

THE
PARLIAMENTARY DEBATES
OFFICIAL REPORT
VOLUME 7
PROCEEDINGS AND DEBATES OF THE FIRST SESSION OF THE NATIONAL
ASSEMBLY OF THE THIRD PARLIAMENT OF GUYANA UNDER THE CONSTITUTION
OF GUYANA

60th Sitting

2 p.m.

Monday, 17th March, 1975

MEMBERS OF THE NATIONAL ASSEMBLY

Speaker

His Honour the speaker, Mr. Sase Narain, J.P.

Members of the Government- People's National Congress (50)

Prime Minister (1)

The Hon. L.F.S. Burnham, O.E., S.C.,
Prime Minister

(Absent – on leave)

Deputy Prime Minister (1)

Dr. the Hon. P.A. Reid,
Deputy Prime Minister and Minister of
National Development

Senior Minister (8)

The Hon. H.D. Hoyte, S.C.,
Minister of Economic Development

(Absent)

*The Hon. S.S. Ramphal, S.C.,
Minister of Foreign Affairs and Justice

(Absent)

***Non-elected Minister**

- *The Hon. Green,
Minister of Co-operatives and
National Mobilizations (Absent)
- *The Hon. H.O. Jack,
Minister of Energy and Natural Resources (Absent)
- *The Hon. F.E. Hope,
Minister of Finance
- *The Hon. S.S. Naraine, A.A.,
Minister of Work and Housing (Absent – on leave)
- *The Hon. G.A. King,
Minister of Trade and Consumer Protection
- *The Hon. G.B. Kennard , C.C.H.,
Minister of Agriculture (Absent)

Minister (6)

- The Hon. W.G. Carrington,
Minister of Labour
- The Hon. Miss S.M. Field-Ridley,
Minister of Information and Culture
- The Hon. B. Ramsaroop,
Minister of Parliamentary Affairs and
Leader of the House
- *The Hon. Miss C.L. Baird,
Minister of Education and Social Development (Absent)
- *Dr. the Hon. O.M.R. Harper,
Minister of Health
- *The Hon. C. V. Mingo
Minster of Home Affairs

Ministers of state (9)

- The Hon. M. Kasim, A.A.,
Minister of State for Agriculture (Absent – on leave)
- *Non-elected Ministers**

The Hon. O.E Clarke,
Minister of State – Regional
(East Berbice / Corentyne) **(Absent – on leave)**

The Hon. P. Duncan, J.P.,
Minister of State – Regional (Rupununi)

The Hon. C.A. Nascimento,
Minister of State, Office of the
Prime Minister

The Hon. M. Zaheeruddeen, J.P.,
Minister of State - Regional
(Essequibo Coast/ West Demerara)

The Hon. K.B. Bancroft,
Minister of State - Regional
(Mazaruni / Potaro)

*The Hon. W. Haynes,
Minister of State for Consumer Protection **(Absent)**

*The Hon. A. Salim,
Minister of State - Regional
(East Demerara / West Coast Berbice)

*The Hon. F.U.A . Carmichael,
Minister of State - Regional (North West) **(Absent)**

Parliamentary Secretaries (7)

Mr. J.R. Thomas,
Parliamentary Secretary,
Ministry of Works and Housing **(Absent)**

Mr. C. E. Wrights, J. P.,
Parliamentary Secretary,
Ministry of Works and Housing

Miss M.M. Ackman,
Parliamentary Secretary, Office of the
Prime Minister and Government Chief Whip

***Non-elected Ministers**

Mr. E. L. Ambrose,
Parliamentary Secretary,
Ministry of Agriculture

Mr. S. Prashad,
Parliamentary Secretary, Ministry of
Co – operative and National Mobilisation

Mr. J.P. Chowritmootoo
Parliamentary Secretary, Ministry of Education
and Social Development

Mr. R.H.O. Corbin,
Parliamentary Secretary, Office of
the Prime Minister

Deputy Speaker (1)

Mr. R.C. Van Sluytman, Deputy Speaker

Other Members (17)

Mr. J. N. Aaron
Mrs. L. M. Branoo
Mr. M. Corrica
Mr. E.H.A. Fowler
Miss J. Gill
Mr. W. Hussain
Miss S. Jaiserrisingh
Mr. K.M.E. Jonas
Mr. M. Nissar
Dr. L. E. Ramsahoye
Mr. J.G. Ramson
Mrs. P. A. Rayman
Mr. E.M. Stoby, J. P.
Mr. S. H. Sukhu, M.S., J. P.
Mr. C. Sukul, J.P.
Mr. H.A. Taylor
Mrs. L. E. Willems

(Absent – on leave)

Members of the Opposition - Liberator Party (2)

Mr. M. F. Singh, Leader of the Opposition

Mrs. E. DaSilva

OFFICERS

Clerk of the National Assembly – Mr. F.A. Narain

Deputy Clerk of the National Assembly - Mr. M.B. Henry AMBIM.

17.3.75

National Assembly

2.05- 2.15 p.m.

2. 05 p.m.

PRAYERS

ANNOUNCEMENT BY THE SPEAKER

Leave to Members

Mr. Speaker: Leave has been granted to the hon. Prime Minister to the 28th March, to the hon. Member Mr. S.S. Naraine to the 1st April, to the hon. Member Mr. Clarke and the hon. Member Mrs. Branco for today's Sitting.

PRESENTATION OF PAPER AND REPORTS

Purchase Tax (Motor Cars)(Amendment) Order 1975(No. 23), made under section 5A of the Motor Vehicles and Road Traffic Act, Chapter 51:02, on the 1st of March, 1975, and published in the Gazette on the 3rd of March,1975 [**The Minister of Finance**]

INTRODUCTION OF BILLS – FIRST READING

The following Bills were introduced and read the First time:

Kuru Kuru Co –operative College Bill, 1975 – Bill No. 11/1975. [The Minister of Parliamentary Affairs and Leader of the House on behalf of the Minister of Co – operatives and National Mobilisation.]

Labour (Amendment) Bill 1975 – Bill No. 12/1975. [**The Minister of Labour**]

Glad tidings Assembly Guyana Mission (Incorporation) Bill 1975 – Bill No. 8/1975. [**Mr. Van Sluytman**]

PUBLIC BUSINESS**MOTION****CONFIRMATION OF THE PURCHASE TAX (MOTOR VEHICLES)
(EXEMPTION) ORDER 1975 (NO. 16)**

“ Be it resolved that this National Assembly, in terms of section 5A (5) of the Motor Vehicles and Road Traffic Act, Chapter 51:02, confirm the Purchase Tax (Motor Vehicles)(Exemption) Order 19751975 (No.16), which was made on the 6th February, 1975, and published in the Gazette on the 15th of February,1975. [**The Minister of Finance**]

The Minister of Finance (Mr. Hope): Mr. Speaker, I move the Motion standing in my name that this National Assembly in terms of section 5A (5) of the Motor Vehicles and Road Traffic Act, Chapter 51:02, confirm the Purchase Tax (Motor Vehicles) (Exemption) Order 1975 (No.16), which was made on the 6th February, 1975, and published in the Gazette on the 15th of February, 1975.

The Motion deals with a very simple matter. The Order seeks merely to exempt certain vehicles from purchase tax and these vehicles are listed in paragraphs 2, 3 and 4 of the Order.

Question proposed.

Mrs. DaSilva: Mr. Speaker, this order cited as the Purchase Tax (Motor Vehicles) (Exemption) Order 1975, exempt from the payment of Purchase Tax:

1. A motor vehicle which is exempts from import duties by virtue of the provisions of paragraph (4) of item 9 of list B(1) of Part111 of the First Schedule to the Customs Act.
2. A motor vehicle for use as a hearse.

3. A motor vehicle for use by missionaries in the interior, not being a vehicle to which item 4 of the schedule to the Purchase tax (Motor Cars) Order 1974 applies.
4. A motor vehicle imported for use in undeveloped areas of the interior and by virtue of which no import duty is payable in respect thereof.”

This is a very simple and straightforward piece of legislation which we wish to support but there are just two items which I would like to draw to the hon. Minister’s attention.

The first one deals with the motor vehicle which is exempt from import duties by virtue of the provisions of paragraph (4) of item 9 of list B(1) of part 111 of the First Schedule to the Customs Act. This Schedule refers to the importation of Land Rovers and jeeps and such vehicles which are exempted from import duties. But, Sir, when this was being passed in the House, I think there was an omission that was made quite honestly. The question was overlooked of a man who buys a cab and chassis and then takes it home, builds on a tray and uses it for agricultural purpose and so on. That man will have to pay import duty on that cab and chassis. So, if this goes through, he will not be exempted from the payment of Purchase Tax.

It will defeat the object of this Order if we let it go through as it is because the Order is made to try and help the man to get a vehicle, particularly, in this instance, for use in the agricultural area. We would ask the Minister to consider going into this matter because very many people do buy cabs and chassis and then make their own trays. Could the hon. Minister go into this and put it in order and then the exemption from Purchase Tax would be applicable to that part of the vehicle.

The other matter is to ask the Minister to extend this privilege of the non – payment of Purchase Tax to vehicles, probably the Land Rovers and jeeps (Class 2) and maybe motor cars, used by recognised, responsible, educational and charitable organisations. I know it can be said

that this might make loopholes and make it very easy for unscrupulous people to try to take advantage of this Order and to get in a vehicle free of Purchase Tax. But there are educational institutions that need the vehicles. Some of their staff have to go from Georgetown up to U.G. for lecturers and things like that. They need to transport their film units – one school helping another.

Then, there are charitable organisations dealing with aged and the sick or the David Rose Handicapped School or the Spastic Children at Mahaica. I know that organisation has a free van now but it might have to buy something else. I would therefore like to ask the hon. Minister to consider this and if he feels that he cannot give an exemption to all charitable, religious and educational organisations because he thinks that some unscrupulous people might abuse it, would he consider these people being allowed to apply for such consideration, and have each application treated on its own merit? Other than that sir, there is nothing else to say except to give approval.

I am reminded that there is a list of the recognised charitable institution at the Income Tax Department so that it should not be too difficult to check at the Income Tax Department. . I do appreciate that it involves a little extra work but we are trying to build on egalitarian society and to help each other. Maybe the Ministry would not mind this little extra work. We give our support to this.

Mr. Speaker: Hon. Minister of Finance.

Mr. Hope (replying): I should like to assure the hon. Member of the Opposition that, as usual, this Government is one step ahead of the Opposition. In fact, we do at the moment accord these duty-free privileges, in particular in relation to vehicles for charitable organizations, but on an ad hoc basis, on the basis of the individual organization and whether the circumstances do merit it. We have powers under the relevant Ordinances to make the appropriate remissions and this has been done on several occasions in the past.

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National Assembly

2.15 - 2.25 p.m.

2.15 p.m.

With regard to the question of the chassis in relation to agriculture vehicles the appropriate legislation does speak of a vehicle and as such it is defined by item number. If a chassis does not fall under particular item number, it may well be that on that basis it may not receive the privileges but it is also true that where implements are imported for agricultural use, we would apply the concession which we give to all agricultural implements. That explanation I would offer to the Opposition.

Question put, and agreed to.

Motion carried.

BILLS – SECOND AND THIRD READINGS
GENERAL LOCAL LOAN (AMENDMENT) BILL

A Bill intituled:

“An Act to amend the General Local Loan Act.” [**The Minister of Finance**]

Mr. Hope: I beg to move the Second Reading of a Bill intituled an Act to amend the General Loan Act. This in itself is a very simple Bill. Its purpose is very simple. Under the General Loan Act, on the basis of which the Government issues debentures from time to time, it is provided that the Government can borrow only on the basis that repayment of these debentures is made half- yearly.

If the Government is able to negotiate a term which says that it can get a debenture which is repayable annually rather than half- yearly, the Act does not provide that essential flexibility, that is, to enable the Government to borrow on the basis of the issue of a debenture repayable either half- yearly as the law is now, or annually as the proposal is now. With that explanation I would formally as the proposal is now. With that explanation I would formally

move the Second Reading of the Bill.

Question proposed.

Mr. Speaker: Hon. Leader of the Opposition.

Mr. Singh: I agree with the hon. Minister. This is merely Streamlining the existing legislation and as such we have no objection to the Bill before the House. We give it our hearty support.

Question put, and agreed to.

Bill read a Second time.

Assembly in committee.

[Interruption]

The Chairman: When the hon. Members have finished discoursing with each other, we will proceed.

Mr. Singh: I am sorry, sir, but this is what provokes a disturbance in the House.

The Chairman: At least you have the courtesy to say you are sorry.

Bill considered and approved.

Assembly resumed.

Bill reported without Amendment, read the Third time and passed.

MOTOR VEHICLES AND ROAD TRAFFIC (AMENDMENT) BILL

A Bill intituled:

“An Act to amend the Motor Vehicles and Road Traffic Act.” [The
Minister of Home Affairs]

The Minister of Home Affairs (Mr. Mingo): I beg to move the Second Reading of the Motor Vehicles and Road Traffic (Amendment) Bill 1975.

In moving the Second Reading of this Bill, I wish to point out that from time to time Amendments were made to the Motor Vehicles and Road Traffic Act to improve the traffic situation on our roads and to facilitate the proper enactment of our traffic laws. The Bill before the House seeks to bring about further improvements by effecting several Amendments.

The Act, as it stands presently states that the supervisor who accompanies a learner – driver must be a person who has held a driver’s licence for a period of at least two years. It has no provision for such supervisor to be in possession of his driver’s licence for checking at the time of driving.

It has been discovered that many persons who accompany learners are not qualified to perform the task of supervisor, and when called upon to produce their licences they invariably fail to do so and the police can take no action against them. Apart from the learners’ supervisors, a large number of other persons driving motor vehicles, when requested to produce their licences, fail to do so. They very often attempt to evade prosecution by giving fictitious names and addresses, or names and addresses of persons who are known to them to be holders of drivers’ licences.

Section 2 of the Bill, therefore, seeks to amend subsection 2 of Section 23 of the Principal Act by including drivers’ supervisors among the drivers who must produce their licence. By the deletion of the proviso which allows for the production of licence within five days, the period of

grace will be withdrawn and the Bill will make it compulsory for all drivers to produce their licences immediately whenever a policeman demands that they do so.

Section 3 of the Bill seeks to amend Section 25 of the Principal Act so as to introduce stricter control on the issue of provisional Licences. As the law now stands, persons can refuse to go in for a driver's test and drive all around the year by renewing their provisional licences. The amendment now proposed in the Bill seeks to introduce new regulations which will give the licensing Officer control over such matters as the number of provisional licences granted to any one person and also to give directions as to how a provisional driver will use other motor vehicles in certain special cases, for example, when he uses a vehicle which can only accommodate one person.

Many of the drivers who are involved in accidents usually leave the scene of accident. Others refuse to give their correct names and addresses and many never render assistance to persons injured as a result of the accident. These practices have caused many injured persons to die because of the delay caused by the refusal of these drivers to assist. The amendment of Section 62 of the Principal Act, by the provisions made in Section 4 of the Bill, seeks to put an end to some of these practices by requiring a driver of a motor vehicle involved in a road accident to give his name and address and the name and address of the owner, as well as the registration number of the vehicle he is driving, to any person injured in the accident or to the driver and occupant of a person attending any vehicle damage or animal injured. He is also required to render to any person injured in an accident any reasonable assistance including the conveying or the making of arrangement for conveying such person to a medical practitioner or hospital for treatment if it is apparent that such treatment is necessary or if such conveying is requested by the injured person.

The amendment of Section 63 of the Principal Act is primarily being sought because of (1) the high incidence of theft of motor vehicles and vehicle parts; (2) the difficulty of successfully tracing the vehicles or their parts and accessories; and (3) the increasing number of un – regulated motor vehicle repair shops. Section 5 of the Bill, therefore, seeks to provide that vehicle repair shops should now be regulated along the lines of business premises and the owner of the shops could be classified as motor vehicle dealers.

The registration to make it mandatory for dealers to report to the police any vehicle received for repairs by them with obvious signs of damage occasioned by a road accident or if such damage appears to be of a suspicious nature. It is also sought to have dealers of motor vehicles keep a record book of repairs. These books are to be used for recording particulars of all vehicles accepted for repairs or sale and the book shall have several particulars including such information as name and address of the person from whom the vehicle is received, name and address of the registered owner of the vehicle; the date and time the vehicle was received, the make, registration number, engine number, chassis number, colour of the vehicle; the purpose for which vehicle is received; and , in cases of repairs, the nature of repairs to be done by the dealer.

It is also being sought to have the dealer produce at all reasonable times the dealer's record book for inspection by any member of the Police Force. Dealers will also be required to certify the damages done to motor vehicles when such damages and circumstances of damages there to are reported. It is envisaged that these measure will greatly assist the dealer, for once a certificate is kept by him as to the damage done to a particular vehicle, a certificate can be produced to the police whenever he is questioned as to the damage done to a particular vehicle. This certificate will be issued in duplicate to the person reporting the accident or cause of damage of the vehicle to the police.

Under this legislation, a dealer is also required to have his certificate of registration exhibited at all times at his place of business. These simple provisions are being sought in an effort to make our roads safer places on which all may travel.

This, of course, is not the end of the road, the process of improvement is a continuing one. We are engaged in the examination of other areas and will return to this honourable House to make other amendments. I have great pleasure, therefore, in moving the Second Reading of the Motor Vehicles and Road Traffic (Amendment) Bill 1975 and beg that you give it your unstinted support.

Question proposed.

Mrs. DaSilva: Mr. Speaker, we can assure the hon. Minister of our unstinted support for this very worthwhile piece of legislation is most acceptable to the Opposition. It is in the interest of the citizens of Guyana, every citizen, because all of us, whether we are motorists, pedestrians or cyclists, use the road, and any law before this House to make the roads safer for the use of citizen will always receive our support.

Our accident rate is far too high in this country and any legislation drafted to reduce it will be supported but what is most important is to see that the law is enforced. In particular, the clause that deals with the necessity for a driver and a person teaching someone to drive to have on them at all times their driver's licence, is most welcome. We know the problems that the traffic police have in getting people to give their correct names when there is an accident, great or small. Far too often, as the Minister said, fictitious names and addresses are given. This will take care of those people and ensure that justice is done.

I am particularly interested for the concern for animals. This may seem a very small point when we are talking about human beings who come first, naturally, but I am glad that there is concern shown for animals. By and large the users of the road pay absolutely no attention to animals. Very often they do not try to avoid them. But when somebody is killed there are some people who will use that as an excuse and say, 'Oh, I was trying to avoid cow.' But if we go up and down the East Coast and the East Bank we will see how often dead animals are left lying

on the road. Some may not be dead and are left punishing.

It is very worthy that a clause is being extended so that drivers must stop and look after an injured animal and also pay regard to damage done to people property. Very often the driver says, “Oh, I only knocked down the wall or the fence, or the gate. The owners are not at home so I will go along my way.’ will come into quick additional revenue. This will save time both for the driver and the police department, and receive the congestion in our traffic courts. Because, whilst I believe by law the police are entitled under certain conditions to institute fines on the spot, which the motorist may elect to pay or not, people are not prepared to pay these fines. They give a wrong name and address and when a case is called they do not turn up and they cannot be found. So that having the drivers’ licence in their possession will certainly assist.

2.35 p.m.

This, of course, will not take away from the right of each individual if he or she wants to defend the charge to appear before a Court and have the matter heard. Also, too, it will be a means of ensuring that the person who passes off as a teacher is himself capable of teaching people to drive.

I think there is a law – I am subject to correction – which says you should be driving for two years before you can teach someone to drive but if you do not have proof of this with you how are the Police to check?

This will also ensure that a learner gets a responsible person to teach him because the attitude of the learner driver will depend so much on the person who teaches him. So many of our accidents are caused by people who drive without proper care and consideration for other users of the road and without any sense of road courtesy. This will certainly help.

[Mrs. DaSilva continued]

Now, sir, I would like to put forward a proposition – I know it is going to be said that it is expensive and that it is almost impossible. Our main highways pass through villages along the East Bank and particularly along our Coastland areas where people have lived for years. Animals stray on to the road, sometimes accidentally. Sometimes they are driven there to cause embarrassment to a neighbour and for various reasons like that. And, of course, it is easy for small child who does not have any road sense to run across the road and be accidentally killed.

It is a big thing I am proposing but we are trying to do everything to help our people. This could be done if everybody worked together and tried to do it on a village basis or through the Local Authorities with the help of concerned citizens service organisations like the Rotary Club, the Lions and National Service people. Everybody should help to fence the main highways along our coastal area, and along the banks of our rivers, for example along the East Coast Road, the East Bank Road and, in particular, the Corentyne Highway.

This would be a big task but if we work together I do not see why it should be impossible. At least it could be considered on a village to village basis through Local Authorities.

Now, we come to Clause 5. This deals with the registration of premises on which cars are sold and those where repair shop exist. Now, with respect to this Bill before the House, I should like to ask the hon. Minister to make quite sure it gets the fullest possible publicity because there are many little things in it that might escape the notice of people and they will say “Well, we did not know.” Not knowing is not acceptable. In fairness, every effort should be made to publicise full the fact that drivers must have their drivers’ licence with them and that they must report accident and things like that.

This will also help the Police with hit and run drivers. There are not many of these but quite enough. They should be dealt with more severely. It is not just the passing of the law. It is

the enforcement of the law that matters. This is something which the traffic department is quite capable of handling if the traffic policemen are left alone to handle traffic and sell P.N.C. Party papers.

In this Bill is it required that twenty - four hours notice be given to the Police if a vehicle is brought into a garage for repairs and that a record be kept by entry in a book. Some of our people, whilst they may have repair shop, are not very good at keeping books. I think the hon. Minister of Finance and the Hon. Minister of Trade spoke about this question of our people not being able to keep books. Hence, there could be a form prepared so that they could fill in the requirements – the colour of the car, the chassis number and things like that, to assist the person in making the report.

I am particularly interested to see that if a car is struck by a bullet that matter has to be reported to the Police within 24 hours. I am indeed sorry that this law was not in force some years ago when Dr. Joshua Ramsammy was shot by a bullet outside the Guyana National Co – operative Bank in broad daylight. Maybe we might have known what happened to that car; who repaired it and who shot Dr. Ramsammy. However, this law will serve for the future.

With regard to those who buy and sell cars and garage people. As the Minister said, and it is perfectly true this amendment will help to take care of the terrific trade that goes on in the buying and selling of stolen car parts. There would not be a thief if there was no receiver. So that the checking of these garages would also help.

It will also help the Local Authorities, for example the City Council, which have so long been trying to put an end to roadside garages. Whilst we want everybody in our egalitarian society to have an opportunity to support himself and to have a job, the roads must not be blocked up for the other users. This could also inadvertently cause accidents. We are glad of this piece of legislation because it will certainly help the position with regard to the heavy traffic on the road.

I am sorry to bring a disagreeable note into the debate on this Bill which we are so please to support, but I refer to the importation of Cadillac cars which are big vehicles and will cause road congestion. I understand that last Friday a delivery of three Cadillac cars were sent off to the Ministry of Works and Communication. Sir, those Cadillac over 1600 cc. We have passed recently in this House a Bill banning the importation of cars over 1600 cc. The ordinary citizens of Guyana cannot purchase cars over 16 cc. These cars are large and expensive and yet three have been delivered already and I understand there are twenty – one more cars to come. This will cost the Nation roughly 5 ½ M.(G)

We cannot afford this kind of luxury in this country. We talk about making an egalitarian society and yet this kind of thing happens. We understand that these cars are being used for the Head of State – I think eight or nine are to visit us this year – on their way to the Commonwealth heads of State Conference in Jamaica. There is also the cost of high fuel consumption; there is the cost of maintenance.

Why should these cars come when we are trying to support the Government and trying to save foreign currency. The heads of State who come here are not going to be impressed. They will probably laugh at us for nouveau – riche attitude. We are trying to impress everybody and we just cannot afford these large cars.

I suppose the Press cannot print every word I am saying here, they will be told what to say and what not to say, so the rest of Guyana will not know what this Government is doing.

The Member of the Government talk about egalitarian society on the one hand and import these big prestigious cars on the other at a terrific expense to the taxpayers. They are squandering and wasting money. It is time that they realise we cannot have one law for the masses and another for the classes. It is time that they really mean what they say. If we are to have an egalitarian society let us aim towards it but let us not use the excuse that Heads of State are coming and we must have car for them.

What has happened to all the V.I.P. cars that we bought not so very long ago? Are they broken up? Can they not be in order? Do we have enough? It is time that thought was given to this.

2.45 p.m.

We are talking about accidents on the highway. These big cars have been whizzing around with their outriders and their sirens blasting away. One day there is going to be very serious accident. Do they not have to obey the speed laws like the rest of the citizens? It is time that these things were taken into consideration. The traffic chief is sitting here in the House. Maybe his police could check on the speed at which these V.I.P. cars travel. Why should they be allowed to break the law because they have sirens and out - riders? Nobody is above the law. This is the sort of thing that we often refer to when we hear people talk of an "egalitarian society" While we have this sort of farcical situation. I give that to the hon. Minister for his consideration.

To revert to the Bill, we wish to give it our support.

Mr. Mingo (replying): Mr. Speaker, it is unfortunate that the hon. Member Mrs. DaSilva did spoil what was a very excellent contribution by remarks which she made towards the end. I wonder at one stage whether she quite understood what she was saying. For instance, she spoke about egalitarianism and she said that the purpose of these cars is to make them available to the heads of State who are coming to Guyana. As she sits next to her Leader, he ought to tell her that when he visited Sir Lanka and India he went around in the best type of motor car there was in those countries and he was a Head of State; he was just one member of the delegation from Guyana.

The point is, we wish our people to have proper views of our visitors. These cars are open cars and they are cars which are specially made for this type of activity. The purpose of this

arrangement is to ensure that the masses of the people must be able to see these Heads of State and so we provide these open cars so that they can have the best views of these persons. The cars are not to be used by our local leaders; they are to be used by the Head of State who come to visit the country; we hope that everybody will see them when they come.

Other than this, I think I should thank the hon. Member for her contribution. she mentioned the provision of forms. I wish to inform her that already we have begun to design the forms which we hope to use. For instance, we have already drafted the following forms: Application for Registration of Dealer of Motor Vehicles; Register of Motor Vehicle Dealers; Motor Vehicle and Road Traffic Act, Certificate of Registration of Motor Vehicle Dealers; Report of Damage of Motor Vehicle by Dealer. All these forms we have already drafted. It means therefore that we have already begun to make provision for this type of thing.

On the question of enforcement of law, we also wish to give her the assurance that every effort will be made to see that the law is properly enforced.

Question put, and agreed to.

Bill read a Second Time.

Assembly in Committee.

Bill considered and approved.

Bill reported without amendment, read the Third time and passes.

WESLEYAN CHURCH IN GUYANA (INCORPORATION) BILL

A Bill intituled.

“An Act to incorporate the Board of Trustees of the Wesleyan Church of Guyana to hold the property in Guyana of the Pilgrim Holiness Church and for purpose connected therewith.” [Mr. Aaron]

Mr. Aaron: Mr. Speaker, this Bill before the House is a very simple one. During last year, I presented to the Assembly a Petition for the General Missionary Superintendent of the General Board of the Foreign Mission of the Pilgrim Holiness Church Corporation seeking to have introduced in the Assembly, a Private Bill in connection with the Wesleyan Church and the Pilgrim Holiness Church. The Assembly had granted leave for the promoters to proceed.

As required by our Standing Order, the Bill was published in three issues of the Official Gazette and of the newspapers. The object of the Bill is to provide for the incorporation of the Wesleyan Church in Guyana to carry out the work formerly carried on in Guyana by the Pilgrim Holiness Church.

Mr. Speaker, I now move that the Wesleyan Church in Guyana (Incorporation) Bill 1975 be read a Second time and I commend it to the Assembly.

Mrs. Willems seconded.

Question put, and agreed to.

Bill read a Second Time.

2.55 p.m.

Assembly in Committee.

Bill considered and approved.

Assembly resumed.

Bill reported without Amendment, read the Third time and passed.

SUSPENSION OF STANDING ORDER NO. 46 (2) and (3)

“Be it resolved that paragraphs (2) and (3) of Standing Order No. 46 be suspended to enable the Assembly to proceed at its Sitting on Monday, the 17th of March, 1975 with the second reading and the remaining stage of the Labour (Amendment) Bill 1975 (Bill No. 12/1975). [**The Minister of Parliamentary Affairs and Leader of the House**]

The Minister of Parliamentary Affairs and Leader of the House (Mr. Ramsroop): It is with no trepidation or compunction that I rise to pursue this Motion that stands in my name. Last Saturday, by a Notice dated 15th March, 1975, I served a notice of my indication to this House to seek that paragraphs (2) and (3) of our Standing Order No. 46 be suspended to enable the Assembly to proceed at its sitting on Monday, 17th March, 1975, with the Second Reading and the remaining stage of the labour (Amendment) Bill 1975.

I do not desire to deal with the merits of the measure that is before this House, to wit, the Labour (Amendment) Bill 1975, but I desire to say a word on the question of the principle of the suspension of the Rules of this House.

As Members are aware, this Government does not treat with nonchalance the Standing Order of this House. Indeed, it has always regarded as sacrosanct the observance of the Rules of this House but there must be exceptions, and in situation where the national interest and the national weal are jeopardised, it becomes imperative that the rules of this House be jettisoned.

Last Saturday evening in a broadcast speech by the hon. Deputy Prime Minister to the nation, inter alia, the Deputy Prime Minister said:

“... over the past few weeks there is evidence that concerted effort are being made to reverse the progress we have achieved and to disturb and dislocate the smooth operation of our sugar industry at a time when the workers in that industry and all of Guyana can least afford it.”

It is in that context, therefore, when the paramountcy of the national interest is being jeopardised, that I seek the leave of this House to upset its Rules to facilitate by way of this enabling Motion this measure which has been introduced latterly by my hon. Colleague the Minister of Labour and Social Security.

Since last Saturday and heretofore, I have been in close consultation with the hon. Leader of the Opposition on our plans in this direction. I thought it appropriate, Your Honour, that some reason should be given in to this house to justify in full measure the Motion which I now put before this House. It is against that background that I seek the leave of this House in terms of the Motion that I have tabled, and I respectfully commend that Motion to this Assembly for its acceptance.

Mr. Speaker: Hon. Leader of the Opposition.

Mr. Singh: My hon. and learned Colleague is fully aware that on every occasion possible I normally facilitate in the smooth and expeditious operation in this House. He spoke to me about the matters involved. I have had the Bill, which is the subject of this Motion, in my possession since Saturday but I also have obligations. I have had the Bill since Saturday but I am merely a servant of the people, I have to be always cognisant of and I have to act in accordance with the will of the people and particularly the interest of those parties who are affected in any specific matter.

The Bill before the house today strike at the root of trade unionism on the principle of collective bargaining. It is not enough that I saw the Bill. It is not enough that my colleague saw the Bill. The whole purpose in the Standing Orders, providing for publication in the Official Gazette, is that the whole of Guyana, all interested parties, should see the Bill, should read it, should know what is proposed in this honourable House, what the Government proposes to do. That is the purpose of the Official Gazette and the obligation for publication.

3.05 p.m.

Mr. Speaker, this is a intricate matter. I have to be advised y experts in this matter. I do not claim to be an expert in every field. As small as our numbers are on this side of the House we have to talk on every single matter that come before the House. We cannot possibly be experts on all. We need to seek advice and we have to go to the people who are concerned with this Bill, who are affected by it.

Of course, our first thought would be to go to such organizations like the Trade Union Council and the Consultative Association of Guyanese Industry. I spoke personally to the General Secretary of the Trade Union Council, Mr. Pollydore, and he has consented to my saying in the House today that he had not seen this Bill up to the time I spoke to him, which is shortly before I came to the House. He has not seen it and his organisation has not had a chance to discuss it, not one single provision in it.

He did tell me that the hon. Minister had intimated to his organisation that legislation would be introduced for compulsory arbitration but he also added that the hon. Minister had given them the assurance that the T.U.C. would be consulted and they would have a chance to make representation. He very regretfully told me, shortly before I came into this honourable House, that that had not taken place. They have not set eyes on this Bill.

I spoke also to a representative of the Consultative Association of Guyanese Industry which is affected in this matter also. The representative told me that the Consultative Association of Guyanese Industry had not seen the Bill, had not laid eyes on it at all and was, therefore, in no position to say anything at all about it.

These are extremely grave considerations. Mr. Pollydore told me that he was extremely concerned. Indeed, he said he was agitated over what it is proposed to do in Parliament today, that is, to rail – road this Bill through Parliament without the Trade Union Council having any opportunity to discuss this Bill. [An hon. Member: “We do not want to waste time’] An hon. Member says they do want to waste time, but this Government says it believe in consultative democracy; it is the principle on which it operates and yet an hon. Member has the cheek to talk about wasting time. Is time wasted where the interest of the worker is concerned?

Mr. Speaker: Hon. Leader of the Opposition you are not wasting the Assembly’s time, please proceed.

Mr. Singh: But I am concerned that an hon. Member of this House could speak of wasting time in relation to an organisation such as the T.U.C. The hon. Minister of Labour has always said that he works closely with the T.U.C. The hon. Minister has always said that he would always like to keep in touch with the T.U.C. on all matters. How is it that the General Secretary of the T.U.C. can say today that he has not at all seen one single line of this proposed legislation.

Mr Speaker, it is not that I am pre – supposing that the T.U.C or the Consultative Association of Guyanese Industry would have any objection to this legislation. I cannot per – suppose that. The fact is that they cannot say whether or not they have abjections to it unless they see it. It may well be that they accept every clause or sentence, but the fact is, have they seen it? No, they have not. Can they make any pronouncements on it? No, they cannot.

I agree that one has to take cognisance of the national interest. The national interest must be considered. But I also say that the fundamental rights and freedom of the individual are as important as the national interest, and those organisations which can represent the fundamental rights and freedoms of the individuals, those organisations are concerned in such a vital matter. Let us remember that in 1963 we all went on strike – except those who have crossed the floor from the P.P.P. – there are many of them – and those who were with the U.F and have turned coat. There are lots U.F. turncoats over there. But I have never belonged to any other Party but the United Force. In those days in 1963 we all joined together and opposed legislation proposed by the P.P.P. We vigorously opposed it. **[Interruption]** If you read the press Release you will see that we have maintained our maintained our separate identity.

Mr. Speaker: Hon Members would you please permit the hon. Leader of the Opposition to continue with his contribution? If not, I will adjourn the Assembly until we have order.

Mr. Singh: It should be done in the national interest so that the T.U.C. and C.A.G.I. can have an opportunity to study this Bill. If you can use your powers in this direction, sir, I will urge that you do so. Maybe it would be a good thing for them to make a little more noise, then perhaps we may have democracy through you, sir, rather than through the Members over there. Because, if you adjourn, then the T.U.C. and C.A.G.I. can have a chance to make their representation.

As I was saying, in 1963 we all went on an eighty – day strike against what the P.P.P. was proposing to do in relation to emasculating the Trades Union Congress and the trade union movement generally. That is what we said. What is the position today? The T.U.C. is not consulted. This a grave matter.

Mr. Speaker: Hon. Leader of the Opposition, I think you can make these observations on the Bill itself. The Motion before the House is for the suspension of Standing Orders 46 sub – paragraphs (2) and (3). I think provision is made in the Standing Orders where such a suspension

can take place. The mover of the Motion has advocated that in the national interest it is necessary and for the very reason I think the Standing Order made such provision. If you wish to speak on that Motion at this stage certainly please proceed, but I think you are moving on to the contribution in relation to the Bill, the merits of the Bill and whether it should be brought or not.

Mr. Singh: Very well, sir. I was merely saying that we cannot support this Motion for the reasons I have advocated. The hon. Minister by his ipso dixit says that the national interest is involved without any consideration for the interest of other Parties in fundamental rights and freedoms. For those reasons we cannot, we will not, we could not support this Motion before the House.

Question put and agreed to.

Standing Order 46(2) and (3) suspended.

17.3.75

National Assembly

3.15 – 3.25 p.m.

3.15 p.m.

LABOUR (AMENDMENT) BILL

A Bill intituled

“An Act amend the Labour Act”. [**The Minister of Labour**]

Mr. Speaker: Hon. Minister of Labour.

The Minister of Labour (Mr. Carrington): I beg to move that the Labour (Amendment) Bill 1975 be now read a Second time. Mr. Speaker, in so doing I should like to note in this Parliament today the importance of this Bill, to give a clear explanation and, if possible, to amplify and give reasons for the amendment to this Bill.

Today, we have from the Opposition what is known to most Guyanese that when Nero fiddle Rome burned. We can fiddle her today and this country's economy can go to ruin.

In introducing this Bill which is intended to amend the Labour Act, 98:01, I wish to state that the measure became necessary because of the dispute between the Man Power Citizen's Association, the recognised union in the sugar industry, and the Sugar Producers' Association.

You will remember, Mr. Speaker, over the past years we have been discussing, from time to time, the state of industrial relations in the sugar industry. The M.P.C.A., the recognised union, has always found difficulty in settling disputes between itself and the S.P.A. is the rivalry that has existed over 25 years between the M.P.C.A. and the rival Union G.I.W.U. and then G.A.W.U. in the sugar industry. This dispute and country, problems to the T.U.C. and their affiliates over the years.

The Leader of the Opposition makes reference to our protesting a Bill in 1963. This Government would right now protest such a Bill. The Bill before us is not an anti – union, it is not an anti - strike, Bill. It does not deny any of the workers their rights as workers or as citizens of Guyana. What the Bill sets out to do at this most crucial time is to bring a settlement between the two parties, the S.P.A. and the M.C.C.A.

There may be other parties concerned that may want to change this position. I shall discuss this further as I continue to remark on my discussions and consultation with T.U.C. on this amendment. It is necessary for me to do this because further to our consultation, I despatched a letter to the General Secretary of the T.U.C. after I had discussions with C.A.G.I. and the M.P.C.A. on the matter. But let us go in stages to see whether the Government is noting right at this time or not.

To deal with disputes in the sugar industry this Government has set up to examine the working conditions and to make recommendations in the sugar industry, The Persuad Commission was appointed. That Commission also made recommendations. The Zaman Ally Committee was appointed and that committee also made recommendation. Since then my Officers in the Ministry of Labour have the Estates and on many occasions I have visited estates myself to see on – the – spot conditions and to discuss with workers the problems and conditions under which they work.

But after these investigations by my officers and myself and the various Commissions and committees we find that many of these recommendations many of the important ones – are not implemented by the S.P.A. On the Government side, there were important recommendations that were made by those various Commissions which the Government responded to and implemented.

In the field where the workers cut the canes there have been several disputes from time to time. When they cut the canes they would find that some canes are easier to cut and others are

more difficult to cut because of obstacles, vines and what have you. And so there are times – because these people work on a piece – rate system – when it may take two days, depending upon the conditions, to cut the canes that they should have cut in one day. And so they said rightly, “If we have to take a longer time to cut canes we should receive more money.” We had to settle these disputes on the spot, in the field.

The recommendation of the Persaud Commission was that there should be agricultural assessors in the field and the Government set out to implement that recommendation by appointing agricultural assessors. Today we are able to settle many of these disputes not by Government officers, not by the trade unions, but by Government’s intervention to settle disputes in the field.

Further to these recommendations we found that there were no provisions for safety, health and welfare in the field. The law did not give us the right to carry the same provisions as the law relating to factories; there was no law to carry those provisions in the field and so we amended it further to give the agricultural assessors the right to investigate safety, health and welfare conditions in the field.

This is the Government implementing the recommendations at the cost of the taxpayers in Guyana. Further, workers working in the field are cutting their canes, they are being paid by the ton and when they are in the field cutting their canes who is there to check their canes or check the scales? The employers. The workers have no representative there to check on the weights of the canes and the Government has implemented one of the recommendations that there should be scale supervisors at the scales to ensure that the workers get their just weight and so receive their pay according to the weight.

(Mr. Carrington continued)

3.25 p.m.

The Government set up these scale supervisors to the satisfaction of the unions and the workers.

Mr. Speakers, I may digress for a moment and tell you of what one worker said to me. I met him at Albion. He said: “Ah look like ah get strong? How ah cutting more cane? Suddenly how a move from \$60 a week to \$90 a week. You ain’t see that they been robbing me on the scale?” We set out to ensure that the scales were working properly and those officers were accurate. And if there is any in inaccuracy, the benefit of the doubt must go to the workers. Those are their instructions.

We have implemented many of these recommendations but what do we find? We find that there were still many conditions not settled. The workers complained. There were regular strikes and dissatisfaction over a number of things. I paid other visits to the estates with my officers and I happened to stumble across a place named Diamond. It is not even called Gold but Diamond, where we are manufacturing whiskey, Diamond whiskey, and Vodka and right opposite to Diamond where they manufacture the whiskey there were the most deplorable conditions. That is what we found there in the face of strong unions, strong leaders.

Mr. Speaker, I would not like to explain to you what I saw when got there. The place I am talking about, they call it El Paso. Imagine 20 men sleeping on one bed and a bag, a crocus bag. A man told me: “I got two bags. What I do with two bags? You know what I do? I jump in one of the bags and then I use the other one for my head.” That is what we saw there, Mr. Speaker. Government had to intervene and set up a Committee to investigate and make recommendations and while we were, asking recommendations we advised the employers that during this time we must correct (a), (b), (c), (d). They did nothing, but just gave a few mattresses and they did some painting. There is a lovely green building there.

After the report came out no one could have believed that people were working and living under such conditions and because of this recommendation Government decided to examine further the Jessels holdings in Guyana and so has taken a firm position to take over Diamond and Leonora. Is this not showing interest in the workers? Could we wait in every case for the trade unions to act if we are really interested in the workers? They have been acting for over 25 years. It is a big show but the curtain must fall now.

This Bill sets out to strengthen the collective bargaining process. if I may I shall explain what I mean when I say the collective bargaining process and procedure, the practices I shall tell you something about these negotiations that led up to this present dispute. The union put forward their demands to the employer and they had discussions among themselves. That was what we called “straight negotiations” – Employer and Trade Union. And, set out in the agreement, which they signed, is that if they fail to agree at straight negotiations, they will then proceed to conciliation at the Ministry of Labour and if they are not in agreement there, they will decide on arbitration by mutual consent.

Let me come back to the question: While Nero fiddled, Rome burnt.” For one year the S.P.A. and the M.P.C.A. were handling these wage negotiations. Is it not time for the workers to become frustrated, disgusted and disappointed? One year! The Matter was brought to conciliation at the Ministry of Labour and they could not agree so they invited the Minister of Labour to take part in the conciliation to bring a speedy resolution to the dispute. The Government is interested so we have the machinery set up and I decided that since I had to conduct these conciliation it was in the workers’ interest and in the nations’ interest that I should not listen only to the employers and in the nation’s interest that I should not listen only to the employers and the trade unions. I went into the fields. I went to the estates and I asked the workers what is your problem? They said: “We want immediate financial relief.” These people were discussing now for nearly ten months.

I went back to the negotiation table as conciliator and I said to the two parties: “ I am satisfied that the workers want immediate relief. Will you increase the percentage of relief you intend to give?” They said two per cent is enough. I said: “No, two per cent can’t be enough. Why not make it six per cent?” They said: “No.” I said: “Make it five per cent.” They agreed to the immediate relief of five per cent. I told them make it immediate and retroactive. The workers are now receiving that five per cent.

Do you think that is the end of the dispute? They continued to discuss further while the workers were waiting for some decision. They were going to and fro, until the employer became disgusted and decided that they were getting nowhere; they should bring a close to this matter, the matter should now go to arbitration.

Mr. Speaker, I want you to know that it is not the Government that requested that this matter should go to arbitration; it was one of the parties which requested arbitration under the Labour Act which give the Government the right to appoint the arbitrator but their agreement spelt out “by mutual consent.’ In the Act, it does not give us the right to take this dispute to arbitration by either side; it must be by the two parties.

Now what do we do in that case? One party decides that it would like to go to arbitration and the other side, the M.P.C.A. said: “No.” We’ll discuss this question further, Mr. Speaker, because I have to discuss this matter further with the T.U.C. Who agree on the procedure and principle of collective bargaining that for the final resolve you must go to arbitration? We have done it, not in one case but in several cases where many of the T.U.C. affiliates asked for arbitration, requested legislation for arbitration.

I am not speaking by guess, I have this on record. I know what I am talking about. The T.U.C. affiliates requested arbitration. Do you want me to tell you a little story about this arbitration? When we were discussing with Guybau, the expatriate firm overseas, they said: “No arbitration for the Mine workers Union.” They were caught in the attack and what would have

happened to the industry. The Mine Workers Union at a T.U.C. General Council requested compulsory arbitration. This is on the record, but this Government said to DEMBA: “You will go to arbitration.” And, they went to arbitration

3.35 p.m.

[Mr. Carrington continued]

for the first time. If you know any member of the Mine Workers Union ask him if they were satisfied with the arbitration.

In the sugar industry when this Government found this dispute was creating havoc to the economy and there was no settlement we also suggested to the M.P.C.A. and the S.P.A. at a time when they were not prepared to go to arbitration that they must go to arbitration. This was without legislation – and the S.P.A. said finally “Yes, we will go to arbitration.” The M.P.C.A. wanted arbitration then. They went to arbitration for the first time in history of the sugar Industry in 1971. That was the Low – A – Chee Arbitration Tribunal. The award was finally given in 1971, the highest percentage increase ever in the sugar Industry because of this Government insisting that the employer must go to arbitration.

What do we find now? The unions do not want to go to arbitration. the unions are now in collusion with other forces not to go to arbitration. What do they mean? That they should destroy this economy while Nero fiddled? We are not making sport about this matter. So the question of arbitration is desirable. It is the only way for a democratic and civilised approach to resolving this issue.

Mr. Speaker, you are a lawyer. Tell me, sir. in this civilised country if there is any dispute between two parties living as neighbours and they have a quarrel how do you want them to resolve it? By fighting? Or must they go to the courts? Arbitration is the answer.

[Mr. Carrington continued]

We have problems in sugar industry. I want you to understand the issues. We have problems and I should like you to know what this Government has been doing to resolve some of the problem and this House Will reasonably agree that we are right in doing what we are doing now.

I said earlier, in fairness to the M.P.C.A. that part of their problem is the rival union in the sugar industry. Now they are bed – mates. They have been demanding recognition of the G.A.W.U.

They say they want to resolve this issue of recognition by a poll. This Government can right away say, Yes a poll. We can make a law for the poll but in the interest of that union – because we know the political situation on the estates – we should consult with the T.U.C. as regards to how we should approach this question of the recognition of the G.A.W.U. and the M.P.C.A.

The T.U.C. said to the Ministry of Labour - and we have it on record we have the minutes; the meeting was led by Comrade Verbeke who was then President of the T.U.C. – that we should not change the position of a survey because the M.P.C.A. would lose their recognition in the sugar industry; that we should keep out the G.A.W.U. because they are a political union; they will destroy the economy. I want to know what they are going to say now.

So what did this Government do, in the interest of all concerned? I will let you know that although the G.A.W.U. is a political trade union and they are aligned to the P.P.P. this Government, because it is a registered trade union, accommodates that union. We meet them very often because they are a registered trade union so we decide to resolve this question of recognition, we should send it to the Labour Code Commission and so they are at the present moment discussing the question of all matters, labour legislation generally, including the question of recognition. On this labour Code Commission the P.P.P. is there. The G.A.W.U. is

[Mr. Carrington continued]

represented and we decide that let the parties, that is, the T.U.C. or the M.P.C.A., G.A.W.U., C.A.G.I., the Government and the P.N.C. decide finally how to resolve this question of recognition. We can decide tomorrow but we believe in consulting and discussion. I will come to the Member who said we did not consult with the T.U.C.

Mr. Speaker, I want you to note me as I go in stages, in the interest of this Government. After all of this dispute and dissatisfaction by the workers, the rivalry of the unions in the sugar industry, the ineffectiveness here and there of representatives in the sugar industry, we decided that we should bring relief to the workers; we should settle some of these outstanding matters and conditions that need to be corrected in the sugar industry existed since slavery.

With strong union like the M.P.C.A, G.A.W.U., N.A.C.C.I.E., the four unions that have come together now, there are conditions that existed in the sugar industry since slavery. How are we to correct those conditions? We do not want to disturb and destroy the collective bargaining procedure. And so we decided that in keeping with international trade union understanding, that is , the I.L.O. , The British T.U.C. and so on, that we would appoint a wage Council. Would you like to know how the Wages Council operates? There is dissatisfaction among workers and so the Minister after investigation would find out what further he can do because of the ineffectiveness of the trade unions in the industry and so he will appoint a Wages Council, but before he does that he inquires from the trade unions if they think it is advisable that he appoint a Wage Council.

We thought that the best way to correct the conditions and improve the conditions on the estates, to remove some of those condition I just told you about - I would not like to explain some of them in this International Women's Year. You know what the women on the estate have to do? They have to cross big canal; there is no bridge, there is no punt, so the men take off their clothes go down in the canal, cross the canal and then they go to the next side and put on their clothes, and they start to work. The women have to do the same thing. So how do they do it?

[Mr. Carrington continued]

They allow the men to walk a long distance ahead and then they take off their clothes and they go down and cross the canal and they say that when they are doing this, some of the men are passing and catch them actually naked on these estates which have four strong unions.

How must we correct these condition? We decided to appoint a Wages Council and what about the unions? They said that they have adequate machinery to resolve these disputes and improve the conditions. What do they mean by adequate machinery? That is the collective bargaining machinery, the procedure up to arbitration. That is what they are talking about. The machinery they are talking about is the existing labour legislation says the two parties must agree. Here is a situation where only party agrees. Is it not necessary to amend the legislation so we can have arbitration either by one or other or none at all to correct those conditions? How else could we do it?

I say in keeping with the procedure or collective bargaining as set out by the I.L.O., By the T.U.C. in Guyana – but do not forget what I said that they have adequate machinery. All the unions including the G.A.W.U. said they had adequate machinery. You would like to hear what they are saying now in the face of that adequate machinery? They said to me, the Minister of Labour: “Tell the Cabinet, not to worry with the adequate machinery, don’t worry with the trade unions negotiations. You now take it to cabinet and make a law.”

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3.45 – 3.55 p.m.

[Mr. Carrington continued]

3.45 p.m.

I want you to listen to me carefully. They say, “Don’t worry with this negotiation between you and the employer and the trade union position of collective bargaining.” They say that we must just take up this thing like this, don’t examine and go straight and make a law right away for everything. What would happen to the trade unions? They would not need then anymore? If we can just change the conditions like that, that is what the P.P.P. in collusion with the three other unions did. The hon. Member is talking about 1963. In 1963 he walked up and down the place against anti – union, anti – strike legislation. **[Interruption]** This is not anti - strike legislation. You are making a joke.

We are committed to work the unions; we are committed to collective bargaining. I asked the Leader of the P.P.P. if he wanted that a letter to be sent when we go next to the I.L.O. saying that we are not conforming with the established procedure which means straight negotiations, conciliation and arbitration and if the parties cannot agree, all over the world it is the Government, If people are warring, what will you do? let them continue warring? Or will you find ways and means where they can settle and resolve their disputes in a civilised way? This is what we are doing. Do not worry, we will consult. We have consulted with the T.U.C. But they have had a problem for years with their affiliates who have always had problems with the G.A.W.U.

We have to think about the economy. I think the Acting Prime Minister has said enough in his broadcast for Guyanese to understand what is meant. I do not need to discuss that, whether we are going to allow this situation to drag this economy down. They know what happen in some Latin American countries in a situation like this. Certain people would have been in jail already. They know. But we are not like that, we believe in democracy, we believe in consultation.

I called in the T.U.C. and C.A.G.I. and told them of situation. I said the situation is bad. I explained to them what the Government is doing. I said we must have this matter

resolved. We must have legislation. Now, they say they have not seen the Bill. It is not a Bill; we are amending a Bill and it is not something new. [Mr. Singh: “An Act.”] All right, an Act. Call it what you like. We are amending the Act. I told the T.U.C. and the C.A.G.I. that it is necessary for us to amend the Act to have arbitration in the sugar industry. The M.P.C.A. get results from arbitration in the sugar industry. The M.P.C.A. get results from arbitration at the Electricity Corporation. The Mine Workers Union, the union for water front workers, all of these trade Unions get results from arbitration. What should we do here now? Should we operate by decree? is that what we want? We cannot afford that at this time, as the hon. Acting Prime Minister said. We have done too much over this period to steer this economy to make it viable, to come out on top of a most difficult situation to allow people who are confused to do this .I had discussions with the four unions. They are confused. They do not even know what they are talking about.

As I have said, the Acting Prime Minister in his statement, said enough. Does the hon. Member know how this Cabinet and the various Ministers had to work to get the price for sugar. Where would it have got? Does he know how we had to work to ensure we got the best markets and to look at the productivity of every area in this economy to steer this situation? Now, should we throw that overboard?

I will tell you what we intend to do with this arbitration because I am sure the workers would want to know. I went to Berbice. There are some leader who cannot go to certain areas. I went to Berbice yesterday and I went in the back dams, in the housing areas and I spoke to workers and they said they want relief. We have amended this Bill so that the arbitration would not sit in normal way. There are times when an arbitrator would examine the whole dispute, that means wages, fringe benefits, working conditions, etc. We are amending this Bill to make provision that the arbitrator would get his terms of reference in such a way that he would give priority to what is most important. And if, in setting out the terms of reference, we feel that wages is most important and immediate, he will deal with that and give his award, not at the end of his examination, but right away so that the workers can get immediate relief. This is what we set out to do.

It will be necessary to make some amendments because I must tell you honestly I just got a letter from the T.U.C. and they say that they talked to the hon. Member, Mr, Feilden Singh, on the matter. [**Mr. Singh:** “They are objecting to the legislation going through Parliament today.”] Where they want it to go through? [**Laughter**] We know the T.U.C.’S fears and problems. We will make some amendments because we do not want to rob their trade Unions of their effectiveness completely. So whatever amendments we make here is due to that. We believe in working the with the Trade Unions. We will do so. I got a letter from T.U.C. to make it easier for them. We are concerned.

Do you know why we are meeting today in this haste? We do not meet here in this haste on all occasions, You have heard the Leader of the House giving the reasons for having this Bill presented in the way we are presenting it. Mr Speaker, we had to go through this Bill with this haste because of the importance of the situation, first, to bring relief to the workers as early as possible and, secondly, to save this economy.

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[Mr. Carrington continued]

3.55 p.m.

We must do this now and in the course of our discussions we will take the necessary amendments to the Bills, these are minor, but I am sure we are not wasting time here today. Even the Opposition is not wasting time. We are here to ensure that Guyana moves forward and that the socialism that we are talking about will be a reality. As the Acting Prime Minister said, I think they have got it clear in their minds whichever industry, whether bauxite or sugar or rice, regardless of what surpluses we make, it is not all going to the workers, it is going to the nation in the first place. The nation first and all other things after in this socialist Guyana.

Question proposed.

The Minister of State – Regional (East Demerara / West Coast Berbice) (Mr. Salim): Mr. Speaker, I want to emphasise in this honourable House this afternoon what the hon. Minister of Labour has said that while Nero fiddled Rome was burning. This Government is no Nero and we are not going to allow Guyana to burn. As the hon. Minister of Labour has said, in the past years the union negotiated for months and years and they reached stalemate with management and at their request on several occasions Government intervened. As a result of Government's intervention, workers got the benefits they have today. I do not care to reiterate what the Deputy Prime Minister and General Secretary of the P.N.C. has said over the weekend in his statement to the nation but we all read that, and we all understand what he has said and we recognised this from that statement that much of the things that were achieved by the sugar workers were achieved because of the intervention of the Government.

This strike is no longer an industrial strike. The matter was industrial over the years while negotiations went on between the M.P.C.A. and the S.P.A. but no worker will tolerate waiting for better working conditions while he suffers over a year and there is a stalemate.

We all know that the M.P.C.A. has its problems. The M.P.C.A. is forced sometimes to take action which is not really necessary or really in the interest of the sugar workers but we recognise that they were forced to take certain action because the M.P.C.A. was not really leading the sugar workers. It was G.A.W.U. that was leading the sugar workers or the M.P.C.A. And when we reach a situation as this now over the past two weeks nothing like the M.P.C.A. can get the workers to go back to work because the leadership of the M.P.C.A. and all the other unions which have come together in negotiations are now led by G.A.W.U. and by Dr. Cheddie Jagan.

But we have passed the stage when the matter is still industrial. It is now a political strike. It took great pains and great sacrifices to reach where we are today. We all have to pay various kinds of taxes; we all had to deprive ourselves of a lot of amenities that we used to enjoy; we had to restrict ourselves, tie our belts tight, to make the economy of Guyana a healthy one as we have today. Are we going to sit back and allow detractors, people who for the greater part of their lives have indulged in creating destruction in this country? Are we going to sit back and let them destroy what we have sacrificed over the past years to build? No!

This Government, as I said, is not Nero and Guyana is not Rome and we are not going to sit back as Nero did and allow Rome to burn. We have to save Guyana. As the Labour law stands, we all recognise and appreciate that there is restriction. No one party can decide to go to Arbitration. There has to be mutual arrangement or agreement before they can go to arbitration and the hon. Minister of Labour has recalled various situations on which he had to be invited by the unions to intervene and to carry matters to arbitration for settlement.

Today we find that it is difficult to get them to mutually agree to go to arbitration, for us to save the country - are we not subsidising flour? Are we not subsidising cooking oil? Are we not giving five exercise books to the schools? The hon. Prime Minister has announced that as from September, 1975, there will be free education at all levels, secondary and University. We have free education given to Guyanese in many institutes

and institutions but we need to give Guyanese a better opportunity to be better educated by having free education at secondary schools and at University level.

How are we going to sustain the subsidies that we are giving? We can only sustain the subsidies by further developing the economy and by protecting what we have achieved so far in the development that has taken place over the past years. Will we still remain mendicants as we use to be in the past going hat in hand begging for aid here and there, or are we going to stand up as men and, because of our own efforts and because of the respect people have for us, have them give us what we deserve to be given? We no longer want to be mendicants. Guyana does not belong to foreign masters anymore. Guyana is ours. We have to build Guyana, we have to save the economy.

But as we I said earlier, Mr. Speaker, we have detractors; we have politicians and would-be politicians who have spent the greater part of their lives destruction but they are not destroying themselves, they are destroying the lives of peaceful people. Only on Saturday night last my telephone rang and I jumped out of bed only to hear that arsonists had deliberately burnt 212 acres of cane at Blairmont Estate. I was concerned because if what is burnt is not cut we will lose about \$½ million.

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(Mr. Salim continued)

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We have sold sugar in advance at a very high price, a price that will not only benefit sugar workers but twill benefit even the detractors.

Today, I was informed about 15 minutes before I came to Parliament that these detractors are now indulging in sharing a few dollars to the people who are on strike so that they will continue the strike. I was informed that people who were caught stealing were charged and now sent to distract willing workers from going to work. Are we going to allow wicked people, are we going to allow vagabonds, are we going to allow people who are not prepared to work for their living but want to live a high and luxurious life at the expense of poor workers do this?

Ask the M.P.C.A. President if he knows a place called Hampoor, if he has ever been there? If he knows the conditions under which the workers work. He cannot go there. He is answering from the rear: "Yes." Can he go there? He has to go there with the permission of Jagan, that is the only way or if we give him security to get there.

Mr. Speaker: Hon. Minister, please do not make reference to people who are not in position to reply.

Mr. Salim: I am sorry, sir. We are not going to let detractors to destroy the economy. The situation now, we recognise, warrants corrections generally and if the Government is muzzled, if the hon. Minister of Labour is muzzled under the law, then we are not going to be in position to save the situation, to improve worker's conditions.

But I know some of these unpopular trade unionist feel that if this law is passed here today it may replace collective bargaining agreements and so trade unions will be muzzled. But this Bill does not intend to muzzle anybody. This Bill does not intend to be a substitute for collective bargaining agreements. This Bill is introduced in Parliament

today that when it is passed and has become law it will assist the trade unions when they find themselves in a situation as exists today.

I said that M.P.C.A. and the other recognised trade unions in the sugar industry find themselves in a position where they cannot really command the works or way or the other. They really cannot tell the workers to go back to work. This Bill will save the situation that exists today because the Minister of Labour will be empower to refer this matter to arbitration or any industrial matter, when it reaches a situation that exist today. We cannot have workers waiting for over a year wanting to know what's there share. We cannot have workers waiting to hear what's next to come. Workers want to go back to work. They are afraid of intimations and we have to break to bottle-neck. The bottle neck can only be broken by amending the Labour Act. I speak here to support the hon. Minister who has introduced the Labour (Amendment) Bill 1975.

Mr. Speaker: Hon. Leader of the Opposition.

Mr. Singh: Mr. Speaker, in this our country, Guyana, sugar, like rice has unfortunately been use as a political football by many politicians in the past, and even at the present time, to the detriment of the sugar workers. At the present moment in Guyana, according to the hon. Acting Prime Minister, the situation in the sugar in the sugar industry is very grave indeed. I suppose the situation was at least as grave in 1963 when the P.P.P. tried to put through their Labour Relation Bill which resulted in the 80 days' strike in which P.N.C. and the M.P.C.A. and the United Force took part so vociferously.

But getting back to the measure before the House today, even though it is intended to be use immediately to deal specifically with sugar, it has put in general language and so it can be applied, in the word of the Amendment, to a apprehended or existing industrial dispute, that is any difference between—

Mr. Speaker: Hon. Leader of the Opposition, are you aware of the amendment?

Mr. Singh: No, sir, I am not aware of any amendments.

Mr. Speaker: Perhaps, I may mention them to you so that you will know.

Mr. Singh: Thank you sir, I told you that we might get more democracy from you.

Mr. Speaker: May I invite your attention to page 3 of the Bill circulated to you. In clause 2 paragraph (c) of subsection (4) in the proposed new section 4 after the word “such other date” insert the words “having retrospective effect” and delete the words “, not being earlier than the date on which the difference to which the award relates first arose,”

[Mr. Speaker contd.]

4.15 p.m.

Then the entire proviso to subsection (c) on the same page is deleted, “ Provided that the Minister etc.” If you on page 4 of subsection 6 in paragraph (c) of subsection (4) and in subsection (5) and (7) please add an “s” to subsection, and after the word five and seven, “award” includes an interim award. After the word “award” there, delete all the words following. Hon. Member you may now continue.

Mr. Singh: I am sure sir that you will appreciate that I am put a disadvantage in your having read out to me very briefly Amendments which I have not had a chance to study, the effect of which I have not have a chance to fully appreciate. I would like very strenuously to object to this type of behaviour in this honourable House. It is not right.

Mr. Speaker: Would you like to have a suspension for half an hour?

Mr. Singh: Yes, sir.

Sitting suspended at 4:17 p.m.

4.47 p.m.

On resumption—

Mr. Speaker: Hon. Leader of the Opposition, when we took the suspension, I adverted your attention to certain Amendments. I believe there is one slight omission I made, in that on page 4 and subparagraph (7) should read 6 and subparagraph (6) should read (7). As a result paragraph 7 should have subsection (5) and (6) instead. Please proceed.

Mr. Singh: First of all, I should like to say how thankful I am to your Honour for having given us the opportunity to study the Amendments. It is really indeed unfortunate that we were not alerted about the Amendments before. We knew about them only when the hon. Minister was on his feet and only when you read them out to us. The

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Amendments do, in fact, radically change this Bill. One of the most objectionable clauses of the Bill has in fact been omitted but I will deal with that as we go along. It could have made the proceeding of this House much smoother if I had known about these changes.

I was saying that I was sure that the entire T.U.C. movement would have considered the principle of collective bargaining was being affected by this Bill. As Leader of the Opposition I have to look at both sides of the coin. One must look at and examine carefully the claims and allegations of all parties and finally come to a decision which is in the interest of the workers and the people of Guyana.

I would still say we continue to register our objections to the haste in which this Bill is being pushed through all its stages today in Parliament, a haste which caused you, sir, to have to suspend this sitting. If we talk about consultative democracy, at least we should have given all parties an opportunity to have a say in this matter. The T.U.C. and C.A.G.I. should have been allowed to see a copy of this Bill. I am sure we would have had more forceful representation as a result.

I myself have had to speak with Mr. Pollydore and until I spoke to him at midday he did not have a clue that this Bill was going through all of its stages in Parliament today. The question is not whether the T.U.C. should have the right to dictate to the Minister or otherwise. The hon. Minister should not malign the T.U.C. He should give them an opportunity at least to see the thing and speak to him about it. If we believe in consultative democracy, we must let them see the legislation. How long would it have taken?

The whole tenor of the hon. Minister's speech when he talked of the unions seem to have been that the unions and the T.U.C. had done nothing or very little for the workers and that it was the Labour Department and he himself particularly who had been so successful in obtaining benefits for the workers. The hon. Minister talks a lot about the unions objecting to arbitration. Perhaps I did not make myself quite clear to the hon. Minister. It is not an objection to the

principal of arbitration that we have. It is an objection to not letting the bodies involved, the T.U.C. and C.A.G.I. and other interested, have an opportunity to read the legislation and tell him what they think about it. It might have taken one day, two days, three days. In the context of consultative democracy and freedom in this country, we should at least allow that.

There is a lot of talk about Nero fiddling while Rome burnt. This impasse in the sugar industry has been existing for several days. In the interest of such organisations as the T.U.C. and the Consultative Association of Guyanese Industry, would one day, would two days have made such tremendous difference?

The hon. Minister received a letter from Mr. Pollydore as a result of my speaking to him this morning. Mr. Pollydore told me he was going to send the letter. I do not know the contents of the letter but I know he did say that I spoke to him, that he learnt of the matter going through Parliament through its stages today from me for the very first time this morning.

I would be very pleased if it is as a result of that letter and representation subsequently made that these changes have been made in the Bill because it would show that there is some hope for the future and it would give me some confidence in making representations in future. At least I would know that representations are not falling on deaf ears. So in a sense I am happy that I did speak to Mr. Pollydore and changes have been made. I would urge that people be given a chance to read important matters such as these. Within a few hours they may be able to give you their opinion on it but at least give them a chance to do so. That is what I make a plea for. The hon. Minister in the course of his address to Parliament did tell us of terrible conditions which still exist on the sugar estates. He talked about women crossing trenches in circumstances which he described. He said that the workers had told him to take the matter to Cabinet and let Cabinet bring to Parliament the necessary laws.

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(Mr. Singh continued)

4.55 p.m.

If we take this to the natural conclusion it would mean that there would be no mean for any other unions. There would be no need for collective bargaining. Let the Labour Department and the Labour Minister handle all matters if it is that this is what is happening. I am sure the hon. Minister will not really reiterate, but that is what he means.

I know that there have been allegations that the hon. Minister has said that there is no need for unions at the present time in the country. I read the denial by the hon. Minister that he never said such a thing but I also heard others say that this was what he did say. Be that as it may, I would like to categorically if the hon. Minister does approve of the Trade Union Council and its continued existence in spite of any deficiencies there may have been in the past. I would like to know that he still believes that the T.U.C. should be consulted, that the union should be allowed to exit and to make representations. It may well be that in a lot of the representations the Labour Department would have to come into the picture but that is what they are there for. When the union fails it must appeal to the Labour Department and when there is an impasse, as in the present case, then by all means the Government is under an obligation to do something.

In this case there is an impasse. What is the Government saying in this case? the Acting Prime Minister and the Minister of Labour have asserted that there is a grave situation existing in the sugar Industry, a situation which seriously affects the revenue potential of the country, affects indeed the general welfare of the workers. We know that sugar prices are at a premium at the present time and we know that it is necessary to garner in as much as possible while the sugar prices remain as high as they are at the present moment.

The Acting Prime Minister in his address to the nation said that “had it not been for the predominant role, played by the Government in the marketing and distribution of the proceeds of sale of our sugar, there would have been little to benefit from.” I heard it

on air and I read it and I thought it was an extraordinary statement because it seemed to suggest that the Government had exhibited some extraordinary expertise and some extraordinary skill in this respect.

Even a school boy knows that when prices are high you try to sell your goods, to sell your produce, to sell whatever you have for sale for the highest price to the highest bidder. You know, also, sir, that by doing that your shareholders in the companies would benefit. You will benefit yourself. Any other Government would have done what this Government did. It is common sense. There is no need to pat yourselves on the back and say so very greatly that it is this Government that was responsible for this. This is a general state of affairs. It is the world situation that is responsible for it.

There are so many other things that the hon. Acting Prime Minister said that perhaps, we should not go into.

“Unfortunately, over the past few weeks there is evidence that concerted effects are being made to reverse the progress we have achieved and to disturb and dislocate the smooth operation of our sugar industry at a time when the workers in that industry and all of Guyana can least afford it.”

I am quoting from the back page of the **Sunday Chronicle** of March 16, 1975. Together with the sister Graphic the Sunday Chronicle did not publish my Press Release over the week –end. maybe they had instructions not to publish that Press Release. However, they did give prominence to what the Acting Prime Minister said on the back page and the front page. He said that they were threatened now by irresponsible persons within our society acting in the interest of those who threaten us from outside of Guyana.

What struck me when I read all of this was that when we all got together and went on the eighty – days’ strike in 1963 against the P.P.P.’s Labour Relations Bill, we did not have any of

this fancy language being used. That was a strike and I do not think the P.N.C. said anything about its being political. But there is a strike in the sugar industry now and we are having this kind of language being used.

At the same time the hon. Prime Minister did say that unions in this country must take a political stand and have political affiliation and as a result of that the Guyana Labour Union did , in fact , come out and say it was affiliated to the P.N.C. So it looks as though on the one hand the P.N.C. is advocating political affiliation of union nut if it is not affiliation to the P.N.C. it is a matter “which is by irresponsible persons within our society acting in the interest of those who threaten us from outside of Guyana. “ What kind of double standards are we accepting here? Let us not be hypocrites and make fish out of one and fowl out of another and beat our breasts and say very sanctimoniously that we are the ones who are being wronged now. [**Dr. Reid:** “You are dealing with outside political interference.”] Who talks of outside political interference? That is a presumption of the hon. Minister. Where is the evidence of outside political interference?

Let me say this quite clearly. I hold no brief for Dr. Jagan, the P.P.P. or, indeed, the T.U.C. in this matter, because I can remember very well that shortly before the 1973 elections, the T.U.C. came out in support of the P.N.C. at the elections but now the P.N.C. does not consult them, does not show them a Bill before it brings it to Parliament. The P.N.C. justified itself in Parliament for not showing the T.U.C. a Bill before they brought it to Parliament. It was the same T.U.C. which came out so forcefully in support of the P.N.C. before the 1973 elections.

I consider it a sacred duty, both for myself, the T.U.C. and the M.P.C.A. to make a decision in this matter in the best interest of the workers. We know that times change and we know that events change and I was talking about people allege to political interference and unions. But we did not hear any allegations that there was political action when the U.A.A.W. which, as I understand it, was the pet baby of the hon. Minister of Labour, picketed the G.A.W.U.'s Office. that was not politics.

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(Mr. Singh continued)

According to them that was not politics. It is politics on the other side.

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But sir, the position is that we should out these double standards and get down to the grass roots. The unions in the industry are claiming that the sugar workers are getting a raw deal. We must examine their demands. They claim that the sugar workers are being underpaid. They claim that this was particularly in the light of the fact that sugar yielded to the Government as a result of the special levy, at least in the estimates that we had before Parliament, \$91 million in 1974 and the expected yield for 1975 is \$156 million.

There can be no doubt that the sugar workers do have a case to be investigated. We want to be fair to the sugar workers. Can we really say that we are being fair to them? When as I understand it sir, some ex- sugar workers, people who have given their lives in the interest of the sugar industry, are now receiving \$3.00 and \$4. pension. Can we really say that this is fair? Can we say that we are being fair to sugar workers when the hon. Minister himself stood up there and told us about all the bad conditions that are still existing in the sugar industry, all those conditions that he talked about at Diamond on the East Bank and on the other sugar estates. Can we really say that we are being fair to sugar workers? Can we really say we are being fair to sugar workers in the light of the revenue collected from the sugar industry when in neighbouring Trinidad, in Barbados, in Jamaica, the wages of sugar workers have been substantially raised and the conditions of employment have been substantially improved? Can we really say that we are being fair to sugar workers?

And if the figures quoted by the Mirror” are wrong, we expect, we expect the hon. Minister to say so. On page 3 of the “Mirror” of March 16 there is an article ‘Benefits to Jamaica Sugar Workers’ and further on in the paper it tells of ‘benefits if the Barbados and the Trinidad

sugar workers'. If the statements that are made inside here are a pack lies then let the Minister tell us that.

But, sir, what we want to establish is that we have not been fair to sugar workers and position needs reviewing so we need not go into the details. What we have to recognise is that there is a deadlock in the industry at the present time. A Bill has come before Parliament here. The object is to resolve that deadlock. Will this Bill provide the solution to the problem or will it merely exacerbate the position? What does the T.U.C. say? What does C.A.G.I. say? We do not know what they say. As far as I know, up to now they may not have seen the Bill. I know what the T.U.C. and C.A.G.I. would have said had they seen the Bill in the way it was presented to this House, in the way in which it was published in the Gazette. They would have said, with very great justification as we would have said, that the Bill would have been sounded the death knell of the whole principle of voluntary collective bargaining, the system which has been developing here in Guyana over the years.

I did not want to speak too much on the clauses that have been deleted but since I may ask to spell out things it is the Minister who exercises his sole discretion in identifying the areas of difference between the parties. That provision still obtains in the Bill and the other provision was that when the Minister appoints on his own an arbitrator or a panel of arbitrators it would have been the Minister according to the proviso who would have had the power by Order to vary the terms and duration of such an award. We care thankful that is now out of this piece of legislation.

The T.U.C., I am sure, would never have accepted such a Bill and the concomitant dictatorship of the Labour Minister since we know that it rejected the Labour Relations Bill in 1963 and the Trade Dispute Bill in 1966 proposed by the present hon. Minister. The Bill would have emasculated the whole union movement and would have rendered it redundant, since the Minister of Labour would have been able in his sole discretion to interfere with the tribunal's

award and he still does in his sole discretion, formulate the terms of reference of the Tribunal. What confidence would the parties have had in a Bill such as that?

We must recognise that in the final analysis if what is here before the House today is passed and if it is objectionable to the workers it will have achieved nothing because the workers will still remain off their jobs, they will not have gone out to work. What will we achieve if we pass something here that the workers consider objectionable and which, in their opinion, takes away their rights.

The P.N.C. cannot throw all the workers who stay home into jail. It would be impossible for them to do that and that is why I urge here that whatever is passed here in this Parliament must be something acceptable to the broad masses of the workers in the sugar industry, otherwise it will have no effect. The effect that we want is that the workers should be satisfied and we would wish to export more sugar so that we can earn revenue for Guyana and for the sugar works also.

5.15 p.m.

Let us look at the Bill proper, Mr. Speaker. It gives the Minister power “where a difference exists or is apprehended” in clause 4 (c) with the consent of both parties to the difference or either of them, or without their consent to refer to the matter “for settlement to, the arbitration of an arbitrational tribunal consisting of one or more persons appointed by the Minister.” We are told here that one party agrees to arbitration. The original legislation was that both parties had to agree before you went to arbitration. We are changing it so that not only can the Minister send to arbitration at the request of one party but at the request of no party at all and merely if he apprehends that a difference of opinion would exit. A difference need not exist at all if he thinks that a difference exists then, without asking either of the parties, he can go right ahead and appoint an arbitration tribunal, that is what this legislation means here. It may well be that there may be circumstances where such a thing might be in the interest of the national economy or might be in the interest of the nation.

If we are to have this provision then, at least, let us have some semblance of semblance of democracy put to it and what I would suggest for the consideration of the hon. Minister is that he adds certain words after that proviso. I shall read the proviso first:

“Provided that the Minister shall not refer a difference for settlement to arbitration otherwise than with the consent of both parties to the difference, unless he notifies the parties that he is satisfied that the continuance of the difference is likely to be gravely injurious to the national interest.”

As it is there, he needs not even ask the parties whether they want arbitration or not. We would like some semblance of democracy to be put in this by adding these words.

“and invites each party to each submit within three days the names of at least three persons whom they consider suitable for appointment on an arbitration tribunal for settlement of the matter by arbitration. And if such names are submitted by either

or both parties, the Minister may select from those names for appointment to the arbitration tribunal.

This amendment gives the parties an opportunity to submit names from which the hon. Minister may choose for appointment to the arbitration tribunal. At least give them the opportunity to put up names. Let us have an intermediate stage. Let it not be where if the Minister thinks that there is going to be a situation gravely injurious to the national interest, then he tells the parties that he is appointing an arbitration tribunal. All we are asking is that he should invite them to submit within two or three days a panel of three names. At least give them an opportunity to do so.

If they submit outlandish names, for example, if the M.P.C.A. were to submit the names of Mr. Kit Nasimento, that would be ridiculous. In a case like that, the hon. Minister would reject that name as being totally unsuitable. But, at least if names, meaningfully, are put forward to him he would have an opportunity to involve the unions in the arbitration tribunal and that is what we are requesting.

I am told that the hon. Minister did not even bother to listen to what I was proposing. Sir, if that is the case, perhaps it would be better for me to sit down or maybe to get out of the House because if I suggest an amendment the hon. Minister does not even bother to listen to my amendment then there is no purpose in my standing here and talking. For the benefit of the hon. Minister, I shall read my amendment again. I suggest that the following words be added to proviso to clause 4 (c):

“..... and invites each party to each submit within three days the names of at least three persons whom they consider suitable for appointment on an arbitration tribunal for settlement of the matter by arbitration. And if such names are submitted by either or both parties, the Minister may select from those names for appointment to the arbitration tribunal.”

If there is any hon. Member who does not want to listen, I would invite that Member not to bother to come to Parliament. We hear hypocritical statements about democratic right

not to listen. Why bother to come to the House if we are not going to listen to each other? When we have such irresponsible statements it makes a farce of the proceedings in this House.

The hon. Minister is reported in this morning's **Daily Chronicle** as having sent a letter to the General Secretary of the T.U.C. I think he said, "Dear Comrade Pollydore". According to the report, part of the letter reads:

"It is for this reason that I am going ahead with legislation to resolve the issue by arbitration and am ensuring that the necessary amendments to the Labour Act allow scope for G.A.W.U and for that matter, any other interested organization, to participate in the deliberations of the proposed arbitration tribunal."

He says here that he is ensuring amendments to bring this about. He is not talking about any existing law – nothing about any regulation that may exist at the present moment or regulations under the labour Act, Chapter 98:01. There are regulations which do give some leeway there but he says that this legislation here will allow scope for G.A.W.U. and for that matter any other interested organization to participate in deliberation of the proposed arbitration tribunal. I have looked at the legislation and the only words I seem to find are in 4(2):

"If a tribunal is so appointed, it shall inquire into the causes and circumstances of the difference by communication with parties and otherwise shall endeavour to bring about a settlement of the difference...."

Does the hon. Minister say that that is the provision which he talks about in his letter to the "Comrade Pollydore"? I should like to know because if that is the provision, maybe what we should do is put in the word "and" after "otherwise". It would read:

"If a tribunal is so appointed, it shall inquire into the cause and circumstances of the difference by communication with the parties, and otherwise, and shall endeavour to bring about a settlement of the difference...."

The insertion of an addition “and” between the words “otherwise” and “shall” would perhaps help the situation. That is what I recommend for the consideration of the hon. Minister.

We move on now to (4).

“(4) With respect to any reference to arbitration otherwise than with the consent of both parties to the difference, the following provisions of this subsection shall apply –

- a) upon the appointment of the tribunal, the Minister shall furnish the tribunal with its terms of reference containing a statement of the cause and circumstances of the difference between the parties into which the tribunal is required to inquire.”

It is the Minister who will, under this change, settle the terms of reference of the tribunal. This, I would ask the hon. Minister to reconsider as to whether it does provide him with enough scope for the tribunal to effectively deal with the totality of, for example, the matter which is now being sought to be dealt with in the sugar industry.

I have made an observation on (c) and that has been the subject of an amendment. We are very glad for that because it now would clarify the situations so that retroactive effect can be given in an arbitration award.

The next paragraph is the proviso that we would have strenuously opposed. The proviso would have made the Minister a judge and jury. We would have opposed it particularly in the light of the Government taking over Jessels and the Diamond and Leonora sugar estates, but that clause has been taken out of the legislation, and we are very thankful for that. That would really have made this Bill completely objectionable to any right-thinking person. I am ashamed to know that the P.N.C. Government could have dared to bring something like that to Parliament. The proposal that I made that this proviso should have been deleted has now been accepted. The hon. Minister is fully aware of the representations that were made.

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This Bill still needs further over-hauling. What we are concerned about is the type of legislation, albeit under the guise of the national interest that continues to erode the fundamental rights and liberties of the subjects in Guyana. We must protest against this. We must protest against the continuous erosion of the rights of the individual. We know that there is no freedom of the Press in the country regardless of what the Chronicle and the Graphic and the hon. Members on the other side of the House say.

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5.30 – 5.40 p.m.

[Mr. Singh contd.]

5.30 p.m.

The situation in this country is grave as regards fundamental rights and liberties, freedom of choice, freedom of association etc. We will continue to object to the erosion of association etc. We will continue to object to the erosion of fundamental rights and freedoms such as we have seen happening so frequently within recent times in our Guyana.

We agree there is a situation in the sugar industry that needs to be remedied. We agree that something must be done. We do not totally agree with the way in which this Bill has been brought to Parliament in spite of the Amendments. What we would warn is that Guyanese must always look carefully at any legislation so as to make sure that the guise of national interest, the liberty of the subject is not continuously eroded as in the past.

Mr. Speaker: Hon. Minister of Labour.

Mr. Carrington (replying): Mr. Speaker, I think that I must first say that I agree that the hon. Member of the Opposition did not get enough time to examine the amendments. I am sure that if he did have some time he would not have said most of what he did say.

What I should like to say is that the hon. Member must understand industrial relations as a whole. He is mixing up a few things. There are what we call collective agreements. Because of the Minister's position in the Ministry of Labour and because he has at times to deal with conciliation, the parties may in some cases invite the Minister to set up the necessary arbitration machinery. There are times when we set up such machinery, taking into consideration the collective agreement, so that where the collective agreement spells out that both parties must agree mutually to go to arbitration the Minister would say this is position one. Secondly, we would invite the parties to nominate or to suggest names for the arbitrator or arbitrators.

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Also, it should be noted that in that arrangement the parties to the dispute pay for arbitration. It is set up under the collective agreement. In that case only the two parties are allowed to submit their claims or positions before the arbitrator; it permits scope just to the two parties.

We have a dispute in the sugar industry that involves the S.P.A. and the M.P.C.A. and there is a collective agreement. The first point is that one side to the agreement agrees to go to arbitration and the other refuses to go to arbitration. We could not apply the collective agreement. In other words, the collective agreement is out of the way now because one side said it is not going to arbitration. We have to use the necessary legislation to get the parties to agreement. It was therefore necessary to have an Amendment. In this case the other party may not go. In this case the Government will have to provide the machinery and make all the necessary recommendations and pay for such arbitration in the national interest. Under the collective agreement the parties pay for their own arbitration. Even the Act, before amendment, sets out that the Minister can set up the arbitration and appoint the arbitrator or arbitrators and set terms of reference for the arbitrator.

In this situation, as we stand here now, you are not settling the dispute in the interest of the two parties, in the interest of parties outside the two parties and also in the nation's interest. That is why in the legislation we do not speak of "trade unions" or "employees" which means workers outside of a trade union. Whether it is a trade union or not, the Ministry or the Government has the right to set up such machinery. Do not confuse yourself again with the essential services and panels of names. We speak now of industries or concerns vital to the nation. So it is a different situation.

The hon. Member must also state that we have legislation for the essential services which is law. It gives the Minister the right to set up arbitration and to invite persons to serve on the arbitration but you must also say, too, that in the Essential Services Act there are penalties for the trade unions and for leaders. When the Minister refers the matter to the Essential Services Act, workers cannot strike any further; there are penalties. It is not in this Bill. The reason why it is

not in this Bill is that we did not want to have any difference with the T.U.C. on this particular Bill.

The hon. Member says he is happy about an amendment. It was not made through representation as such, but we recognised that the Bill, as it was set out before we made the necessary amendments, would have been doing exactly what the Wages Council would have done. Hon. Member know what the Wages Council can do, and has done so far, in the interest of workers. Under the Wages Council the Minister has the right to vary wages or conditions. We have just varied conditions and wages for watchmen. The trade unions and employers got together and recommended a certain level of wage. When the matter came to the Minister he felt that the wages recommended by the union, at this time, were too low and so varied the wages to give watchmen a higher rate to pay. Is this not in the interest of workers? But surely if we do it here the T.U.C. and others may want to feel that we are acting as though it is a Wages Council gives the Minister the right to vary. We have removed it.

There was a question about emasculating the trade unions and that if this Bill is introduced there would be no need for trade unions. The opposition Member seems to be confused. I said earlier that is what the four unions are asking the Government to do. They said so this morning and we have it in writing. They said they would like us to introduce legislation, orders, to make laws. I told the unions we do not agree with that. That to our mind would remove the effectiveness of the trade unions. What we want to do, and to give an opportunity for them to do is to go and make representations to the tribunal.

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(Mr. Carrington continued)

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and to our mind this is an extension of the collective bargaining machinery and procedure. So do not let us confuse our position on many of these matters.

5.40 p.m.

The hon. Member asked whether it should be otherwise, that is, the provision that would give us the right, through the regulations, to invite other interested parties, as is the practice, to take part. It is the right of the chairman or the tribunal to invite other interested parties, other than the two parties, to the dispute. So this will be done. There will be other provisions as regards setting out terms of reference that would give effectiveness to the award immediately or interim consideration of the award. This will be set out in the terms of reference as you will find in the other acts the Minister has the right to do.

As regards the question of emasculating trade unions – and speaking of political trade unions, the People's National Congress agrees that trade union can be aligned to political parties. We have taken this position not today, but for many years. The constitution of the People's National Congress clearly states this. A socialist party must and should have a trade union aligned or affiliated to the Party. If it is a capitalist Party, no. If the party is conservative like U.F. you would want to have in the party trade unions that understand the socialist thrust and are prepared to work for the development of socialism because trade unions, as is known, and as is said by many political thinkers, are socialist organisations.

But let us go further to the question. The hon. Member says there should not be double standards and refers to the P.N.C. saying it wants unions affiliated to the P.N.C. He makes reference to G.A.W.U. and the P.P.P. We agree with the G.A.W.U. being affiliated to the P.P.P., we know that has been so for years and we have accommodate them in the Ministry of Labour knowing full well that they are affiliated to the P.P.P. No other Government has given the G.A.W.U. more recognition than this one. But the point is not of recognising the trade union of its affiliation to the political party it is whether any other institution is affiliated. The church is

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affiliated to his party and we know that there are church organisations in many countries who work with political parties for the destruction of these Governments.

And whether it be a trade union, church institution or otherwise, once that body is working for the destruction of the economy, you must take the necessary measures in that respect to put the trade union or the particular party in its proper place. So it is whether the trade unions would be working in the national interest or against the national interest.

In referring to our position, we are hoping that the trade unions that will be affiliated to the P.N.C. will be trade unions from their mere constitution that will behave and work towards the building of socialism in Guyana. We know of those trade unions, there are many trade unions and political parties that claim to be socialist but are not really working for the cause of socialism.

We have no objection to the G.A.W.U. being affiliated to the P.P.P. But when the hon. Member refers to 1963 and the strike, he should know otherwise and should know a little more about the industrial relation system and what took place during those years. In that Bill which was objected to was the question of sectional bargaining where you could have had a trade union in “X” Ministry and if a group of workers came together and said they wanted another trade union, they had a right to join that other trade union, which meant either the G.A.W.U. or what was known then as the Public Service Union. What we would have had in the various ministries or corporations would not have been trade union positions but racial and political divisions in the various ministries. That is what the T.U.C. was objecting to then. It was just a question of anti – strike legislation. You must read more and know more of the Bill that we were objecting to. There was a lot more to it. So do not compare this Bill with that Bill.

This Bill is not anti – union, it is not even as harsh against the trade union as the Essential Services Act which we have as law in Guyana. They have representation as set out in that Act but that is the essential services. I am saying that even before this Bill was amended; it did not set out that the parties must be invited to clear these points before we move into other situations.

The hon. Member referred to the Government being fair to the workers. As we have stated on this side of the House, we would like the hon. Member to tell us what we should do in this situation other than refer this matter to arbitration. We should be fair to the workers. We have on record, as I outlined how much interest this Government showed in sugar workers over the years, what we want to do - we are looking for the possibility of legislation to do more for the workers.

Let us imagine a situation as this: there is a dispute, there is no decision to go to arbitration, and the employers are prepared to go to arbitration. Whom are we going to discuss with? The party suggests the Government should just make laws. We showed recognition of the employers. We just cannot say that we should do this without examining the situation to find out whether the employees and the industry have the ability to meet these demands. Does the hon. Member expect the Government to do this? We put this in the hands of an arbitrator and we have made the necessary amendment to the legislation, because the parties failed to agree to it.

How can I view the T.U.C.'s position and the request of the hon. Member, on their behalf, that we should show them the necessary legislation because we have time to do that? Here is a situation where we need to make this necessary amendment because of the situation.

To say that we did not consult with the T.U.C. would be wrong because both C.A.C.I. and the T.U.C. were invited and told of the situation and the need for an amendment to the Act to provide for arbitration in the way it was set out. We invited them. It is a fact the T.U.C. said that they did not consult with the affiliates, that is the M.P.C.A., and I said there is no need to consult to a great extent because the M.P.C.A. has already said that it is not going to arbitration, so it is necessary for us to expedite this legislation in the national interest.

If we are to listen too much of what the Opposition said as regards Government trying to get all through the necessary Acts here in the interest of the Government, it is as though it is not clear to the entire nation in what direction the revenue collected from the levy is going.

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[Mr. Carrington Continued]

5.50 p.m.

It is as though it was not clear that the Government took the initiative in looking for the highest possible price for sugar for Guyana, and not only that, it was an initiative ahead of many countries in the Caribbean and elsewhere where they were sitting and waiting and the Government of Guyana was acting in the interest of the Guyanese people to get the highest possible price in the best and most stable markets.

I am sure that the hon. Member heard the regional Minister referring to the areas in which the money was used to subsidise many commodities in the interest of sugar workers and in the interest of the nation as a whole.

So, Mr. Speaker, I can see that the member of the Opposition needed to make some sort of representation; they needed to discuss this matter and to see how much favour they could win from the opposition and other groups. I saw the hon. Member reading from the 'Mirror' and quoting the 'Mirror' but we are satisfied that it is in the workers' interest and in the nation's interest that we move these necessary amendments to the Labour Bill. [Applause]

Question put, and agreed to.

Bill read a Second time.

Assembly in Committee.

Clause 1 agreed to and ordered to stand part of the Bill.

Clause 2.

Mr. Carrington: Mr. Chairman, I should like to make the following amendments to Clause 2:

- a) In the proposed new section 4, paragraph (c) of the subsection (4), insert the words ‘having retrospective effect’ after the words “such other date”, and delete the words”, not being earlier than the date on which the difference to which the award relates first arose,”
- b) In the proposed new section 4 , delete the proviso to paragraph (c) of subsection (4)
- c) In the proposed new section 4, renumber subsection (6) as subsection (7). and subsection (7) as subsection (6).
- d) In the renumbered subsection (7), substitute the words “subsections (5) and (6)” for the words “subsection (5)” and delete the words “, and in subsection (5) includes an award as varied pursuant to an order made under paragraph (c) of subsection (4)”

Clause 2 as amended, agreed to and ordered to stand part of the Bill.

Assembly resumed.

Bill reported with Amendments to Clause 2: as amended, considered; read the Third time and passed.

ADJOURNMENT

Resolved, “That this Assembly do now adjourn to a date to be fixed.” [Mr. Ramsaroop]

Adjourned accordingly at 5.57 p.m.
