ag) of the Union, Mr. Leslie Gonsalves, sent a letter to the union on 13th November accepting that the company should pay 10% increase in wages and retrench seventy-five workers. I cannot understand how a union could do something like that. I, personally, found it difficult to understand how any responsible union leader would agree to retrench seventy-five workers. I am aware that the President of the union is a Contractor and that he is seldom among the workers. The Treasurer of the union has nothing to do with bauxite. Further, the General Secretary (ag), Mr. Gonsalves, has nothing to do with bauxite and he is rarely seen in the area at this time. The union did not hold a conference for more than a decade. This union did not have a financial report for almost two decades. The same union which claims to be representing the workers at BCGI was voted out for non-representation of workers in LINMINE. Today, the militant and progressive NACCIE is representing bauxite workers in Linden.

The same Guyana Bauxite General Workers Union negotiated and they were given the Linden Shopping Plaza to run it with the good intention of providing cheap food for the people of Linden and cheaper food for their workers, in particular. They failed miserably and we must ask what happened to that wonderful business place, we see a school is operating today, the Courts business is sharing a part of the massive building and a few other businesses are active on the premises. My question is: What are they doing with all the rent and money? The union had a huge office at Bulletwood Street in Linden. Today, there is no office; there is a church operating in the building and the workers are questioning the rental because they are claiming that the rental is “blessed money.” The President of the union managed has to get a beautiful building at Kazuna Drive from the company. These are only a few things that caused the workers to boot out the union leadership from representing them at LINMINE. I challenge the Members of the Opposition to let this Hon. House know the union membership’s strength throughout Guyana. The GBGWU membership dwindled in the same way that the PNCR membership and support dwindled in Region 10.

The bauxite industry was nationalised on 23rd February, 1971 under the PNC regime, but the actual takeover was done on 15th July, 1971. This period of almost four months was marked by more wildcat strikes and, at times, violent confrontations between police and strikers between the families of strikers and non-strikers, tear gassing of arrested workers in custody and many were expelled from the GMWU. The workers were faced with inept handling of industrial conflicts and for many years there was an absence of political party representation

in the mining community and politics was very much a local affair centered with corrupt and undemocratic unions of which their leaders were picked by the PNC Government. These very union leaders paid little attention to workers for there was no office in the area and the union leaders operated from Georgetown.

Whenever issues arose between the company and the workers, union leaders would pay a short visit and then announce the terms over the radio station. After a time, the workers realised that their fiercest struggle had not been with their employer, but the union. For many years the workers tried to make union leaders more responsive to their demands and hold honest elections, held with proper negotiations with their employers and establish a branch office in the mining community. However, all efforts were to no avail as the leaders continued to remain in Georgetown and visited when pressing disputes surfaced. Their defense of workers was weak with poor records of proper negotiations and the squandering of union funds for which they were responsible.

Also, another group by the name of the Organisation of Working People's Alliance began to hold discretion with the bauxite workers followed by Working People's Alliance (WPA). The WPA set up an office in Linden to look after the workers' interests challenging the PNC. The PNC after realising this immediately switched its policy and replaced the GMW leaders with party faithful and within months of their installment, they were busy in the art of misusing and abusing union funds just like their predecessors. These union leaders were loud with criticism of Management, but had no proposals and because there were not elected by workers, they were shown no respect by Management. These appointed party functionaries who were expected to champion the worker's causes, found themselves facing severe problems. Again, wildcat strikes continued and striking workers were described as "anti-nationalists and anti-socialists" and their actions were described as political and subversive. Since the State was the employer, all strikes against the bauxite industry was deemed an action against the State which had no choice than to maintain law and order through the use of the police, military and para-military forces. I would like to remind Mr. Trotman that in the PNC's newspaper, The New Nation, there were five strong men with chains and the PNC said: "the steel is sharper now than ever." Do not forget that Mr. Trotman. That was the type of threat the Guyanese people had to live with.

Since the 1970s and early 1980s, the bauxite company continued to suffer from low productivity, bitter work stoppages, low morale, absenteeism, vandalism, theft and migration

of the most Senior Management personnel. The bauxite union continues to fail its workers up to this day. Workers have suffered wage freeze, low income, waiting in long lines with chits to uplift limited food items – struggling and fighting in lines instead of resting after a long day in the industry. The erection of the shopping plaza with funds accrued from the wage freeze which workers were supposed to benefit from has never been realised. This building is now benefiting persons who have never gone through any struggles in the bauxite industry. This is what is happening.

With the advent of the PPP/C Government to power in 1992, we have seen new management systems in place which have caused workers to enjoy approximately 300% increase in wages and salary with better working conditions, better living conditions with the majority of workers building their own houses and enjoying a better way of life, effectively removing the need to live under houses and greatly reducing the practice of renting. Today, there are several villages where we can see workers and the people in Region 10 have built and are building spanking new houses. You will be amazed to see the mansions in the Amelia's Ward area. The situation in Region 10 and, particularly, in the mining industry community was extremely repressing under the PNC Government. When I started to work in Linden in 1985, Tata buses was the main means of transportation for the people of Linden. There were only two cars commuting from Linden to Georgetown; there was Mr. Reilly who drove a Mazda car and "short man" who drove a maroon car.

The Prime Minister, Mr. Samuel Hinds, was a Senior Manager – a Chemical Engineer – and he was the owner of a car that was unable to take him from Linden to Georgetown. Such was the conditions. The economic conditions worsened in the 1980s. Workers had to work with a wage freeze and a sad state of affairs led to the formation of the Federation of Independent Trade Union (FITUG). A one-day protest strike in February 1989 led GUYMINE to de-recognise the two bauxite unions. In the Wednesday 18th March, 1989 edition of the Stabroek News it said:

“GPSU General Secretary, Mr. Lincoln Lewis, said that the move could push the unions underground forcing them to operate like solidarity trade unions in Poland.”

This man was a good man then. When the PPP/C came to power in 1992, it immediately went to the rescue of the bauxite industry and this caring and responsible Government took over from LINMINE, the McKenzie Hospital, the Watooka Day School, Linden Technical Institute, the Mc Kenzie Sports Club, the water supply and electricity.

I would like to inform this Hon. House that when the PPP/C was trying to get Alken to take over the BERMINE entity, those same union leaders resisted; they never want to see progress. There are people right in this House who know what I am speaking about.

The world financial crisis in 2008 stunned the world. The bauxite industry in Jamaica closed down. Further, I must report that when OMAI walked away from LINMINE, BOSAI came in. When things were rough in 2008/2009 the Government bought twenty-five computers; this is the PPP/C Government. President Jagdeo bought twenty-five computers and bauxite workers were given a stipend, many of them went and learnt to use computers at trade school.

Mrs. Backer: Mr. Speaker, I rise on a Point of Order. I am reading Standing Order No. 41.1:

“Subject to these Standing Orders, a debate on any motion or amendment shall be relevant to such motion and a Member shall confine his observations to the subject under discussion.”

I rise because in my respectful opinion, I would be grateful for a ruling that this Member has not as yet gone to the motion and as such he is in contravention of the Standing Order because he is not confining his observation to the subject under discussion.

Mr. Speaker: Hon. Member, the only Member who has spoken and confined himself to the motion is Mr. Trotman. No one else has done so and no one in this Parliament observes that rule, despite my repeated rulings. Hon. Member, please confine yourself to the motion.

Mr. Neendkumar: Thank you very much Mr. Speaker. Even the children of those workers who were laid off were given uniform at that time.

8.45 p.m.

The people in the mining town of Linden can boast today that they have a fully functional Call Centre. 111 persons are now fully employed at the Linden call centre. They cannot take these things, Mr. Speaker, they are talking all sorts of things but they must accept that this Government is doing good things for the workers in Linden. A call centre; a 111 people; you could have never done that Peoples National Congress Reform.

The Motion that is before us must not be accepted. The PNC must not forget the dark and hungry days that they took the people through. Bauxite workers, veterans such as uncle Reds, uncle Maffat, Mr. Noble, uncle Phatinchman and a list of many others were tear-gassed while

in lock-up. Bauxite workers were beaten. Their families were terrorised and molested. They were forced to flee from the mining town and many had to migrate. Those days will forever stay with our people. History will absorb us. Let us say no to the motion of No confidence against Mr. Manzoor Nadir. [Applause]

Mr. Speaker: Who is next please? Are there any other Speakers? Mr. Williams would you like to conclude? I am calling and I am seeing no one standing up. Hon. Member if I invite you to speak and you do not wish to do so I will invite Mr. Williams to conclude the debate.

Mr. Nadir: Sir, when you asked if there is anyone else I stood to...

Mr. Speaker: I asked twice and no one stood up.

Mr. Nadir: The second time I stood but I will be guided by your ruling Sir.

Mr. Speaker: Proceed.

Mr. Nadir: First, I wish to extend my profound appreciation to the Members on this side of the House who have so robustly rejected this motion by my very good friend the Hon. Basil Williams. Secondly, I want to express my appreciation to the speakers from the Opposition for recognising some competence in me and wanting to see me back with them. In fact, an invitation was held out by the Hon. Member Raphael Trotman, himself and no less a person than the mover of the Motion had such an invitation too.

I listened to the speakers from the Opposition and all I could do was to label, especially the two that we had, the Hon. Basil Williams and the Hon. Raphael Trotman... Mr. Trotman, I will agree with Mr. Odinga Lumumba that his presentation was passionate but very inaccurate. Similarly the presentation by the Hon. Member Basil Williams could only be described as sophistic. I do not dabble much in the law but I have had some experience here in the National Assembly for more than a decade and a half, and I think somewhere I came upon the meaning of sophistic, it means: *'good sounding but not factual'*. This caused me to remember my days listening to "Nancy" stories. There is relevance because we heard a Nancy story. Nancy stories are very entertaining but we all know that they stretch the limits of reality. I want to describe the speaker, Mr. William's presentation and Motion as being very sophistic.

When you look at the WHEREAS clauses, you have thirteen of them and in these thirteen WHEREAS clauses eight of them restate parts of the labour laws - what we have either in the

Labour Law Act or the Trade Union Recognition Act, three has incorrect information. I will go through them, I know we have a constraint of time, and I will try to be very creative. Two of them do not apply. The Hon. Member Mr. Williams is famous for pulling things from here, there and everywhere that has no relevance. When we had the Budget debate he made a bold statement. He said the Government could not go to the International Labour Organisation because we did not pay our dues. I left with the Clerk the statement for 2010 from the ILO re: ‘*The Government’s account*’; this Government is eight years in advance of our dues to the ILO Sophistic, sophistic is his claim.

We heard that, Section 26. (1 in the Motion of) the *Trade Union Recognition and Certification Board Act* quoted quite a few times. That Act speaks to workers being able to demonstrate and go on strike while they are seeking recognition. It does not speak to a recognised union; it speaks to workers and a union organising and being given the ability to organise the workers when they are trying to get certification. Once again sophistic is his claim.

He also said that we are using delaying tactics so that we can go and run behind the workers and pressure them so that they can sign for de-recognition. Again this is sophistic because in the second week of December, the trade Union Recognition and Certification Board and the workers sent me a copy; over 120 workers in the second week of December applied to the Trade Union Recognition and Certification Board under clause 31 for de-recognition of the union. This issue of the Government delaying so that we can round around and force workers to sign this de-recognition agreement is but sophistic. The workers had applied within two weeks of this strike.

Another sophistic element of his presentation is the issue of the collective labour agreement. He introduced it so I need to make a comment on it. He cited section 44 of the Collective Labour Agreement, it has two clause; one speaks to the issue of strike but the first one...I think I should read it. Section 46.1 [Mrs. Backer: Section 47.2.] No that is 147 is the part of the Constitution that he need to quote but he said 141,142. I would not blame him for a slip of the tongue. He is normally like that. [Mr. Williams: Who said 142?] Yes you said 141, 142. It is 147. [Mr. Williams: I am speaking last.] So what? The first clause in the Collective Labour agreement, which he did not cite, says:

“In view of the orderly procedure set forth in Article 11 of the Collective Labour Agreement, avoidance of settlement of dispute and procedure. The

union agrees that they will not cause or direct any industrial action of any sort and the company agrees that they will not cause or direct any lock-out during the term of this agreement. Further, no employee shall engage in any cessation of work or restriction of production during the term of agreement...”

But two, recognise that people might take strike action. That is why they say the Union and the Company will urgently meet to resolve that issue. This union won recognition, I think, somewhere around 2008 and they signed a CLA that was going to be governing the period 2008 – 2011. They had as the Prime Minister said two strikes and immediately we were there. We were told that the Chief Labour Officer went on a trip and he came back at midnight. What did he achieve? In May when he went there he achieved a resumption of work with a commitment from the parties to sit down; he achieved a resumption of work in May with 36 hours and a commitment from the parties to sit down and negotiate the wage and salary increases for 2009, “not for the duration”. The Hon. Member, my very good friend Mr. Trotman said, when the PM read his letter he did not talk about the retro-activeness beyond 2009. It was only 2009 that was on the table.

Mr. Speaker, it is all about optics. This Motion is to make a point because the Opposition feels that this is a popular issue. Every Guyanese is concerned about the plight of the workers and no one is more concerned about the plight of the worker than this workers’ Government-the People’s Progressive Party/Civic Government. The Ministry of Labour has to be impartial and we have heard from the Opposition that we must take a principled position. The principle we operate with in labour is rationality and impartiality. I will tell you what is sadistic, Mr. Speaker, [Member: Sophistic.] I do not take prompting especially from that side where I was. [Mr. Nandalall: The man was promoted.] I am promoted. I said sadistic because what you see happening is more politics. It appears to me that people want to push this company and Linden out of economic activities. That is what it appears like to me. Sadistic not sophistic because if there is strike; if there is disruption; if there is violence; if there is sabotage then the investor will see Guyana as an unsafe place to invest and the company will be driven out. It was an opportune time because this was the time when the bauxite sector was going down. Jamaica closed; the TEAMSTERS secretary said to General Motors that GM can touch their pension funds as long as GM kept their doors open. Sir Leroy Trotman in Barbados said to the Barbados Hotel Association that they were not going to ask for an increase that year and Dick Morris - not that one - the Deputy General of the Barbados

Workers' union said it is time for us to engage in industrial diplomacy. He said this to the workers in November, recognising that you have to have dialogue and good faith.

The labour department that we have is a professional one. It operates on the principle of being an arbiter between the parties except letter writers want us to take on side. We will always take the side of the rights of the workers. We will never deviate from taking the side of the Right of the Worker. The right to work and the right to alleviate hardship when there is no work. I am happy that that the Hon. Member Neendkumar mentioned what the Government did. A few days ago when the entire Berbice operation was on the verge of closure my colleague on my left came to Cabinet, he was not a Minister then, and he asked for U.S 10M to keep the operations going because he said it was people's jobs and they must get something in their pocket. He got the \$US10 million with the active support of the Prime Minister and the Cabinet, then the President went to the people and explained the situation to the people. He said those who wanted to come off the Government would advance their pension. He said those who wanted house lots the Government would allocated that to them; some went as far as Canji. He went into workfare rather than welfare. The training program that Mr. Neendkumar spoke about which had retraining. While they were retrained they received a stipend to keep food on the table. Workfare rather than welfare. That is a caring Government. The Government I am proud to be part of today.

We have to look at the facts. We have had all sorts of conventions quoted and misquoted. I was surprised at these two learned...I have immense respect for lawyers. When you look at lawyers and you look at some of the legal principles I am just amazed at how Lord Durham and Mc Naughten could come up with the Criminal Insanity Rule. You know how complex that is. I do not think any-one in Guyana ever applied it to any criminal case here.

Mr. Speaker: It ought to be applied though. I do not know whether to litigants or lawyers but it ought to apply somewhere.

Mr. Nadir: You know how complex the rule of insanity is but look at the legal minds of Durham and McNaughton. They have, I think it is about 13 recognised maxims of equity and one of them says when you go to the court go with clean hands. I cannot say that about the Opposition. A rule of equity says when you go to the court go with clean hands. You want to redress go to the court with clean hands. I am very suspect that those who have brought this Motion... if their hands are clean.

I do not pretend to know the law, as I said... [Mr. Williams: You are grazing] I grazed well. Mr. Speaker, we have to dismiss - If I had my counsel Mr. Nandalall I am sure he was going to be making an application for no case - none has been established. Too many holes have been punched in the arguments of the Opposition and in the Motion itself. It is littered with holes. I am not known to be a person who is cocky, but I have some amount of confidence in my competence. I will stand committed to the development of this Country in and out of government; in and out of Parliament until death do us part. Just before I came to Parliament, many times politicians are never late we are always taking an extra call from the people. I got a call from a young lady. She said, Mr. Nadir, I am calling from Linden and I just saw that there is a no confidence Motion in you. I want you to tell the Parliament because all that the PNC has done by putting this Motion is to remind the people of Guyana what the PNC Government brought on the nation and it is giving your Government the opportunity to speak of all of the good things you have done for Region 10 as a whole.

I am honoured by my colleagues for reposing confidence in me and sticking with the rejection of this Motion and condemning the presentations by the Opposition. Thank you.
[Applause]

Mr. Corbin: Today is really a red letter day for this National Assembly of the Parliament. The fact that we had to come this far on this matter on a workers issue that could have been expeditiously dealt with is in itself an indictment on this Administration and reflective of the kind of intransigence and lack of concern for Workers Rights as we have seen in the last few years in this Guyana. We did not come here whimsically as my colleague said earlier. Why are we here? We are here Mr. Speaker and I heard Members asking about a letter. I will read a letter that I wrote in the month of January; this is the month of June. It is dated Wednesday, January 13th 2010; let me read the letter because it puts this issue in proper perspective. This is not a historical exertion. This issue is whether then workers interest has been properly adjudicated by the authority that was supposed to do it. That is the issue here. Let me read from this letter. I would not be diverted into irrelevancies that we have heard here. Let us get to the real issue. That is what they want to make a lot of red herrings like the one about the labour officer that the Hon. Prime Minister told us a few minutes who travelled over night. Any person unsuspecting would believe that this is related to the present issue. Another red herring it had nothing to do with the issue before us. That was months before the issue we are dealing with. The Hon. Prime Minister comes and tries to divert out attention about the union having options and when the agreement was put up the unions reneged on this without giving

us the full story that Mr. Trotman tried to explain about the agreement which was put forward to them not reflecting what was agreed. They wanted to pay them only for 2009. A payment of 10% and they would have gone back to January 1st, with the same old 2009 pay while they had to negotiated. That is what the agreement reflected, renegeing on the very option.

I am not here to adjudicate whether option two or option ten is right. That is not our function here. We are saying the issue should have been adjudicated and the rightful authorities determine it. Not the Prime Minister sitting in his office saying the workers are wrong. He has actually put the Minister of Labour in bad light. He has actually said that the Government adjudicated in this matter and therefore, there was no need for the Minister of Labour to investigate. “We already looked at the options and the Union was wrong to accept option three” you had a predetermination and obviously tied the hands of the workers. This is what the Prime Minister amounted to telling us today. We have heard of no procedure by the authority mandated to do that mediation that these issues were raised at any forum. That is why we are here. Those issues should have been raised in accordance with the law.

On January 13th 2010, I wrote the Minister the following letter.

“Labour Dispute at RUSAL Berbice Operation”

I am going to read the entire letter because it succinctly puts the points I want to raise without dealing with irrelevancies about history.

“Dear Minister,

I write to express my deep concern and that of the People’s National Congress Reform over the prolonged dispute between the Guyana Bauxite & General Workers Union (GB&GWU) and RUSAL’s Bauxite Company Guyana Inc. And call upon you to intervene as you are legally empowered to do in the interest of the affected Guyanese workers. The two month old dispute started since November 2009 when RUSAL workers went on strike for increased pay and other conditions of work. RUSAL subsequently announced that it was de-recognising the Union in breach of the Collective Labour Agreement and the Trade Union Recognition Act. More than 50 workers including the Union shop steward were dismissed as workers returned to work when the company restarted its operations in December.

Meanwhile, the company has engaged in union busting tactics of compelling workers to sign withdrawal of membership forms from their union as a pre-condition for retention of their employment. I am sure that you will agree with me that this unwholesome episode has grave implications for industrial relations in Guyana and can set unacceptable precedence. The union has taken its case to the Ethnic Relations Commission and the Trade Union Recognition Board but this is not a substitute for the functions of the Minister of Labour as required under the laws of Guyana. You may also be aware that RUSAL has a history of carrying out horrid anti-workers strategy in other countries...”

[**Mr. Hinds:** I thought you were restricting yourself to Guyana.] I am reading the letter. “...where they have had their operations. Recently their Industrial Relations Manager was expelled from Guinea following revelations of the company’s horrid labour practices in that country.

I do not believe that either you or the Government which you represent would wish RUSAL to succeed in carrying out those practices in Guyana. Consequently, I urge you to intervene to ensure that the company honours the Collective Labour Agreement and the laws of Guyana and that the unlawfully and vindictively dismissed workers would be reinstated...”

I concluded “... an urgent response would be highly appreciated...” signed “Robert Corbin Leader of the Opposition.”

As I speak here today, there has not even been an acknowledgement of this letter or a response to this. Firstly, I read in the paper that the Hon. Minister stated that he heard me speaking at a press conference, and the press was informed that he never received the letter. The next day I dispatched the office assistant with another copy of the same letter and got a signed acknowledgement from his office. I am now confident that, because I have the signature, that in his office there was a signature for the second letter. I am personally satisfied that the second letter was delivered. I have no doubt. If you wish I will publish the signature but that is not the issue. The issue is that this was not the only letter the Minister received. Let us say that he has no regard for the Leader of the Opposition or for any of us in this National Assembly, there is great contempt, we have no right to find out what the government is doing. They are a law unto themselves. So forget the Leader of the Opposition; forget the PNC.

9.15 p.m.

Mr. Williams has already pointed out that several other letters from the responsible union were sent to the very Hon. Minister. This is the authority of the Government which has a mandate to look at these issues. I have to take second hand information, but I have not heard a denial from any person who spoke here this afternoon, on the side of the Government, that they responded so I have to believe the union representatives when they said that they got absolutely no reply either from the authority. Not only did the Minister get letters from the union, he got letters from several international and local organisations and I had a copy of an electronic petition which the unions had sent. My understanding is that it was set up in such a way that all who signed the petition on the electronic format that their signatures were automatically forwarded to the Minister so he would have known. [Mr. Nadir: It was probably in the spam box] I see. It would have been forwarded to his email address showing the thousands of people who had a concern for a matter that affected workers of this country. There was not a single response. Let us assume that the Minister's electronic mail was so tailored as to put workers' issue into the dustbin, which is obviously what we are being told here, that it went into his junk mail box – so this meant that the workers' issues are automatically sent there.

Therefore, we assume that he has read the papers because I have been following the national newspapers and I have at least six letters written in the same newspapers. He must have, at least, read the newspapers.

“The issue is the violation of workers' rights” – Stabroek News, Thursday 1st April, 2010 – Mr. Leslie Gonsalves – General Secretary of the Workers Union.

The man has written and he cannot get an answer. He goes to the national media and writes a letter in the newspaper.

“The Ministry of Labour should intervene now to stop the transgressions of workers' rights by the bauxite industry” – Stabroek News – 31st December, 2009 - signed Mr. Leslie Gonsalves again.

That went into the spam box; at least this is in the news media. I looked at the newspapers again on 30th December, 2009 – “BGGI's attempt at union busting illegal” and another letter to the media which was signed by Mr. Lincoln Lewis on 30th December, 2009 - “The Ministry of Labour has abandoned its obligations to the bauxite strike.” 28th December, 2009. It was

again signed by Mr. Lincoln Lewis- “The bauxite struggle is actually about workers’ rights” – 11th December, 2009. It was signed by Mr. Lincoln Lewis. The Government is doing nothing to hold RUSAL accountable for breach of the labour agreement. [Member: How many do you have?] I have just a few. I just pulled a few to make the point that there could be no doubt that the issue affecting the bauxite workers at Linden was not a secret issue. The fact that it encouraged the leaders who are affected to have to write the media to convey their issues is in itself indicative of the kind of problems that we have in Guyana.

I want to deal with this issue of accountability because from all that the Hon. Prime Minister has said this afternoon, and I had hope that by the time the Hon. Minister of Labour rose to speak, that we would have had some reasonable and plausible explanation or the reasons as to why those provisions provided for in the law were not complied with; instead they were just wished away. As for the other speakers, they have carefully avoided the issue that we are discussing so that is clearly an admission of guilt! They do not want to deal with that issue and they have gone about skirting it. We were told about the changing and global times, we heard about the PNC, we heard about 1989, we heard about the union de-recognising workers in the past since 1985, but the Prime Minister must know that I am aware of those facts.

He is factually correct that a de-recognition letter was sent by the then Chief Executive Officer (CEO) but what he failed to tell the people is that the Minister of Labour then intervened and after three meetings at the then Minister of Labour’s office, the letter had to be withdrawn and the workers’ rights were re-instated. That is how the Minister of Labour should work. That happened at the time. He should check back. There are people in this House who can confirm that what I am saying is true.

Do not let us raise red herrings and go back to 1989. That is not the issue. The issue is whether in the case of the bauxite workers at Kwakwani there was a responsibility or a duty on the part of the Minister of Labour which he should have carried out, and which he failed to do, thus leading to injury to workers’ interests in this country. That is really the issue before us.

I do not want it to be considered that we are delving in thin air. It seems to me, as I said, that from the presentations of the speakers on the other side of the House that they are doing us a favour in responding to a very serious issue. I did not want to get up and raise a motion about irrelevancy and I do sympathise with you, Sir. However, I waited patiently to write the issues that were going to be raised that were going to contribute to clarity that was going to show us

that there was due diligence on the part of the Minister. All of that was skirted and there was nothing about that.

Let me remind this House that the basis of this motion has to do with obligations placed on the Minister under the Constitution and the laws of this country. All of us, including the Minister, have taken an oath to honour, uphold and obey the Constitution of the Cooperative Republic of Guyana. So while the Minister of Labour is, as someone put it, a “creature of the President”, and that is not derogatory, it is a legal term that is quite normal, in terms of the fact that the Constitution provides that the President shall appoint the Prime Minister and the Cabinet, I think Article 106 of the Constitution spells that out.

However, if you look at the very Constitution at Article 106 that empowers the President to appoint the Prime Minister and Ministers, says something which I would like to let the Hon. Minister, the Hon. Prime Minister and those who have been straying so far from the realities of the debate know.

Article 106 (1) says:

“There shall be a Cabinet for Guyana which shall consist of the President and Prime Minister, Vice-Presidents and such other Ministers as may be appointed to it by the President.”

The second section, 106 (2) says:

“The Cabinet shall aid and advise the President in the general direction and control of the Government of Guyana and shall be collectively responsible, therefore, to Parliament.”

Not to themselves.

“...shall be collectively responsible, therefore, to Parliament.”

That is why we are here. As Members of the Parliament representing a Constitution that says sovereignty belongs to the people and we are their representatives, I expect that when I raise an issue with the Minister of Labour as representative of a constituency, I expect him to take it seriously. I do not write him every day, but if there is a genuine issue of concern, as a Member of this National Assembly, one expects that certain courtesies and explanations would be provided. In all fairness to the Prime Minister, when I do write him, most of the

times he takes the time to reply with some very long letters. Even though I may not accept everything he says, at least he tries to get around the point. We are not here because we want to be here, but we have to deal with this matter.

I want to draw your attention also to Article 107 of the Constitution:

“The President may assign to any Minister responsibility for any business for the Government of Guyana, including the Administration of any department of Government...”

And this is what he has done in the case of the Minister of Labour, but it goes on:

“...in respect of responsibilities so charged, the President shall appoint a Minister to be answerable to the National Assembly, therefore on his behalf.”

In other words, while the President appoints the Minister, he is not a law unto himself. He has to advise the President because that is the source of his appointment, but he is also answerable to this Parliament. This is why we are here. We are here because the Minister has even disregarded representation from Members of this Parliament to get some clarity and so we had to formally bring it here. He has not only “*dissed*” the workers; he has “*dissed*” the entire National Assembly; he does not have any regard for them and it did not come here by accident.

The Constitution does not speak about a No Confidence Motion against a Minister, one Member spoke about that saying that we should have brought it against the Government. That is true, but Article 106 (6) also speaks about No Confidence motions. I spent some time checking the May’s Parliamentary Practice and it is not something that is unheard of, so it is not out of order. Therefore, we need to say what the Constitution particularly says that if a No Confidence motion is passed against the Government, it has to resign. That is what the Constitution says, but of course, the President has powers to call elections within three months and things like that. Therefore the principle to be derived, if we may draw *mutatis mutandis* with this principle in Article 127, the whole purpose of the 107 principle, is that if you are really dissatisfied with the performance of someone who shows total disregard for the Constitution and laws of Guyana, the place to come is this Parliament and move a motion of No Confidence if he does not resign on his own. And if it is passed, he will do the moral thing and resign.

We know, of course, that party politics being what it is in Guyana today, unless, of course, Mr. Komal Chand, Mr. Donald Ramotar, Mr. Robeson Benn, Mr. Clement Rohee and Ms. Gail Teixeira were given a free vote and told: “do not worry with party affiliations, let us vote on the principles this afternoon”, but then we do not know what would be the result. Because of party politics we know that the vote is unlikely to succeed. However, it is sufficient to bring to the national forum our total disgust at the way in which the Government, through the Minister, has been treating a matter for which we hope will still be resolved in a responsible and professional manner. That is why it is brought here. We have twenty-two Members of Parliament; we know that it will fail. The Minister knows that his seat is not threatened and everybody will toe the line, except for Mr. Chand who said that he might as well stay home because he would not be able to face Guyana Agricultural Workers Union when he hears what the Prime Minister has said about these new orders. He will want to know what he will do with GAWU and the daily strikes and burning down of canes. He will be in serious trouble, so I agree that he did the correct thing.

We are obligated in this Parliament and those who take office to uphold the Constitution. I do not want to spend a lot of time on this Constitution, but if we do not set the example to uphold that which we took an oath to do, what are we expecting to happen in Guyana?

Article 147 of this Constitution speaks about the right of Freedom of Assembly, Association to demonstrate peacefully, to form Trade Unions and for the protection of his/ her interests.

Now, what we are concerned about that Article 147 (2) speaks about no person being hindered in his/her freedom to strike and Article 147 (3), which I would not waste time at this late hour to read, speaks about the Constitutional right that neither employer or trade union shall be deprived of the right to enter into collective agreements.

Finally, Article 149 of this Constitution speaks particularly, and this is not one that has been assented to, because you know that there are some provisions which were passed by Bill No. 18 of 2000 which, despite getting the unanimous approval of this National Assembly to be effected in Constitutional changes, have not yet been assented to by the President. Some of these provisions, although we have passed it in the National Assembly, I would admit, have not yet been assented to. I do not want anybody to raise a technical point to say that a particular one was not assented to and is not a part of the Constitution. I am speaking about those clauses which are found later in Article 149 such as Article 149 (2). Article 149 (1) is part of the Constitution which says:

“No person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or by any public authority.”

You may want to ask what the relevance of this is. We are contending, and I will illustrate that the oath of the Minister requires him to ensure that the provisions of this Constitution and the laws are upheld. It is a serious dereliction of duty if it is established that in one case the Minister is very proactive in settling a dispute and in a next case, he appears to be very reticent or dilatory in doing so. [Mr. Hinds: Circumstances and context] Circumstances and context should have been advanced here today and we have not heard a single word to justify or mitigate the failure to investigate or to do what is always done in most strikes in this country. What we have heard is a justification of the actions of the bauxite company by the Prime Minister. Not only justification by a confession about being an advisor to the company on an issue against the workers.

Articles 149 (a) (c) (d) of this Constitution all speak of the right to work, participation through trade unions and that the State shall not deny any person equality before the law. I honestly want to ask the Hon. Minister of Labour if in his serious assessment of his management of the strike, which is still the issue of the bauxite workers at Kwakwani, he has allowed the rules of equity that he spoke about to apply, when to date, despite a letter from one of the affected parties saying: “could you please meet us to hear our case”, he has not even responded. And you tell me that this is equity! I must be missing the point. At first, I was hoping that the Minister would extricate himself, but after hearing the Prime Minister and others, I realised that he was really in a straight-jacket. He was really reflecting a governmental policy on this matter and that policy seems to have been that it is time to get rid of the union.

When you hear of the historical animosity which a Hon. Member, whose name I will not waste time to call, spoke this afternoon giving us a history which has nothing to do with Kwakwani. A history of some perception that the PNCR was hand-picking union leaders in Linden twenty years ago and how the union leaders were not giving performance and a historical attack on the union issues for which he, obviously, know nothing about. I would not be diverted to deal with those issues about the workers’ complex at Linden. You can see the trend of the thought ways that here was a union that we have a long grudge with and this is the time we put the axe in them. But half of the premises advanced were totally false. It is an

insult to the workers of this country and to the trade union leaders who have been leading the bauxite union for the last twenty years and also for him to say that they were stooges of some political party. That is what that Member was saying that the whole bauxite union for the last twenty years was hand-picked people running the bauxite workers.

I wonder when the very leaders such as Mr. Lincoln Lewis, who someone on the other side referred to, was campaigning and marching against the PNC Government, was he then a stooge of the PNC too? We can use this Parliament for all kinds of diversion and insulting people's characters and integrity because we can do it with impunity in this House and divert attention from the real issue that we are discussing today which is the obligations of the Minister of Labour to function according to law.

The motion and the details have already been highlighted, but what has been highlighted appears to suggest that this motion only has one Resolve Clause and so I want to bring us back on track. They were so concerned in diverting the issue that this motion has a number of Resolve Clauses and not just one. The Hon. Minister Nadir is one of them.

Mr. Speaker: Hon. Member your time is up.

Mrs. Backer: I rise to move that the Hon. Leader of the Opposition be given fifteen minutes to continue his presentation.

Question put, and agreed to.

Mr. Corbin: I want to bring us back to the motion that we should be dealing with. The motion has four RESOLVED clauses and only one deal with the Hon. Minister. Everyone seems to have forgotten the others.

The second one calls on the Government of Guyana to honour the many Conventions of the International Labour Organisation to which it is a signatory and to ensure that the Labour Laws of the country are honoured by all employers, more particularly, the RUSAL owned Bauxite Company of Guyana Inc. In the motion, specific Conventions have been mentioned. The Hon. Minister, who spoke a few moments ago, glossed over them and said we do not understand the meaning of these Conventions. [Mr. Nadir: I said that?] Yes, in summary. He said that we used them out of order without understanding the proper context and all of that. That is in substance what he said. He did not use those exact words, but we are not unintelligent people to have an inference from what he was trying to say. He made no

attempt to tell us what Articles 87, 98, 135, 154, 158 and 163 states because had he highlighted them. He would have been exposed as to which of Conventions the Government has been failing to honour. It was a very skilful and majestic diversion so that we are not addressing the many violations of the rights of collective bargaining and all of these things that we have signed onto as a country that are not being observed.

We are saying that if the Government honours those Conventions, we would not have the situation that has occurred over the past seven months – from November 2009 to June 2010 – where there is an industrial dispute and the agency responsible for adjudication has not even had the courtesy to apply the law and call the parties together and say: “let us try and settle it”. We have not heard a single confession that that was done. The only reference of the Ministry of Labour intervening was three months before when the Prime Minister tried to confuse us and said that the Labour Officer travelled all night so that the people who do not understand the fine writing would think it is the same dispute. He should have been able to tell us, just as he told us about the Labour Officer, and I have due regard for all the public officers who work hard, this is not an attack on any public officer, but we know that public officers function on instructions. Just as how the Prime Minister was able to tell us in this Parliament that he heard from some source that there was a problem in Aroaima and he immediately called the Chief Labour Officer and sent him to intervene. In other words, the Prime Minister demonstrated his capacity in May to direct an officer in the Ministry of Labour to travel overnight to expeditiously settle an issue in May. However, it is interesting that there is a problem in December that ran from December 2009 to June 2010 and the Prime Minister spoke for more than an hour and he has not told us of a similar example where he has intervened and sent an officer to try to resolve it. How revealing!

The third thing that we have asked for this motion to do concerns the condemning of BCGI’s unlawful, arbitrary and unilateral de-recognition of the Guyana Bauxite and General Workers Union in violation of the Trade Union Recognition Act. The Prime Minister basically admitted that it was wrong. Why did he not support this section of the Resolution? Why does he not condemn them? You condemned the Head of Linden Mining Enterprise Limited (LINMINE), according to you, for sending a similar letter to the then workers Union, but now you are timid to say that the company was wrong to flagrantly breach the laws of Guyana.

The next RESOLVED clause deals with supporting the demands of GB&GWU for the reinstatement of dismissed workers and the impartial and professional intervention in the

dispute by the Chief Labour Officer consistent with the Labour Laws and the Collective Labour Agreement. I would have thought that it was an opportunity for this Government that claims to be representing workers to identify which such a resolve clause that here we might have been dilatory in dealing with such a matter. Let us put the machinery in gear so that we can ensure that there be an impartial and professional intervention like the Hon. Prime Minister did when he sent the Labour Officer to Aroaima. However, we have heard absolutely nothing on the part of those who spoke this afternoon that there is any intention to follow the laws of Guyana.

9.45 p.m.

Finally, we say here:

“BE IT RESOLVED:

That this National Assembly initiates an international appeal for support from all Parliaments in those countries in which RUSAL is presently carrying out any type of business operations as well as seek solidarity and support from all relevant international organisations.”

The motion would have provided an opportunity – a glorious opportunity I would say - that the Government should have ceased...not to do anything unusual to say that the Prime Minister will not be allowed to try the case in his own court. That is what the Government did, Sir. That is what he said. He tried the case. He came to the conclusion, according to what the Hon. Prime Minister told this National Assembly – it is in the Hansard – that he was surprised that the workers union took the option to have fourteen per cent of the workers to be dismissed. In other words, an area which should have been in the exclusive jurisdiction of the members of the union to decide...I am not judging the union for right and wrong of the option it chose, but it is not for the Prime Minister to determine which option was right. He was surprised that he wrote this option. That is not the issue. The issue is the union officials took a certain decision.

Mr. Hinds: Mr. Speaker, I would like to correct what the Hon. Member has just said. I did not say that I was surprised that they chose that option. I was surprised that they wrote the letter saying that they chose that option. They put it in black and white. That is what I said I was surprised about, and I offered to apologise to them for my doubts.

Mr. Corbin: All he has done was to confirm what I am saying. In other words, the Prime Minister is confirming that he exercised a judgement. He substituted his subjective judgement of what he thought the workers should have decided, thus, prejudicing his mind as to what further action the Government should have taken. Whether we agree with the decision of option one or ten, that is not our job. Our job is to provide the avenue, if there is a dispute, for those matters to be brought to the fore through the process of law which has been outlined. I do not want to waste the time of this National Assembly to repeat the substantial powers of the Minister. Those powers have been highlighted. Somebody said we wasted time to put them here. We put them here to avoid a long presentation. But there are many options available to the Minister which ought to have been applied, and which was not applied in this case. Let me give you two examples: Section 4 of the Labour Act, Cap. 98:01 of the Laws of Guyana, delegates certain powers to the Minister in cases of trade disputes. One of them is:

“enquiring into the causes and circumstances of the difference; and

(b) taking such steps as to him may seem expedient for the purpose of promoting a settlement of the difference; and

(c) with the consent of both parties to the difference or either of them or without either of their consent refer the matter for settlement to the arbitration of an arbitration tribunal consisting of one or more persons appointed by the Minister.”

That is one example. My question is: Did the Minister use any of his powers – he has not told us - to apply any of these remedies? Did he set up any step at promoting a settlement of the difference between the Guyana Bauxite and General Workers’ Union and RUSAL of which he was apprised? Did he do so?

The second issue: Did the Minister, with the consent of both parties, well obviously we have not heard of consent of both parties, but we have evidence that the bauxite union wrote the Minister, so at least one of the parties to the difference approached the rightful authority that it is supposed to exercise authority under the law that I quoted from the Constitution. The union wrote saying, “Meet me. I have a problem and you have power to set up, without RUSAL’s intervention”. It is an independent person; not the Prime Minister is determining who is right and who is wrong, who is riotous and who is not. I did not know he was a magistrate. On what basis! It was most preposterous. I was offended for the Prime Minister to

stay in Georgetown and come to this National Assembly and support the dismissal of over sixty-odd workers who he knows were dismissed because they behaved riotously. On what basis did he arrive at that conclusion? Where is the evidence? Was there an investigation by the police? Did the Minister of Labour set up an independent arbitrator that produced a report that told him that this dismissal was correct? This is the point I am making. The Prime Minister has allowed himself to be absorbed in subjective judgements, rather than apply the law and use the machinery of the law so that an independent party can give him a proper report. That is what we are talking about – abdication of responsibility and neglecting to perform his functions. That is what we are talking about.

Therefore, the issue before this House is not whether the PNC did this twenty years ago and whether the motion should have been passed twenty-five years ago. The fact is that we are faced with a situation where, as far as I am concerned, unless other evidence is presented to this House tonight, I will leave here with the conviction that there was blatant discrimination in the manner which this issue was dealt with in the bauxite industry – clearly with a purpose of discriminated against the workers in the bauxite industry. The victory which came out from the speeches here tells one that these people are no good, so we do not have to go into the details. They were riotous, so the company dismissed them. I have never heard of a strike in any part of the world where workers sit down and sing, “solidarity forever.” I have never heard of a strike...the Prime Minister was in the bauxite industry. This is not confined to Guyana. [Mr. Hind: The speakers were dismissed] ...after dismissals, after investigation, and on so. Do not try to behave in a manner holier than thou. The other day I have seen that in the United States of America there was a big strike at General Motors. I was amazed to see what child’s play the trade unions have here when they have a strike. I do not know what he was talking about, “riotous and unusual behaviour”. I consider proper militancy on the part of trade unions when they have a strike. They have a right to represent their interests. But the fact that the Prime Minister can come to such a judgement, without an investigation, indicates bias and brings us back to the Constitution, a breach of article 149 (1) (b), that -

“no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of functions of any public office or any public authority.”

That is what we have – clear evidence of it.

Mr. Speaker: Your time is up Hon. Member.

Mrs. Backer: Mr. Speaker, I rise to move that the Hon. Leader of the Opposition be given fifteen minutes to conclude his presentation.

Question put, and agreed to.

Mr. Hinds: Mr. Speaker, I thought it might be appropriate for me at this time to beg to move the motion on Standing Order 10 (3) to suspend Standing Order 10 (1) to allow the debate to conclude.

Question put, and agreed to.

Standing Order suspended.

Mr. Corbin: Thank you Mr. Speaker. I am sorry I sounded so passionate. Maybe the break provided me with an opportunity to regain my calm, but it has not removed my concern over the lack of fair and equitable treatment for workers of this country. So that when a representative of GAWU, I think it is Guyana Agriculture and General Workers Union now, which had as its leader, Dr. Cheddi Jagan, who was involved in the trade union – if you want to go back in history - fighting for recognition against the Manpower Citizens Association (MPCA), all those years, and engaged in all kind of things in the sugar estates with Harilall and the good father of the Speaker, the late Hon. Mr. (Boysie) Ram Karran who used to be very poignant in his presentation and amused us at times, I had the gracious experience to share his occupancy, of course, he was on this side of the House and we were on that side at the time!... But the point is, GAWU, with Harilall and all those people, did all kinds of thing in the sugar industry. According to the Prime Minister today, all those sugar workers should have been dismissed. They were violent. [Mr. Hinds: It is a time for change.] It is a time for change. It is truly animal farm.

The point I want to illustrate is this: that general trend has not changed in the sugar industry. I have nothing against the sugar union. I believe it has right to represent its interests. But every time there is a big issue that the sugar workers strike, the last time there was one at Corentyne, I saw from the President and all the Ministers went up there, trying to settle it, because the workers were there burning tyres on the road. When one sees that response on the part of the administration with the sugar strike, and there is a similar situation, instead of the President and the Ministers going, there were four black squads who were sent there. But no

Ministers, no Prime Minister, no Minister of Labour to this day, four months later, has paid any interest. I have to come to the conclusion that there is blatant discrimination. It is nothing else.

When I listen to the Hon. rookie Minister of Housing and Water – he called me rookie just now, so I am entitled to return a favour – commissioning the Cotton Tree water treatment plants a few weeks ago, I read in the paper, and this is what he said - and I want to come as close as possible to what he said – that governments investment in the water sector reflected the “fairness and equitable nature”..., those were the exact words, “fairness and equitable nature of development under the PPP”. Three minutes later, His Excellency, The President joined him and this is what he continued to say, *inter alia*, “15,000 people were going to benefit from this new water treatment plant at Cotton Tree.” He announced a huge future for Berbice. Then he went on to say, and I quote from the words of His Excellence, Sir, not to influence any debate here, but to illustrate a point, “I have made it clear that the future has to encompass everyone equally. All of our peoples must benefit from this and at the level of the state, we ensure that this happens scrupulously.”

I had to write to respond to say that if the President, at that time, had gone just three miles down to Catherinas Lust, the very water supply situation, he would have found that the Hopetown Co-op Society was asked to pay five million dollars just to hook up the pipeline. [Mr. Ali: It was not just to hook up the pipeline] Yes! It bought the pipes. It had all the infrastructural works and all it asked for was to get the interconnection to Catherinas Lust which had eighty-four houses. It was told by Guyana Water Incorporated that it had to pay five million dollars. I wrote about it in the newspaper, and after that...

Minister of Housing and Water [Mr. Ali]: Mr. Speaker, on a Point of Order, I think the facts in this situation are being misrepresented...

Mr. Speaker: I will give you a minute when Mr. Corbin is over.

Mr. Ali: Thank you.

Mr. Corbin: I did not intend to deal in depth with it because I have raised this matter with his superior, the President, and he said he will look at it, but I am trying to illustrate the point. I have spoken to his boss about it because I am very perturbed about it too. The Minister cannot fool the people of Hopetown about that. After I spoke about it on the television and wrote about it in the newspaper, the next day the very Minister – let him refute

this - sent all kind of messages to the people of Hopetown telling them to go quickly to the Ministry of Housing and Water because he wanted to resolve the matter. Am I lying? Then he said how he was going to settle it: "I am going to allow you to pay three million dollars instead of five million dollars. Come and sign the agreement right away." After the people were put in that position they said, "Look, we are in a bad way so we might as well do it." When they went back they were nearly torn to pieces by their members. I bet the Minister cannot show me a single signature with the stamp and any payment for it as yet. I dare the Minister to show me. When the Ministry of Housing officials reached to Hopetown, the people chased them out and said, "What are you telling us about three million dollars?"

I am trying to point out that these situations gave the impression that there is a disparity in treatment in the way the Government deals with different constituencies in this country, and it is time this nonsense stops. I hope the Hopetown situation is resolved because every householder has to pay ten thousand dollars for connection. That is not what we are talking about. The householders are not refusing to pay that. They have a c-op scheme and they say it should be hooked up. Why should they be penalised? Similarly to this issue, here we have a disparity in the way in which the Government treat one set of workers and unions, and it has a completely different standard in the way in which it treat with them. What conclusions does the Government want the people of this country to arrive at?

Therefore, I would have expected today – and I am very concerned about this matter – that we would have heard from the Government, some kind of undertaking to follow the very law, because it is not as yet concluded - the issue is still outstanding - to set up a proper arbitration panel or some body, as the law requires and follow what the law says. But what we have heard is defiance. It does not care the people are wrong. It does not care about what they say. They should change their ways. If the workers should change their ways, run an education programme for the trade unions. Restore the subvention to the Critchlow Labour College, so that education can go on there to reorient these workers to change. The Government wants a new approach to trade unions and it has an institution which is involved in workers' education and it cuts off the subvention, and the very Minister who we have lack of confidence in did not write and fight this Government to ensure that that subvention is restored. Then it talks about change and the new attitude of the workers.

I trust that the Government does not continue to treat this issue lightly, and that it recognises that the eyes of the people of this country are on it and the disparity in which it is treating

with an obvious issue. I do not want to deal with irrelevancies because those will let us lose focus. I am dealing with this specific issue. I am saying there is still room for the Government to act responsibly and in accordance with the law and the Constitution. I hope, even though it will defeat this motion by the vote today, it will vindicate itself by doing the proper thing and honour the oath of office it took to honour and uphold the Constitution of the Cooperative Republic of Guyana. Thank you. [Applause]

Mr. Ali: On the issue of the Hopetown Co-op Society which has been raised by the Hon. Leader of the Opposition, I wish to state very clearly that the Ministry and GWI have one policy that they use for co-op societies and private development. That is the policy that they advise the members of the society they were upholding. The cost of the investment was fifteen million dollars and GWI was already meeting ten million dollars. The fact of the matter is that that policy is the policy implemented throughout Guyana. So for the Hon. Member to come here and try to mislead this House and the people that we are treating them differently...

Mr. Speaker: Thank you Hon. Member. You have given the explanation. We do not want a long speech.

Mr. Nandlall: I rise to speak on the motion which is before the House. When I originally was requested to speak on this motion, I did not yet get a copy of it. I was told generally what it dealt with, and I experienced some difficulty in how I would approach a motion, based upon what I was told, which would have championed the cause of the workers at the bauxite industry against the Government. I had great difficulty in identifying the approach and the methodology I would take in dealing with this issue. Then I got the motion. When I read the motion, I even got myself in greater difficulty. In order to reconcile the various contortions that I was going thorough, I tried to put my hand on all the materials that were available to me. I read all the relevant legislation. I went through all the articles and the letters that the Leader of the Opposition adverted to. Even more than that, I read the letter of Mr. Rickford Burke which was published in the *Kaieteur News*. I observed a striking similarity, almost paragraph for paragraph, of the letter of Mr. Burke and the motion before the House. Then I concluded that this is only an occasion for grand standing on the part of the Opposition. I realised that farthest from the importance was the interest of the workers. Your Honour will observe that in the National Assembly today the workers who were purportedly being championed are not here. They are at work. That fact has not been said. The workers have

returned to work. That has been swept under the rug. What we have had in this National Assembly, especially from the leader of the flock, is an emotional outburst and emotional avalanche of politics and diatribe of latent and patent racism injected in the national politics of this country.

Racism was used as a tool by our colonial masters to divide us. After forty-four years of independence, we are using it among ourselves. That is why we in the PPP have always used the class analysis as the tool to interpret the struggles of the people of this country, not race. We have used class to interpret the complexities of Guyanese society, not race. We do not look at the sugar worker and the bauxite worker. At the Enmore Martyrs, in 1948, when five sugar workers were killed - why were they killed? They were killed because they were agitating for better working conditions and for a right to elect a union of their choice - at their graveside Dr. Jagan made a pledge to the people of this country that he would dedicate his life to emancipate the working people from the bondage of exploitation and poverty – not the working Indian People; not the working Black People; but the working people of this country who were struggling and who were chained to a bondage of exploitation and poverty. That is the legacy of the People's Progressive Party.

When we were formed in 1950, the first victory that we delivered to all the working people of this country was universal adult suffrage. We gave them the right to vote. Ninety per cent of them could not have voted before because they did not own property.

In 1953 when PPP formed the Government, one of the first Bills that was introduced into the National Assembly was the Labour Relations Bill, a Bill which was designed to give the workers the right to choose a union of their choice. Unfortunately, the Constitution was suspended and the Bill never made it into law.

In 1963, we reintroduced the Bill and Linden Forbes Sampson Burnham voted against the Bill. When he was asked, how could he vote against this Bill when he was a part of the process that laid it in 1953? Do you know what he said? He said it is not about the Bill. The Bill only presented an occasion for him to launch the war. The strike at the workers union is similar. It presents an occasion for the Opposition now, wolves in sheep clothing, to pretend to speak for the workers. When I go through the motion, Mr. Speaker, I will show you the deficiencies in its arguments.

Before I begin to address the motion itself, there are a few things I must put into perspective. A Labour Ministry under our legal system is non-partisan. The Labour Minister has to be non-partisan in adjudicating in a labour dispute. By law, he has to be impartial. He is a facilitator. The PNC passed the law in 1984 to make collective bargaining arrangement an enforceable contract. So when a union and an employer enter a contract, it is a legally enforceable contract.

10.15 p.m.

In this matter there is a recognised union - we have heard a lot of things of de-recognition and who has to be recognised et cetera – that has signed an agreement with the employer. This is the agreement, Mr. Speaker look at the size of it. The agreement is very exhaustive in its provisions. It outlines in great detail the various provisions in respect of settling grievances. The Minister cannot interfere and throw the agreement aside; then he would not be upholding the oath of his office. He has to allow a process to take place. The learned Leader of the Opposition, the lawyer that he is, was emphasising that we must look at principle. Well, I want to look at principles. Because the learned Opposition Leader held up the Constitution and was speaking about the constitutional right to strike, and constitutional right to do this and that. When two private individuals contract they cannot seek refuge in the Constitution. That is basic law. The Constitution is between the citizen and the state. So the people in the bauxite industry when they strike against RUSAL they cannot be exercising a constitutional right. They have no constitutional right in this agreement. They are bound by the contract they have signed, and the contract outlines a grievance procedure which they are required to undergo. The grievance procedures provide step by step guidelines, and it also provides the role the Ministry of Labour and the Labour Officer has to play. If we want to talk about principle we have to talk about principle. **[Interruption]** Mr. Corbin I am not speaking about private law. I am speaking about two individuals contracting. The constitution has nothing to do with that. **[Interruption]** Which statutory prescription?

Mr. Speaker, reference has been made to the Trade Union Recognition Bill and I will go through the motion clause by clause and show you the deficiencies.

The first WHEREAS clause sets out Section 4 of the Labour Act and outlines the responsibilities of the Minister under the Act. I have read them and compared them with the motion and what I have recognised is that there is a deception in clause 6 because the crafter of this clause conveniently forgot... cut a sentence in half. I will read the motion and then I

will read the section from the Act and that will demonstrate the deception that has permeated this debate.

Mr. Speaker, clause (c) of the motion, outlining the responsibility of the Minister, says

“WHEREAS Section 4 of the Labour Act, Chapter 98:01 of the Laws of Guyana delegates powers to the Minister of Labour in cases of trade disputes including:

- (a) inquiring into the causes and circumstances of the difference;
- (b) taking such steps as to him may seem expedient for the purpose of promoting settlement of the difference; and
- (c) With the consent of both parties to the difference, or from either of them, or without their consent, refer the matter for settlement to the arbitration of an arbitration tribunal consisting of one or more persons appointed by the Minister;”

The motion stops there but the Act continues:

“With the consent of both parties to the difference, or of either of them, or without their consent, refer the matter for settlement to the arbitration of an arbitration tribunal consisting of one or more persons appointed by the Minister;”

The motion stops there but the Act continues.

“...except that the Minister shall not refer a difference for settlement to the arbitration otherwise than with the consent of both parties”.

Sir, this motion is misleading. And there is another requirement that the Minister must be convinced that it is injurious to the national interest before he acts. I am reading the laws of Guyana. I have been asked to deal with principles and I am dealing with principles.

In Temal’s case that very section was interpreted by our court of appeal. This is what our court of appeal said; and note the discretionary nature of the powers.

“...the Act does not make it obligatory on the part of the Minister to appoint an arbitration tribunal...” **[Interruption]**

Mr. Corbin will you please listen. I listened to you.

“... the Act does not make it obligatory on the part of the Minister to appoint an arbitration tribunal to settle any differences whatsoever between employer

and employee. It lies within his discretion to decide whether he will refer a difference for settlement by compulsory arbitration. He need not do so. It is not as if a tribunal in the nature of an industrial court has been established by law and have exclusive jurisdiction to trial, disputes...” etcetera.

What the judge of the Court of Appeal is saying here is that the Minister has to take a back seat and allow whatever collective arrangements are in force for the parties to resort to that. That is what the Court of Appeal of Guyana is saying.

I am submitting, that the Collective Labour Agreement between the Bauxite Company and the workers outline a procedure which the Union did not employ. Even in terms of the 50 plus people who were fired, to date - and time is running out - they have not laid a claim to the Ministry. The Ministry cannot on its own volition... And I am a lawyer and am speaking law and not emotive politics. The Minister cannot act unless there is initiative for him to act under the law. All the lawyers who are speaking for the workers would have done the workers a greater service if they had advised them to go and file their claim for wrongful dismissal. All the heated politics and exchanges going on are futile. It is to boost people's ego here while the workers interest continues to perish in Linden and Kwakwani.

Those who believe that the workers were dismissed unfairly, independent of the process that goes to the Minister, can go to the court and sue for wrongful dismissal; they are all lawyers. And rather than draft a 14 clause Motion, energies would have been better spent, and more rewarding to the workers, if they had filed a case for wrongful dismissal instead of engaging here in pretensions purporting to represent workers interest – workers who are at work. I don't even think the workers are in support of this motion.

Mr. Speaker, the second WHEREAS clause says this,

“AND WHEREAS Section 6 , of the Labour Act gives the Minister of Labour the power to appoint an Advisory Committee in case of existing or apprehended trade disputes, which Committee shall inquire into the matters referred to it and shall report thereon and make such recommendations as it may deem expedient to the Minister;

The motion here recites the position but this has to be read subject to the Collective Labour Agreement. It has to be read subject to the labour agreement. The Minister cannot superimpose upon the two contracting parties a mechanism that they did not agree upon. It is

only when this agreement is exhausted then you resort to the mechanism of the Minister. That is the law. And if we want to speak on principle that is the approach we should take. Out of the fourteen WHEREAS clauses I have dealt with two.

I will deal with the third one.

“AND WHEREAS the Trade Union Recognition Act, Chapter 98:07 provides for the improvement and promotion of industrial relations by the establishment of procedures for the certifying of trade unions as recognised majority unions and for the matters connected therewith;”

Well, this is fluff. This is simply verbiage. This does not advance the cause of anything.

Let us go to WHEREAS No. 4.

“AND WHEREAS Section 23(1) of the Trade Union Recognition Act states that where a trade union obtains a certificate of recognition for workers comprised in a bargaining unit, the employer shall recognise the union, and the union and the employer shall bargain in good faith and enter into negotiations...”

Mr. Speaker, again this is fluff. It is irrelevant. It is otiose because there is a recognised union and an agreement. So we have passed this stage. Once again, this is excessive; fluff.

Then clause No. 5.

“AND WHEREAS Section 23(3) of the said Act (that is the Trade Union Recognition Act) states that an employer who fails to comply with the provisions of the subsection (1) shall be guilty of an offence and liable on summary conviction...”

Again, this is fluff. The Company has recognised the Union so there is no question of non recognition.

Then WHEREAS No. 6 reads as follows,

“AND WHEREAS Section 26(1) of the said Act states that no worker shall be dismissed, or have his employment adversely affected, or his position altered by his employer, by reason of the circumstances that the worker:

(a) is an officer, delegate or member of a trade union;”

Nobody has been dismissed because of being a trade union member or leader. So again we have fluff. Or,

(b) “has for reasonable cause absented himself from work without leave...”

Again, this is a completely irrelevant issue; fluff again.

I am now at WHEREAS No. 7. There are 14 WHEREAS clauses. I am at fifty percent of the motion and it has not dealt with anything of substance. It is a very vacuous motion as we would say in law, guilty of great prolixity.

Let us go to WHEREAS No. 7. I am the only member speaking directly to the motion, Sir, as you prescribed. **[Interruption]** Mr. Corbin went on a political fashion contest there. Nothing to do with the workers interest. WHEREAS No. 7 or Fluff No. 7,

“AND WHEREAS the same Act (speaking again of the Trade Union Recognition Act) states that an employer who contravenes any of the provisions of subsection (1) and (2) (which I have just recited) shall be guilty of an offence and liable on summary conviction to a fine, and, magistrate making the order for conviction...” etcetera.

Another fluff; that is not the situation. It is completely irrelevant to the situation at hand.

Let us go to WHEREAS No. 8.

“AND WHEREAS the Minister of Labour is charged with the responsibility of ensuring that the provisions of the Labour Act and the Trade Union Recognition Act are complied with. Section 37(1) of the Trade union Recognition Act further empowers the Minister to make regulations generally for carrying out the provisions of this Act, including, regulations prescribing anything which is to be prescribed under this Act;”

Mr. Speaker, this is a statement of fact. This is another fluff. This does not advance anything for workers interest. This is merely stating what Minister Manzoor Nadir’s legal responsibilities are, and we are not disputing that. This is the laws of Guyana. All Mr. Williams has done is to cut and paste the laws of Guyana.

Let us go to WHEREAS No. 9. I am approaching seventy-five percent of the Motion.

“AND WHEREAS the Guyana Bauxite and General Workers Union is the recognised trade union...”

As I have been saying all the time, Mr. Williams has about seven clauses before dealing with whether it is a recognised union and he now in clause No. 9 accepts it as a recognised union.

“...for workers employed with RUSAL...”

This is new flash. This is the Union. We know that since 2008. Anyhow, Mr Williams continues,

“...and the Government of Guyana owned Bauxite Company of Guyana Inc. (BCGI) at Aroaima and Kwakwani Berbice, and the union, representing their members, entered into negotiations as a result of which there exists a Collective Labour Agreement (CLA) which is of three (3) years duration – beginning from 1st January, 2008 and ending on the 31st December, 2010;”

Another fluff; nothing of substance. You have to draft properly when you are drafting.

Let us go to WHEREAS No. 10.

“AND WHEREAS Section 28(A)(1) of the Labour Amendment Act No. 9 of 1984 makes every written collective Labour Agreement legally enforceable, except where the parties agree otherwise;”

Another fluff; we know that. That is the laws of Guyana. It means that the workers have to follow it.

Sir, I will go to WHEREAS No. 11. Up to now I have not detected any substance.

“AND WHEREAS in the exercise of their constitutional and legal rights the bauxite workers of BCGI proceeded on strike on 22nd November, 2009, and in retaliation, BCGI issued suspension and dismissal letters to most of the workers, fifty-seven (57) of whom are union leaders;”

Mr. Speaker, which union in the world has fifty-seven leaders? How can I support this motion? Not only does it contain fluff, wherever it has any substance the substance is inaccurate. So it is fluff and inaccuracy; bended and twisted fluff. Anyway, this event has

been overtaken because the workers have now returned to the job. This recites an incident since 22nd November, 2009. The reports I have read show that 90 percent of the workers, including the vice president of the union, are back on the job. So this sentence is not only inaccurate and fluffy but it has also been overtaken by events.

Let us go to WHEREAS No. 12. We have two more Whereas clauses to go and no substance as yet.

“AND WHEREAS on 1st December, 2009, the company notified the Minister of Labour that it had arbitrarily terminated the Collective Labour Agreement and commenced the process of derecognizing the legitimate union;”

Mr. Speaker, again, if this is not fluff, this is a grand inaccuracy. Let us take sense out of nonsense. Let us be objective. Which union will inform a Minister of Labour that they have unilaterally and arbitrarily terminated a collective agreement? Which company will accept that? Which employer will impugn themselves and commit selves to make such a grave legal error? This clearly is inaccurate. And I have read the letter and it is indeed inaccurate.

“...and has commenced the process of de-recognizing the legitimate union;”

The concept of de-recognition is a concept of law which is outlined in the Trade Union Recognition Act. It is something that has to be done by the Trade Union Recognition Board - an independent body comprising of three representatives of workers, three representatives of employers, and an impartial chairman. An employer cannot unilaterally derecognise a worker or a union. And worst yet, the employer admitting that in writing. This Mr. Speaker is bluff, inaccuracy and erroneous.

So we are now at the penultimate WHEREAS No. 13.

“AND WHEREAS despite letters, from the president of the Union (GB&GWU) and Leader of the Opposition ...” etcetera

Well, I have spoken with the Minister directly and I am guided by his response to me. He said: before the Leader of the Opposition sent the letter to him he spoke about the matter in the press and Minister Nadir responded in the press. So there is the first response.

Secondly, when Minister Nadir received the Leader of the Opposition’s letter Mr. Nadir responded in writing and, like the Leader of the Opposition, got a written acknowledgement

that the letter was received at a location at Sophia known as Congress Place. So there is no inaccuracy there. This is another fluff; the letters were responded to. Many of these letters were sent by electronic mail and according to the Minister – I have no reason to doubt him – he has replied to them electronically. Those that were sent to him electronically were responded to electronically. So again, this is an unwholesome accusation.

The last one, I am coming now to the end of the motion and I am sure that I have demonstrated beyond doubt that there is nothing to answer. This one is a little weak.

“AND WHEREAS the Minister has an obligation to equally protect the rights of the workers and ensure that the Laws of Guyana are not wilfully and wantonly disregarded but has persistently refused to carry out his obligation to protect the interest of the workers;”

Sir, as I said already Minister Nadir and his labour team went to the site and there were negotiations all the time, from January until November, between the Union and the Company. Whenever there were differences - the Labour Officer went on two occasions - Mr. Corbin tried to trivialise it by saying he went in the dead of night but, the gentleman went and produced results, the workers resumed work. Again, in November, 2009 there was another impasse and both parties wrote the Minister. The Minister invited them to come to a meeting on the 24th. But rather than go to the meeting and discharge their obligation under the Collective Agreement the workers unilaterally disregarded the invitation of the Minister and went on strike on the 22nd. Those are the facts. So where is the wanton disregard, where is the neglect, where is the dereliction of duty on the part of the Minister of which he is accused? Where is it? Then, two weeks or a week thereafter, the workers went back to work. That is the end of the matter. What is the problem? Why do you need to question the Minister's confidence in this National Assembly?

This is the end of the motion. Try as I might, how can I support a motion that is devoid of any substance whatsoever.

Let us now deal with the RESOLVED clauses. There are five of them.

Mr. Speaker: Your time is up Hon. Member.

Mr Hinds: I move that the Hon Member be granted another fifteen minutes to continue his presentation.

Question put, and agreed to.

The first RESOLVED clause calls on the National Assembly

“to express its lack of confidence in the Minister of Labour, for his failure to carry out his legal responsibilities for the settlement of trade disputes...”
etcetera.

Mr. Speaker, I have demonstrated beyond any rational doubt that a case of dereliction of duty, of wanton disregard, has not been established against the Minister. So this RESOLVED clause must inevitably fail.

Then we go to RESOLVED clause No. 2.

“That this National Assembly calls on the Minister of Labour to observe, and on the Government of Guyana to honour, the many conventions of the ILO particularly ILO Convention Nos. 87, 98, 135, 154, 158, and 163, to which we are a signatory...”

Mr. Speaker, we are only a signatory to two of those Conventions. So they cannot even get their facts right. They list six, and only two we are signatory to. We can't comply with all; we are not signatory to them. To those that we have signed onto we have always complied with them. That is why we are recognised and respected all over the world for our approach to the labour movement.

Then RESOLVED No. 3.

“That this National Assembly condemns BCGI's unlawful, arbitrary and unilateral de-recognition of the Union in violation of the Trade Union Recognition Act;”

First of all as I indicated the Company cannot derecognise any worker. There is a process by which de-recognition takes place. This process takes place at the Trade Union Recognition Board. What I understand is going on right now is that a large number of workers, as they have a right to do, have approached the Trade Union Recognition Board to say they no longer wish to be represented by that Union; and nothing is wrong with that. They have a right to do so because the right to associate includes a right to disassociate. That is law Mr. Corbin. So again, RESOLVED No. 3 is misguided, inaccurate, and legally misconceived

Then we come to the final RESOLVED clause and this one takes the cake. This one I think is an expression of paranoia because it calls on the National Assembly of Guyana

“to initiate an international appeal for support from all Parliaments in those countries in which RUSAL is presently carrying out any type of business operation, as well as seek solidarity and support from all...”

You can't be serious Mr. Williams. Please! We are a sovereign nation; we cannot call upon another sovereign state to denounce a company that is operating within their country because we have some alleged dispute in Guyana between our workers and the Company. What type of immature, irresponsible appeal is this? I will resign from this Parliament if I am asked to make a call of this type because we are going to be the laughing stock of the parliamentary world. To call upon another parliament to denounce the way their... Suppose RUSAL is performing in all glory in those countries, on what basis are we calling on their Parliament to denounce RUSAL? What type of illogic has guided this type of insertion into this motion?

10.45 p.m.

Mr. Speaker, to wind up I am sure I have demonstrated that this Motion, even if I want to support it, has no substance, ought not to be supported. **[Interruption]** That is another thing. Thank you Cde. Robert Persaud. I think the Clerk should have exercised some degree of diligence and scrutiny. This should not have been allowed to pass the muster. This is a disgrace to parliamentary democracy. This is an abuse to parliamentary democracy. And I submit that we reject it out of hand. Thank you very much. **[Applause]**

Mr. Williams (replying): Mr. Speaker, it is a long time in a while that I have not heard such inadequacy in a debate. Persons claim to be lawyers and yet when they read actual statutory provisions they express blankness about the content of what they are reading. Everything read by the Hon. Member in the WHEREAS clauses state the laws of Guyana. Yet, a trained lawyer has the problem of density with respect to them. It is an exhibition that should be revealed to the population, because people are operating under false pretence.

Mr. Speaker: Just a minute Mr. Williams. Hon. Members on the Government side, could you please allow Mr. Williams to continue his reply uninterrupted.

Mr. Nandlall: Mr. Speaker, I rise to seek your protection, because my learned friend is accusing me of false pretence which is a serious criminal offence. I need the protection of Mr. Speaker. I thank you.

Mr. Speaker: I do not think anybody will believe him. I do not know why, but that seemed to have elicited some jocularly. I mean to say Hon. Member, that as a well known lawyer no one can accuse you of false pretence.

Mr. Williams: Mr. Speaker, the presentations from the members of the Government side, I must say, made no attempt to treat with the matters that go to the pit of this motion. That is, was the Minister of Labour diligent in the discharge of his responsibilities under the various legislation which have empowered him? We have sought to show clearly that it is not a question of some historical excursion into the past where everyone is to be blamed for the past. And, no one is blameless in the past. It has nothing to do with the prevailing economic situation in the world. It is a simple exercise.

Did the Minister of Labour intervene in the dispute between BCGI and GB&GWU? They cannot hide it. The answer is a resounding no. You cannot distract me from that. I am the lawyer in the venue. I am the lawyer in this Hon. House. I am shocked at the display of Mr. Anil Nandlall, the Hon. Member when he says that this country.... I do not understand how a Member of this House could express such ignorance about what Laws and what Conventions have been ratified in this country. By them censoring Parliament that they purport to sit in, fortunately I am here to rescue him.

The convention 97; let us start at 87, 'The Freedom of Association and Protection of the Right to Organise and Protection of 1948, which is number 87 that was long ratified in Guyana by the PNC Government in 1966. He is referring to the BE IT FURTHER RESOLVED clause number 2. He is trying to slide and run out of the Hon. Chamber as he always does. The point is, number 98, the writer organised a collective bargaining convention of 1949, was ratified on the 8th of June 1966. Workers Representative convention 1971 #135, was ratified on the 10th of January 1983. I cannot understand how the Government side does not understand.... That is why they keep breaching these conventions willy-nilly. How can they represent this Country? How could they represent this Nation? One of them just spoke, the Hon. Member Teixeira, who just purported to represent Guyana in Geneva recently. It is clearly a problem of density.

Let us go to the Labour Relations Public Service Convention of 1978, number 151. All of these are mentioned in the second RESOLVED clause. This was also on the 10th of January 1983. Then you come to collective bargaining convention of 1981, which is #154. Collective bargaining recommendation, the Occupational Safety and Health Convention, #155; this passed in the 4th Parliament of Guyana. They do no research. They just come to this Parliament and mouth a lot of nothingness. That is the quality of the representation you get from the Government side. When you have a thought out motion, they come and say “total ignorance”, in this Parliament. It is a disgrace to the people of this Country to have this kind of representation from these people who are operating in this Hon. Parliament.

You came here and you tried to malign us, because you do not have anything to say. You have therefore expressed your ignorance about the matters at hand. Could you imagine, it is clear the Hon. Member Mr. Nandlall was either wide awake in a dream, or he was outside of this Hon. House during this debate. His own Prime Minister, the Hon. Member, read the letter dated 1st December 2009 which is reflected in the RESOLVED clauses about the purported de-recognition, by the company BCGI, of the Union, and the purported breach of the Collective Labour Agreement also. We read it. It was read out by the Hon. Prime Minister, and I read it also. But, the Prime Minister accused me of only reading a part of this letter when I in fact read the entire letter. So again we have either a problem of density or an intention to mislead this Hon. House. Clearly they do not understand what is going on.

Hon. Speaker, it is important in a debate of the nature that you silence the Members of the Government side very early. They must stay quiet and listen, because when they come and they purport to say that they are correcting us, and speaking about the Leader of the Opposition talking about private contracts. He does not know what he is saying. The Labour Amendment Act, Section 28(a) proscribes the nature of the Collective Labour Agreement. You are only failing to understand what you are saying.

It is clear that under the Labour Act, Section 4 gives the Minister several options. He has several options, but the Minister only comes in at the conciliation stage, because negotiations are within the purview of the parties to the Collective Labour Agreement. They do not understand what they are saying. They do not understand anything, and before they ask for knowledge, they try to denigrate members who put in the work, and have put in the hours. So, the Minister must conciliate. He starts at that level. There is an impasse in the negotiations, or what they loosely call bilateral, between the two parties. The duty of the Minister is to

intervene in an attempt to bring the parties to the table and see how best they can develop options to resolve the issues affecting them.

One option is arbitration, which also has certain forms. It could be voluntary, mandatory or compulsory. That is the process. You come in here to try to make a mockery of something that is very serious business. This is the workers business. People are starving up in those areas, and you add to the unemployment by making persons unemployed whimsically and capaciously. Then, you tell yourself that you are a workers Government. You come here and you are saying that you have a legacy. The legacy of Dr. Jagan is a working class cumbit.

Mr. Speaker, we have great respect for Dr. Jagan. I would tell you that if he were to reappear in this chamber, there would be *scatteration*. They would not wait for him to judge them, they would all run, because they have long lost their way. They have long swayed and turned away from his teachings and his doctrine. You should be ashamed to invoke his name. Instead of treating the business of this Hon. House with reverence, you come in here carrying on as though you are at a street corner. You come in here arguing as though you have imbibed alcohol. You come in here as though you are under the influence of something, and you are attacking the Hon. Leader of the Opposition with your diatribe.

This is not a working class Government any more. That is an objective reality. I believe that this is a well crafted Motion on the part of this side of the House. Any ordinary person reading this motion would understand exactly what the issue is, i.e. these are the laws of Guyana, and this Government has breached the laws with impunity. There is no mystery in it. The distraction about Teemal case is wrong and an erroneous interpretation and application of law. Whatever is omitted does not prejudice the options given here. All that says is that if you are going to exercise your discretion you must do so judiciously. You would not know about those things. That is what it means. The part that you said was left out, all it means is that if the Minister is going to do any one of these things, ensure that it is done judiciously. That is what it means. It is the discretion that you have to exercise.

Then, the Hon. Member made statements when he read our well presented motion by saying... **[Interruption]** Look, the copy has already recognised the Union. It is clear that the Hon. Member has been somewhere else because, this is the gravamen of the complaint by the Union; the purported de-recognition and the lack of engagement. The company is not treating with the Union which is recognised and certified under the laws. You cannot attempt to obfuscate these issues in this Hon. House. That is the whole pattern that we see emerging.

When we have serious business, we have expected that the Hon. Minister would at least tell us something about what he is going to do to resolve this impasse today. What is he doing? He attacks the presenters in this Hon. House. He attacks the Hon. Member Mr. Trotman. He wants to attack the Hon. Leader of the Opposition. He is attacking the mover of the motion. That is the modus that no attempt is made to have a genuine approach to resolving conflicts in this Hon. House, and dealing with issues in a responsible manner. I do not know what Mr. Burk wrote. One person I know who has been writing a lot on this matter is Mr. Lincoln Lewis. I do not know about what Mr. Richard Burk wrote, and his motion. The People's National Congress does not have to look elsewhere to get anyone to do anything for it. We have the competence, do not come with that, about our motion being from Mr. Burk.

Mr. Nadir, the Hon. Member, I do not know what he has said in this House. What has he said? Again he has done nothing to send a message to the people of this country. Okay, we have a responsible Minister of Labour, and he is probably cogitating of this matter. But, what is he doing? Is he going to continue this intransigence? Is he going to continue to ignore this festering problem? Is he going to leave the bauxite union and the bauxite community in that state? What is he going to do? The Hon. Member, I am afraid and I must say, have shown a remarkable arrogance in treating with this issue in this Hon. House.

Mr. Speaker, they come with these platitudes and talks about rationality and impartiality. When you look, I will just give two quick illustrations. In Kaieteur News of December 1st 2009 – “RUSAL may not resume operations as Aroaima strike continues”. I will just read this paragraph,

“The Ministry of Labour has since stepped in with Minister Manzoor Nadir strongly criticising the Union for reportedly accepting that 75 workers are to be sent home from the mining company as part of a deal.”

The Minister who is supposed to be impartial according to the Hon. Member Mr. Nandlall, and above the fray is taking sides and criticising the other party. Basically he cannot act, because he has openly sided with the company in this matter. On Friday, January the 20th of Stabroek News “Nadir: Sugar and Bauxite Strikes Different”. I do not know how different they are. They are different, yes, because the sugar strike was averted in *labber* time. Within a matter of days, they intervened.

He is talking about racism, when the Hon. Leader of the Opposition pointed out a fact. What is racist? When he shows you by making a parallel analysis.... Look at GuySuCo's situation, this Hon. Minister responded rapidly, within a week. It is nearly – how many months now – since November 22nd 2009 to now, and he cannot bestir himself. What is this, a pantomime? What is it that is so difficult to understand? That the lives are affected, communities are affected, and the Minister is not doing what he is supposed to do. What, are you coming here to make short thrift of people's misery?

What we have had from the members of the Government side is nothing that could cause us to believe that some proper resolution of this impasse is forthcoming. There has been no genuine attempt on the part of the Government side to deal with this issue in a manner in which the people of Guyana will be satisfied. So it means that this foreign company would be allowed to continue to trample upon the lives of the workers in the bauxite community. That is what it means. And, the Government is saying they are impotent. This Government of ours is actually acknowledging their impotence in telling RUSAL anything. That is exactly what is happening. The workers and the Guyana Bauxite Union, and the people of Guyana will have to take steps to correct this wrong. People could sit in their chairs and say do that. And, when you talk, you speak about racism.

I would like to thank the Hon. Member Mr. Trotman for his incisive contributions to this debate. It would like to thank and congratulate the Leader of the Opposition on his sterling presentation and his insightful approaches to the problem at hand. Even though I am summoning all my substantial faculties, I still will experience some difficulty in finding anything to praise in the contributions from the members of the other side of the House. To take a leaf out of the book of the Hon. Finance Minister – I cannot even say that there was some grudging appreciation of the motion. So, I will like to move this motion and urge this House to accept this motion as presented. [Applause]

Mr. Nadir (replying): Mr. Speaker, under Section 39 of the Standing Orders, I wish to invoke the right to reply.

Mr. Speaker: What does section 39 say?

Mr. Nadir:

“A Minister may conclude a debate on any motion which is critical of the Government or reflects adversely on or is calculated to bring discredit upon the Government of Guyana or a Government Officer.”

Mr. Speaker: Could you bear in mind please that we are past 11 o'clock. If you do not bear in mind that we are past 11 o'clock I will take the adjournment and postpone the Credit Reporting Bill which Dr. Singh is anxious to pass tonight, if you do not have regard to the time.

Mr. Nadir: Mr. Speaker, there are just four small points which this side of the House totally rejects. The first is that we are practising discrimination. Both, the Hon. Leader of the Opposition and the last speaker whom is the mover of the motion, said that we are practising discrimination. In fact, the last speaker used the word racism. He said this...

Mr. Speaker: Mr. Nandlall started that, Hon. Member.

Mr. Nadir: This Government absolutely rejects that it practises any form of discrimination against any worker of this country. I just want to point to two facts Sir. Annually we have about 200 strikes in the country. Out of those 200 strikes, 190 of them at least come from the sugar belt. Out of those “at least 190” in excess of 140 of them are resolved by the Company and the Union. The Government enters in the Department of Labour in about 30-40 at conciliation, and it is resolved. Annually, less than three strikes goes to arbitration. In two years we have had to intervene once each in terms of compulsory arbitration. So, there is no discrimination. I was concerned when the words and the infliction about racism, because in this particular dispute, racism has been invoked by the...

Mr. Speaker: Mr. Corbin said “discrimination”. Mr. Nandlall accused Mr. Corbin of raising the issue of racism. They are two different things.

Mr. Nadir: Yes, but I am not commenting on that. I am saying, a known fact – not what those speakers said – in this particular issue of industrial dispute, the issue of racism has been invoked twice by Unions and Union leaders. First, the Union made a complaint to the Ethnic Relations Commission in terms of discrimination. That was investigated. I do not know what the outcome was. The last Mayday, one of the Union leaders pointedly came out and said that, and this is quoted in the Kaieteur News of May 2nd, “Nadir is corrupt, bigoted and racist”. In this issue, we cannot divorce ourselves that race has been inflicted in this dispute, and we say and reject the issue of racism.

The second issue is this issue of Union busting. I think the one person who came out and said that pointedly was the leader of the Opposition, and I will reject that again. This Government is not involved in any Union busting, and we stand by it. In fact, this same Guyana Bauxite and General Workers Union had the moral support of this Government when they sought recognition three years ago. When they sought recognition at Hollandorf, it was this Government that also advised them. The period for recognition had run out. When the Guyana Public Service Union had an issue at the Civil Aviation Authority and they were fixing an approach and we gave advice, they went to the application in November, and by February they got recognition. Unlike the case of the National Parks Commission in which GAWU took almost ten years to get recognition for those workers. So, no form of Union busting, we reject that statement altogether.

11.15 p.m.

The third point I want to make is this issue of the Minister and the Government having total disregard for letters coming to them. In this particular issue it has been the habit of people and organisations to write to the Minister through the newspapers, as of today. Today, one would see that I. Kem just wrote a letter to the Minister which is in the newspapers. I have not received that letter as yet. And we say that the letters that we get are acknowledged. I did not say, and I will say this, that I received an acknowledgement from the Leader of the Opposition. I did not say that, so I cannot uphold that statement. But I acknowledge the Guyana Bauxite and General Workers' Union which wrote once by email, it came three or four days, and immediately I responded. The gmail has all the records. This Government has total respect, respect for their citizens and the workers of this country, and it rejects that outright.

So, Mr. Speaker, true to your advice, I just want to make these few points and the Government will continue to do what is rational, what respects the rights of all the parties. There are processes to follow. When the Minister is charged by the Constitution to do X, Y and Z, he has a mechanism in which to invoke that and that is outlined many times in the grievance procedure set out in a Collective Labour Agreement - outlined there. In the Collective Labour Agreement between the union and the company, it says that, and the union signed to it, "Any worker going on riots will be immediately dismissed."

It did not give a definition of rioting, but rioting is immediate dismissal. The Ministry said to the workers of the country that they still had a few days. One worker came to the office and

complained about wrongful dismissal, and the Ministry advised him, because he had to sit down and sign a complaint - one, in all of this. I am not going to dispute the arguments, but on the issue of discrimination, the Government rejects; union busting, the Government rejects it all together. Thank you. [Applause]

Mr. Corbin: I just wish to second on behalf of Mr. Carberry, who is not here, the motion.

Motion put.

Mr. Corbin: Division.

Assembly divided: Ayes 20, Noes 34, as follows:

Ayes

Mr. Franklin

Mr. Patterson

Mr. Trotman

Ms. Hastings

Mr. Fernandes

Ms. Kisson

Ms. Wade

Dr. Austin

Ms. Selman

Mrs. David-Blair

Mr. Elliot

Mr. Danny

Mrs. Sampson

Ms. Ally

Mrs. Lawrence

Noes

Mr. Pereira

Rev. Gilbert

Dr. Mahadeo

Mr. Whittaker

Mr. Seeraj

Mrs. Sahoye-Shury

Mr. Parmanand Persaud

Mr. Neendkumar

Mr. Lumumba

Mr. Nandlall

Mr. Khan

Mrs. Edwards

Mr. DeSantos

Mr. Atkinson

Ms. Shadick

Dr. Norton

Mr. Nokta

Mr. Basil Williams

Mrs. Chandarpal

Mrs. Backer

Ms. Teixeira

Mrs. Riehl

Mr. Ramotar

Mr. Corbin

Mr. Ali

Mr. Prashad

Ms. Webster

Dr. Ramsaran

Ms. Manickchand

Mr. Nadir

Mr. Benn

Dr. Anthony

Dr. Westford

Mr. Robert Persaud

Mrs. Rodrigues-Birkett

Dr. Ramsammy

Mr. Baksh

Mr. Rohee

Mr. Hinds

Motion negatived.

COMMITTEES BUSINESS

MOTION

ADOPTION OF THE REPORT OF THE SPECIAL SELECT COMMITTEE ON THE CREDIT REPORTING BILL 2009

“BE IT RESOLVED:

That the Report of the Special Select Committee on the Credit Reporting Bill 2009 - Bill No. 37 of 2009 be adopted.” [*Minister of Finance*].

Minister of Finance [Dr. Singh]: Mr. Speaker, mindful of the lateness of the hour and deeply appreciative of the graciousness of the Chair in accommodating consideration of this final item, I assure you, Sir, I will speak considerably more briefly than everyone who spoke earlier this evening, including myself when I spoke almost at the start of the sitting.

In fact, it is my intention merely to make two main points. The first is to say that the case for improved access or continued improvement of access to credit and reducing the cost of access to credit has already been made in the course of our consideration of the Fiscal Enactments (Amendment) Bill earlier this evening. I referred during the consideration of the Bill to the relevance and importance of the Credit Reporting Bill, and the eventual, and indeed, consequential establishment of a Credit Reporting industry, that is to say one or more credit bureaus flowing from the passage of this Bill will represent, in my estimation, and I am sure in the collective estimation of this House, yet another important initiative in order to ensure that more Guyanese persons and businesses are able to access credit and that they are able to do so more cheaply.

As I indicated, that case was well and thoroughly made and, indeed, unanimously supported in the House earlier this evening. It is for that reason that the Credit Reporting Bill 2009 was brought to this Hon. House. It was also in recognition of the fact, as I said, to the extent that there are persons who currently might not be able, necessarily, to access the formal financial system because of the absence of a formal track record with the banking system, but who are otherwise extremely creditworthy persons, such as through their transactions with hire purchase companies, etc, the establishment of a credit bureau will see those persons now being about to enjoy easier access to credit through the banking system with the benefit and support of a credit report reflecting their credit history as it relates to all the transactions that they have executed with providers of credit, including non-traditional providers of credit, such as hire purchase companies.

The Bill is an extremely important one. We brought it with the expectation that it would generate those benefits. I would not repeat anything else that was said earlier this evening as we considered that other Bill.

The second main point that I would make is that the consideration of this Bill in Special Select Committee represented, for me, an important reaffirmation in my own mind of the value of this very important Special Select Committee mechanism that we have established in the National Assembly. Here I refer to the fullness of the discussions, the clarity of the understandings reached by all of the Members of the Committee, and the strength of the unanimity with which the Committee conducted its deliberations and reached its conclusions. I wish to thank all of those who participated and supported the work of the Committee - persons who made submissions on the Bill, the Staff of the Committees' Division, and in particular, and especially, my colleagues and Members of the Committee. I will not name all of them; their names are listed in the Report. I wish to thank all of them for their participation in the Committee and the great value that they brought to these deliberations.

With those words it is my pleasure to commend the Report of the Special Select Committee of the National Assembly on the Credit Reporting Bill 2009 and to move that this Report be adopted and at the appropriate time under your instructions, Sir, I will move that the amendments proposed in the Report, which are very minor, be incorporated and that the Bill be passed as amended, I thank you very much. [Applause]

Ms. Selman: I rise on behalf of the PNCR to offer a few words on the motion for the adoption of the Report of the Special Select Committee on the Credit Reporting Bill 2009. The Report of the Special Select Committee of the National Assembly on the Credit Reporting Bill 2009 points out that:

“The Credit Reporting Bill 2009 seeks to provide for the establishment of the Credit Report Industry with the aim of enabling more reliable, competitive and responsible lending while protecting borrowers rights.”

The PNCR recognises that the question of credit reporting is a feature in most developed countries, thus, Guyana is not inventing the wheel. In the context of Guyana, however, we have to take into account the limited economic base and the fact that we are an insular society. Consequently, the legislation has to ensure that there are no loop holes to compromise confidentiality of people's personal information. This question was addressed by

the Special Select Committee on the Credit Reporting Bill as outlined in clause 19 (1). We should note, however, that this provision alone will not provide any guarantee that there would be no breaches by credit bureaus, since persons have been blatantly disregarding the laws, notwithstanding that there are sanctions for such breaches. There are numerous instances where there are breaches of Constitutional provisions, for example, the illegal and unconstitutional composition of the Ethnic Relations Commission. The issue, therefore, is not the law that we are about to pass, but the manner in which the Government and its authorised agencies would provide oversight over the operations of the law.

With the dismal track record of this administration, the PNCR would have to hold its breath while it witnesses how the law would be implemented. I wish to conclude by reiterating that the PNCR has no objection to the Credit Reporting law being passed in Guyana. Thank you.
[Applause]

Mr. Patterson: I rise on behalf of the Alliance for Change to give our support to the Credit Reporting Bill of 2009. The Bill seeks to establish a credit rating bureau. As the Hon. Minister said, it passed through the Special Select Committee where we discussed in depth all the Clauses.

Just to highlight a few point why we are in support of it. It is voluntary, whereby persons can opt in or out and we, in the Alliance for Change, think that is an extremely good option for our people. During our debates in the Special Select Committee, we recognised that this is a work in progress. It is new to Guyana and at some time or the other we may have to revisit certain areas within the Bill. There maybe a few areas whereby the credit information providers may have concerns about, and that is, when they terminate their agreements with the credit rating bureau. But we have arrived consensually in agreement and a decision, obviously it will be whereby the Bank of Guyana shall stipulate the time within which they can stop reporting to the credit bureau. I would hope that the Minister would ensure that the Bank states the time limit early and up front.

With those few words, we offer our support, from the Alliance for Change, for this Bill with the hopes that in time when the facilities are up and running that the ordinary persons will no longer need any guarantors if they want to take any hire purchase out, in particular our students who are applying for student loans. We are hoping that when they apply for a student loan they would be granted it, and after they have completed their studies and entered

the formal work system, if they pay their loans back diligently they would have a good credit ratings. If they do not obviously they will be penalised.

With those words we, in the Alliance for Change, offer our support for the Bill. [Applause]

Mr. Speaker: Anything further Dr. Singh?

Dr. Singh (replying): Very Briefly, just to thank my colleagues for speaking in favour of the Bill. For reasons, I believe would be obvious, I will not respond to the distractions and the irrelevancies the Hon. Member Ms. Selman sought to raise. I am still hopeful that with the passage of time and the accumulation of experience she will learn how not to spoil a good occasion.

I move that the Report be adopted.

Question put, and agreed to.

Report adopted

Bill read the third time and passed as amended.

ADJOURNMENT

Mr. Hinds: I move that the House be adjourned to next Thursday, 10th June, 2010.

Mr. Speaker: Hon. Members thank you very much for your contributions to today's work. The House is adjourned accordingly.

Adjourned accordingly at 11.36 p.m.