

## LEGISLATIVE COUNCIL.

*Tuesday, 13th January 1942.*

The Council met at 12 noon, His Excellency the Governor, Sir Gordon Lethem, K.C.M.G., President, in the Chair.

### PRESENT.

The Hon. the Colonial Secretary, Mr. G. D. Owen, C.M.G.

The Hon. the Attorney-General Mr. E. O. Pretheroe, M.C., K.C.

The Hon. F. Dias, O.B.E (Nominated).

The Hon. J. S. Dash, Director of Agriculture.

The Hon. E. F. Mc David, M.B.E., Colonial Treasurer.

The Hon. E. G. Woolford, K.C., (New Amsterdam).

The Hon. F. J. Seaford, O.B.E., (Georgetown North).

The Hon. M. B. G. Austin, O.B.E., (Nominated Unofficial Member).

The Hon. W. A. D'Andrade, O.B.E., Comptroller of Customs.

The Hon. N. M. MacLennan, Director of Medical Services.

The Hon. M. B. Laing, O.B.E., Commissioner of Labour and Local Government.

The Hon. G. O. Case, Consulting Engineer.

The Hon. B. R. Wood, Conservator of Forests.

The Hon. F. Ogle, Director of Education (Acting).

The Hon. Percy C. Wight, O.B.E., (Georgetown Central).

The Hon. J. Eleazar (Berbice River).

The Hon. J. I. de Aguiar (Central Demerara);

The Hon. H. C. Humphrys, K.C., (Eastern Demerara).

The Hon. J. Gonsalves, O.B.E., (Georgetown South).

The Hon. Peer Bacchus (Western Berbice).

The Hon. C. R. Jacob (North-Western District).

The Hon. A. G. King (Demerara River).

The Hon. J. W. Jackson (Nominated Unofficial Member).

The Hon. F. A. Mackey (Nominated Unofficial Member).

### PRESENTATIONS.

O.B.E. FOR MR. W. A. MACNIE.

THE PRESIDENT: Hon. Members of Council, it is my privilege and pleasure to-day to make two presentations on behalf of His Majesty the King:

Firstly, the insignia of an officer in the Order of the British Empire, representing the award made on the occasion of His Majesty's Birthday last year to Mr. W. A. Macnie, Senior District Commissioner, at present Competent Authority for Bulk Purchases and Price Control.

Secondly, the Imperial Service Medal awarded to Mrs. Gertrude Branker, formerly Senior Medical Matron, Public Hospital, Georgetown, on the occasion of her retirement from the Public Service.

Mr. Macnie commenced his service under Government almost twenty-one years ago, serving first as an officer in the Police Force and then in the District Service. In 1939 he acted as Commissioner of Labour and Local Government with the general appreciation of all concerned. Since then he has discharged duties of peculiar difficulty and responsibility since the outbreak of war in the executive work of control of prices and supplies, and also in connection with the problems of the Rice industry.

## IMPERIAL SERVICE MEDAL.

Mrs. Branker retired from the Service at the beginning of last August after nearly thirty years on the nursing staff of the Colony. During the entire period her duties were performed with a strong sense of duty and devotion to the service of the public, and the award of this medal marks a career of diligent and faithful service.

I am most happy, on behalf of His Majesty, to perform the pleasant duty of making these presentations.

## MINUTES.

The minutes of the meeting of the Council held on Friday, January 2, 1942, as printed and circulated, were confirmed.

## ANNOUNCEMENTS.

THE PRESIDENT: Before proceeding with the agenda I should just like to say that I am greatly obliged to Members for their co-operation in fixing the hour of meeting. I have already found it extremely convenient, as it enables me to get through some executive work before coming to Council.

## COST OF LIVING.

I should like to recall an announcement made a fortnight ago that I had despatched telegrams to the Secretary of State on the question of the cost of living, of the remuneration of junior Government servants, and of certain essential supplies. I have not yet received a reply from London.

## WEST DEMERARA DRAINAGE AND IRRIGATION SCHEME.

I have had, however, correspondence from the Secretary of State intimating that he is prepared to approve from funds under the Development and Welfare Act that very large drainage and irrigation scheme on the West Demerara. There are certain conditions touching the financing of the scheme which I am anxious to get slightly amended in favour of this Colony, and I telegraphed yesterday in that connection.

## DEVELOPMENT AND WELFARE SCHEMES.

A number of other despatches have gone forward to the Secretary of State and the Comptroller touching schemes of development and welfare generally, raising wider the questions of the larger drainage and irrigation scheme and communication by water, and those touching agriculture. In particular the recommendations to the Comptroller touching certain schemes on the Essequibo Coast have progressed substantially through the meeting there of four Heads of Departments.

## UNOFFICIAL NOTICES.

## RECOVERABLE LOANS.

Mr. de Aguiar gave notice of the following motions:—

WHEREAS, provision is made in the Annual Estimates under various Departmental Heads for recoverable loans made from public funds and,

WHEREAS, provision is also made under Departmental Heads for sundry miscellaneous services and items of Extraordinary Expenditure not strictly appertaining to the administration of such Departments, *e.g.*, Expenditure on Capital Account, refunds of Revenue, etc.; and,

WHEREAS, by reasons of such provisions Unofficial Members of Council find difficulty in making proper comparisons of the departmental votes year by year and of the general Budget position.

*Be it Resolved*, that this Council recommends to Government that provision for recoverable loans from public funds be made under a separate head of estimates; and further, that charges not strictly applicable to the administration of a public department be shown under a special vote for Miscellaneous Services.

## TRANSFER OF PUBLIC OFFICERS.

WHEREAS, Revised Colonial Regulations Nos. 95 to 100 relating to transfer arrangements for public officers between Colonies were laid in Council on 17th December, 1937, and

WHEREAS, these Regulations provide for the payment from public funds of free passages to the United Kingdom for Officers and their families transferred from this Colony to another Colony in proportion to the amount of vacation leave earned by the Officer; and

WHEREAS, this Colony does not grant free passages for Officers going on vacation leave;

*Be it Resolved*, that this Council determines that the terms of Colonial Regulations Nos. 95 to 100 shall not be applicable to this Colony in so far as those Regulations relate to the

provision of free passages for Officers and their families transferred from British Guiana.

THE PRESIDENT: Both motions will receive sympathetic attention and, I hope, support wherever possible from Government.

### ORDER OF THE DAY.

#### ESTIMATE OF RECORD RICE CROP.

Mr. Jacob asked, and the Colonial Secretary replied to the following questions:—

Q. 1. In view of the fact that the British Guiana Rice Marketing Board has placed on record on 29th November, 1941, in its report for the period ended 30th September, 1941, that "unless any further loss is sustained before the entire crop is harvested, the crop is still likely to constitute a record, the present estimate being 50,000 tons of rice," will Government give details as early as possible as to how this estimate was arrived at, by stating, if possible, the acreage reaped and to be reaped and the bags of rice obtained and to be obtained in the several Constituencies in the Colony, each separately.

A.—The statement in the Board's report was based on estimates prepared for the Department of Agriculture by the District Agricultural Superintendents and supplied to the Board by the Department. The details are as follow:—

#### AUTUMN PADI CROP, 1941—ESTIMATE, 17TH NOVEMBER.

District,	Total Planted.	Total Esti- mated Yield.
	Acres.	Bags. (Padi).
Eastern Berbice	24,962	456,039
Western Berbice	12,000	158,040
Total—Berbice	36,962	614,079
East Demerara— Abari—Mahaica	10,000	156,000
Lower East Coast	10,000	158,000
Total—East Demerara	20,000	314,000
West Demerara	8,000	130,115
Total—West Demerara	8,000	130,115
Essequibo— Essequibo Coast	8,400	184,300*
Savannah areas	2,000	37,500*
Islands	6,301	53,512
Total—Essequibo	16,701	275,312
Total—Colony	81,663	1,333,506—ap. prox. 50,000 tons rice.

\* Bags of 150 lbs.

Q.—2. Will Government state what quantity of rice has been sold in advance for export in 1942 to Trinidad, Barbados, the Windward Islands, the Leeward Islands and other markets, each market separately?

A.—2. As indicated in paragraph 24 of the Board's report for the period 1st April, 1941, to 30th September, 1941, the Board has undertaken to supply Trinidad's requirements for the year 1942 amounting to approximately 20,500 tons. The Board also proposes to maintain supplies to the Windward and Leeward Islands for the year amounting to approximately 3,500 tons. No arrangements have been made for supplies to Barbados.

Q.—3. Will Government state what quantity of rice it is estimated will be exported out of the Colony during the periods ending April, June and September, 1942, each period separately?

A.—3. It is not possible to state the estimated quantities of rice which will be exported in each quarter of the year separately. To some extent this will depend upon shipping facilities.

Q.—4. Will Government state what area will be planted during the spring crop of 1942 and what is the estimated production provided weather conditions are favourable or as favourable as in 1941?

A.—4. It is not possible to state at the present time what areas have been or will be planted for the Spring crop of 1942.

### PAPERS LAID.

The Colonial Secretary laid on the table the following reports and documents:—

Supplementary estimate for 1942, in respect of services to be wholly or partly met by grants under the Colonial Development and Welfare Act, 1940.

The report of the Director of Medical Services for the year 1940.

Report of the Shops Regulation Committee Sessional Paper No. 4/41).

### GOVERNMENT NOTICES.

#### INTRODUCTION OF BILL.

Professor DASH (Director of Agriculture) gave notice of the introduction and first reading of the following Bill:—

A Bill intituled an Ordinance to provide for the prevention, eradication and control of diseases and pests affecting plants.

#### COLONIAL DEVELOPMENT AND WELFARE SCHEMES.

Mr. Mc DAVID (Colonial Treasurer) gave notice of the following motion:—

THAT, this Council approves the Supplementary Estimate for 1942 relating to services to be wholly or partly met by grants under the Colonial Development and Welfare Act, 1940, which has been laid on the table.

## LABOUR BILL, 1942.

The Council resumed the debate on the second reading of the following Bill:—

A Bill intituled an Ordinance to provide for the appointment of a Commissioner of Labour, for the regulation of the relationship between employers and employees and for the settlement and differences between them.

**THE PRESIDENT:** The second reading of this Bill has already been debated to some extent and the mover, the Commissioner of Labour, replied to certain points raised on the 2nd of January, but with the permission of the Council I will permit him to speak again in answer to any further points that may arise in to-day's debate.

**Mr. SEAFORD:** Sir, I should like first of all to thank you for allowing this debate to be postponed from our last sitting until to-day. It has given us an opportunity to consider the various points which we may later on bring forward. Your Excellency did say at the last session that we had plenty of time to consider the Bill. So we had, but the trouble was that that time was too long. We had seen the Bill for about two years before and, naturally, one wished to refresh one's memory on the various points. That has now been allowed. I think also that the Council shows its appreciation by the very much better attendance there is to-day than there was when we adjourned. I think also that we have taken advantage of the interval to go into the various points, and that it will be found that that will save us a good many hours when we reach the Committee stage.

I am not against the principle of the Bill; I am not against any labour legislation, but I do question whether this is the correct time to introduce a Bill of this nature. We are at the moment in the midst of the greatest war known in history, and we feel that it is essential and necessary that the wheels of industry should work as smoothly as pos-

sible. I feel there are so many points in this Bill which are new to this Colony that there will decidedly be a certain amount of friction and misunderstanding, and that will not assist us in promoting what all of us wish to achieve: that is the smooth working of industry and the pulling together of employers and employees. For that reason I feel that at the present moment it would be perhaps a little injudicious to proceed with this Bill. I realize that at the opening of the Council Your Excellency did say that you considered that labour legislation in this Colony was already too long delayed, but I doubt very much whether you knew the true condition of things in this Colony then. I doubt very much whether you really do know the real condition of things in this Colony yet.

My second reason for suggesting delay of this Bill is that I do not think it goes to the root of our trouble in this Colony. Our trouble is an economic one. Before we tackle conditions of labour we should tackle the economic problems of this Colony. No man—I do not care who he is—will be happy unless he is getting all that he wishes to keep him; unless he is working, not for a good wage, because I consider the wages good, but for better earnings. I feel that in tackling and making conditions such as we are trying to do we are embarking up a wrong tree. Let us put our house in order by getting our economic position put right. There are numerous things to be done. This Colony is dependent on three major industries. One is mining, the other two are agricultural. Those agricultural industries are seasonal industries, and the misfortune is that they are unable to provide employment for the large number of people who are dependent on them in normal times. I think Major Orde Browne in his report pointed out that the wage rate was no indication of poverty or prosperity, because of the intermittent nature of the employment in this country. That



is a point which we have to bear in mind, and I feel that one of the first things that we, as Members of the Legislature, and the Government should tackle is to find employment for as many people as we possibly can. I think that is a pre-requisite to this Bill. I think this Bill should follow on that. I am satisfied that what we propose to do here is not going to overcome the difficulties which exist at the present moment.

There is another reason why I consider that this Bill should be postponed, and in putting it forward I am going to tread on certain people's corns, but I cannot help that. That reason is that putting our workmen aside, we in this Colony are also not ready for this Bill. It has been pointed out by the Commissioner of Labour that what is necessary in order to get things going in this Colony are round-table conferences. No rigid bureaucratic control of labour is ever going to bring about smooth working between employer and employee. They must do it by conferences and by having the confidence one of the other. This Bill is not going to give us that. What we need in this Colony is the education of Labour Unions. Some of those Unions have neither the confidence of the workers nor of the employers. I am prepared to justify that statement. I have sat at round-table conferences with members of certain Labour Unions in this Colony. We have brought certain things to their notice and—I think the Commissioner of Labour can bear this out—they told us that they could not be expected to control the people as they were so many, and that it would take them years before they would be in a position to do so. They also said that we must expect strikes to occur without their knowing. That shows that the Unions have not got the confidence of the people yet. They have not got the confidence of the employers because agreements have been made with them and on every occasion

when anything has cropped up those agreements have been broken.

I go further and say that on one occasion when an accident occurred the proprietors of the place where it occurred gave a large sum of money towards those who were bereaved. That money—more than was necessary—was paid into Court by cheque which, I understand, was handed over to the Labour Union and the Labour Union gave those poor people part of the money and kept a part for themselves. How in a case like that can the Union have the confidence of the employer or the employee? I say again that until that confidence is established in this Colony we are wasting time in going forward with this Bill. Legislation is not going to bring about smooth working between employer and employee in this Colony. We are trying to run before we can creep. Let's go slowly; let us try to put our house in order. Then it would be time for us to legislate.

In reply to a question or remark by the hon. Member for Essequibo River (Mr. Lee) that there were nothing in the Bill to enforce arbitration the Commissioner of Labour said there were no means of compelling acceptance of the findings of arbitration—no means of compelling large sections of Labour to work. That, to my mind, demolishes every support there was of this Bill. We are here legislating to help industry in this Colony, but it seems to me that the law of arbitration will be entirely one-sided. How are we to consent to arbitration if we know that it is going to be one-sided or only accepted by one side? The foundations of the Bill have been undermined by the words of the mover.

We have coming to the Colony in a very short time a Labour Adviser and an Assistant Labour Adviser, both, I believe, very eminent men in their line who have done valuable work of this kind in the Mother Country. I would

suggest that this Bill be deferred until their arrival; until they have seen conditions here. They will then be in a position to offer us most valuable help and advice, and be of the greatest assistance to us. Further, I think it has been said and recognized that those gentlemen are being sent to the Colony to help the Labour Unions and advise them. In fact, I think the word "educate" was used. Surely then, the time to pass this Bill is when they have been able to get on with their work here and let us see the result of that work.

Those are my reasons for saying that I feel that we are somewhat premature in bringing forward this Bill. I feel that if it should come later when we were prepared for it and in a position to get benefit from it, it would be readily accepted by the Colony as a whole. As it is now I feel that it will not. If it is passed I can assure Your Excellency that I and everyone with whom I am connected will do our very best to help it forward, but we feel that we are rather rushing in. I know that we will be told that in the interest of the Empire it has been done in other places and therefore it should go through here, but I will remind the Council that a similar Bill has been deferred in Trinidad until after the war.

If it is the intention of this Bill to step up wages by compulsory legislation I am afraid that it is going to react against Labour in this Colony. I say that for the reason that if Government is going to fix minimum rates of wages there are numberless people in this Colony who are going to suffer. I refer to those people who are not able-bodied. I would not say that they are not physically fit; they are people who are not of full physical ability and to whom various industries in the Colony give employment in what is called light work. I am afraid that those people will be turned out of employment. In view of the fact that there is provision in the Bill whereby people will be allowed to go to the Commissioner of

Labour and get a certificate that they are not fit or unfit for work for a certain period it means that an employer is going to have considerable trouble and considerably more work in keeping track of such people, and he is going to adopt the much simpler and perhaps better principle of employing only people who are physically fit. It means that people are going to be thrown out of work and on to the Government, and the already overcrowded Alms House will be doubly overflowing.

I am only a layman, but it seems to me that the principle of the Bill affords Labour every possible protection while the employer gets no protection at all, or practically none. In every case the employer is presumed to be guilty or is guilty until he proves his innocence. That, to my mind, undermines all the tenets of British justice. I have always understood that a man is innocent until he is proved guilty. This is the reverse, and under certain conditions it may be very difficult to prove one's innocence. I leave that aspect of the Bill to my legal friends who are better able to deal with it.

Having expressed those views I do hope that Government will consider the position very carefully. I am not against the introduction of legislation of this kind, but there is one point which I do not think the Trade Unions have considered. Do they realize how this Bill is going to affect them in collective bargaining? If wages are fixed wouldn't it affect the Trade Unions in any bargaining which they might wish to make with industry? I put that forward because I have some sympathy with the workers. Anything the employers can do they are prepared to do, but I repeat that I feel that we are attempting to push something down the throat of the Colony which it is unable to swallow at the moment. I feel that this is not the proper time to introduce this legislation, and I would again ask Government to con-

sider very carefully before putting this Bill through.

Mr. ELEAZAR: I cannot agree with the hon. Member who has just taken his seat that this Bill is out of time. My view is that it has been long overdue. Sixteen years after Emancipation we had the Employers and Servants Ordinance, Chapter, 261, which was purely a Labour Bill, and in 1891 when the immigration system was introduced we had Chapter 208. Therefore a Bill of this nature is not new to this country. After 50 years, and to meet the changing conditions, Government has brought forward this Bill. How then can Members say that the Bill is premature? It is long overdue, but I agree with the hon. Member when he says that it does not meet the case. It is true that it has a plenty of verbiage and many clauses, but Your Excellency will observe that nobody complains of what is in the Bill, but what has been left out of it. To my mind the Bill is like an arch without a coping-stone, a body without a soul. The real thing is not there.

In this Council we are not here to represent this or that class. We are not ambassadors from different States seeking to represent the interests of our respective States. We are Members of the Legislative Council of British Guiana, and as such we have to sink our interests for the benefit of the common weal. If that were done we ought to be able to find a medium between Capital and Labour which would satisfy at least the majority of either body. In 1853, when the first Bill was introduced, the people had become free and were open to make contracts. Government therefore introduced a Bill which regulated the contracts between employers and servants. Government soon discovered that the Capitalist party was the smaller party although more powerful than the Labour party, and so they combined, and with that combination they were able to take advantage of the Labour

party although it was in the majority. That is what has been going on all the time.

The soul of this Bill is a minimum wage which can be easily fixed. We all know or ought to know what are the principles of political economy. A man should have enough for his food, his dwelling, clothes, light and fuel, doctor and medicine, education, and a little bit for recreation. The hon. Member said that some people are unemployable; we have them in every country. We have an object lesson before our very eyes. How is it that our American cousins can find it possible to get men and pay them reasonable wages? How do they find the men who are not derelicts? They have them medically examined, engage them and pay them reasonable wages. All that is required is to decide what is a reasonable minimum wage and see that a man gives a full day's work in return for a full day's pay. A minimum wage is what is sufficient for a man to live on and have a family, so that when he has gone there will be others to take his place, but the Government economists in this Colony cannot find out what is a reasonable minimum wage. How is it that the Americans can? We have heard about other people who have told the Americans not to pay their employees so much, and it seems to me that the rumour is so persistent that there is some truth in it. Now, after another 50 years we are told that we are not ripe for this Bill. We are over-ripe, and that is the cause of the trouble. What is required is the fixing of a minimum wage, and I say that should not be beyond the ability of this Government or of this Council. One has only to gauge between the prices that prevailed immediately before the last war, the prices that ruled since the last war, and what prices were ruling before this war.

Some employers will not hear about increasing the wages which they paid previous to the war. I know of at least



one case of a man getting 44 cents per day who approached his chief and told him that his pay was too small. The employer said he would go into the matter later, and later he was told to get another job. The man replied that although his pay was small he was prepared to carry on because there was nothing else for him to do, but the employer insisted that he had made other arrangements to fill his place. When he was gone the employer said that he was discontented and would have corrupted the other employees. The others could not ask for more pay because they feared that they too might be cashiered. That is what this Bill is intended to prevent; not by any means to ruin industry. There is abundant need for this Bill and Government has done right in bringing it forward. The only thing is that Government has not gone far enough. I have read the Bill through from top to bottom but I have seen not a word about how much an hour a man should be paid or how many hours a day he should work. I have also not seen the word "holiday" mentioned in the Bill, or anything about exemption from Sunday labour. Government cannot look upon the desecration of the Sabbath with complacency.

It is a fact that at some places where men are employed for five or six days per week some of them are called weekly labourers. They are paid by the day but they are called weekly men. They go to work at 6 o'clock in the morning and work until 5 o'clock in the afternoon for one day's pay because they are considered weekly men. We are not representatives of Capital or Labour in this Council; we represent both, and it is our business to hold the scales evenly. As soon as we begin to represent Labour as against Capital or *vice versa* we create trouble or perpetuate it. What has caused trouble in this Colony, and is giving trouble now, is that the capitalist takes all he can get while the labourer endeavours to take all he can get. The hon. Member

says that there are people who cannot be employed. They have learnt to do what the employer has done to them; they give as little as possible because the employers pay as little as possible. It is true that you cannot make a man moral or honest by legislation, but if you abolish all the laws against dishonesty and immorality there would be chaos.

This Bill is in time; I say overdue, but Government should send it back to the Attorney-General and let him make provision for a minimum wage. That is the soul of the whole thing. The trouble is money. When a man is employed his employer should not take advantage of the superabundance of labour and give him less than a living wage. That is the sin in the whole business, and that is what we want to remove.

My friend on my right (Mr. de Aguiar) has drawn my attention to clause 6 of the Bill which states:—

6 (1) Whenever the Governor in Council deems it expedient that steps should be taken to regulate the wages paid in any occupation in the Colony or any part thereof he may appoint an Advisory Committee to investigate the conditions of employment in such occupation and to make recommendations as to the rates of wages which should be payable.

When is Government going to think that wages should be raised? My contention is that this Bill should contain provision for a minimum wage and leave it open to a man to make a bargain with any one who wants to employ him. In this whole country we do not know what minimum wage should be offered a porter or unskilled man, or a skilled man or artisan. If we do not know it after all these years we will never know it. If hon. Members admit that they cannot fix it then let us take a lesson from the Americans. In the days when the gold industry was flourishing a minimum was fixed. It is there in the Mining Regulations. How is it that to-day it is impossible to fix a minimum wage when it has been



done in this Colony and has been in operation for years in the interior?

I would have liked to go through the Bill clause by clause but I do not feel equal to the task, so I have contented myself with what I consider the principle under each heading, and I am satisfied that if Members addressed their minds to it, and Government was disposed to do so, provision for a minimum wage could be inserted in the Bill. I do not suggest that the Bill should be postponed until somebody who does not know anything about British Guiana comes here to learn about local conditions. I suggest that it should be sent to the Attorney-General to consider what is a fair minimum wage and have it inserted in the Bill. If an amendment is made here it will cause a good deal of debate, and perhaps some Members would like to consult their constituents. I do not mean holding public meetings and getting resolutions passed. We cannot kill the goose that lays the egg; we cannot ask for wages which would crush industry out of existence, but at the same time we cannot starve the labourer.

Mr. KING: This Bill is one of those extraordinary measures on which I can speak for and against. On the face of it the Bill appears to be a measure to assist Labour and to help labourers in the conditions under which they work in this Colony. Personally, if I were a labourer I would not fool myself into believing that this Bill will give me any such assistance. I was rather amazed and astounded to hear the remarks made by the hon. Member for Essequibo River (Mr. Lee) who, I understand, represents Labour outside this Council, when he congratulated Government on having introduced this Bill which he considered was for the benefit of Labour in this Colony. If he had taken the care, as I have done, to analyse the Bill he would have realised that far from assisting Labour the provisions of the Bill are a menace and a danger to the em-

ployment of Labour in this Colony. I say that advisedly, and after a careful study of the Bill and all of its provisions. The Bill has certain provisions by which it attempts to assist Labour against what appears to be the employer, which is unfair and unjust, but there are other provisions in the Bill which will deprive an employee of the supposed benefits which the Bill endeavours to give him.

I will give one instance of a very important industry in this Colony, an industry which exists in the interior. As one who has the welfare of the Colony at heart I do not look to the future of the Colony so much along the coastlands or its agricultural possibilities as I do to the development of its interior where the great wealth of the Colony lies. I say without fear of contradiction that the provisions of clause 27 of the Bill, as originally drafted, would endanger and probably destroy the future development of the interior of the Colony. Clause 27 limits the right of an employer to advance an employee not more than one-third of his wages or his likely wages. Any one who has had any experience of the conditions under which labourers work in the interior of the Colony will realize that it would be impossible for a labourer to proceed to the interior and work under those conditions without the employer and the labourer committing an offence against this Bill, if it is passed. A labourer goes into the interior with practically nothing. In the ordinary way a labourer is contracted in Georgetown, and the only way in which he can exist in the interior is by means of an advance made by his employer at the time of the contract in Georgetown. With those few dollars advanced to him he makes some sort of provision for his family and obtains certain necessary requirements to take up with him. In the interior he has to depend entirely on his employer for his food and everything he requires to live until he returns to Georgetown. If the provision

in this Bill that he can only receive an advance of one-third of his wages were enforced there would be no alternative for him but to starve to death in the interior.

This provision is operative in England; it is still the law in this Colony but it has never been enforced. The reason is because it is realized that it is impossible of enforcement; that it would be grossly unfair to the labourer to restrict him to the extent that he can only obtain an advance of one-third of his wages for the purpose of the upkeep of himself and his family. In England conditions are different; there are shops within a mile of each other. In the interior of this Colony a man goes into the blue; there may not be a shop within 50 or 100 miles. I am quite certain that Labour has not realized to what extent this Bill will restrict employment. The average labourer is not a man who has a Bank account or any savings. My knowledge is that he is a man who lives from hand to mouth. He cannot keep himself for any length of time, and he certainly cannot keep his family for a month without the assistance of his employer.

I agree with the remarks made by the hon. Member for Georgetown North (Mr. Seaford). I consider the time most inopportune to introduce this Bill—not that I feel that the operation of the Bill is going to have the slightest effect on the present employment in the Colony, because I firmly believe that 99 per cent. of its provisions will be entirely and completely ignored. It would be almost impossible to obtain evidence for the purpose of prosecutions under any of the sections, because the labourer will be so closely associated with his employer that he would be the last person to give evidence to convict an employer who had helped him. It would be equivalent to a dog biting the hand that fed him. Only yesterday I was speaking with a man who employs a large number of men in the interior. He said he was sending men up for a certain purpose and I asked him how

much did he advance them, and he said \$20 each. I then asked him what their wages were likely to be and he said between \$40 and \$45. I then told him that when the Labour Bill was passed he would not be able to advance them more than one-third of their wages. He exclaimed: "What? That would be the ruination of the business in the interior." That is the feeling which was expressed by one who has business in the interior.

I speak as one who has employed labour for certain firms and individuals whom I have represented at various times. I believe that some better form of legislation can be thought out and introduced in this Council for the better protection of Labour, if Labour needs any protection. I believe that Labour will get all the protection it needs when, with all due respect to the Trade Unions, they are better able to handle themselves than they are at present. I do not say for one moment that Labour is inarticulate at the present moment. It has taken other countries hundreds of years, and England 1,500 years, to develop the form of labour control that exists there now. Labour in England is protected and can protect itself against the "wolves," as the Capitalists are sometimes described. Until Labour in this Colony can protect itself in that way I do not believe any legislation would assist Labour. There must be round-table conferences; we should not enforce legislation.

The whole trouble with Labour in this Colony, in my opinion, is not a question of the amount of wages but the awful fact that there are so many men who can only fill one job which is available. I am quite certain that if the labourers could be paid every day the wage they now get and could be employed continuously from day to day there would be no difficulty whatever so far as labour is concerned. Unfortunately, we are suffering from that awful curse—unemployment. The time Government officers spent in drafting

the provisions of this Bill would have been more profitably spent in thinking out some means of relieving unemployment, which exists not only in Georgetown but in other parts of the Colony. They would have been able to put before the Council some scheme for the improvement of the conditions that exist at present, and I personally would have been far more grateful to them than I am at present.

It seems to me that the gist of the Bill is in Part III which gives the Governor-in-Council power to prescribe minimum wages in respect of any industry or in any particular place. The rest of the Bill, with the exception of clause 27, could very well be left entirely out. Most of the clauses, other than those in Part III, are taken from the existing laws of the Colony. It rather amused me just now when the hon. Member for Berbice River (Mr. Eleazar) glanced through Chapter 261, the Employers and Servants Ordinance, which is at present in force, to see the extraordinary somersault this Council is now asked to perform by repealing the provisions of that Ordinance and substituting the provisions of the present Labour Bill. Provisions in Chapter 261 in respect of offences by the labourer have been completely omitted in the present Bill. Section 4 of that Ordinance is very salutary as regards the protection of the property of an employer against destruction by a labourer, but it would disappear entirely from the laws of the Colony if and when this Labour Bill is passed and repeals the provisions of the Employers and Servants Ordinance. Section 4 of that Ordinance says:—

4. Any person aforesaid, who, by negligence or other improper conduct, loses, throws away, endangers, or damages the property of his employer, or endangers it by a careless or improper use of fire, or wilfully maims, wounds, or cruelly ill-uses any cattle or other live-stock belonging to his employer or entrusted to his care, or by negligence suffers or occasions to be maimed, wounded, or cruelly ill-used any of those cattle or live stock, shall, on conviction thereof, be punished by a fine not exceeding twenty-four dollars or by imprisonment not exceeding thirty days.

That section would disappear from the Statute Law of the Colony if this Bill goes through. There are other very important provisions in that Ordinance which would also disappear. Some of the provisions in that Ordinance have been re-enacted in this Bill, but in such a way as practically to do away with the original intention of the existing law. While perusing that Ordinance I came across Section 22 which, since 1853, has been the law of this Colony, but has never been enforced because its provisions were impractical. Section 22 (1) states:—

22.—(1) All wages due to a labourer shall be paid to him in cash, except deductions for advances, payments on orders given to him, or goods supplied to him for his personal use:—

That would imply up to 100 per cent. of his wages in the ordinary employment of a labourer. The section further states:—

Provided that—

(a) none of those deductions from the wages of a labourer employed on or in connection with a mining claim shall exceed the amount of one-third of his wages in any month;

It is questionable, in view of the wording of that section, whether it does not mean one-third for advances, one-third for payments on orders given to a labourer, and one third for goods supplied to him, thus involving his entire pay for the month. The present Bill makes it clear, but there is a proposed amendment which does not carry it far enough, and if and when the Bill reaches the Committee stage I shall suggest an amendment of that particular clause.

Personally, I feel that the provisions of this Bill in its present form will create difficulties between employers and employees. I do not say for one moment that there are not some employers in this Colony who take advantage of Labour. Far be it from that. In the course of my somewhat limited experience I have known instances in which labourers have been taken advantage of, but I do feel, taking them all in all, that the employers in this Colony are



not as soulless as I have heard it suggested by labourers. Unfortunately, in order to earn a living, labourers in this Colony have to do work for which they are entirely unfitted. Would it be fair to ask an employer to pay the same rate of wage to an employee who is unable to do the same work as one who is capable of working properly?

The whole trouble boils down to the lack of proper education of the people of this Colony. Thousands of boys and girls are thrown out of school annually to be absorbed into the various industries of the Colony. Absolutely unfit, without any learning whatever, they have to go into the employment market and pit their wits against those who have had experience and are certainly far more capable than they are. Until and unless some better form of education is introduced here I fear that this evil of unemployment will always be with us. I am in favour of some form of vocational education which would enable the young men and women who are thrown into the employment market to be absorbed into industries where they could be employed. That would tend to a great extent to solve the problem of Labour and labour wages in the Colony.

I speak subject to correction, but I feel sure that the wages paid in this Colony are as good and, to my personal knowledge, in some cases better than those paid elsewhere. I feel that the trouble in this Colony is not the question of the quantum of wages so much as the fact that it is impossible for an able-bodied man who is willing and anxious to work 30 days in a month to obtain regular and continuous employment. If some one could devise some scheme whereby everyone in this Colony could obtain 30 days' work in every month I am quite certain that all of this talk and trouble, and all the threatened danger about wages and inability to earn sufficient money would entirely disappear.

Only yesterday I read in a newspaper that an industry will soon be started here which I hope will in time absorb a considerable number of people. Perhaps it would not be right for me to mention it here, but from the little I have been told I think that if it were only half as successful as it is hoped to be it would certainly be a great asset to this Colony. The Colony undoubtedly is capable of development, but while I quite agree that it is difficult to suggest any form of development which would immediately relieve unemployment I hope that with the knowledge Your Excellency is gaining by travelling around the country by land, sea and air, it will be possible for you to introduce some form of development in this Colony which would relieve us of the unemployment that exists to-day.

I feel that the provisions of this Bill are not going to assist in any way in relieving the present labour conditions. The suggestion made by the hon. Member for Georgetown North (Mr. Scaford) that Government would be well advised to allow this Bill to remain over until those more competent to advise both Government and the Members of this Council on a matter of this kind arrive in the Colony, is a suggestion which I heartily endorse. While I do not intend in any way to detract from the amount of experience that has been gained by the Commissioner of Labour, I feel that he would be the first to admit that he is not an authority on labour problems or the methods by which those problems can be solved.

In the island of Trinidad, which I have had to visit regularly during the last year and a half, I think they are better equipped to handle labour difficulties than we are. There is an expert who advises the Trinidad Government and Labour, and from what I have been told by those high up in Government circles, difficulties which at one time seemed insurmountable are now dis-



appearing. While I was there the scavengers employed by the Municipality were on strike and the streets of Port-of-Spain were in a deplorable condition. The strike lasted for about a week or ten days and then the Labour expert was called in. It was not 48 hours after he was called in that an agreement was reached and the scavengers were back at work. Is it suggested that the provisions in this Bill would assist in any way in a difficulty of that kind? Is it suggested that the provisions of this Bill could help to settle disputes between employer and employee? On the contrary, I think they would create a certain amount of antagonism between them.

I honestly believe that Government would be well advised to await the arrival of the Labour expert who would be able to assist in introducing a measure which really would enable Capital and Labour to settle their differences. I am not so foolish as to believe that all is well now between Capital and Labour, but I believe that a great deal has been done by round-table conference and by give and take, and I believe more could be done if both sides had someone competent to advise and assist them to arrive at a settlement; someone with experience in other countries. We have heard of strikes in England in which it seemed to us that the industry involved was going to collapse. Capital and Labour seemed so far from each other that it would be impossible for them to settle their difference, yet advice is given and accepted, and the next thing we hear is that the employees have gone back to work, or that Labour has accepted the conditions of Capital.

I once more urge Government to accept the suggestion of the hon. Member for Georgetown North (Mr. Seaford), which I desire to support with all the emphasis at my disposal, and that is to allow the Bill to remain over until Government has had an opportunity of discussing its provisions

with the Labour expert whose advice will undoubtedly be of great assistance to the Government and this Council. I believe Government would then be able to produce a Bill far more generous and acceptable both to Capital and Labour.

THE PRESIDENT: There seems to be a little misunderstanding which I would like to clear up. The hon. Member for Georgetown North (Mr. Seaford) said that a similar Bill in Trinidad has been deferred until after the war, and the Member who last spoke rather gave us the impression that without this legislation labour difficulties could be better solved. I do not know what the hon. Member for Georgetown North meant when he said that a similar Bill in Trinidad had been deferred until after the war, but I think I am right in saying that in Trinidad there does exist an Ordinance governing conciliation and arbitration, and an Ordinance governing minimum wage and the question of strikes. My personal experience of legislation presented in another Colony five years ago is that the Trinidad Bill was then before us and served as a model for legislation which has since been passed. I will however ask the mover of the Bill to deal with that point later in his reply to the debate.

Mr. HUMPHRYS: The hon. Members for Georgetown North (Mr. Seaford) and Demerara River (Mr. King) have fully expressed my views on this Bill. The course urged on Government that the Bill should be deferred until the Labour Adviser arrives is a very wise one. It is well that he should see conditions in the Colony, for say six months, so as to advise Government whether the Bill is in order as it stands or whether he thinks useful additions could be made to it. I feel sure that after he has been here for about six months and gained a certain amount of local experience, the Labour Adviser will advise Government that the Bill should be considerably amended and

given wider scope. Government would not be doing any wrong to Labour or Capital by allowing the Bill to stand over until the Labour Adviser arrives, and I join my hon. friends in asking Your Excellency to take that course.

In the event of your not seeing eye to eye with us as regards that suggestion, I feel that apart from those amendments already suggested, a great many other amendments will have to be made in Committee. I think that the limit of one-third of their pay as an advance to labourers will go far towards destroying the mining industry, prospecting expeditions, and to a large extent the timber and woodcutting industries. Labourers employed in those industries must have advances, and after they have gone into the interior they have to be entirely supported and fed by their employers. If those employers cannot advance them more than one-third of their wages it means either that the labourers would not be able to accept employment or they would have to starve or get loans from their employers in some form or another, and go to another shop and buy goods at very enhanced prices. Such a provision, if enforced, would be materially to the disadvantage of the labourer. It would be necessary for Government to order that in respect of certain industries that provision should not be enforced.

I have read the Bill several times and endeavoured to get the spirit of it as far as I could. I do not say that it is intentional, because to a large extent the Bill has been drafted by a layman, but it seems to me that the whole spirit of the Bill is that, whenever possible, soak the employer, but on no account penalize the labourer. In this Bill there are numerous provisions for prosecutions and penalties against employers for breach of contract. The only penalty in the Bill against an employee is where he receives an advance and does not go to work. A Magistrate can fine him and suspend sentence, giving him time to fulfil his contract. If the

labourer says "I will go," the moment he enters into the service no fine is payable, but he can leave the next day. All those things need considerable consideration. The Employers and Servants Ordinance makes ample provision for those things. In this Bill there seems to be an effort to cut down every penalty against the employee and to inflict every penalty on the employer. That is not British justice at all. I would be very interested to hear from what enactment these provisions have been taken, because I feel certain that no British Parliament would pass a Bill which gives an employer no remedy but gives an employee every possible remedy in cases of default by the employer. Those are matters which might be dealt with in Committee.

I entirely agree with the comments made by the previous speakers. While we are anxious to have Labour and Capital fully collaborating and in the best frame of mind, I do not think this Bill would have that effect. Instead it is going to cause quite a lot of unrest. It is going to be misread and misinterpreted by Labour because they have not had sufficient explanation of it. It has been told to me that it has been said by some labourers that when the Bill comes into force Government will order, in respect of all classes of labourers, that those getting 2/- should now get 3/- and so on. That is the interpretation which an illiterate man or a man who has not had proper education is likely to adopt, and there is bound to be trouble. Things are not going badly at present, and when the experts come they will be able to go fully into the matter and see how the Bill can be amended. I therefore join in the appeal to Your Excellency to suspend the second reading of the Bill until the Labour officers arrive.

Mr. JACOB: I welcome this Bill and I trust that it will go through and provide for the regulation of the relationship between employers and employees and the settlement of disputes between

them. We voted the necessary expenditure for the new Labour Department only a few weeks ago, and I think it would be most unwise to defer this Bill for six or nine months. I have listened and tried to follow the arguments of the hon. Members who have suggested a postponement, but I have not been able to discover any real reason why the Bill should be deferred. It has been suggested that certain experts are coming and their arrival should be awaited. If I understand the position rightly, a new Labour Commissioner and an assistant are coming, but as regards experts we have had them here already. We have had Major Orde Browne who visited the Colony and made a report, and then we had Mr. F. A. Norman who also made a report. If better reasons could be offered why the Bill should be deferred I may agree, but I have not heard any. On the contrary, I think there is an insistent demand from the working-people that there should be some settled conditions under which a labourer should work, and under which employers should employ labourers. I welcome the Bill for nothing else than for the purpose of getting uniform conditions laid down. Let the employer know his right and let the employee know his rights and obligations.

I think it is necessary that we should take things as we see them at the moment. There is a different atmosphere throughout the world today, and I would really ask my hon. friends who are thinking of the past, the very distant past, to think of the present and the future. Throughout the world there is an insistent demand by all classes of workers that their rights and privileges should be clearly defined. So far as this Colony is concerned, I think it is absolutely necessary to have what I may call systematic conditions laid down. We want to regularize and standardize employment and wages. There are certain employees who go to work at particular hours and leave work at particular hours.

They have their holidays and regular rates of wages. They know how to budget at the end of every week or month, but among a large body of employees there is not that stability which is absolutely necessary. I think Government is a little late in bringing forward this legislation. I should like to see the workers on sugar and rice plantations going to work at regular hours, and leaving work at regular hours, with a regular standard of wages. Why shouldn't it be? We have it in the Civil Service, among the subordinate employees of Government, the mercantile community and the employees on the wharves in Georgetown. Why not have it everywhere? It will take time, but it is absolutely necessary.

Rather than asking that the Bill should be postponed, I think this Council should welcome the opportunity of laying down definite conditions of labour in this Colony. It cannot be denied that there may not be difficulties in the future, but if the matter is viewed with an open mind and with a will to give and take, I think we would achieve something to which we all look forward with great hope in the near future. I am not satisfied that this Colony, with Labour so disorganized, is doing its part in the great struggle in which the Empire is engaged. As a matter of fact I am very much dissatisfied about it. I feel that something more should have been done. What is being done to employ the large numbers of unemployed people?

The Bill is late and should not be postponed. The experts who will come will not be experts in the particular sense. We have had experts before. I think the Colonial Office has taken into account all the advice it has received, and we have had this Bill hanging over for two years. I think hon. Members are unduly alarmed about the provisions of the Bill. I do not think the workers would be so un-



reasonable as to say that immediately as the Bill goes through they will get 3/- where they were getting 2/. I know the workers far better than that.

I am willing to meet the objections of certain Members and to agree to amendments of several of the clauses. I do not expect that the Bill as drafted is A1 and will meet all the requirements of both Capital and Labour, but I think it is a step in the right direction and that the matter should be viewed in a spirit of give and take with a view to meeting the needs of workers without whom Capital would be unemployed. That point is not appreciated to any extent in this Colony. It is the workers who employ Capital, and I wish that aspect of the question realized more in this Colony. Without workers what would Capital do? It is true that without Capital what would the workers do. The workers are the foundation of everything. They work and produce the goods which are converted into money. We should forget the past and what has happened, say, ten years ago. We should look to the future with hope, and I feel sure that if that were done all this undue alarm and fear would vanish. I repeat that no useful purpose would be served by postponing this Bill, and I have heard no valid reason for its postponement.

Mr. DE AGUIAR: This Council has been treated to-day to some very interesting speeches on this Bill, and it makes one feel as though the importance of such a matter should not be easily overlooked. In the same way, I submit, it should not be rushed. From my own knowledge, several attempts have been made to introduce a Bill in this Council which would hold the scales evenly between employers and employees. Over a year ago the first Bill was published, and another quite recently. The first Bill had received so many amendments that it became desirable to publish it in a new form. That publication took place in November last

which is not so long ago, and even within such a short time it has become necessary to present to this Council a long series of amendments. I mention these matters to show how important such a measure is and how seriously it should be taken by Members of this Council, because any errors that we may make in rushing a Bill of this kind may create hardships not only among employers but among employees as well, and to show that very great care must be taken that the scales that are to be held between these two important branches should be well balanced. Therefore, I think it is in the interest of the Government, in the interest of this Council and, I think, in the interest of the community at large that whatever assistance can be obtained ought to be obtained before we commit errors that may not be easily remedied.

If we were in the position to-day of not being able to give employees their due, if there were no legal provisions on the Statute Books of the Colony whereby employees would not receive their due, then nobody would disagree that the necessity is strong for such provisions to be made and to be made as soon as possible, but as I understand the position that is not the case. I am informed—I am only a layman—that we have certain provisions that are in favour of employees in the same way as there are provisions which preserve the rights of employers, and the idea, as I understand the position, is to bring those provisions up-to-date. I use the word “up-to-date” advisedly. When I say so, I do not necessarily mean we in this Colony should follow the Labour Laws that are in existence in other parts of the world, as they might be found entirely unsuitable to our needs. I mean that our own problems must be studied and an effort made to provide a Bill that will give equal rights or preserve the rights, I should say, of both employers and employees.

We have been told by the hon. Mover that in this Bill an attempt is being



made to put the position of the employee on a proper basis. That may be so, and I accept his word for it. Yet from what I have heard from some hon. Members who have spoken to-day, it seems that in practice it may be found in regard to some of the provisions in this Bill, however well-intentioned they may be to preserve the rights of the employers, that is not the case. If that is so, and I submit they have pointed out some very strong instances, it seems to me that the points they have raised should be carefully considered, because if we are attempting to produce a Bill that would be an improvement on the existing one, then we should take very great care that the rights of employers are not endangered in the manner referred to by those speakers this morning. So far as I am concerned, what I am exceedingly anxious to see, whether in a Bill or in some other form, is that whenever there is a difference between employers and employees the necessary machinery can be set up whereby the difference can be amicably and expeditiously settled. I think that is something this Government and this Council ought to aim at. Without endeavouring to point out what to my mind is likely to occur when such differences are not settled and that immediately, I will just mention that delay in the settlement of such differences may not only dislocate the industrial life of the community but may also dislocate the mode of living and the general standard of living of the employees, and so it seems to me that we ought to make every attempt possible to set up some machinery whereby, whenever these differences exist, they will be settled amicably and expeditiously.

My hon. friend on my left (Mr. Eleazar) referred to the question of minimum rate in this Bill. I invite his attention to Part III of the Bill. It appeared to me at the time that probably he had no time to read it or that it did not go as far as he would have liked it to go. I think it will be

an extremely difficult proposition for the Law Officers of the Crown to introduce in this Bill anything that will fall within or even near to his idea of fixing those rates. As a matter of fact, it will be to my mind a herculean task and will probably overburden the Bill to such an extent as to make the whole thing ludicrous. The provisions, as I see them in this Bill, are ample. One is for the setting up of an Advisory Committee to decide the minimum rates that should be fixed in the various classes of employment and as soon as an agreement is reached on that point then the Governor-in-Council makes an order and immediately the rates become the minimum rates. And further, there can be no doubt that an agreement of that kind ought to carry weight, as I see another provision for both sides to be represented on the Advisory Committee. There will be representatives of the employers as well as of the employees on it, and I feel sure that as soon as an agreement is reached on that question there can be no doubt that the rate will be the minimum rate in that particular class of industry.

I do not share the view of the hon. Member for North-Western District (Mr. Jacob) that Members of this Council are unduly alarmed at the passing of a Bill of this kind, but rather I am inclined to the view that it is desirable that something be put up that will preserve the rights and privileges of both sides. If, however, the hon. Member feels that the Bill in its present form meets that situation, then there is absolutely no cause for postponement. But I think a good deal has been said in favour of a postponement. I do not think any period was suggested, but rather it was expressed that we may obtain the assistance of the new Labour Officer who is coming out, because it is felt that his experience—and there is no doubt about that—will be extremely valuable. The point we must consider is whether we should pass the Bill in its present

form to-day with some of the errors as we see them, or whether we should wait for a little while longer and obtain the assistance of someone who is experienced and in that way make the Bill acceptable to all parties. If, as I believe, we will obtain valuable assistance from this officer, I do not think we will be doing an injustice to the employees if there is a slight postponement. If, on the other hand, it is the opinion of those who are in charge of employees that the employees should receive the full justice they believe they are entitled to, then by all means let us proceed with the Bill. But I say this without fear of contradiction that some of these provisions that I have read will undoubtedly create a certain amount of hardship on employers. It will make it harder for them. There are several provisions that I see, and the hon. Member for Demerara River (Mr. King) has referred to one of them. We do not want that. We do not want anything like that.

My own idea is, now that we are trying to bring our labour legislation up-to-date, we must endeavour to produce something that will hold the scales evenly between employers and employees. We must provide for the manner in which certain differences are to be settled without the point of a gun or the use of a stick. Until we can set up the machinery to do that, it seems to me that we are going to continue to make the errors of the past. I do not know when the Labour Officer is going to be here. He may be here very shortly. Personally, I would like to see him here very soon, because there is no doubt that if Government agrees that the Bill should be held up until then the sooner he arrives the better it would be. I agree that we should bring our labour legislation up-to-date and that we should do so as soon as possible, but at the same time if we would profit from the experience that he might give us, then it seems we would not be doing an injustice to the employees of this community.

I want to say one word about this question of unemployment that we hear so much about. I personally would like to refer to it as lack of employment instead of as unemployment. There is very little to do about that, unless we are able to open more avenues of employment for the number of people coming into the employment market every year. What do we find? These lads as soon as they come out of school travel in the same channels existing which are extremely limited. It cannot be denied that we are really suffering from not so much unemployment as lack of employment. That, however, has nothing to do with this Bill, but I have only mentioned that in passing, as it will be a very difficult task indeed to include in a Bill provisions that will create employment for all the citizens of this community.

Mr. GONSALVES : This Bill which has been discussed to-day is one which, as has been already pointed out, Government has been asked some time now to have introduced in this Colony. In making that request which came, I think, primarily from the Labour Organisations of this Colony it was the intention to get it in line with the labour legislation in the United Kingdom. The time has been quite a long one since that request was made and the introduction to-day of this Bill. That has to be considered when one hears all the objections that have been put forward to-day and the representations that the Bill should be postponed. It creates a certain feeling that the matter is to be shelved indefinitely. So far as I am concerned, I do not think that can be so, because we have reached a stage in the history of the Empire where questions affecting Labour in so far as the Colonies are concerned, are being given much more serious thought than perhaps might have been done in the past, when perhaps they did not receive the consideration they should have received. For that reason there is a great feeling in regard to the possible postponement of

this Bill. We have heard from hon. Members who have spoken matters affecting Capital and Labour. I do not propose to reiterate or go over the ground they have already covered.

What has struck me in connection with this matter is the suggestions that have been made. We know as a fact that a good deal of labour troubles in the past have been settled by conferences between Capital and Labour, and whilst we have in this Council at certain times Members who undoubtedly advocate and represent the cause of Labour, at times they say they are not here as representatives of Labour. But we have had to-day speeches which can be regarded as representing the cause of both Capital and Labour. If that is so and we agree on the principle that these round-table conferences have a very good effect in arriving at a definite decision on various matters, I am going to suggest and if possible move as a motion that Your Excellency defer further consideration of this Bill and that a Committee of this Council be appointed to consider it and make such recommendations as are thought necessary in connection therewith. When such a Committee is appointed, I suggest, that it should be assisted by those Members of Council who have voiced their feelings and by representatives of both Capital and Labour. It will thus have the benefit of the views of both sides and the hon. Attorney-General will be enabled to put forward to the Council a Bill which will meet with the approval of all those interested. I have precedent in making that suggestion. In 1939 a very controversial Bill was introduced—the Petroleum Bill—and there were views expressed on both sides in regard to the object and purpose of the Bill. A Committee of this Council was appointed and went into the Bill with the hon. Attorney-General and certain amendments were made, the majority of which were accepted by the Council when the Bill was brought back. In view of what has been said to-day and

in view of the fact that certain Advisers on Labour are shortly to arrive here, I believe in a few months as provision has been made on the Estimates for this year for the payment of the salaries of those Advisers, if Your Excellency sees fit to appoint that Committee, it would have the advantage of the experience of those persons who have been referred to to-day as experts on Labour. Those officers will have the advantage of seeing what has been the representation made by the Labour Unions in this Colony in regard to what they claim should be their rights and privileges, and also the advantage of seeing the representation made by Capital as against that by Labour, and further they will have their own experience of labour system as administered or operated "on the other side." With the Bill before them and the views expressed by Members of the Committee, they should be able to produce a Bill to meet the satisfaction of all parties.

With regard to the hon. Member's reference to clause 27, I do not agree altogether with him as to the fear which he has expressed, because I have looked at the Labour Department's amendments which have been put before the Council and, I think, they do deal with some of the questions raised. I am, however, not prepared to enter into a discussion now in regard to any of those amendments. I do seriously suggest that; and if Your Excellency thinks a motion ought to be moved I will do so. I will also suggest that the hon. Member of the Labour Department (Mr. Laing) should be a Member of that Committee which should also have the assistance of the hon. Attorney-General. With these remarks, I think if the suggestion is accepted a good deal of time will be saved, because if we do go into the Committee stage of the Bill from what hon. Members have said there will be some confusion in settling the amendments which are desired to be made.

Mr. JACKSON : It is conceded that



there is need for a proper understanding between employer and employee, and this Bill, I take it, is intended to supply that need. The discussion on the Bill has not been without merit or purpose and, perhaps, the reference to clause 27 of this Bill has undoubtedly pointed out some inconveniences that may arise if the Bill is adopted with that clause as drafted. But surely it should not be outside the ability of this Council to go into the clauses of the Bill in the Committee stage and make whatever amendments are necessary to remove the inconveniences to which reference has been made. I think the time has really come when there should be a definite understanding between Capital and Labour. No one, I am sure, will deny that, and I do not think putting off the matter from time to time will assist at all. If I was sure that the Committee suggested by the hon. Member for Georgetown South (Mr. Gonsalves) would come to an agreement among themselves then, perhaps, some useful purpose might be served; but I am strongly of the opinion that the amendments that are required to make the Bill workable ought to be made in the Committee stage when everyone will have an opportunity of expressing his views and of endeavouring to convince the Council. I do not think that any postponement of the discussion on this matter will meet the case. I think the matter should be taken now to finality and the Bill be taken into the Committee stage and considered clause by clause.

THE PRESIDENT: One outstanding question is the amendment by the hon. Member for Georgetown South. If the hon. Member desires he may move it.

Mr. GONSALVES: I move: "That further discussion on the Bill be deferred and that His Excellency appoint a Select Committee of the Council with members representing Capital and Labour to consider the

matter and make such recommendations as are necessary."

Mr. HUMPHRYS: May I be permitted to move another amendment: "That further consideration of this Bill be postponed until six months after the arrival in the Colony of the new Labour Officer or six months from this date."

THE PRESIDENT: The procedure is that either hon. Members vote against the second reading and then it is open to Government to bring the Bill another time, or support the amendment that the Bill be not read until six months after the arrival of the new Labour Officer which means the rejection of the Bill from the present Session, or otherwise the hon. Member can make a specific date in his amendment. Is that amendment seconded?

Mr. KING: I beg to second it.

THE PRESIDENT: The amendment by the hon. Member for Georgetown South is not seconded and therefore fails. The other amendment will be voted on later. I now call on the hon. Mover to reply.

Mr. LAING (Commissioner of Labour and Local Government): Sir, the hon. Member for Georgetown North (Mr. Seaford), the hon. Member for Demerara River (Mr. King) and the hon. Member for Eastern Demerara (Mr. Humphrys), also the hon. Member for Central Demerara (Mr. de Aguiar), have suggested that this is not an opportune moment to introduce this Bill which they describe, and quite rightly so, as a Bill to assist Labour. It is of course what it describes itself to be, and that is a Labour Ordinance. It seeks to repeal the present Labour Ordinance—the Employers and Servants Ordinance—which the hon. Member for Berbice River (Mr. Eleazar) quite rightly stated was enacted in this Colony some 20 years after the abolition of slavery. The other Ordinance which this Bill seeks to repeal is the



Apprenticeship Ordinance which, like the Employers and Servants Ordinance, was also enacted 20 years after the abolition of slavery. I do not think, therefore, that any hon. Member of this Council can have any doubt about the great necessity that exists at the present time to enact modern legislation in regard to the regulation of matters affecting Labour in this Colony. In my opening remarks I stated that this Bill had been prepared after wide experience in labour matters in this Colony, and that it was an adaptation of certain English Acts which were mentioned at the time. Those Acts have been in force in the United Kingdom for the last fifty years, and I feel certain that no hon. Member of this Council will deny to the labourers of this Colony the rights and privileges that have been enjoyed by the working man in civilized countries of the world for almost half a century. That, after all, is what this Bill purports to be. It desires to give to the working man in British Guiana those rights and privileges which he has every right to expect.

Reference has been made to the question of machinery for adjusting differences between the employer and the workman. The hon. Members to whom I have already referred have mentioned specific matters. The hon. Member for Georgetown North has said that he considers the Bill will not assist the smooth working of industry but may probably introduce friction and misunderstanding. The machinery, which is set up by this Bill and which is provided in Part II which deals with Conciliation, is a procedure adopted now in the United Kingdom of encouraging employers and employees to come together and settle their differences by joint negotiation. The hon. Member for Demerara River has given us an example which came to his knowledge when in the Colony of Trinidad. He said he was there at the time of a strike among the Municipal employees. He told us how a Conciliation

Officer was brought into that matter, and how within forty-eight hours their difficulties had been smoothed away. The only criticism I will make in respect of that incident is that the Municipality of Port-of-Spain delayed in bringing in the Conciliation Officer at an earlier date. It will be seen that the conciliation proceedings which are visualized in Part II of this Bill are exactly the same proceedings which have been going on in this Colony since I was appointed Commissioner of Labour in 1938. Those conciliation proceedings had been successful to a point, and I was able in my opening remarks to stress the importance of this and to give instances, where in the last year although we had as many as sixteen strikes in only four of them I had reason to intervene before a settlement could be effected between the parties. That is enough to show there has been considerable advancement in the settlement of labour differences by mutual agreement between the parties concerned.

It will be noticed in the long title of the Bill one of the objects is to provide for the regulation of the relationship between employers and employees and for the settlement of differences between them. I say without fear of contradiction that the only way peace can be maintained in industries in this or any Colony is that there should be amicable settlement of disputes by round-table conference between representatives of employers and the representatives of Trade Unions which represent the labour concerned. Reference has also been made to Part III of the Bill, which deals with the regulation of wages. The hon. Member for Georgetown North was somewhat suspicious that it meant the stepping up of wages,

Mr. SEAFORD: To a point of correction. I said I did not honestly feel that was the intention!

THE PRESIDENT: The hon. Member questioned if it is the intention by this Bill to step up wages.

Mr. LAING: There is no intention by the Bill to step up wages except where that stepping up is shown to be essential in the interest of the workman. I was particular to refer to the particular Acts in the United Kingdom from which this part of the Bill is adapted, and those are the Trade Board System Acts of the United Kingdom. I was also particular in stating that the reason for the introduction of that legislation was because there had been twenty years of agitation for the suppression of sweated labour. The first Bill of 1909 followed the recommendation of a Committee which favoured the setting up of Boards to fix the minimum wages in certain sweated trades. The later Acts apply all the provisions of the earlier Acts to every industry where adequate machinery did not exist for collective bargaining. There need be no fear that the minimum wage regulation relates to every industry in this Colony. The object of a Labour Department is to try and get employers and employees around a conference table to adjust their own wage agreement by collective bargaining. It is true what the hon. Member for Georgetown North has said that labour is weakly organised in this Colony. That I do not think is to be unexpected, because the majority of Trade Unions here have only recently been formed. The hon. Member for Demerara River reminded the Council that it took 115 years to organize labour in England. Whether that is true or not I cannot say, but I would admit that the organization is a difficult matter and we should go through the "growing pains" in this Colony in the same manner as other Colonies which have got over the difficulties, and I am sure that hon. Members of Council will agree that the Trade Unions have been strengthened in this Colony, and I hope they will go from strength to strength.

The hon. Member for the Demerara River referred to criminal proceedings in regard to breach of contract. I do not know whether he can refer me

to any modern legislation which provides penal sanction in regard to breach of contract. Undoubtedly it is not the modern practice, and I would hesitate before I ask Government to introduce penal sanction in regards to breach of contract. Such things are objectionable, and he is correct when he says it is omitted from this Bill. He referred to section 4 of the Employers and Servants Ordinance which relates to the harm done by servants to their employers' property and their employers' animals. I have no legal training but I am sure that if he refers to the Summary Jurisdiction (Offences) Ordinance, Chapter 13, amended by Ordinance No. 1 of 1931 he would see there is ample provision for taking the proceedings which he undoubtedly desires or may desire to take. At the same time while it is omitted in this Bill, my hon. friend will find sufficient authority to take action under another Ordinance which provides for that offence.

The hon. Member for Georgetown North referred to the suspension or postponement of this Bill in the Legislature of the neighbouring Colony of Trinidad. As Your Excellency has already stated—I am not sure which Bill the hon. Member refers to—in Trinidad all labour legislation has been brought almost up to date. They have modern Ordinances dealing with conciliation and arbitration for settlement in industrial disputes; they have the Minimum Wages Ordinance and the Contract Ordinance, which give deduction from wages and which have been in existence for some time. This Bill practically covers the same ground and merely introduces into this Colony legislation which is already in force in the neighbouring Colonies. Reference has also been made to unemployment. Unemployment does not come within the scope of this Bill, but Government is fully aware of its responsibilities in regard to the employment of people who are out of work and adequate provision has been made in the last estimates of expenditure as well as other

arrangements have been made for the employment of those unfortunate people.

THE PRESIDENT: We have now been debating on the second reading of this Bill for nearly five hours, and the last thing I wish to do is to detain this Council longer, except that I feel I should add my own statement of opinion. There is an obligation on Government at least to put this Bill to the vote and, if possible, bring it to conclusion at this Session. I have listened with much interest to the ingenuous speech of the hon. Member for Georgetown North on which I congratulate him. He has put forward several points with which I am compelled to agree and a conclusion with which I am compelled to disagree. He said that when I made my statement in November I felt it was an obligation on Government to go through with the labour legislation, I knew little of the country, and he went on to say that at the present day I knew but little of conditions in the Colony. With that I am compelled to agree. Undoubtedly the main trouble is an economic one. With that I am compelled to agree. He went on to say that this Bill is not going to overcome all our employment and labour troubles. With that I am compelled to agree also. He went on to say what is wanted is education of Trade Unionists, and pointed out their faults. With that I am compelled to agree. It gives me the opportunity of saying quite frankly, and the Union leaders should not resent frank speaking: I instanced papers and statements made to me by them which were so grossly overstated that the cause they had was not helped. I went on to say that I regretted that as a sympathetic friend because it might make it impossible for me to help.

The hon. Member went on to say, as many others have urged, that we should defer consideration of this Bill on the specious and good pretext that we should await the coming of the new Labour Officer. It has been

pointed out that we had this Bill under consideration not only by specialists who have come to the Colony but also between ourselves and the Colonial Office for a period of about two or three years. That consideration has been fairly felt and to defer it again to the coming of the Labour Officers is to defer it for another year. It has been suggested in a specific amendment that it be deferred for six months after the coming of the Labour Officers. Personally, I do not think it is fair to put on the new Officers the responsibility for the new legislation so soon after their arrival. We know enough in this Council to say that we should consider it ourselves and take the responsibility for putting it through or not. If you require amendments and the advice of these new Officers, I certainly would be prepared to listen. My own feeling is that Government is under an obligation to put this legislation forward for the decision of this Council. As far as my experience goes for the short time I am here, without a complete knowledge I consider it necessary. I have one experience. I raised a matter on one occasion with the employers and was led to expect a reply within a short time, and I have been awaiting it over two months. I do not say that with the passing of this Bill the powers given to Government will remedy that, but I do feel all would be in a better position if it had what the hon. Member for Georgetown North objects to. I do not mean bureaucratic control, pushing the arrangements down the throats of the public and pointing out how ideal it is with well-intended and successful Trade Unions and an all-wise Government to preside over these matters. But it is the experience of the Colonial Empire as well as the whole Colony that this legislation is useful. I do not know of any other Colony in the Empire which has reached our stage of development and has not such legislation, and I think it is time for it to be had here.

We have an amendment that the Bill



be deferred for further consideration until six months after the coming of the new Labour Officer. That is tantamount to the second reading being not taken to-day. I shall follow the procedure and put the question "That the words of the question stand as in the original motion—that the Bill be read a second time," which, if confirmed, will dispose of the amendment. I therefore put the question "That the words of the question stand as in the original motion."

Question put, and the Council divided, the voting being as follows :—

*For*—Messrs. Jackson, Jacob, Peer Bacchus, deAguiar, Gonsalves, Eleazar, Percy C. Wight, Ogle, Wood, Case, Laing, D'Andrade, McDavid, Woolford, Dias, Dr. MacLennan, Professor Dash, the Attorney-General, the Colonial Secretary—19.

*Against*—Messrs. Mackey, King, Humphrys, Austin, Seaford—5.

Question "That the Bill be read a second time" put, and agreed to.

Bill read the second time.

The Council resolved itself into Committee and proceeded to consider the Bill, clause by clause.

Mr. SEAFORD : Before we proceed I desire to express the appreciation and thanks of those of us who were able to meet the hon. Attorney-General with the hon. mover of the motion for the consideration given us in going into the details of this Bill. I do not think the hon. Member for Georgetown South (Mr. Gonsalves) would have moved his amendment had he known that we had met for a considerable time and all the points were brought up and got out of the way.

THE CHAIRMAN : I feel that some do realize that.

Mr. GONSALVES : If the hon. Member had said those few words in

the course of his speech it would have saved me making that suggestion. I did that to help Capital and Labour not knowing that it had been already considered.

Clause 1—Short Title.

The ATTORNEY-GENERAL : I move that the clause be amended by substituting the figures "1942" for the figures "1941."

Question put, and agreed to.

Clause amended.

Clause 3—Appointment of Commissioner of Labour and other officers and clerks.

Mr. LAING : I move the deletion of sub-clause (6) which reads : "Every District Commissioner shall, *ex officio*, be an Inspector of Labour for his District." The Departments are now separated and the sub-clause is no longer necessary.

Question put, and agreed to.

Sub-clause (6) deleted.

Clause 4—Powers of Commissioner in case of Trades Disputes.

Mr. LAING : I move that paragraph (c) of sub-clause (1) be amended by the substitution of the words "Governor-in-Council" for the word "Governor."

Mr. AUSTIN : As I read that, it means that unless both parties consent there is likely to be a stalemate. Would it not be advisable to give the Commissioner power to appoint an Arbitration Committee in the event of one party not consenting to have their differences amicably settled?

THE CHAIRMAN : The hon. Member has raised a very important point of principle in respect of compulsory arbitration.

Mr. AUSTIN : It seems to me that the whole thing would fall through.



THE CHAIRMAN : It is subject still to Part III where the Governor-in-Council on coming to certain conclusions can appoint an Advisory Committee to investigate and recommend, and action can be taken on that recommendation. That touches the rates of wages, etc. I do not think the inclusion of the Commissioner is necessary to make it more effective.

Mr. AUSTIN : If Your Excellency thinks that will cover it, then my point is covered.

Mr. LAING : The hon. Member has raised the question of compulsory arbitration and, as Your Excellency said, it opens a very large question of principle. Compulsory conciliation and arbitration is frowned upon by Trade Unionists, but it does exist at the present time as a war measure. The difficulty is, you will never get people to agree compulsorily. The object of arbitration is that both sides must agree to arbitration as that means both agree to the award. The hon. Member will find in the English legislation, which is the most modern dealing with industrial disputes, that the award is not forced and the two parties according to arbitration agree to the award. In the event of a deadlock Part III can be invoked. It gives the Governor-in-Council power to appoint an Advisory Committee to make recommendations in regard to the wages paid in the industries concerned. That does not mean only the minimum time-rate, but piece-rate and overtime rate. It is very wise in scope.

THE CHAIRMAN : I suggest that the clause stand as it is. No question of compulsory arbitration or conciliation can be included in this Bill, though it has been introduced as a war-time measure.

Mr. AUSTIN : If the nature of the dispute is one to be settled by arbitration, then I think the Commissioner should be given power to have that arbitration:

Mr. SEAFORD : How is it going to be carried out? It will be a very difficult matter in this Colony to make any decision and to be able to carry it out. I rather think we should leave it as it is.

THE CHAIRMAN : We will have to go further and make machinery for the enforcement of the arbitration award. I do not think the Commissioner would welcome that. As a war measure it can be considered as such.

Mr. AUSTIN : All right, sir.

Question put, and agreed to.

Clause 6—Regulation of Wages.

Mr. DIAS : It is held that the question raised by the hon. Nominated Member on my right (Mr. Austin) will be covered by Part III, clause 6, but it strikes me as being a little doubtful whether such proceedings are contemplated by this particular clause, as it reads now.

THE CHAIRMAN : Proceedings by arbitration ?

Mr. DIAS : The clause 6 (1) reads :

Whenever the Governor-in-Council deems it expedient that steps should be taken to regulate the wages paid in any occupation in the Colony, or any part thereof, he may appoint an Advisory Committee to investigate the conditions of employment in such occupation and to make recommendations as to the rates of wages which should be payable.

It suggests, to my mind, that the Governnr-in-Council is going to begin something and not take on what has been left by somebody.

THE CHAIRMAN : It does not necessarily mean that. Made aware of conditions which require consideration and the two parties are not prepared to arbitrate or conciliate among themselves or to accept arbitration by the Commissioner, the Governor-in-Council is then empowered to appoint an Advisory Committee of representatives of both sides.

Mr. DIAS : What I am endeavouring to do, so that there should be no mis-

understanding in the future, is to make it clear that it will be taking up what the original arbitrator or the Commissioner of Labour has failed himself to do. If Your Excellency is satisfied I would let it be.

THE CHAIRMAN : I did not draft the Bill. What does the hon. Commissioner think ?

Mr. LAING : Arbitration proceedings in this Colony and in the neighbouring Colonies all turn on the question of wages. If there is reluctance on the part of one or other of the parties in arbitration proceedings to carry out the award, it would be possible for the Governor-in-Council to appoint an Advisory Committee to fix the rates of wages and, if necessary, the overtime rate and the hours of work to which the hon. Member for New Amsterdam has referred.

Mr. DIAS : The point the hon. Member has made is just what I have in mind. I am referring to a case where the parties are unable to agree on the price after discussion. For this clause to apply it ought to be made a little clearer. The instance given by the hon. Commissioner is the one which strikes me. As I read it, that is not what it is intended to mean.

Mr. LAING : First of all, it must be considered by the parties concerned and, if they fail to come to an agreement, the Department intervenes as conciliator, and failing to reach an agreement then the matter goes to arbitration. If there is failure to reach a settlement in arbitration then this clause applies.

THE CHAIRMAN : It is desired that there be some words in it to make it clear that the Governor-in-Council has the right to follow up failure of arbitration.

Mr. DIAS : May I ask that this particular clause be allowed to stand over ?

THE ATTORNEY-GENERAL : Clause 6 (1) is the widest of all. At any time the Governor-in-Council can act.

Mr. WOOLFORD : The hon. Commissioner of Labour referred to my having made an observation. It was made *sotto voce*. Perhaps, I may be allowed to say what I did say, (laughter). I called the hon. Member's attention to the fact that this proposed Advisory Committee can be appointed by the Governor-in-Council and can make certain recommendations, and he referred the Council to clause 7 (6) and said that provision for overtime is there made. My observation to him was this : As I can see it, clause 6 deals with the appointment of an Advisory Committee which will have power to investigate the conditions of employment in such occupations and to make recommendation as to the rates of wages which should be payable, but it seems to me what will be the duty of the Committee is to make recommendations as to conditions of employment but only in regard to wages. What I asked the hon. Member, was to point out to me where a dispute has occurred over other than the rates of wages, and I indicated to him the hours of labour. Where is the power given to the Advisory Committee to investigate the conditions of employment in an occupation and make recommendations as regards time ? He says the rate of overtime. Supposing the dispute is not over overtime but Labour objects to the number of hours of work ?

THE CHAIRMAN : Then Part VIII comes in.

Mr. WOOLFORD : I only asked to point out whether this Advisory is limited. Why not legislate for this Advisory Committee to deal with any situation ?

THE CHAIRMAN : I appreciate that. The question of hours is dealt with under Part VIII. I think the hon. Commissioner may tell us.

Mr. LAING : The position is this : If the Advisory Committee is appointed to enquire into the rate of wages in an industry, clause 7 (2) provides that the order, which is the result of the Committee's investigation, may prescribe the time-rates, piece-rates and overtime rates, or any of them. In prescribing them one prescribes the working-hours, so that automatically it fixes the working-day.

THE CHAIRMAN : That is quite true. What about the conditions ?

Mr. LAING : If it is desired only to deal with the hours of work, that comes under Part VIII.

THE CHAIRMAN : What about conditions apart from the hours and rates ?

Mr. LAING : Nothing in Part VIII deals with conditions. That is in an entirely different Bill, which has been drafted and which provides for the working conditions in factories in general.

THE CHAIRMAN : Does that give any power to the Committee to make recommendations as to the general conditions ?

Mr. LAING : Yes.

Mr. WOOLFORD : Reference has been made to Part VIII. It is proposed there to give the Governor power to make regulations governing the hours of work. That may be all very well, but supposing a dispute arises in regard to the hours of work or the conditions of labour which are not covered by regulations, are you taking the power to appoint an Advisory Committee to deal with that as it arises ?

THE CHAIRMAN : There is nothing to stop the Governor-in-Council under Part VIII from appointing a Committee.

Mr. WOOLFORD : The distinction is this : You are taking the power to appoint an Advisory Committee to meet the existing situation. When it comes to the hours of work, a fruitful cause of dispute, you are taking power

to make regulations but you are making them in advance of conditions which may arise and which are not contemplated, whereas the Advisory Committee has in the exercise of its powers instanter to deal with a particular situation. The human mind cannot contemplate every kind of situation that may arise. Why not take the power Why confine this Committee only to rates of wages ? I quite agree that is a fruitful source of dispute, but it is not the only source of dispute.

THE CHAIRMAN : Do you wish to move an extension ?

Mr. JACOB : May I draw the hon. Member's attention to clause 7 which makes it clear ?

THE CHAIRMAN : That only touches matters of wages.

Mr. JACOB : Sub-clause (2)

THE CHAIRMAN : It does not cover a case like the transport of workers to their work, which may well be a subject of dispute, or the absence of shelter in certain weather conditions.

Mr. WOOLFORD : On some estates the labourer is carried from home to the field by railway. I do not think that condition prevails on every estate. It may not be possible. Supposing the labourers get it into their heads to notify their employers that they should have those conditions not only on sugar estates but on private properties, how is that to be dealt with ? It is a natural possibility. Do not confine possible dispute only to wages. Many things will emerge when Labour gets properly organized. You have got to meet the situation. While I am not prepared at the moment to make an amendment, I think that any Advisory Committee appointed should be empowered, apart from regulation of wages, to act where the Commissioner has not been able to adjust any difference between Labour and Employer. That Committee should have very wide powers. I suggest that



the point be considered and we return to the question later.

THE CHAIRMAN: I appreciate what you mean. It is practical to regulate wages but to deal with all kinds of things such as transport, shelter, baths, etc., that should be specially covered by special legislation for certain specified trades and gold-mining but not for every industry. As the hon. Commissioner of Labour stated we have a Bill in draft for such matters. If you give wide powers to investigate conditions in this Bill and there is no limit, it is going to be somewhat unwise.

Mr. WOOLFORD: We do know that several cases of dispute have arisen owing to what has been termed by Labour as a compulsory extension of the working hours. While this Bill covers overtime rates, supposing the labourer does not want to work overtime, or he is asked to work longer and is forced to do so?

THE CHAIRMAN: There can be no objection to the Committee recommending anything they like, but when it comes to giving the Governor-in-Council powers it is a different thing. If the intention is to extend the provisions of clause 6 so that the regulations touch conditions as well I would not object to that.

Mr. WOOLFORD: If I had the power to deal with this Bill, I would never agree to the Governor-in-Council being empowered to appoint an Advisory Committee to deal finally with the question of wages. It is the one thing they should not do. The decision of the Advisory Committee will eventually be traced to the decision of the Governor-in-Council who appointed it.

Mr. SEAFORD: As regards the hon. Member's fear of overtime being made compulsory, I may state that the people working in the interior or in the field work whenever they like and when it suits them. They are never compelled.

Mr. ELEAZAR: I have an amendment which will eliminate yourself and the Board having anything to do with wages at all, because I do not believe you are doing something for a time to come when the thing is actually there now. You want legislation to go on with now.

THE CHAIRMAN: You want to fix the minimum wage now?

Mr. ELEAZAR: Yes. My amendment is that clause 6 be deleted and the following substituted therefor:—

6. (1) The employer shall pay to every able-bodied male skilled labourer engaged in time-work wages at the minimum rate of 18c per hour per day of 8 hours, if he is employed as other than an able-bodied labourer at the rate of 12c per hour;

Provided that the minimum agreed on for a task may in no case be less than the minimum of a day's wages payable for time work.

(2) The employer shall pay to every male unskilled able-bodied labourer at the minimum rate of 9 cents per hour per day of 8 hours, if employed as other than an able-bodied labourer at the rate of 8 cents per hour.

(3) The employer shall pay to every female labourer above the age of 18 years a minimum wage of 6 cents per hour per day of eight hours:

Provided that children between the ages of 16 and 18 shall receive the minimum wage of 5 cents per hour per day of 8 hours.

When you put these big things they look so monstrous that everybody wants to reduce them. Owing to the cost of living no one should insist to give an able-bodied woman less than 48 cents per day, or a lad or lass between the ages of 16 and 18 less than 5 cents per day of 8 hours. I submit this amendment so as to obviate the appointment of an Advisory Committee.

Mr. SEAFORD: May I ask the hon. Member to give the Council the definition of "skilled labour."?

THE CHAIRMAN: I appreciate what the hon. Member is aiming at. It is a question of practical politics. It is laying down the rates in an Ordinance, but every time there is to be an amendment you will have to come to the Legislative Council and amend it. Meanwhile at best that legislation is

not practicable. Your amendment, however, gets what you are after and we will put it.

Mr. PEER BACCHUS: I do not know if what I say would cause the hon. Member for Berbice River to withdraw his amendment. The rates put forward by him are well below what the people are receiving to-day. I do not know if he has in mind to reduce the rates of the working-people in the Colony, but rather I think he has in mind to increase or stabilize them.

Mr. ELEAZAR: That is news to me. I know for certain more than 50 men who are getting less than 48 cents per day, when I have proposed 96 cents for men and 48 cents for women. If that were so I would not put that as a basis for discussion in order to help the matter. If the hon. Member thinks it should be more, let him say so and I would agree. The Immigration Laws which we have contain what was then considered the minimum wage for able-bodied labourers, and therefore to fix an amount in this Bill should be no trouble at all.

THE CHAIRMAN: Has the hon. Commissioner of Labour any objection in a general way to the suggestion?

Mr. LAING: I appreciate the necessity to assist the workers in this Colony, but I think personally it will be extremely difficult to operate. The Committee may make recommendations but, I think, the clause visualizes the Governor-in-Council giving effect to those recommendations and, therefore, recommendations in regard to working conditions will be ineffective.

THE CHAIRMAN: I have no objection to the Committee making general recommendations, but it is an entirely different thing to where the Governor-in-Council is given wide powers. It is far better for that to be in a specific legislation.

Mr. LAING: I do not know what

conditions the hon. Member for New Amsterdam referred to. There are housing conditions of workers.

Mr. WOOLFORD: I have no desire to introduce a difficulty. It is all right if you are going to appoint an Advisory Committee and give it powers "to investigate conditions of employment in such occupation" and you leave it at that. But when you go on to say "and to make recommendations as to the rates of wages which should be payable," to my mind, you are confining the deliberation of that Committee to one of investigating one employment.

Mr. LAING: I move the insertion of the word "minimum" before the word "rates," in the last line but one in clause 6 (1).

Mr. Eleazar's amendment put, and lost.

Mr. JACOB: To fix the minimum rates of wages in this Colony is very laudable but it is a very complicated matter, I think. I agree with Your Excellency that it should not be included in the Ordinance but some regulations may be framed in an attempt to meet the various classes of workers and the various rates of wages to be paid. I had the privilege to go into this matter some time ago and it took me days and days to be able to classify the various kinds of work. When you fix the minimum, in some cases it may become the maximum. It is something you have to go into very carefully and cautiously.

Mr. ELEAZAR: There is no difficulty in its being carried out now. The Americans have come here and are operating not four miles from New Amsterdam; they examine the workmen and fix the price. I know of my own knowledge the Bauxite Company—

THE CHAIRMAN: That is scarcely relevant to the question.

Mr. PEER BACCHUS: It may not be difficult to fix the minimum rates in the Americans' use of labour, but you have to take into consideration the whole Colony in fixing wages under an Ordinance. Take the rice industry, you may not be able to fix the same minimum rate as in the case of the sugar and bauxite industries. Their minimum rate may be the maximum rate for the rice industry. I do not know that the hon. Member for Berbice River has the correct view.

Mr. Laing's amendment put, and agreed to.

Mr. ELEAZAR: Are we not jockeying the most important part of the Bill? If it is the idea that the Advisory Committee should fix the minimum wage then we are wasting time.

Mr. JACOB: The hon. Member for Berbice River has my sympathy in this matter. I see difficulties in fixing a minimum wage to cover the whole Colony in general. It is true that our American friends can do that, but that will only last for a few years. I hope we are not going to take that as an example. There are so many difficulties that it seems to me to be unwise to begin to enumerate them now. It is not practical to fix the minimum rates in this Bill.

Question "That clause 6 as amended stand part of the Bill" put, and agreed to.

Clause 7—Order prescribing rates payable.

Mr. KING: I think there is a mistake in sub-clause (1). It should be "rates of wages" instead of "rates and wages".

Mr. LAING: The expression "rates and wages" is correct.

Mr. ELEAZAR: I do not see any difficulty in that. One may be wages and the other rates. "And" is quite correct. It will do no harm.

Mr. SEAFORD: I take it that "rates" there refers to piece-rates and task-rates.

THE CHAIRMAN: The first is general and the second is most comprehensive and, therefore, the clause can stand as it is subject to any legal advice which may come forward.

Mr. KING: Clause 7 (7) reads:

Every order made under sub-sections (1) and (3) of this section shall be laid as soon as may be after it is made before the Legislative Council within the next thirty days after the order has been so laid before it resolves that the order shall be annulled, the order shall, after the date of that resolution, be of no effect, without prejudice to the validity of anything done in the meantime under the order or to the making of a new order.

I respectfully submit that it might be possible for an order such as that to come before the Council and the Council not have an opportunity to discuss it. It is possible and not intentional for the document or order to be laid before the Council on the last day of its session and through oversight on the part of those concerned the Council does not consider it. The Council does not sit for sixty days, and therefore after it is precluded from considering the order. I beg to move as an amendment that the words "within the next thirty days after the order has been so laid before it," be deleted. It may take months and months for an Advisory Committee to obtain information to place before the Governor-in-Council to enable the necessary order to be made, and it may be very difficult for Members of Council to get information within thirty days which will entitle them to move a motion in the Council that the order be annulled. I see no harm in allowing the Legislative Council at any time to annul an order made, such as contemplated by the clause. I move that amendment.

THE ATTORNEY-GENERAL: I have no objection to that. It gives tremendous power to you, sir, as Executive. There is no reason why it



cannot be for one year. The amendment as proposed merely states that at some future time the order be laid on the table of the Council.

THE CHAIRMAN : I have no objection to it.

Mr. HUMPHRYS : I do not think it should be left open to the Government to lay this order on the table at any time it likes. I think there should be a time-limit. This Session may stop at the end of the month and the Council may not sit again until July or August. I would say "not less than fourteen or twenty days" after it is made.

THE CHAIRMAN : It would mean a meeting of the Council will have to be summoned within a certain number of days any time an order is made.

Mr. HUMPHRYS : I suggest 21 days.

Mr. SEAFORD : I do not see the necessity for that. If there is urgency, I take it, Government would naturally call a meeting of the Council. We always believe in the *bona fides* of Government, but to make it compulsory it throws an onus on the Council.

Mr. HUMPHRYS : It is not a question of the *bona fides* of Government. The Legislative Council should see it as early as possible. It is an important matter and the Council should be summoned if an order is made.

THE ATTORNEY-GENERAL : The order should be laid on the table within fourteen days of the sitting of the Council, if sitting, and if not sitting within fourteen days of the sitting of the next Council.

Mr. JACOB : I think the clause as drafted is quite good enough. I was hoping that this Council would meet regularly in the future. I know that in Barbados the House of Assembly meets every fortnight. It seems to me very strange that here you have

the Legislature of British Guiana meeting any time while the Town Council meets according to Statute. I think this is a step in the right direction. A time-limit should be placed. While it has been suggested in the one case by one hon. Member that thirty days be deleted from sub-clause (7) another hon. Member suggests that fourteen days be added. I think the matter is really confused and the sub-clause as drafted appears to be quite in order.

The amendment was put, and lost.

Clause 7 as printed passed.

Clause 10—Conditions of employment of persons incapable of earning wages at prescribed rates.

Mr. LAING : I move the insertion of the following sub-clause as sub-clause (2) thereof

(2) Where the duration of any permit granted to an employee under subsection (1) of this section is limited the employee shall give written notice to the employer of the date on which the permit is due to expire, and that sub-clause (2) as printed be renumbered as sub-clause (3)

Question put, and agreed to.

Clause passed as amended.

Clause 11—Penalty for not paying wages in accordance with prescribed rates.

Mr. LAING : I move that the clause be amended by—

(a) the substitution of the word "Ordinance" for the word "section" therein appearing;  
(b) the deletion of subclause (2) therefrom  
(c) the renumbering of subclauses (3) to (8) as subclauses (2) to (7) respectively, and  
(d) the insertion in new subclause (7) after the word "prove" of the following words—  
"by the production of the proper wages sheets or other records of wages or otherwise."

Mr. KING : As regards the amended sub-clause (3) I beg to move an amendment, that the words "at not" between the words "wages" and "less" be deleted. It is a double negative as stated here.

THE ATTORNEY-GENERAL: This saves the employer from prosecution where he pays more, and the other one who does not.

Mr. ELEAZAR: I do not suppose any thought was given to this thing. You have an amount fixed. If an employer pays less than the amount fixed then he commits an offence.

THE ATTORNEY-GENERAL: The hon. Member misses the words "failing to pay."

Mr. ELEAZAR: I see what is meant, but it is not happily worded.

THE CHAIRMAN: The hon. Attorney-General does not desire to accept the amendment.

The amendment by Mr. Laing put, and agreed to.

Clause as amended passed.

Clause 15—Definition of Employee.

Mr. LAING: I move that the clause be amended—

(a) by the substitution of a full stop for the comma appearing after the words "with an employer"; and

(b) by the deletion from the clause of all the words following the full stop.

Question put, and agreed to.

Clause as amended passed.

Clause 16—Duration and mode of determination of contract.

Mr. HUMPHRYS: I regret I cannot understand this clause. Sub-clause (1) reads:

Where there is no agreement to the contrary a contract of service shall be deemed to be a contract for one month certain, from the time of entering into the service.

What will be the position of a person who is taken on to do piece-work? On the sugar estates a man is given six openings to do at sixpence per opening and he does that work. Is he under a monthly contract or not? There is no agreement made. I think

this clause requires more consideration and to be more explanatory than it is. I have an amendment to make which, I hope, will be accepted. That the sub-clause be made to read:

Where there is no agreement to the contrary a contract of service under which the employee is to be paid an agreed weekly or monthly wage shall be deemed to be a contract from the time of entering into the service.

People are employed by the job and are not under any contract weekly or monthly. They can be given an hour's notice and be dismissed. It should be made perfectly clear that where there is no contract and payments are by the week or the month, then it shall be deemed to be a weekly or monthly contract in respect of such service. Is a man to be given fourteen days' notice for casual work? This clause should be amended in the manner suggested.

THE ATTORNEY-GENERAL: As a matter of fact, this amendment does not make the slightest difference in the meaning as the clause now stands. It bristles with difficulties. A tremendous number of employees are not paid a weekly or monthly wage and, therefore, are not covered. The hon. mover of the amendment mentioned the case of the casual labourer employed for a day. Look at clause 15 (b). It will be seen that the casual labourer is excluded. Clause 16 as worded is said to be workable. Any contract of labour is either expressed or implied and, I think, the words "no agreement to the contrary" cover the case. We may discuss it after the adjournment.

Mr. HUMPHRYS: I ask that the matter be left over until to-morrow because I can convince the hon. Attorney-General that what I am saying is correct.

THE ATTORNEY-GENERAL: If an employer wants to get out of it all he has to do is to pay his employee every third week.

The Council resumed and adjourned until the following day at noon.