

SECOND LEGISLATIVE COUNCIL

(Constituted under the British Guiana (Constitution) (Temporary Provisions) Orders in Council, 1953 and 1956).

Thursday, 22nd June, 1961

The Council met at 2 p.m.

PRESENT:

Speaker, His Honour Sir Donald Jackson

Chief Secretary, Hon. Major I. O. Smith, O.B.E. (acting)

Attorney-General, Hon. A. M. I. Austin, Q.C.

Financial Secretary, Hon. W. P. D'Andrade

} *ex officio*

The Honourable B. H. Benn

—Member for Essequibo River
(Minister of Natural Resources)

„ „ Janet Jagan

—Member for Western Essequibo
(Minister of Labour, Health and Housing)

„ „ Ram Karran

—Member for Demerara-Essequibo
(Minister of Communications and Works)

„ „ B. S. Rai

—Member for Central Demerara
(Minister of Community Development and Education)

Mr. R. B. Gajraj

—Nominated Member

„ W. O. R. Kendall

—Member for New Amsterdam

„ R. C. Tello

—Nominated Member

„ F. Bowman

—Member for Demerara River

„ L. F. S. Burnham, Q.C.

—Member for Georgetown Central

„ S. Campbell

—Member for North Western District

„ A. L. Jackson

—Member for Georgetown North

„ S. M. Saffee

—Member for Western Berbice

„ Ajodha Singh

—Member for Berbice River

„ Jai Narine Singh

—Member for Georgetown South

„ R. E. Davis

—Nominated Member

„ A. M. Fredericks

—Nominated Member

„ H. J. M. Hubbard

—Nominated Member

„ A. G. Tasker, O.B.E.

—Nominated Member.

Mr. E. V. Viapree—Clerk of the Legislature (acting)

„ V. S. Charan—Assistant Clerk of the Legislature (acting).

ABSENT:

The Honourable Dr. C. B. Jagan—Minister of Trade and Industry—on leave

Mr. E. B. Beharry—Member for Eastern Demerara.

The Clerk read prayers.

MINUTES

The Minutes of the meeting of the Council held on Wednesday, 14th June, 1961, as printed and circulated, were taken as read and confirmed.

ORAL ASKING AND ANSWERING OF QUESTIONS

COLLECTION OF INCOME TAX

Mr. Tasker: I beg to ask the hon. the Financial Secretary Question No. 17 standing on the Order Paper in my name: Will the hon. Financial Secretary state whether Government intends to introduce the 'Pay As You Earn' system of income tax collection, and if so, when?

The Financial Secretary: The answer to the hon. Nominated Member's Question is as follows: Yes, Sir. With effect from 1st January, 1962.

CAMPBELLVILLE GOVERNMENT SCHOOL

Mr. Jackson: I beg to ask the Minister of Community Development and Education Question No. 18 standing in my name on the Order Paper: Will the Government give the reasons for its decision to deny further use of the Campbellville Government School for Religious Services and Sunday School to the Christian Brethren Church, as represented in that area by Mr. Richard Lee?

The Minister of Community Development and Education: For the past four or five years the Campbellville Government School was being used for the holding of religious services by the Anglican Church, Congregational Church and Christian Brethren Church.

Recently the Evangelical Lutheran Church requested the use of the Lodge Government School for the purpose of holding religious services on the grounds that Anglicans, Congregationalists and Christian Brethren were being allowed to hold religious services at the Campbellville Government School.

The Government is likely to be approached by other religious bodies for the use not only of Campbellville and Lodge Government Schools, but for all other Government school buildings for the holding of religious services. It will not be possible for physical reasons to accommodate all the religious bodies and the several denominations who may wish to make use of Government school buildings for religious purposes and so to avoid charges of discrimination against the Government, notices were served on the Religious Bodies making use of the Campbellville Government School, terminating their use of the building for religious purposes.

This action is also in keeping with the spirit of Clause 10 of the Education Code which provides as follows:

"No church or chapel shall be used as a school without the sanction of the Director, except in the case of schools placed upon the aided list prior to 31st December, 1918".

NO CUBANS ON ROAD SURVEY TEAM

Mr. Bowman: I beg to ask Question No. 19 standing in my name on the Supplementary Order Paper: Will the Minister of Trade and Industry state whether he is aware that Cubans who are closely attached to the Castro Government are among the Venezuelans who are presently carrying out road surveys in this Colony?

The Minister of Labour, Health and Housing: On behalf of the Minister of Trade and Industry, I wish to reply to the Question. I am not aware that there are any Cubans among the Venezuelans who are at present carrying out road surveys in this Colony.

ANNOUNCEMENTS

LEAVE TO DR. JAGAN

Mr. Speaker: I wish to announce that the Minister of Trade and Industry, Dr. Jagan, is absent from the Colony

on official business in Washington from yesterday, 21st and will be to the 29th June this year.

INTRODUCTION OF BILLS

The Minister of Labour, Health and Housing (Mrs. Jagan): On behalf of the Minister of Trade and Industry, I beg to give notice of the introduction and First Reading of the—

Friendly Societies (Amendment) Bill, 1961.

Mr. Tasker: I beg to give notice of the introduction and First Reading of the—

Georgetown Chamber of Commerce (Amendment) Bill, 1961.

ORDER OF THE DAY

BILLS — FIRST READING

The following Bills were read the First time:

(i) A Bill intituled "An Ordinance to amend the Friendly Societies Ordinance".

(ii) A Bill intituled "An Ordinance to amend the Georgetown Chamber of Commerce Ordinance"

BILLS — SECOND READING

OVERSEAS OFFICERS AGREEMENT BILL

Mr. Speaker: The Chief Secretary to move the Second Reading of the following Bill:

A Bill intituled "An Ordinance to give legislative effect to any agreement providing for the terms on which Overseas Officers may be employed in the Public Service and for matters relating hereto".

The Chief Secretary (Major Smith): When I gave notice last week of the introduction and First Reading of this Bill, I also laid on the Table a Sessional Paper regarding Service With Overseas Governments. Attached to this Sessional Paper was an Agreement which, if ac-

cepted and signed, will govern the introduction of the Overseas Aid Scheme. The Sessional Paper dealt in some detail with this Overseas Aid Scheme and what would flow from it.

I should like to say a few words on this Scheme. First of all, the object of the Scheme is to ensure that, with the financial aid of the United Kingdom Government, this Government will be able to offer inducements to overseas officers to retain their services and to obtain their services when such services are required to enable the Government's machine to function efficiently. It is only for such time as we require these officers until our own Guianese officers are available to fill their places.

On the question of the cost of the Scheme, inducement and educational allowances will be met in full by the United Kingdom Government and, in addition, half of the cost of the passages of the designated overseas officers and their families will also be met by the United Kingdom Government. Furthermore, half of the amount of any compensation, which is better described as special retirement benefits, which may have to be paid when the Public Service Commission becomes executive and the Secretary of State ceases to have control over the Public Service of British Guiana; half of that cost also will be met by the United Kingdom Government. I should mention that, in the absence of this Overseas Aid Scheme, this Government would have to meet the entire cost of compensation when the Public Service Commission becomes executive. There will be, of course, certain income tax adjustments which have been set out in the Sessional Paper.

With regard to the question of disadvantages, there is one apparent disadvantage and that is that we will no doubt have overseas officers working side by side with Guianese officers while drawing the same substantive pay, but the overseas officers will be getting addi-

tional emoluments in the way of inducement allowances and educational allowances for their children.

I speak as a Guianese and as a civil servant, and I am sure I speak also for the hon. the Financial Secretary who is also a Guianese and a civil servant. We feel that at this stage of our country's development, whenever we do require the services of Overseas Officers for any period, we should be quite prepared in the circumstances, until the Government Service can be entirely Guianized, to put up with that, and we feel also that it is our contribution towards the development of our country.

I stress that the scheme is for a limited period — for ten years — and during that period it is for this Government to make as much or as little use of the Scheme as it wishes. Furthermore, it can be brought to an end before the expiration of the ten years, if this Government so wishes.

Another point I should make is that in participating in this Scheme it will in no way affect the control of the British Guiana Government over Overseas Officers. The contributions that will be made by the United Kingdom Government to the British Guiana Government will not be paid direct to the Officers concerned.

As will be seen from the Sessional Paper on the subject, the two sections of the Civil Service Association have been consulted, and have stated that they see no objection to the introduction of the Scheme, provided certain safeguards and guarantees are given. Those safeguards and guarantees have been given, and it will be seen from the Sessional Paper that the Government has given the assurance that the Scheme will not be operated to the detriment of the agreed Guianization of the Public Service or the proper remuneration of the officers in the Service.

Finally, I would like to draw attention to the fact that this is not a Scheme devised especially for British Guiana. The question of the continued efficiency of Overseas Governments has, for a number of years, been under consideration by the Secretary of State for the Colonies and the United Kingdom Government, and this Scheme is the outcome of those deliberations, and has been offered to 38 territories of which 37 have accepted it. Of those 37 territories, 13 have already signed the Agreement.

Copies of two necessary amendments to the Bill have been circulated to hon. Members, and I shall move them in the Committee stage together with a slight amendment to the Short Title of the Bill as recently advised by the Secretary of State for the Colonies. I now formally move the Second Reading of the Bill.

The Financial Secretary (Mr. D'Andrade): I beg to second the Motion.

Question put, and agreed to.

Bill read a Second time.

COUNCIL IN COMMITTEE

Council resolved itself into Committee to consider the Bill clause by clause.

Clause 1 — *Short Title*.

The Chief Secretary: I move, as an Amendment, the substitution of the word "Service" for the word "Officers", so that it will now read "Overseas Service Agreement".

The Chairman: The Amendment is, that Clause 1 should read:

"This Ordinance may be cited as the Overseas Service Agreement Ordinance, 1961."

● Question put, and agreed to.

Clause 1, as amended, passed:

Clause 2 — *Interpretation.*

The Chief Secretary: I beg to move the Amendment as circulated —

“In paragraph (c) for the words “this Agreement” substitute the words “any agreement referred to in section 3 of this Ordinance.”

The Chairman: The question is, “That for the words, “this agreement” there be substituted the following words “any agreement referred to in section 3 of this Ordinance”. Paragraph (c) will therefore read “was otherwise recruited for a post for which a normal channel of recruitment is either the Colonial Office or the Crown Agents for Overseas Governments and Administrations and whose appointment for the purpose of any agreement referred to in section 3 of this Ordinance is approved by a Secretary of State.

● Question put, and agreed to.

Clause 2, as amended, passed.

Clause 3 — *Agreement to be inserted in Schedule.*

The Chief Secretary: I beg to move that in line 4, for the words “Government of the United Kingdom, Great Britain and Ireland” substitute the words “Government of the United Kingdom of Great Britain and Northern Ireland”.

The Chairman: The question is, “That for the words “Government of the United Kingdom, Great Britain and Ireland” there be substituted the words “Government of the United Kingdom of Great Britain and Northern Ireland.” So the Clause will now read —

“The Governor in Council shall, as soon as practicable after the execution thereof, by order, provide for the inser-

tion in the schedule to this Ordinance, of any agreement between the Government and Her Majesty's Government of the United Kingdom of Great Britain and Northern Ireland”.

● Question put, and agreed to.

Amendment passed.

Clause 3, as amended, passed.

Clause 4 passed as printed.

Clause 5 — *Regulations.*

Mr. Jai Narine Singh: I see we have amended the Bill to read “Overseas Service.” Now we are dealing with Overseas Officers.

The Chairman: What we amended was the title to read “Overseas Service”.

Mr. Jai Narine Singh: I am sorry, was looking at my friend's paper.

● Question put, and agreed to.

Clause 5 passed as printed.

Schedule.

The Chief Secretary: When the Agreement is signed, it is to be inserted in the Schedule.

The Chairman: If hon. Members look at clause 4 they will see it states:

“From and after the 1st April, 1961, there shall be charged upon and paid out of the revenues of British Guiana the sums for ensuring the payment of Overseas Officers of the sums payable to such officers under any agreement contained in the Schedule to this Ordinance for the purpose specified in such agreement.”

There is here provision for a Schedule; only the word schedule appears and I can only ask hon. Members to pass it as it stands.

The Attorney-General: We did it with the Electricity Ordinance. The enactment was able to incorporate the agreement when it was signed.

The Chairman: That means, the agreement is what is going to be contained in the Schedule?

The Attorney-General: Yes, Sir. There should be a heading — Schedule — so as to indicate there is a Schedule in the Ordinance.

The Chairman: Hon. Members, the Question is that the word "Schedule", as printed, shall stand part of the Bill. Those who are in favour please say "Aye"; those who are against please say "No". I think the "Ayes" have it.

Schedule agreed to.

Council resumed.

The Chief Secretary: I beg to report that the Bill has been taken through Committee stage clause by clause with some Amendments, and I now formally move that it be read the Third time.

Question put, and agreed to.

Bill read the Third time and passed.

MOTIONS

DUTY-FREE CONCESSION TO GARMENT MANUFACTURERS

Mr. Speaker: The Financial Secretary to move the following Motion:

"Be it resolved: That this Council in terms of section 9 of the Customs Ordinance, Chapter 309, confirms Order in Council No. 34 of 1961, which was made on the 2nd day of May, 1961, and published in the Gazette on the 27th of May, 1961."

The Financial Secretary: I beg to move the Motion standing in my name. The purpose of the Order in Council, No. 34 of 1961, now before Council, is to enlarge the concession of duty-free admission of certain raw materials now granted garment manufacturers to include elastic, hooks and eyes, bias binding, ribbons and laces.

When the original concession was designed, the local manufacture of garments was confined to shirts and pyjamas. Since then, the scope of the industry has been widened to include the manufacture of under garments and foundation garments. The object of the Order in Council is to enlarge the concession to include some of the items used in this widened industry.

The Chief Secretary: I beg to second the Motion.

Question put, and agreed to.

Motion carried.

MATERNITY LEAVE WITH PAY

Mr. Speaker: Mr. Tello to move the following Motion:

"Be it resolved: That this Council recommends that a Committee be appointed to investigate and report on the question of enacting legislation to provide for maternity leave with pay for women workers throughout the country."

Mr. Tello: move this Motion because I have discovered from information from the International Labour Code that the Convention of 1919 made provision for maternity protection coverage which actually came into force as early as 1930; and from 1950, was much widened and ratified by several member states in Europe.

The British Guiana T.U.C. has mandated me to move this Motion, and I feel that we have made sufficient social progress in British Guiana to introduce such legislation. I may inform Council, at once, that already there are voluntary negotiated agreements for free pre-natal care and post-natal holidays with pay for mothers, but this is such an important matter for the future generations that it is felt that a much wider coverage should be made early, especially for the working class of this country.

In order to make it quite clear what this Motion seeks, I would like to say that the maternity protection coverage sought in this Motion includes:

"In any public or private industrial or commercial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, a woman —

- (a) shall not be permitted to work during the six weeks following her confinement;
- (b) shall have the right to leave her work if she produces a medical certificate stating that her confinement will probably take place within six weeks;
- (c) shall be paid while she is absent from work in pursuance of pre- and post-natal obligations;
- (d) shall in any case, if she is nursing her child, be allowed half hour twice a day during her working hours."

This legislation is becoming rather popular today and even a small Colony as British Honduras, today, has on its Statute Book, a similar provision.

I had originally introduced this Motion asking that a Committee be set up, but when I read to what extent investigations have been made by the I.L.O.; further, that if a country of the size, population and economy of British Honduras had consented to legislation of that sort, investigation in these parts must have already been gone into; further, in a telephone conversation with a very senior officer of the Ministry of Labour, I was informed that the Government also had done extensive research and investigation in this matter. I feel that what is necessary is not a Committee to further investigate, but that consideration be given to the passage of legislation. So I have circulated an Amendment which seeks to delete the words "that a Committee be appointed to investigate and report on the question of enacting" in the first, second and third

lines, and the substitution therefor, of the words "to Government the enactment of". The Motion then reads:

"Be it resolved: That this Council recommends to Government the enactment of legislation to provide for maternity leave with pay for women workers throughout the country."

I am confident that Council will see the wisdom and accept this Motion, and be a little more practical in social welfare than simply talking about it. This would be a rather practical step. For the purpose of the legislation advocated, the term "woman" shall mean any female person of any race [*Laughter.*] I will read from an authority — the I.L.O.:

"Woman signifies any female person, irrespective of age or nationality, or colour, whether married or unmarried."

And the definition of a child is: Any child born within wedlock or out of wedlock or legitimate or illegitimate.

The idea behind the Motion is to allow one who is facing confinement and the rigour of post-natal days to have some relaxation of thought when about to meet an economic obligation by increasing the population.

I have with me a copy of "Industry and Labour" of January 1, 1961, and on page 29, it states:

"Sections 171 to 176 of the Labour Ordinance, 1959, provide for maternity leave with payment of 33.3 per cent. of the mother's wages for six weeks before and six weeks after her confinement. If she is paid daily such payments must also be made for public holidays. To qualify for maternity pay, however, the expectant mother must prove 150 days' employment with the same employer during the last 12 months".

This is legislation that was consented to on the 31st December, 1959, in British Honduras.

I feel that I should not waste the valuable time of this Council, because I am rather confident that this Motion

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does not need my commendation as it is obvious that most of the Members of this Council have been advocating progressive welfare measures. This is an occasion where they can give effect to what they have been saying for a long time. As a duty I commend this Motion to this Council.

Mr. Speaker: Will you pass the book to the Official Reporters?

Mr. Tello: I am sorry that I have forgotten to pass a copy of the Amendment to you, Sir.

Mr. Speaker: Not the Amendment; the book from which you have quoted.

Mr. Tello: I will do that, Sir.

Mr. Bowman: I beg to second the Motion, and reserve my right to speak at a later stage.

Mr. Tasker: Like my hon. Nominated Colleague, Mr. Tello. I have endeavoured to do some research into what, I must admit, is a field in which I would not normally venture. In the light of the I.L.O. Convention and the steps taken in other countries, I was fully prepared to support his original Motion. I am far less happy about his Amendment, because I doubt whether this Council is competent, at this stage, to recommend legislation without a good deal more detailed work being done.

The hon. Nominated Member, Mr. Tello, pointed out that the idea had its origin in I.L.O. Convention No. 3 of 1919, which came into force, I understand, two years later, in 1921. It is significant, however, that the Convention provided for maintenance benefits for pregnant women workers to be paid out of public funds, and it is quite clear that the Convention had in mind a national

insurance scheme, administered by Government, whether contributory or non-contributory.

I think it is important to distinguish clearly between the I.L.O. Convention on this subject, and the provision of maternity leave with pay and other maternity protection. The whole emphasis of the I.L.O. Conventions has been on maternity protection, and a large number of countries have gone a long way towards ensuring that the spirit as well as the letter of these Conventions is carried out.

I am not aware of the practice throughout British Guiana, but certainly, in the sugar industry maternity protection has been established for a large number of years. Maternity protection is recognised as being in the interests of the female worker. She is not permitted to work after the third month of pregnancy, but at the present moment that leave is not paid. She is, however, assured of medical attention throughout the period of pregnancy and is assured of re-employment, within a period of four months after the termination of her pregnancy, provided she has service entitlement and is medically fit—which is very much in line with the standard I.L.O. practice.

The period of maternity leave recommended by the I.L.O. is twelve weeks, including a period after confinement. But it is also very clearly laid down, as the hon. Nominated Member, Mr. Tello, has pointed out, that this maternity leave should be related to service, and the application of this varies. I understand, from country to country. Normally it is stated as a proportion of the previous year's service, or not less than one year's service with the same employer.

Arising out of this convention, several Governments have enacted legislation not only for maternity protec-

tion, but also for paid maternity leave. The Soviet Government did it in 1956; Malaya in 1956; Austria in 1957; the State of Madras, India, in 1958; and Bulgaria in 1959. Each of these pieces of legislation is different in its precise application and precise interpretation; each provides different scales of pay, different periods of leave, different periods of service entitlement, but all are designed to do the same thing.

If we in British Guiana were on the brink of a national contributory insurance scheme—the type of scheme which has become a commonplace in wealthier countries—it seems to me that the question of maternity leave would hardly arise: it would, possibly, be one of the earliest charges on a scheme of that sort. The question is, however, if such a Government scheme—which is obviously dependent on the economic development of the country—cannot come into effect for some time, where is the money to come from? Obviously one answer would be from the employers. This is part of the legislation of many countries, and it might well be considered equitable in British Guiana.

I think, however, that we should bear in mind certain potential disadvantages, if the employers were to be held responsible. Firstly, there is no doubt that this could be a fairly heavy liability on an employer, especially a small employer, if he employed a large proportion of female labour, and he might well find himself in a position where he had a large number of supernumerary but fully paid employees for much of the time.

Secondly, this seems to me to be a danger in that it might provide a positive disincentive to the employment of married women, because if an employer, large or small, adds up the amount in which this may involve him and comes to the conclusion that it is not economic, then he will hardly be enthusiastic about

the employment of married women. It may be said that he will hardly be enthusiastic about the employment of women at all, married or unmarried, but I think the proposal must be expected to work particularly against the interest of married women.

Thirdly, the most serious disadvantage, I feel, is the difficulty of enforcement, when we are experiencing difficulty in enforcing so much of our labour legislation at the moment. We have seen it recently in the relatively simple question of minimum wages for certain categories of workers. Would not this new aspect of labour legislation also present some difficulty in enforcement?

The point I wish to make is simply that there is no virtue in having liberal progressive legislation on the Statue Book if it is not enforced. I think this is a criticism that can be levelled at several parts of our labour legislation at the moment—the lack of enforcement—and I suggest that the enforcement of legislation providing for paid maternity leave might be even more difficult.

I warmly support the original Motion put forward by the hon. Nominated Member, Mr. Tello. I think it is a step which should engage the attention of a Committee drawn from representatives of the general public, the medical profession, trade unions and employers. I do not believe, however, for the reasons I have given, that we would be wise to move straight into legislation without a good deal more investigation into the matter, and if the hon. Nominated Member insists on pressing his Amendment, I regret that I cannot support it.

The Minister for Labour, Health and Housing (Mrs. Jagan): I am happy to support the Motion of the hon. Nominated Member, Mr. Tello, urging that Government enact legislation to provide for maternity leave with pay for the

[MRS. JAGAN]

female workers of British Guiana. I am happy, too, that he has amended his Motion, as it was pointed out to him that the Ministry of Labour, Health and Housing had already been engaged for some time in the examination of this whole problem, and that it might be a waste of effort to set up a Committee for such a purpose when the Ministry had been collecting all the information necessary for such decision to be made.

Shortly after I assumed the office of Minister of Labour, Health and Housing, the Labour Adviser to the Secretary of State for the Colonies came to British Guiana, and it was at that time I took up the question of such legislation in British Guiana to protect our female workers when they are pregnant. With her assistance the Ministry has been accumulating information from other countries on the type of legislation they have, and we have been going through such information.

For example, Singapore has a very interesting legislation of this type which protects women. A female worker is given, in the period before and after confinement, which is four weeks each, a payment of \$4.00 per day, if she has completed 180 days' employment in the one year preceding. She receives \$2.00 a day if she has completed not less than 90 days' employment in the six months preceding notice of confinement.

Throughout the world — Pakistan, Malaya, Mauritius and other countries — there is a great volume of legislation, and it is not an easy task to find what is most suitable for British Guiana. For example, in Nigeria all women engaged in the industrial and agricultural fields of employment are covered six weeks before and after confinement, and a mother receives not less than one-third of her normal wage, provided she has been in continuous employment for six months prior to confinement. Also in

Nigeria, while the mother is still nursing her child, she is given leave from her employment twice a day to nurse her child.

My Ministry, in the light of this examination of the various forms or types of legislation in the various countries, has been in communication with the Governments of the West Indies in an effort to see if uniform legislation of this type can be worked out. On the suggestion of the Governor-General of the West Indies, we are awaiting at the moment a copy of the model legislation which will be forthcoming from that source. The Governor-General of the West Indies has agreed to circulate the model legislation for approval among the territories of the Federal Government. We have not yet seen the model legislation which has been proposed.

It is for this reason that we have suggested to the hon. Mover of the Motion, the hon. Nominated Member, Mr. Tello, that a Committee need not be appointed for the examination of this matter. It is in the process of being very carefully examined at this moment.

I believe that most Members of this Council will agree to the basic principle that women in employment should be given protection and paid leave during their period of confinement. It has now been hundreds of years that women have been accepted as workers in the fields of industry and agriculture.

The many women who work need not feel that by employment they are prevented from carrying out their normal functions as women. That is the basic reason why other countries of the world are gradually approaching the stage where they are appreciating that leave for confinement is acceptable, and will not disrupt the normal course of employment of women to any great extent.

We have already accepted it in this country, as far as I see, in some fields of employment. For example, in the teach-

ing profession it appears this has been already accepted, so that the woman teacher who has to be confined for childbirth will not have to suffer any financial loss. I trust there will be very few Members of this Council here present who do not agree with the principle.

I do urge hon. Members to support the Amendment to this Motion which will obviate what can possibly be a very lengthy procedure by going into Committee for the examination of this question for the enactment of legislation. My experience of a number of Committees set up by Government to examine one thing or another is that those Committees take a very long time to examine all the aspects of a problem and to report. In supporting this Amendment we will be able to get through with part of it. I can assure hon. Members that an examination of the question is being done by very capable and experienced officers of the Ministry of Labour, Health and Housing.

Mr. Bowman: This is one of the subjects with which I am not conversant. However, I consider this Motion to be highly commendable, and for that reason I am supporting it. I would be very disappointed if Government does not support this Motion today, because most of us here are supposed to be representatives of the working-class people.

This Motion requests this Government to make certain provisions for pregnant women. The arguments adduced by the hon. Nominated Member, Mr. Tasker, sound very reasonable, and there are some points which he has advanced that ought to be considered.

We have to take into consideration the fact that we have different categories of employers in this country, small and large, who employ women. There are certain industries which cater solely for women employees.

I can see the difficulty of some employers footing the whole bill in the interim, or during that period of pregnancy and confinement, if legislation gives female employees that security. I think that may, possibly, be different where the large employers are concerned. Nevertheless, the Government must bear in mind that we are here to hold the scales evenly, and that, what is good for one is also good for the other.

Since, from a reasonable point of view, some employers cannot stand that strain of supporting their female employees during the entire period of their pregnancy, consideration should be given especially to the percentage of wages to be paid, either one-half or one-third, or something of the kind. It is very important. I am saying this, and I would like hon. Members to put themselves in the place of the small employer. I am placing myself in the place of the employer who would not be able to pay his employees. The sugar industry and the bauxite industry would be able to pay their female employees. But I am thinking of the small laundryman who employs just a few women, who will not be able to pay them to such an extent as the larger business places.

Since we ought not to discriminate, and one employer should not be made to pay 25 per cent. and another 50 per cent., I think that my suggestion should be considered. A percentage, to my mind, would be the best thing, and I am going to recommend that this Motion be amended by inserting the percentage of pay. I would like the Motion to read "legislation to provide maternity leave with half-pay".

Mr. Speaker: The hon. Member has seconded the Motion and cannot move an Amendment, except the proposer wants to adopt it.

Mr. Bowman: I will ask the hon. Mover of the Motion to move the Amendment.

Mr. Speaker: He must agree and adopt it, otherwise someone else must move the Amendment.

Mr. Bowman: I think that would be the most reasonable thing to do. It seems rather tough to me. Other Members, perhaps, would not see it that way, but if we were to recommend this Motion as it stands, it would be unfair. I do not know how much leave a woman would take during her pregnancy period. Perhaps, as the Minister of Labour has said, in certain areas after a certain period of time the women leave their jobs. They may leave for five or six months. Even if that period is divided by half, and the woman works for, say, \$15.00 per week, it means that the employers would have to pay 15 by five. So I think it would be reasonable if the pay was reduced by half. Employers would be inclined to pay that rather than the entire amount. If the woman is a monthly worker, she has to be paid five months' salary; and if she is a weekly worker, she has to be paid for the same period. We would like to encourage as many employers as we can in this country — investors from abroad — and these are things which, perhaps, foreign investors would consider. In the textile industry, for instance, which employs mainly women, an investor may be deterred if he knows that there is legislation to give full pay to female workers for the period. So I think it would be far better if employers are made to pay half of the salary or wage.

Mr. Jai Narain Singh: I rise to support this Motion, and I wish to state that I am happy to hear the Minister of Labour, Health and Housing has considered this matter to include all types of workers; because, hitherto, legislation affecting the working class has only been for certain sections, but I heard the Minister say that the agricultural workers would be protected as well as workers in other fields. I feel, nevertheless, that the periods mentioned—four weeks and six weeks before and after birth —

which exist in other countries, are indeed very short where field workers are concerned. Field workers in the sugar industry have to work in all types of weather, cutting cane and weeding canals; and I think great care should be taken to provide added protection for certain types of workers. I feel, also, that legislation based on this principle will help to lower the mortality rate. The greatest care should be exercised, as far as children are concerned, soon after they are born—that is between two and six months.

In other countries, to increase the population and protect mothers and children, a family allowance is provided; and I do not think any industry which would wish to start operation in this country should be prejudiced or fear that it would cost too much to undertake those charges. Therefore, I suggest that legislation to provide for a period of three months with full pay before and after birth should be considered.

Certain Members of this Council are worried, but industries that employ people must be so geared that they can assume proper responsibility for the protection of their workers. Women in this country, in general, suffer from a handicap. They are never properly paid, whether as an agricultural worker, a shop assistant or a domestic servant, in the same way as men are. Therefore, I feel this is one responsibility that should be shouldered by this Council by making proper protection for all.

Mr. Campbell: I am in entire agreement with the Motion which calls for a Committee to investigate and report. The question of making laws to protect the female workers in this country was, I think, never studied in detail.

Mr. Speaker: The question of "the appointment of a Committee" has been withdrawn. It is now, "That the Council recommends the enactment of legislation".

Mr. Campbell: That makes it better yet. It shows we are moving on. I am fully in agreement that our female workers should be protected; and if such legislation were enacted, the female workers of this country would not have to worry during the time they are going to perform that sacred function of developing the population.

Nowadays, women and men are on equal footing when it comes to work. If men are going to be considered by employers, I feel that women, also, should be considered; but, of course, there is one difference between men and women—men never produce children [*Laughter*]. I think that women should be given financial protection when the time comes for them to be confined; and I wholeheartedly support this Motion.

Mr. Davis: I find myself not in agreement with this Motion and one of my reasons is that it will act as a prejudice against the employment of married women. Many of the small businesses would be unable, in my view, to undertake legislation which is based so largely on social security. I agree that the women should be protected. I have heard many distressing tales and circumstances with which women have to put up in order to secure money to provide for their children. I think that bit of legislation—the Bastardy Ordinance—should be revised thoroughly and given a fresh, new look. I sincerely believe that this Motion will impose great hardships on small businesses up and down the Coast if they have to comply with legislation of this nature.

We hear tales about young girls, because of social environment and other causes, getting into trouble. The fault in this matter may be that our Government is not shouldering its responsibilities, and has not approached social improvements with a broad enough vision.

I am thinking now of the small business man particularly, and to ask him to shoulder the responsibilities of other folk would be an imposition. We are an emerging nation it is true, but I am thinking particularly of the small business man engaged in a peasant industry such as rice. Would he be able to carry such additional responsibility as this Motion envisages? If the law forces him to do it compulsorily, he may be forced to do things which may be considered immoral. That is to say, when he finds out that one of his female employees is in trouble he may dispense with her services—that would be a greater burden on the individual.

The hon. Minister of Labour, Health and Housing says that this Motion has a great deal in its favour, but I suggest it is a clear case for national insurance. I cannot support it.

Mr. Jackson: It is indeed a pleasure to learn that the Government, through the Ministry of Labour, Health and Housing, has been giving this subject a great deal of consideration; making inquiries from several countries; reading provisions which are related to the subject covered by this Motion, and has gone so far as to invite the Federal Government of the West Indies to submit draft legislation which could be used as a model for this country's guidance. But having given this bit of satisfactory comment, I wish to make the observation that in spite of this research; in spite of this expressed agreement with what has happened in other parts of the world with a view to having such legislation brought into the country as a condition, we find that this Government has, on several occasions, terminated the services of some of its female employees when they were about to give birth to children.

Let us take the Student Nurse at the Public Hospital, Georgetown, or at the Medical Department, as an example. Whether the Nurse is married or other-

[MR. JACKSON]

wise, as soon as it becomes known that she is pregnant she is called upon to resign from the Department, and if she does not resign she is dismissed. I know of several cases where, quite recently, I have had to intervene in order to adjust the situation. I know that there is an arrangement whereby some Nurses are given leave when they are pregnant to enable them to give birth to their children, but I know also that this difficulty exists not only with respect to Student Nurses, but to maids and laundresses at the Medical Department.

If we are going to introduce such legislation, then we have to make sure that neither Government nor a private employer is able to terminate the services of any woman who is about to give birth to a child. I make this point, because it seems to me to be an easy matter for an employer to give a female employee a month's notice and terminate her services without giving as a reason the fact that she is pregnant. Will the legislation be so framed as to protect women against such treatment?

Whenever we are making provision for benefits of this kind; whenever we are going to legislate for provision of this kind, we must take into consideration possible alternatives or possible consequences. I would invite the Government, in the light of its own attitude towards this matter, to make a pronounced decision that, since it agrees with the theory or principle, no female employee of the Government would be dismissed from her work because she is pregnant.

Mr. Davis said that if Government were to enforce such legislation it would adversely affect the employment of married women, but he seems to have forgotten the fact that not only married women become mothers in this country. Perhaps one may find as many unmarried women as married women becoming mothers, and I cannot see the reason for opposition to this Motion.

I feel that the view expressed by the hon. Member for Demerara River should not be given any consideration whatsoever. The time has come when employers should be giving more consideration to the welfare of their female employees. I am not saying that at the moment they do not pay some attention to their welfare, but I think that a lot more could be done.

Mr. Tasker is in favour of the appointment of a Committee to consider the matter in keeping with the first Motion presented by the hon. Nominated Member, Mr. Tello. In any case he has expressed agreement with the Motion in principle, but even if we were to appoint a Committee to go into the pros and cons of the matter the same condition would have arisen. Therefore I do not see how Mr. Tasker can be so seriously opposed to this Motion which recommends to Government the enactment of legislation to provide for maternity leave with pay for female workers throughout the country.

I would like to appeal to the Government in its preparation of legislation to take into account the points I have made with respect to the likelihood of any employer terminating the services of any female employee during the time when she is about to give birth to a child. I am referring to private employers as well as the Government.

Mr. Tello (replying): Much as I would like to place on record my grateful appreciation of the support I have received from the Minister of Labour, Health and Housing and other Members of this Council who have undoubtedly seen the value of this Motion and the need for such progressive legislation, let me at once assure my very good friend, who was so kind as to second the Motion, that there will be an opportunity, possibly, at the time when we are discussing the draft legislation when such details can be more properly dealt with and the points made today will be borne in mind.

I do not know whether he is correct in pressing for 50 per cent. when we are considering the economy of the country. I understand that British Honduras has drafted legislation to provide for 33 1/3 per cent., because it is felt that the protection offered in pay should be not very much less than the normal wages received by the female employee. That is a matter of opinion, and that is why I thought at one stage that it might have been valuable to have a local committee appointed to go into the matter. However, when the Minister of Labour, Health and Housing gave me the assurance that the matter was thoroughly dealt with and that legislation from various parts of the world had been studied, and when I heard that there was consultation with the neighbouring Federal Government, I was impressed that the examination of the question was thorough. As I said in my original speech, British Honduras must have given considerable thought and time to this subject in order to initiate legislation in the Caribbean.

The points made by the two hon. Nominated Members, Mr. Tasker and Mr. Davis, have been noted. Mr. Tasker claims that it would be a heavy charge on employers, but this is an age for that sort of thing. Today employers employ workers on an unexpressed promise to see that they are happy in their conditions of employment, and in many cases certain facilities for their social welfare are more implied than written. It is quite true that many progressive employers have entered into agreements and have embodied in such agreements facilities for taking care of some of the objectives mentioned in this Motion.

I want to remind the hon. Nominated Members that when a non-progressive, antiquated and unscrupulous employer does not carry these charges he is not only taking advantage of the imppecuniosity of the employee, but is offering unfair competition to the progressive

employer. This Motion seeks to protect the employer as well as to safeguard the welfare of the employee.

With regard to this legislation exposing female employees to the danger of not being employed, I can visualize that when it comes into force there will be some unscrupulous employers who will try to defeat it by experimenting with male employees in the place of their female employees, and also practise the same thing as stated by the hon. Nominated Member, Mr. Davis, as soon as they become aware that their female workers are looking forward to child-birth by dispensing with their services. Well, that is the price of progress, and that is the behaviour of certain people in every part of the world, so far as history indicates, at the introduction of progressive legislation. That fades away very quickly, and soon they become accustomed to what I call the new era, and accept it.

With regard to the problem of enforcement, it does not seem to have worried the hon. Minister of Labour, Health and Housing (Mrs. Jagan). Possibly Government has plans and arrangements to take care of the introduction of this desired legislation. We must therefore assume that it must have given thought to the working of the machinery to enforce its implementation. We cannot cross the bridge before we reach it, and so this is not the time to anticipate problems. Should problems arise, certainly there are ways and means to approach them and have them remedied.

Finally, I would like to say that the I.L.O. in their recommendations also asked that Member States make provision to take care of agricultural workers. If this Government contemplates affording coverage to all female workers, certainly we are not going too far ahead in anticipation of the I.L.O. recommendation. Even if we go ahead of the world, the time has come when British Guiana must

[MR. TELLO]

lead. If this is the one time it leads, then it must be a credit to us as a budding nation.

I cannot accept the advice of my hon. Friend, the hon. Member for Demerara River (Mr. Bowman). I have tried to point out the weakness of his suggested Amendment, and I want to say, that I believe if this Committee were set up it would be composed of laymen who are not truly qualified to deal with the question, and who will be expressing their own opinion based on their experience and years, and will make their recommendation within their knowledge and experience.

All that the Committee could do would be better taken care of by persons trained and qualified to advise the Government on the question. I am fully aware that the hon. Minister for Labour, Health and Housing has given us that assurance, and I am confident the Government will not introduce such legislation in this Council without first consulting those concerned. I feel that when the draft legislation is ready, the Government will consult those concerned, and I see no reason why it should not be sufficiently flexible to offer something to ele-

vate the status of the working class women of this country. Once more I appeal to hon. Members of this Council to support the Motion as amended.

Motion, as amended, put; the Council divided and voted as follows—

For	Against
Mr. Bowman	Mr. Davis
„ Hubbard	„ Tasker.—2.
„ Fredericks	
„ Tello	
„ Gajraj	
„ Jai Narine Singh	
„ Jackson	
„ Campbell	
„ Burnham	
„ Kendall	
„ Adiodha Singh	
„ Saffee	
„ Rai	
„ Ram Karran	
Mrs. Jagan	
Mr. Renn	
The Financial Secretary	
„ Attorney-General	
„ Chief Secretary.—	
19.	

Motion affirmed.

ADJOURNMENT

The Chief Secretary: I move that this Council adjourn to a date to be fixed.

The Council adjourned accordingly.