

# SECOND LEGISLATIVE COUNCIL

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

*Wednesday, 18th November, 1959*

*The Council met at 2 p.m.*

PRESENT :

**Speaker**, His Honour Sir Donald Jackson

**Chief Secretary**, Hon. M. S. Porcher, acting

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

**Financial Secretary**, Hon. F. W. Essex, C.M.G.

} *ex officio*

The Honourable **Dr. C. B. Jagan** — *Member for Eastern Berbice*  
(Minister of Trade and Industry)

„ **B. H. Benn** — *Member for Essequibo River*  
(Minister of Natural Resources)

„ „ **Janet Jagan** — *Member for Western Essequibo*  
(Minister of Labour, Health and  
Housing)

„ „ **Ram Karran** — *Member for Demerara—Essequibo*  
(Minister of Communications and  
Works)

„ „ **B. S. Rai** — *Member for Central Demerara*  
(Minister of Community Development  
and Education).

Mr. **R. B. Gajraj** — *Nominated Member*

„ **W. O. R. Kendall** — *Member for New Amsterdam*

„ **R. C. Tello** — *Nominated Member*

„ **F. Bowman** — *Member for Demerara River*

„ **L. F. S. Burnham** — *Member for Georgetown Central*

„ **A. L. Jackson** — *Member for Georgetown North*

„ **E. B. Beharry** — *Member for Eastern Demerara*

„ **S. M. Saffee** — *Member for Western Berbice*

„ **R. E. Davis** — *Nominated Member*

„ **H. J. M. Hubbard** — *Nominated Member.*

Mr. I. Crum Ewing—Clerk of the Legislature

Mr. E. V. Viapree—Assistant Clerk of the Legislature.

ABSENT:

Mr. Ajodha Singh

Mr. S. Campbell—on leave

Mr. Jai Narine Singh—on leave

Mr. A. M. Fredericks —on leave.

Mr. A. G. Tasker, O.B.E.—on leave.

The Clerk read prayers.

## MINUTES

The Minutes of the meeting of the Council held on Wednesday, 11th November, 1959, as printed and circulated, were taken as read and confirmed.

## ANNOUNCEMENTS

## MR. BOWMAN'S RETURN FROM AUSTRALIA

**Mr. Speaker:** I think hon. Members will be glad to welcome back the hon. Member for Demerara River (Mr. Bowman) who has just returned from attending the Commonwealth Parliamentary Association's Conference in Australia.

## LEAVE TO MEMBERS

I have to announce that the Member for Georgetown South, Mr. Jai Narine Singh, has been granted leave of absence for one month with effect from the 10th November.

Mr. Tasker, who is on leave, has asked for an extension of his leave until the 5th December, as he has been held back in the United Kingdom on urgent business.

Mr. Gajraj has been granted 10 days' leave with effect from the 20th November.

Mr. Fredericks is unavoidably absent today.

## PAPERS LAID

**The Minister of Labour, Health and Housing** (Mrs. Jagan): On behalf of the Minister of Communications and Works (Mr. Ram Karran) I beg to lay on the Table the

Report of the Director of Audit on the Accounts of the Transport and Harbours Department for the year ended 31st December, 1958.

## ORAL ASKING AND ANSWERING OF QUESTIONS

## UNDERGROUND ELECTRIC CABLES

**Mr. Bowman:** I beg to ask the Minister of Communications and Works Question No. 17 standing in my name: Will the Honourable Minister of Communications and Works state whether the Demerara Electric Company, Limited, was requested by Government at any time to put all overhead street wiring underground, and the Company refused on the ground that such an undertaking would cost about sixteen million dollars or twice its capital investment?

**The Minister of Communications and Works** (Mr. Ram Karran): In accordance with the provisions of Section 4 of the Georgetown Electric Supply and Tramways Ordinance, Chapter 79 (Chapter 238, Laws of British Guiana, 1953, Vol. IV), the Government by letter dated 12th May, 1954, required the Company to place its distributing mains and service lines in the urban area of Greater Georgetown, underground. The Company in a letter dated 6th April, 1955, refused to comply with this requirement, contending that it is not reasonable within the meaning of the Section of the Law under which the requirement was made.

## INTRODUCTION OF BILLS

**The Financial Secretary:** I beg to give notice of the introduction and First Reading of the

Income Tax (Amendment) Bill, 1959.

## DEATH OF DR. J. A. NICHOLSON

**The Minister of Trade and Industry** (Dr. Jagan): I crave Your Honour's indulgence and the indulgence of the Council to move a Motion of sympathy with respect to the recent death of Dr. J. A. Nicholson, a former Member of this Legislature.

**Mr. Speaker:** I take it that Members are agreed.

**Dr. Jagan:** I beg to move:

"Be it resolved: That this Council records its profound regret at the death of Dr. J. A. Nicholson, a former Member of the Executive and Legislative Councils of this Colony, and directs that an expression of its sympathy be conveyed to his widow and children."

We have all read with deep regret an announcement in the newspapers a few days ago of the death of Dr. J. A. Nicholson in the United Kingdom. Dr. Nicholson was a Member of the Legislative Council from 1947 to 1952, and during that period he served not only as a Member of the Legislative Council but also as a Member of the Executive Council. I beg formally to move the Motion.

**Mr. Jackson:** I beg to second the Motion. In doing so I wish to say that, although late, this Council ought to place on record its regret in terms of the Motion moved by the hon. Minister. On this side of the Table we were aware of Dr. Nicholson's death, and I personally thought that at last Wednesday's meeting opportunity would have been taken to have this Motion introduced.

We, who were very much acquainted with the late Dr. Nicholson, know he has given very good service to this Council and wherever his Office took him. He was a man of a rather quiet disposition and very sincere in all the things he undertook to do; and I am sure that this country is all the more poorer at his passing.

*Members requested to stand.*

**Mr. Speaker:** We are all very sorry to learn of the death of a former hon. Member who has rendered valuable service to this Council. The Motion speaks for itself, and I am confident that every Member of this Council is in accord with its terms. I shall formally put the question:

"Be it resolved: That this Council records its profound regret at the death of Dr. J. A. Nicholson, a former Member

of the Executive and Legislative Councils of this Colony, and directs that an expression of its sympathy be conveyed to his widow and children."

Question put, and agreed to.

Motion carried unanimously.

**Mr. Speaker:** The wishes of this Council will be conveyed to his widow and children.

#### ORDER OF THE DAY

#### BILL — FIRST READING

The following Bill was read the first time:

A Bill intituled "An Ordinance to Amend the Income Tax Ordinance."

#### MISS JOYCE DE BARROS — TERMINATION OF SERVICES

Motion —

"Be it resolved: That this Council recommends to Government that Miss Joyce De Barros be fully compensated for financial loss suffered as the result of the improper termination of her services as Supervisor, School Feeding Division of the Department of Education."

**Mr. Jackson:** Mr. Speaker, in moving this Motion, as is now being done, it is difficult to avoid expressing some disappointment that it is being opposed by the Government; not because the Administration and those official members of the Government present at this time would be expected to take any other course of action, but because of the fact that opposite me, on the eastern side of this Council Chamber, there are Elected Members who, prior to their becoming Ministers of the Government, were people who represented the workers in trade unions and who at that time were very loud in their pronouncements against any form of injustice or any form of discrimination.

**Mr. Speaker:** May I interrupt? Perhaps I did not read the question. It is:

“Be it resolved: That this Council recommends to Government that Miss Joyce DeBarros be fully compensated for financial loss suffered as the result of the improper termination of her services as Supervisor, School Feeding Division of the Department of Education.”

We did not begin before now, and at the last meeting I do not think it was read.

**Mr. Jackson:** No, Sir.

**Mr. Speaker:** I heard you say that it was being opposed. I have no intimation.

**Mr. Jackson:** In view of the fact that Government has not sought to negotiate on this Motion, my assumption that it is being opposed is quite correct. As I was saying, this disappointment which I feel is not because the official section of the Government is opposing it for, as I said, I expect in the normal course of things to find them opposing this Motion.

The reason for bringing it here is the result of action taken by them either jointly or singly. This disappointment springs from the fact that the political Ministers of the Government, except the Minister of Natural Resources, have at one time or another been representing the workers in the trade union movement and they, at all times, stood very firmly against any act of injustice or any act which could be taken as an act of discrimination.

The Minister of Trade and Industry, prior to his holding his present office, was largely in the field of trade unionism. My impression was that at one time he was head of the Sawmill and Forest Workers Union. I know in that period of time he did not spare any one opportunity to champion the cause of any worker to whom an injustice had been done; and it is my impression that he was not merely Dr. Jagan, the Member for Central Demerara in the Council before 1953. He would have done the same

things which are now being done by me in this Council. It is my conviction that he would have taken very strong lines of action against anyone who did an injustice to the workers at that time.

The Minister of Labour, Health and Housing has also been one of the champions of the cause of the workers prior to her holding her Ministerial portfolio. From her remarks up and down the country, prior to holding her present position, she claimed to be a champion of the cause of the workers and was always prepared to fight for those who had been done an injustice or had been wrongly treated.

My Friend, the hon. Minister of Communications and Works, when he was just a worker at the Transport and Harbours Department, shared with me many an anxious moment in the labour movement when any of the workers had been done an injustice; and I know, in 1953, when we had the privilege of leaving this country to attend a conference of the World Federation of Trade Unions in Vienna, we compared some ideas of the right of the worker to be defended in cases of injustice or discrimination.

My good Friend, the Minister of Community Development and Education, prior to his having entered the field of Law, was himself a very strong member of the B.G. Civil Service Association and I know, from experience, that he was also a champion of the cause of the worker. I think that even now he is a jurist so much more would be the need for him to stand very firmly in the cause of the worker when certain principles are involved. Therefore, it will be seen, quite easily, why I expressed the view that I am somewhat disappointed to see that a change in position can bring a change in views and a right about turn of the attitude of people in certain cases where principles are involved.

I want to feel, at this stage, that my disappointment may be turned to joy because everytime we meet in this Council

we say prayers. It has been passing through my mind, however, that the prayers which are read here are prayers of the Christian Faith; and I sometimes feel because we are made up as we are—some people having different concepts of religion — that there should be some doubt as to whether these prayers are of complete acceptance to us in this Council.

We have just said those prayers. I will read part of what we said and I wish, as we remained silent as they were being read, we did not attempt for one moment to be hypocritical. The part of the prayers is:

“And grant that, we having Thy fear always before our eyes, and laying aside all private interests, prejudices, and partial affections, the result of all our counsels may be to the glory of Thy blessed name . . .”

That includes not only the Ministers of the Government who are political in their concepts, but it includes the officials, for they cannot escape from the prayers which they had said today. I wish that even with a pre-determined attitude in this matter, now that they had been reminded of the prayers they had said, they would think afresh to see what is done would be to the glory of God, to those outside and to those of the Council itself.

Mr. Speaker, this is the case of Miss Joyce De Barros. On the 13th February, 1957, there appeared in “The Daily Argosy” a notice requiring persons to make applications for a vacancy which existed in the Education Department to fill the post of Supervisor of the School Feeding Division of that Department, in keeping with the practice of the Government and Miss Joyce De Barros was one of those persons who applied to fill that vacancy. She was interviewed by the Public Service Commission on 31st March, 1957, on the invitation of that body. As a result of that interview the Public Service Commission recommended that Miss Joyce

De Barros was qualified fully to hold the post for which there was the vacancy and for which she had applied. The Administration acted upon the advice offered by the Public Service Commission—and my information is that the Commission is only advisory in its character—and on 8th April, 1957, the hon. the Chief Secretary wrote to Miss De Barros offering her the appointment subject to her passing a medical examination. It is safe to assume that she underwent the medical examination, for she assumed duties on 1st May, 1957.

On 30th May, 1957 she received a letter notifying her that her services would be terminated at the end of June, by her being given one month’s notice. After having sought the advice of several persons, Miss De Barros approached the organization of which she was a member. She was told the course of action she should adopt, and she presented to the Chief Secretary the following letter on 28th June, 1957, which I ask your permission, Sir, to read:

“Sir,

As the result of an advertisement appearing in the Daily Argosy of Wednesday, February 13th, 1957, I applied for a post designated ‘Supervisor School Feeding Division Education Department.’

2. In reply to my application I was invited to appear before the Public Service Commission on the 21st of March, 1957, to be interviewed for the post.

3. Following upon that interview I received a letter from you bearing reference number C. 35/5/21 dated 8th April, 1957 intimating that, subject to my passing a medical examination, I was offered the non-pensionable appointment as a Supervisor School Feeding Scheme Education Department with salary at the rate of \$1,584 per annum in the scale B4 — \$1,584 x \$72 — \$1,872 x \$96 — \$2,064.

4. In reply to my letter accepting the offer you wrote on the 18th April advising me to report for duty to the Superintendent School Feeding Division on the 1st of May, 1957. In accordance with this, I reported and from that date I performed the duties assigned to the post.



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5. On the 30th of May, 1957, I received a letter from the Director of Education intimating that you had directed that I be given one month's notice of the termination of my services on the 30th of June, 1957 inclusive. In this letter there was no indication that my services were being terminated under any breach of the conditions laid down in the General Orders relating to discipline or on any other ground.

6. I have not been made aware that anything connected with my appointment had been subject to scrutiny and that under (VII) of General Order 16 the Public Service Commission had been asked by the Governor to undertake inquiries and to make report on any case of misconduct on my part.

7. Although there was no question of my appointment on a period of probation, even if this were the case, General Order 59 expressly states that officers on probation should be regarded as definitely on trial with a view to learning their work and becoming suitable for it, and all possible facilities for acquiring experience of their duties under continual and sympathetic observation should be offered them. In addition to this General Order 60 expressly states that if during the first few months an officer on probation should exhibit tendencies making it doubtful whether he is likely to become suitable for permanent retention, he should at once be warned and given every assistance to correct his faults.

8. I have not been made aware that at any time my work was regarded as unsatisfactory.

9. General Order 81 stipulates that in all cases of irregularities or misconduct there shall be no delay whatever in taking prompt disciplinary action otherwise the exemplary effect of discipline ultimately imposed would be impaired if not entirely lost. In this respect it is submitted that had I been guilty of irregularity or misconduct the Head of Department would not have failed to give effect to the provision of this Order.

10. General Order 84 provides that before the removal of an officer for general inefficiency under Colonial Regulation 58 or 68 it is necessary that, in all ordinary cases, due warning shall have been conveyed to him more than once, plainly indicating that his work has been unsatisfactory, or that his increment shall have been stopped, or that he shall have been warned otherwise so as to allow ample opportunity for improvement.

11. Although there has been no service to permit the application of General Order 48, it is repeated herein to give support to the submission that the whole basis for terminating the service of an employee is that of shortcomings or offences. This Order stipulates that if the work or conduct of an officer becomes deserving of censure at any time, the officer shall be so informed at once by the Head of the Department and in cases where the matter is regarded as serious the facts should be reported to the Chief Secretary for record. Derogatory reports of a general nature on an officer can serve no useful purpose unless supported by evidence that the officer has been previously warned. Heads of Departments may convey a good report to an officer but shall draw to the officer's attention any faults or shortcomings which may be within the officer's power to amend. Whenever an officer is adversely reported on and the Head of Department states that the officer has been shown such adverse comment, the signature of the officer shall be affixed after the last word of the comment and he shall initial any addition or alteration which may be made thereon.

12. (e) of General Order 80 stipulates that if disciplinary action with a view to dismissal is decided upon the Head of Department shall prepare charges in consultation with the Legal Department. The charges, when approved and a copy of any documentary evidence which may be used as evidence are communicated in writing by the Chief Secretary through the Head of Department concerned to the Officer who is called upon to state in writing within a given time, any grounds upon which he may rely to exculpate himself. The expression 'documentary evidence' does not include the statements of witnesses or the actual reports of the alleged misconduct which is the subject of the charge.

13. While it is the law that all servants of the Crown can be dismissed at the pleasure of the Crown, this rule is only enforced against civil servants in cases of misconduct or gross inefficiency for convention requires that civil servants shall remain in office, despite changes of Government. It is true that the aggrieved civil servant has no legal remedy but those rules governing the treatment, governing the employment of civil servants closely resemble rules of law proper and are enforced as such by Heads of Departments. It is for this reason that the Regulations referred to herein have been introduced. Any violation of them, it is submitted, is a violation of those principles upon which justice is not only done but also appears to be done.

14. This opportunity to defend one's self against accusations applies also to persons indicted of criminal offences which, in many cases are graver in nature than some of those with which employees of the Government are charged. This therefore shows the justification for my complaint against the action taken with respect to my dismissal from the service.

15. Under all the circumstances referred to in this memorandum to you I am asking that the notice terminating my services be withdrawn and that I be allowed to continue the duties attached to the post to which I was appointed on the 1st of May, 1957."

That letter from Miss DeBarros to the Chief Secretary refers to the Regulations and Orders which govern the procedure which can be taken and should be taken when it is intended to deal with discipline in the Government Service. I shall not burden the Council by reading from the book itself, because I am sure the Chief Secretary will not deny that those are the Orders to which reference was made by Miss DeBarros in her letter appealing against the termination of her employment.

There are, however, certain vital factors which must be gone into if this Council is to have a full grasp of the situation, and I would apologize to my colleagues for having to speak at length on this issue, but I am sure that if they are interested in doing justice to a person whose cause I now support they will be willing to hear all the facts so that they can judge for themselves what has transpired.

Miss DeBarros did not get a reply from the Chief Secretary until six months had passed, which indicates that the Department concerned had taken a very long time to deal with her representations, and it is my knowledge that it was only after she asked for a reply that she got one.

But that is not the most important aspect of the matter. When Miss DeBarros failed to get justice the Federation of Unions of Government Employees addressed the Governor on the matter, drawing his attention to the fact that

something was wrong, and suggesting that he ought to have intervened. The Federation quoted at length from the letter sent by Miss DeBarros to the Chief Secretary so that the Governor might be fully apprised of the situation, but to the Federation's dismay and disappointment His Excellency, through the Secretariat, indulged in grave inconsistencies.

In the reply to the Federation, the Governor said that the Orders to which Miss DeBarros referred and relied upon in her letter did not apply to persons in her category. That is something which disappointed the Federation. As one who knows the extent to which those Orders apply to members of the Public Service, I know that they are applicable to posts which are lower in status than the one held by Miss DeBarros, and the Federation did not hesitate to tell the Governor that it was an inconsistency on his part to say that those Orders did not apply to Miss DeBarros, for in another case which will be dealt with, perhaps this afternoon, and which seeks the same redress as this one, the Governor, through the Secretariat, referred to General Orders which are applicable to a post in the Medical Department far lower in status than that held by Miss DeBarros. It is unfortunate to find Her Majesty's representative in the country indulging in inconsistencies to bolster up a case which, in my opinion, should not have been defended at all by the Government.

I shall not read that aspect of it now because I am going to bring that one up again when I am moving my Motion with respect to Miss London, but I am saying this now because I want it recorded in *Hansard*, that it is something to be regretted when officers of the Government in such high places indulge in inconsistencies to defend their actions.

But what is more serious than that is the fact that when the Federation approached the Governor on this issue a new slant was introduced as to the ground upon which Government took its action, and I shall ask Your Honour's

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permission to read that portion of the Governor's reply to the Federation, which indicates that the decision to put an end to Miss DeBarros' employment was not based upon any offence committed during the period of her service, but upon the fact that Government had received an anonymous letter from, it is reported, a schoolmaster whose wife had applied for the post but did not get it. This is what the Governor said:

"His Excellency has ascertained that Miss DeBarros' services were terminated because of her general unsuitability for the post which was discovered after her appointment. Character references which had been taken into account when selecting her for the post were found subsequently to be seriously inaccurate, though not consciously so. Her appointment was a non-pensionable one which was terminable upon one month's notice. The General Orders quoted by Miss DeBarros in her letter to the Chief Secretary are not applicable."

This is one of the strangest, if not one of the queerest, cases which one could discover, and one is left to wonder whether there is any case on record which can be brought by Government to convince me or anybody else in this world that this is part of the proceedings of a Government. I do not think there is another case on record which could be produced by the Government where such a course was adopted.

After Miss DeBarros was appointed to the post, Government received an anonymous letter from a resident in the area where she lived, and Government acted upon it. The question must be asked: What was the function of the Public Service Commission? Did it include scrutiny of the personal life of the individual who applied for the post? Was it the responsibility of the Commission in the first place to examine Miss DeBarros' credentials, and if so, did it do so? And if it failed to examine them and the Government acted upon its advice, what is the ground upon which Government can go back and examine those credentials? And if Gov-

ernment examined those credentials should Miss DeBarros have been informed that they had examined them and found that they were incorrect, and that she could no longer rely upon them?

I am submitting that the functions of the Public Service Commission include the scrutiny of the personal history of every applicant for any post in the Government Service, and if the Commission had performed its task with seriousness, as it ought to have done, it would first of all have examined the personal history of Miss DeBarros before interviewing her, rather than become alive to its responsibilities after receiving the anonymous letter.

I am submitting that the Public Service Commission erred in not examining the personal history of Miss DeBarros before it recommended her for the post. Then one has to ask whether the person who gave the credentials did so without being conscious of the fact that he was giving a certificate of honour, honesty and uprightness, and also whether the Government is indicating that because of a lapse on the part of a woman before she entered upon the job, she has become a prostitute, or that she has conducted herself in a manner which would be a disgrace to the job she holds? General Order 16 (ii) requires the Public Service Commission —

"To scrutinize the qualifications and personal histories of candidates and advice, if necessary after interview, on their suitability for appointment."

(viii) To undertake inquiries and make report on such cases of misconduct as may be referred by the Governor."

I am submitting that as the Public Service Commission recommended in favour of Miss DeBarros it was its conviction that Miss DeBarros was suitable for the appointment, and that when the Chief Secretary offered her the appointment he was convinced that she was suitable for the post, which she took charge of on the 7th May, 1957. How then can Government say that she was unsuitable for the



post? When the Federation learnt of the case, it examined every aspect of it and found that Miss DeBarros had been a mother before she was appointed to the post. In reply to the letter sent on behalf of the Governor the Federation said in part:

“This organisation is now alarmed at the view that Miss DeBarros has had her services terminated because of her general unsuitability for the post which was discovered after her appointment, when the general principle is that dismissal from the services is determined on the grounds of inefficiency or failure to conform with the general requirements of the services. From the Federation’s knowledge of the case Miss De Barros, prior to her being appointed to the post from which she has been dismissed, is the mother of one or more children, and judging from the reply sent it is safe to conclude that that is the ground upon which she was dismissed. This, therefore, raises another point which Your Excellency is asked to consider. If a woman who bears a child prior to having been appointed into the Public Service is dismissible for this, then it is submitted that similar treatment should be given to a woman who bears a child subsequent to her having been appointed to the Public Service. This organisation knows of several instances where women officers in the Public Services have borne children subsequent to their appointment to the Public Service and still hold their jobs. In one particular instance one very top-ranking woman officer who bore a child allegedly for a top-ranking officer has not only been retained in the Service but has also received substantial promotion since her child was born. In the latter case the officer concerned was sheltered. In the case of Miss DeBarros, although she performed her duties with satisfaction, she is dismissed because she bore likewise prior to having been admitted to the Public Service. The judgment in the case of the woman officer who bore her child after her appointment to the Service should have been harsher than the judgment upon the woman who bore her child before she received her appointment to the service.”

If this reply was sent to the Federation from the Chief Secretary, it is a very rude one; for in this case Mr. Jakeway himself signed the letter and this is what he said:

“I am directed by the Governor to refer to your letter of 8th April regarding the termination of the services of

Miss J. De Barros, former Supervisor, School Feeding Schemes, and to say that His Excellency regrets that the Federation appear unable, or unwilling to differentiate between the need, recognised in all Public Services throughout the world, for reliable character references in respect of persons seeking Government employment and the requirements of just and humanitarian treatment of officers in the Service. The representations put forward in this particular case reflect no credit on the Federation and are certainly not in the interest of good employer-employee relations.”

Now, Sir, Miss De Barros was in the Service when she was sent off because of the fact that she had borne a child before she got the job; yet Government feels that a woman who bears a child subsequent to her employment should receive a different treatment from that given to Miss De Barros.

What is sauce for the goose must also be sauce for the gander, and if there was need to terminate the services of one woman because of what happened before she went to the job, it is all the more necessary for Government to take similar action with respect to any other woman known to them who bore a child after she had entered the Service. Government have not denied that these things are within their knowledge. Many women who bear children while they are on the job — there are so many angles to ignore the lapses of these women — are retained in the Service.

When the Federation got Government’s letter this is what it said in return:

“The Federation is appreciative of the concern expressed by Your Excellency on the need for reliable character references in respect of persons seeking Government employment and the fact that comparison was made between the dismissal of Miss DeBarros and the retention of others in the service on grounds referred to in the letter of 8th April, 1958, is not due it is respectfully submitted, to any inability to recognise the need for reliable character references but to grasp the opportunity to show the Federation’s view towards not only reliable character references but also to the need to maintain that standard throughout one’s career in the public service.”

[MR. JACKSON]

It is clear, therefore, that the Governor and his officers were not concerned with what happened after persons got on the job. If they were concerned they would have known that we were accusing them of acting in a discriminatory manner when they retained women who bore children on the job and sent off those who had borne before they were appointed. The Governor and his officers were not concerned whether they did an injustice or not. All they are concerned with is to uphold a wrong so as to save somebody's face.

It is a very unfortunate thing that persons in such high offices should use their position to defeat the course of justice by adopting such measures. I have not taken the opportunity to deal, specifically, with any case of which I have knowledge because my intention is not to reveal things which, perhaps, are already known to the public, but not through me, for the need does not arise. I have refrained from naming persons and officers. Not that I cannot, for I have knowledge of them, but I have referred to the broad principles because I am of the view that the Government erred when it acted in this manner with respect to Miss De Barros.

Government acted *ultra vires* when it sought to use the fact that Miss De Barros had a child before she got the job. That is not one of the conditions which could cause persons to lose their jobs, therefore they should not be put off their jobs when it is known, because Government's decision is not to put other people off their jobs when they bear children in the Service. So it cannot be regarded as being a just act on the part of Government for behaving in the manner in which it did.

One does not know if there were any ties between the person who sent the letter and a particular person in the department, for my information is that the person who wrote the letter was a schoolmaster and his wife teaches, and she

wanted this job. It is left for me to believe that the contact made by the schoolmaster with some other person brought about the termination of this lady's services. Perhaps, the schoolmaster has friends in the Department of Education or ties in other places, whether they are masonic or otherwise, and from these ties came the need for the Secretariat to take action in this matter. It is safe to assume that pressure was brought to bear that this action should be taken against Miss De Barros, and the Administration did not even exhibit the strength of character to deal with this matter as it should be dealt with.

**Mr. Speaker:** You referred to an anonymous letter, now you are telling us that it is safe to assume. It makes it difficult for me to say whether you should proceed on hearsay or guess-work. If you assume a series of guess-work then you are going to say 'it is safe to assume' — I do not know how safe it is. That is my difficulty.

**Mr. Jackson:** I repeat that an investigation of the personal history of Miss De Barros did not start before she got the job.

**Mr. Speaker:** I am not on that. I am on the question that you said that an anonymous letter was sent and you assumed it was sent by somebody, and you assumed that this body's wife was a school teacher. It may have been made clear in the letters between you and the Government. I do not know.

**Mr. Jackson:** I said my information was that this inquiry into the personal history of Miss DeBarros started after the anonymous letter was received. My information also is that it was written by a schoolmaster whose wife had applied for the same position. If the Chief Secretary knows that this is not a fact, he can deny it. He knows that he is not in a position to deny many things I have said. Even if we ignore other aspects of this case, Government should say now why they examined the personal history of Miss

DeBarros only after she had been given the job. Did somebody have a hare-brain idea? Did somebody dream up some case that she was not suitable because she had borne a child? Somebody will have to say — and I challenge them to say it — whether they examined the histories of other people who got children on the job and who were given promotion.

I do not consider this a criticism, but I say that if the Public Service Commission had done its job Government would not have had to make a post-appointment examination of the personal history of Miss De Barros. If a person applies for a job which the Public Service Commission had to deal with that body should find out about the personal history of that person before they interview him as an applicant for the post. Since this was not done Government, in my opinion, did the wrong thing in punishing Miss De Barros. Government's action should have been taken against the Public Service Commission.

It is because of all these things that I move this Motion this afternoon. This is the Council that votes the money for the employment of persons in the Public Service; this is the Council which must ensure that justice is done to public servants and this is the Council which can do justice to Miss De Barros. I am submitting that it was improper for the Government to put Miss De Barros off the job because they found out subsequently that she was a mother. I am submitting that her being a mother, however much one may dislike the situation, could not have been regarded as a condition which made her unsuitable for the post she held. After all, human beings have lapses and they improve on themselves afterwards. I am submitting that Government should not have acted in the way it did, because Miss De Barros had performed her duties in a satisfactory manner, she was not guilty of misconduct while on the job, and she committed no offence against the Department in which she was employed. I am submitting that Government only took this line of action because they knew

they could send a person off-without any-one questioning it. With those remarks I ask this Council to do justice in this matter.

**Mr. Tello:** I beg to second the Motion.

**The Minister of Communications and Works** (Mr. Ram Karran): I want to make only a few observations on the Motion before the Council. In the first place, I think this is a rather unusual Motion with a rather unusual approach by the hon. Mover. He started off by telling us of the powers of this Council, and then he took us a far way off, to a meeting of the World Federation of Trade Unions in Vienna. I remember that meeting very well, and I remember the hon. Mover sitting there in a very prominent position, with badges on his coat. He did me the honour of referring to our association in the trade union movement, and he urged that in view of our interest in the workers the several Ministers who are associated with the trade union movement should support the Motion.

I referred to the Motion as being unusual. Perhaps it is unprecedented for an approach to be made in this manner, and to my mind it is indicative of the weakness of the case which is here presented: weak because it is presented in an unusual way. He could not cut down on the preamble because the facts as we know them just could not be stated — but, of course, that is a matter within the province of the Chief Secretary, and perhaps he will speak on it.

The point is, we on this side of the Council have not been interested in the workers only at one stage: we are, and we will continue to be, interested in them at all times.

**Mr. Burnham:** Pay them \$4 a day, then!

**Mr. Speaker:** Order!

**Mr. Ram Karran:** There is another suggestion: that the Town Council can start off by doing it.

**Mr. Speaker:** Order! The hon. Member must keep to the subject.

**Mr. Ram Karran:** Yes, Sir. Hon. Members who have been named in this debate will continue to be interested in the welfare of the workers; but I hope the hon. Member is not going to suggest that the interest of Members on this side should make them impotent should any worker fail to give good service. The hon. Member knows as a fact that in trade unionism there are many cases which come up which are not worth representing. Because I happen to be a representative in the trade union movement does not mean that I should take action or represent a case that has no merit.

It is rather ironical that it is the same Member who on a previous occasion in this Chamber strongly criticized this side of the Council for suggesting that the Chief Minister in a new Constitution should have anything to do with the nomination of the Public Service Commission, or with any advice as to its appointment. It seems to me that he is suggesting now that Members on this side should do something about the shortcomings of the Public Service Commission.

**Mr. Jackson:** I never said that the Ministers should have nothing to do with the Public Service Commission. I dealt very differently with that issue, and in this case I have criticized the Commission as I felt it ought to be criticized. I have not asked anyone to do that.

**Mr. Ram Karran:** The record of the discussions indicates clearly that it was felt that the Elected Members of a new House should have nothing to do with the appointment of the Public Service Commission. However, he referred to the negotiations with Government in this matter before the Council, which failed, and now he seeks to make this Legisla-

tive Council an Appeal Court for a trade union issue.

**The Chief Secretary** (Mr. Porcher, acting): I know the hon. Mover of the Motion to be a doughty fighter on behalf of the rights of certain sections of the Service, but I must say I was extremely surprised and disappointed when I saw him table this Motion. I was even more surprised and disappointed to find that he intended to go on with it despite the fate of a similar Motion last June, and also what transpired in the Constitutional Committee. My Friend and colleague has made reference to that, but with your permission, Sir, I should just like to touch on the subject myself.

It is perfectly clear from the way this Motion is worded, that if it is to be accepted, then this Council is being called upon to say that a decision relating to the termination of the services of a Government employee was wrong and should be righted. In other words, this Council is being set up as an appeal tribunal in Civil Service matters. As I well remember, the hon. Mover was a strong protagonist, and very rightly in my opinion, for keeping public service matters out of politics, and having matters of appointment, promotion, discipline and so on handled by an independent Commission. I find it extremely difficult to reconcile that admirable stand of his not so very long ago in this Chamber, with his stand today in bringing this Motion before the Council. I think it is quite wrong for this Council to debate and attempt to adjudicate on these matters, and on that ground alone I think there is but one answer, and that is to vote the Motion out.

I really feel almost inclined to say no more. I am certainly not going to fill in the gaps in the story which has been told at some length by the hon. Mover, but I would just like to say one or two things. In the first place this whole case hinged on the question of the correctness, the accuracy of character references which were given for this lady



by two reputable members of the community. They were, most understandably, in my opinion, accepted at their face value by the Public Service Commission, and largely on the strength of them she was recommended for this appointment. Subsequently, it was discovered that those character references were inaccurate. The two persons who wrote them acknowledged that and apologized for them, and it was quite clear that they had written them in good faith, but nevertheless they were wrong. What Government, or any other employer, having selected someone for an appointment largely on the strength of their references and very shortly after discovering that those references were quite inaccurate, would continue to employ that person?

This lady was not dismissed; she was given the notice which the law required. No matter what the hon. Member may think should be the case, the fact remains that the General Orders to which he referred do not apply to this class of appointment, so it is quite irrelevant to quote them. So there you have the story in a nutshell. I am not going to go into the reasons why the references were wrong, or what the real story was. I do not think that sort of thing should be talked about in this Council.

There is one other thing I should say, and that is that the lady of course had her channel of appeal of which, with the help of the Federation of Unions of Government Employees, she made the fullest use. She appealed to the Governor and subsequently to the Secretary of State for the Colonies. The Secretary of State for the Colonies, as everyone knows, is a very zealous custodian of the rights of the individual, and he replied saying that he was entirely satisfied that justice was done in this case, and he was unable to intervene.

One small point before I close, with reference to the delay of six months before this lady received the final reply from the Chief Secretary's Office to her

letter. The reason for that was that at the time her case was being represented by certain individuals to whom it was explained, and they undertook to convey the decision to her. It was not considered necessary in the circumstances to write her as well, but as soon as she asked for a reply in writing it was given. This case has gone to the Secretary of State for the Colonies fully documented, and he has judged that there is no merit in it. I think it is entirely wrong for this Council to be called upon to adjudicate in these matters, and that there is no alternative but to vote against the Motion.

**Mr. Burnham:** I desire to congratulate the Chief Secretary on the *sang-froid* with which he clothed himself with the high office of Speaker and decided what was proper and what was not proper to be brought before this Council. I would say, with all due respect to him, it was a piece of impudence on his part to decide as to the propriety or otherwise of this Motion.

**The Chief Secretary:** If Your Honour felt that I was impudent you would have interrupted me.

**Mr. Burnham:** Your Honour may not think it was impudence on the part of the Chief Secretary but I am entitled to my opinion, and I think it is a piece of impudence on his part to merely dismiss this Motion on the ground of impropriety. It is for the Speaker to rule as to the propriety or otherwise of a Motion, and it is also my right to judge of the impudence or otherwise of any hon. Member here. I should like to remark that the Executive Council has made some strange bed fellows of its Members.

First of all we have the political section of the Executive Council who, in other fields and at other times, would have been championing a case like this, but now we hear that this is not the place where it should be discussed. I cannot follow the argument. To my mind it lacks reason and logic. We heard the

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Mover of this Motion being complimented upon his stand in the Constitutional Committee, that the Civil Service should not be subject to political pressure, and then by a strange mental contortion it is suggested that this Motion seeks to introduce political pressure into the Civil Service. That must flow either from naivete or a singular disregard of the facts.

As I understand them, the facts are these. A particular individual was dismissed, it is contended, wrongfully. She was relieved of her duties, or her services were terminated. If the Mover had come to this Council and asked to have that person re-appointed that would have amounted to an infusion of political influence into the Service, but that is not the Motion. The Motion is that in view of the wrongful dismissal this Council should recommend compensation for the individual, and that is something which this Council is eminently fitted to do in spite of the Renison Constitution, in spite of its Crown Colony status. We vote money here day after day, month after month and year after year. We vote special pensions for people like Mr. Bissell, but it is an intrusion of politics if we are called upon to recommend compensation to a woman who, in my opinion, has been wrongfully dismissed.

The Chief Secretary need not think that the Mover of this Motion would be so overcome by his flattery when he speaks about his commendable stand with respect to politics in the Civil Service, that he would forget his point. I fear these compliments when they come from the other side. They are like the gifts of the Greeks. It is not a question of setting this Council up as an appeal tribunal, and let us not be told about this case being documented and sent to the Secretary of State for the Colonies. We know that it is not the Secretary of State himself who sees every file; he is too busy. It is some civil servant in some dark

room in the Colonial Office who sees these files, and in this particular file he has the recommendation of the "man on the spot", and the "man on the spot" has the recommendation of the Chief Secretary's Office which has been very famous — and I say this advisedly and without fear of contradiction — as an office which does not always promptly forward matters sent to it for the Secretary of State. The Chief Secretary knows that what I am saying is correct. If he tickles me, I will speak.

It is an insult to this Council to tell us about the Secretary of State. He is a busy man and is more concerned about whether there is bacon on the Englishman's breakfast table. We as Guianese must look after the interests of the people in British Guiana. We have been told that the Secretary of State is most anxious that justice be done to Her Majesty's subjects, yet we criticized the Secretary of State for injustice to the people of Nyasaland. It shows that our concept of justice is not the same as that of the Secretary of State, and it is time we start thinking about our own people. If the Chief Secretary had got up and said that the facts in this case are inaccurate we could have lent him an ear, and then perhaps he might have been in a position to persuade us that this is not a fit case for compensation.

No, but he, *en passant*, tells us about character references on the file. What did the character references say? What was found wrong with the character references after? I hope this is not a prerequisite to joining the Service, established or unestablished — that the female of the species in the Service must be virgins—for I do not know how many of our young women would be appointed. I cannot understand this vain propriety and Victorian morality. Why were the services of this lady terminated?

I do not know about the case, but from what I have heard said by the Mover of the Motion I am satisfied that

it is a case of wrongful dismissal. If you cannot say everything, you have got to yield. This is a public forum and the Mover of the Motion has put the facts as he knew them. You see, this is the difficulty of having Officials in this Council. They are too steeped in the secrets of the Civil Service, in saying what can be disclosed and what cannot be disclosed.

What picture would the *Hansard* carry? It will carry a picture of clear documentation; it will show a picture of the facts in favour of compensation to this lady and, on the other hand, a number of clichés and the fact that the Secretary of State has a *penchant* for justice. So far as I am concerned I am satisfied, from what I have heard in this Council, that this Motion deserves the support of all well-thinking Guianese and of all legislators who have a sense of justice and who are not over-awed by the niggling technical objections raised by the Government. May I express my deepest sorrow at finding the hon. Minister of Communications and Works making himself an ally of the hon. the Chief Secretary in these circumstances. The Executive makes some strange bed fellows.

**Mr. Hubbard:** I find it necessary to repeat on this occasion what I said earlier. The question of employment or non-employment is a question of contract. I think it does not augur well that, having been advised on the question, my hon. Friend should persist in trying to confuse the issue. The fact is: There are some people who seem to be desperately concerned to show that we do not know better and they come here with things that should be dealt with in another place.

I yield to no one in my desire that justice should be done to the working people, as to all people, but I do believe that we cannot have proper Government unless we are going to ensure that the places which are specially provided to

deal with certain questions are used for those purposes.

The question before us is one of employment. It is one in which the trade union has an interest along with the individual concerned, and it would, therefore, be quite proper for the trade union to maintain an action to have the right of the individual established in law. But I think it is quite wrong to circumvent the natural course of justice by coming to his Council and making an emotional appeal to get the Council to interfere in a matter which should be left scrupulously alone; and I would recommend to my hon. Friend, instead of bringing this matter here that he should take it to the Court and have it dealt with there. The Court will determine what is proper.

**Mr. Speaker:** Did I understand you to say that in law in these circumstances a trade union as such could sustain an action in contract in which the union is not a party?

**Mr. Hubbard:** I said the trade union could properly maintain an action and I suggested that that is what should be done; and I recommended to my hon. Friend that he take that course in this case and in future cases. [*Pause*]

**Mr. Jackson:** It would appear that no other person wishes to speak, therefore, it is my pleasant duty to reply to those who spoke in opposition to the Motion. I will deal first with the remarks made by the hon. Nominated Member, Mr. Hubbard. He knows very well that I accept advice when it is given and he knows I am very kindly disposed to acting on people's advice when necessary but, in this case, I do not accept them because they are not valid and not necessary.

When there is a case which can be taken to Court I shall be the first person to advise such action, but I want the Government to know that I am against the things which they do. There is one

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case I know about which they settled in Chambers. But why should I have to go to Court when the Government does not pay cost?

**Mr. Speaker:** I am not altogether inexperienced in the realms of law. Did you say that Government does not pay costs?

**Mr. Jackson:** In that case they did not pay costs.

**Mr. Speaker:** It depends on the circumstances.

**The Minister of Community Development and Education (Mr. Rai):** They can be made to pay costs.

**Mr. Jackson:** I wish they are made to pay. At any rate, the question of going to Court is one which does not suit every case, and Mr. Hubbard seems to have forgotten that in many cases public servants cannot seek redress in a Court of Law and that is why this reservation has been made. If he had listened to me he would have said that Miss DeBarros took this course because she believed that a Court of Law was not the place to pursue her matter.

This is not the place where I hope to make any emotional appeals for, as I have said, when one goes into mere head counting one sees the result of this Motion; and even if I were to move it tomorrow when the Minister of Trade and Industry is supposed to leave the country, that still would not matter because the bigger number is on that side.

**Mr. Speaker:** Are you replying—

**Mr. Jackson:** I am replying to Mr. Hubbard's comments. The Minister of Communications and Works indicated that he knows a lot about this case and said that this is not the place to bring out what is known. I have brought out what is known and I know there is

nothing more which can be brought out in this case; so he need not sit there and say nothing. I have brought out all, and if there is something more, bring it out and let us know whether you are right or wrong in assessing the situation as you have done.

This is a matter in which I am asking this Council to review the grounds upon which this lady has been put out of employment. I have given the regulations and I have quoted from the Orders the only grounds upon which this lady could have been sent off the job. I have said, in view of the fact that she did not break any of the regulations, in view of the fact that she did not break any of the orders, in view of the fact that she gave efficient service for the time she had been there, that it is wrong for the Government to put her off the job. I said it is also wrong for them to use the result of a *post mortem* examination to put her off the job, for she was accepted as being suitable to hold the post and having done that they could not go back on it. I said the Government ought to be ashamed to take such a course of action when, in its departments, it knows of dozens of cases where people have borne likewise on their jobs and no action was taken.

I have tried to point out that it is a matter of balance; I have tried to point out that since Government has embraced others it should have done the same thing to those of whom it had subsequent information and knowledge. Let us not say this is not the place where justice is done or this is not the place where justice must be done to workers. This is the place where we vote money for the country and this is the place where we uphold justice, yet the Chief Secretary says: 'this is not the place to bring these things'.

This is not a case of one's trying to interfere. It is one in which I am trying to get justice done to people. The Motion seeks the payment of compensation to a person who was wrongly



sent off her job. If I was convinced that justice is always done when one appeals to the Secretary of State for the Colonies I would never have brought forward this Motion.

Motion put, the Council divided and voted as follows:

<i>For</i>	<i>Against</i>
Mr. Tello	Mr. Hubbard
Mr. Bowman	Mr. Gajraj
Mr. Beharry	Mr. Saffee
Mr. Jackson	Mr. Rai
Mr. Burnham	Mr. Ram Karran
Mr. Kendall.—6.	Mrs. Jagan
	Mr. Benn
	The Financial Secretary
	The Attorney-General
	The Chief Secretary.
	—10.

**Mr. Speaker:** The Motion is lost.

#### MISS DOREEN LONDON — TERMINATION OF SERVICES

**Mr. Speaker:** The next item is the Motion standing in the name of the hon. Member for Georgetown North, as follows:

“Be it resolved: That this Council recommends to Government that Miss Doreen London be fully compensated for financial loss suffered through the improper termination of her services as a Female Attendant attached to the Mahaica Hospital”.

**Mr. Jackson:** The defeat of the previous Motion will not prevent me from pursuing this case which is similar, even if it turns out to be merely for the *Hansard*. Miss Doreen London, an attendant at the Mahaica Hospital was given 24 hours' notice of the termination of her services. That was in effect a dismissal, and the question to be asked is, why was she dismissed from her employment? She was given no reason, but before I come to that, I shall relate the circumstances of this case.

Miss London on 10th December 1956 was given four days casual leave. She resumed duty on 14th December 1956. Under the Orders and Regula-

tions of the Public Service an officer has the opportunity of reporting ill and remaining home three days without submitting a medical certificate, but a certificate must be presented on the morning of the fourth day if the person remains at home, not being well enough to resume duty on that morning: On the other hand, if the Head of Department suspects that the report of illness is not accurate or genuine, he has the right to arrange immediately for a medical officer to examine the employee at home.

As will be seen, in this case Miss London relied on the General Order which gave her the right to remain at home for three days. It appeared that the Medical Superintendent did not accept her report as genuine and he requested the Director of Medical Services to arrange for the visit of a doctor to Miss London. The doctor did not go to the woman's home at all, but sought to examine her, without previous notice, on the job, after she had assumed duty. There is no question, I submit, of a doctor being empowered to examine a person on duty unless that person has been so informed, long in advance.

Dr. Gillette went to the Mahaica Hospital to have this woman examined and she refused to permit herself to be examined because, she said, she was not aware that she was to undergo an examination while at work. Because of that a letter was sent by the Director of Medical Services to her terminating her employment within a matter of 24 hours. Even though the majority of the votes will be against me, I shall try to convince this Council that the action taken was wrong and that there is need for this whole matter to be reconsidered.

The matter of Miss London's dismissal was represented by the Medical Employees Union in the first place to the Director of Medical Services, who did not change his decision. The matter was also represented to the Governor who, as in the previous case, did not interfere with the decision already taken.

[MR. JACKSON]

On 8th March, 1957, I addressed a letter to the Chief Secretary, as follows:

"Sir,

Miss Doreen London employed at the Mahaica Leprosy Hospital up to the 31st December, 1957, has made the following statement:—

I served 9 years and 10½ months at the Mahaica Hospital.

I was on night duty September, 1956, when I was told by the Senior Attendant that the Medical Superintendent wanted to see me. I went on the following morning. He told me he received a letter stating misconduct around my neighbourhood. I told him this was not true.

He, in turn, said it don't seem true to him, anyway I must try and don't let it be so or else I would lose my job.

On 10th December, 1956, I was on four days leave after which I resumed duty on the 14th, the Senior Attendant told me the M.S. would like to see me on Monday. I did not report for duty that day because I was sick I sent a telephone message. Tuesday I did not report because I thought of seeing him on Wednesday.

I did so on Wednesday. He asked me if I saw Dr. Gillette. I told him no; He said that Dr. Gillette got instructions to come and see me. As he was moving away I asked him what would be the position. He said I would have to pay for the two days I was absent from duty without leave because he don't believe that I was sick.

I worked Thursday — Friday. Saturday around 7 p.m. the Senior Attendant came to my workplace and told me that the Dr. wants to see me at the Hospital. I went. I saw Dr. Nicholas. Nurse Theusdee held my hand taking me into the operation room. As I was about asking her why she was taking me there Dr. Nicholas called me and told me this is Dr. Gillette who in turn said that he had received a letter from Head Office to examine me. I asked him why. He did not answer. I again said Head Office did not notify me about any examination and I am not tidy to submit to one. Had they notified me I would have prepared myself. Nothing more was said to me until Old Year's day around 3 o'clock in the afternoon the Warden sent to call me. I went. He handed me a paper when I read it, it was my dismissal. I said that it is from today Sir. He said Miss London when would you be able to send the clothes. I told him as soon as I collect them.

2. The statement is signed and is attached to this letter to you.

3. If the statement contains facts it appears that the following have occurred:—

1. The Medical Superintendent of the Leprosy Hospital Mahaica deducted fines for absence from duty on Sick Leave when he was not authorized to do so.
  2. The Director of Medical Services acted irregularly when he arranged for a Medical Examination of Miss London without giving her previous notice of his arrangement.
  3. That at the time Miss London was approached she was on duty.
  4. The occurrence took place at night.
  5. Miss Theusdee assaulted Miss London.
  6. Miss London was dismissed from her post without any charge being laid against her and without her having been given any opportunity of defending those charges.
4. You are therefore respectfully asked to investigate the complaint contained in that statement. If they are sustained you are further asked to order that:—
1. Miss London be refunded the amount paid for two days while she was on Sick Leave.
  2. Miss Theusdee be made to apologise to Miss London for assaulting her.
  3. The Director of Medical Services be advised that the action he took to have Miss London medically examined without previous notification is an insult to the womanhood of Guiana more especially when this was intended to have been done at night and on the premises of the Hospital.
  5. Pending the outcome of these, Miss London be paid for the month of January, February and such other months as it may take to have this matter adjusted.
  5. In view of the nature of this complaint you are asked to give urgent consideration to this letter.

I have the honour to be,

Sir,

Your obedient servant,

(sgd.) ANDREW L. JACKSON,  
President."

In reply to this a letter dated 2nd December, 1957 was received from the hon. the Chief Secretary, as follows:

“Sir,

I am directed to refer to your letter of 8th March, concerning the dismissal of Miss D. G. London an Attendant of the Leprosy Hospital by the Director of Medical Services at the end of 1956.

2. The representations have been fully investigated in consultation with the Director of Medical Services and it has been found that this Officer acted within his powers in accordance with the provisions of General Orders. He was empowered to dismiss Miss London and in the circumstances of the case, it would appear that such powers were rightly exercised by him.

3. No reason is seen to intervene in the matter but the Director of Medical Services would willingly furnish any details to a Representative of the Federation if they so wish.

I have the honour to be,  
Sir,

Your obedient Servant,

(sgd.) O. T. DONALD  
for Chief Secretary”.

This is not a case of termination of employment, but a case of dismissal—dismissal for what and on what ground? I shall quote in this case all the Orders and Regulations which relate to the dismissal of an employee, to show again the errors made by Government in some cases, and to show that justice is something which ought to be done to these people.

In the first place one may ask what are the conditions of service under which Miss London was employed? Was she employed under the same conditions as other members of the Service, or has the Medical Department a special schedule governing recruitment into the Service? I would say that there are two sets of conditions, but they tie up. I shall refer in the first place to the Schedule to Letter of Appointment which the Medical Department has issued from time to time to persons employed in that Department. There is nothing in the Schedule to the Letter of Appointment which says that anyone can be or should be dismissed without being given an opportunity to

defend himself or herself. It says that the Director of Medical Services has the right to dismiss if and when it is proved that an employee has been guilty of an offence concerning which he or she has been charged.

If Miss London had committed any offence whilst she was on her job the first thing that should have been done was that the Medical Superintendent should have put a charge against her, and that should have been done in accordance with all the Orders and Regulations which are known in the Public Service. Miss London should have been given an opportunity to defend herself in the same way as other members of the Public Service are given an opportunity when a charge is laid against them. The Medical Superintendent of the Mahaica Hospital did not lay any charge against Miss London and did not call upon her for any defence. Upon what ground did the Director of Medical Services dismiss her? The letter of dismissal states:

“Madam,

I have to inform you that in consequence of your unsatisfactory conduct, prejudicial to proper discipline being maintained in the Mahaica Institution, I have decided that in the interest of the Public Service your service should be terminated on the 31st December, 1956, to take effect from 1st January, 1957.

(sgd.) P. BOYD.  
for Director of Medical Services.”

This letter was dated 27th December, 1956, so that the usual month's notice which ought to have been given was not given. I shall refer to the Schedule to the Letter of Appointment to show that it was compulsory on the part of the Head of the Department to give Miss London one month's notice if he was of the view that she should be sent off the job. Paragraph (f) of the Schedule states:

“(f) You may be immediately suspended or dismissed by the Director of Medical Services for any breach of the Regulations when proved against you.”

This is indicative of the fact that there ought to be a charge and an investigation,

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and if the employee fails to defend himself or herself satisfactorily the Head of the Department can take the action necessary. If Heads of Departments are going to be permitted to behave in this manner; if they are going to be allowed to break Regulations and Orders which relate to this type of proceeding, then it is time that the Administration take into account the situation that may develop ultimately, because if a trade union is to defend its members Government will be faced with a series of conflicts day after day, and the only reason why this was not the case with Miss London was because the organization at the time was not as strong in its membership as it would have been glad to be.

If the D.M.S. did not give Miss London a charge to answer; if he did not call upon her for a defence, then her 'dismissal' was improperly undertaken. The Medical Employees' Union failed to get the matter adjusted at local level, so the F.U.G.E. took it up with the Governor who, in the first place, said there was no condition under which Miss London should have been notified of the medical examination. He said that under the Orders, Miss London could have been examined within the three days by a medical practitioner. That, no one is disputing. I have already admitted that condition, but I say that that condition was not applicable to the case because Miss London had reported for duty, and it had to be considered that she was fit enough to perform her duties.

If Dr. Gillette did not go to see her at home his going to see her when she was on duty was an error, and should not have been countenanced by the Chief Secretary and the Governor. But the Governor justified that by saying that it was quite in order. I challenge that, because Regulations and Orders do not give the right to impose upon our women folk such an examination at such short notice. Those people who take that course of action have very little

regard for the women folk of this country. I submit and contend that if it were a person of another category such a thing would not have happened. It was a lack of regard for the women folk of that institution that the D.M.S. should send a doctor to Miss London at her work-place and expect her to submit to a medical examination. Perhaps that is done in other parts of the world, but in British Guiana we expect that the Head of a Department would realize that we have a very different concept of how our women folk should be treated.

I feel very strongly about the sending of a doctor to the institution and expecting Miss London to submit to a medical examination without warning. If it were my sister I could not feel more bitter about it, and I wonder whether any Member of this Council who has any regard for women folk will agree that that was proper action on the part of the D.M.S., the Medical Superintendent and Dr. Gillette. But the Governor supported it, and one wonders whether it was merely support of officialdom, or whether there was lack of regard for the women folk of our country.

The Federation took the matter up, as I said, referring to the inadequacy of the grounds on which Miss London was dismissed and said because of the fact that this was so, the Governor ought to have reviewed the matter and reinstated the woman to her substantive post of employment. This was not done; and again we are going to see this Council agreeing to the action taken, when every order, every regulation was violated.

In the other case, which has just concluded, they said that the character references were bad. I wonder what will be the answer to this one? Did they examine this woman to find if her character references were bad? Did this woman commit an offence? Or is it that she bore a child and they wanted to examine her? I do not know what are the conditions which prompted them to take this action. I am left to assume.



There is no justification whatsoever for having put an end to this woman's services without, first of all, charging her and giving her an opportunity of defending herself and then finding her guilty of the offence with which she has been charged. She had been dismissed without any account taken of the regulations and without being given the slightest idea as to why this dismissal took place. I do not want to hear from the Chief Secretary now, that he does not want to give the reasons. The public wants to know the reasons why the Government has behaved in this undemocratic manner.

**Mr. Kendall:** I beg to second the Motion.

**The Chief Secretary:** Sir, the hon. Member has given most of the facts in this case. They are rather different from the last one in that this lady in question was dismissed. The facts, if I may reiterate them briefly, are as follows :

She went off duty and remained at home for three days. On her return the Director of Medical Services was not satisfied with the reason she gave of being ill and absent from duty, so he required her, under the General Orders, to undergo a medical examination which he is entitled to do. When the doctor came to examine her on duty in the hospital, she refused to submit to the examination. By refusing to submit to the examination she had, therefore, disobeyed the order of the Director of Medical Services to be examined, an order which he is entitled to give and she must also have been deemed to be absent from duty without due cause. On those two grounds she was summarily dismissed. A person can be dismissed for being absent from duty without due cause.

I am advised that any person who feels they have been dismissed incorrectly can seek a declaration from the Courts to this effect. If this lady feels that a wrong procedure has been followed she can have a declaration from the Court. Alternatively, a proper channel would be going through the normal Civil Service appeal procedure. This she did. She appealed to the Chief Secretary and then

to the Governor and finally to the Secretary of State, and on each occasion her appeal was rejected. I feel if a wrong procedure had been followed either the Governor or the Secretary of State would have picked it up. She was dismissed and she appealed to the Governor and the Secretary of State and her appeal was rejected.

**Mr. Speaker:** Shall I put the question?

**Mr. Jackson:** Mr. Speaker, I am happy to know that the facts, as I related them, are as the hon. the Chief Secretary knows them to be. I have disagreed, and will disagree with him as regards the right of a head of a department to examine a person after she has resumed her duties. The fact that the Head of the Department permitted her to resume duty is an indication that he accepted her recovery from illness and, therefore, she ought to have been allowed to work in the normal way. If she was absent from duty without leave, and this was not the point for she reported ill, then the only other course that should have been adopted was for the doctor to go and see her where she was. Since the Chief Secretary says that people can seek a declaration in a Court of Law I shall advise that person to take that course of action. Since that is preferable I shall advise the person to take that course.

**Mr. Speaker:** The question is :

"That this Council recommends to Government that Miss Doreen London be fully compensated for financial loss suffered through the improper termination of her services as a Female Attendant attached to the Mahaica Hospital."

The Council divided and voted as follows :

<i>For</i>	<i>Against</i>
Mr. Tello	Mr. Hubbard
Mr. Bowman	Mr. Gajraj
Mr. Jackson	Mr. Saffee
Mr. Burnham	Mr. Rai
Mr. Kendall.—5.	Mr. Ram Karran
	Mrs. Jagan
	Mr. Benn
	The Financial Secretary
	The Attorney-General
	The Chief Secretary.

**Mr. Speaker:** I declare the Motion lost.

#### INDUSTRIAL DISPUTES TRIBUNAL

**Mr. Speaker:** The next Motion on the Order Paper is one in the name of the hon. Nominated Member, Mr. Tello. I shall read it :

“Be it resolved: That this Council invites Government to introduce legislation to provide for the establishment of an Industrial Disputes Tribunal in the Colony.”

**Mr. Tello:** Mr. Speaker, fortunately, this is not one of the Motions that offer much debate. It is not controversial. It does not seek to destroy anything. It does not seek to make any fundamental changes. All that it asks the Council to do is to issue an invitation to Government to give employers and workers the option of pursuing to finality the question of an issue or dispute through statutory provided machinery or through voluntary machinery.

In all the major industries in British Guiana there is already Collective Bargaining Agreements for the voluntary settling of disputes and the avoiding of disputes, and in all of these Collective Bargaining Agreements there is provision for arbitration by mutual consent. In the sugar industry, The British Guiana Sugar Producers' Association has these agreements with four unions — the M.P.C.A., the B.G. Headmen's Union, the B.G. and W.I. Sugar Boilers' Union and the Estate Clerks' Association. In the timber industry, B.G. Timbers has the same agreements with the Sawmills and Forest Workers Union. In the bauxite industry, the Demerara Bauxite Company, Limited, and Reynolds Metals Company have the same agreements with the British Guiana Mine Workers Union. On the waterfront — the Shipping Association of Georgetown has the same agreements with the British Guiana Labour Union. And in construction, Sir Lindsay Parkinson and Company has the same agreements with General Workers Union.

All of them have provision for voluntary arbitration after the complete machinery has been exhausted, as far as conciliation is concerned.

Whilst there is possibly the acceptance of the spirit of the agreements, history records only one voluntary arbitration agreed to in the sugar industry many years ago; and the trade unions find it rather difficult to regard a matter that has been reached under pressure — a decision accepted because there was no further step in the machinery — acceptable by mutual consent.

In the United Kingdom during the War, they introduced a measure that made arbitration compulsory and, at the same time, prohibited lockouts and strikes. Subsequently, that is in the postwar days, an order, popularly known as order 1305, and later 1376 was substituted, restricted the right to appeal to arbitration. At that time they called it the National Arbitration Tribunal, but sections or groups of workers and branches of unions could have taken independent action so as to avoid strikes or lockouts. Subsequently, they made it the prerogative of fully-organised movements.

We, in British Guiana today, are asking for a similar provision so that, like the United Kingdom, we could avoid strikes and avoid lockouts. We are asking the hon. Minister to refer disputes or issues to an Industrial Disputes Tribunal — accept this request — because there are small unions which, because of the industry in which they operate they could not be financially strong unions and the employers know that with a membership of 4,000, the revenue from that number would not permit them to carry on a long strike.

Secondly, in any country in the world where there is always a floating unemployed population, strikes are a terrible strain on trade unions — and it is well known that strikes are not always the best means of contributing to the economy of a country. In their Mani-

festos put out for the last General Elections, in 1957, the People's Progressive Party pledged to improve unsatisfactory machinery existing in respect of the welfare of the workers. I recall that from memory and, relying on that published promise, I am anticipating support from Members on the opposite side of the Council.

This measure does not propose to take away anything that is benefiting the worker, or to impose anything on the employer or the employee. One of the major industries has shown its acceptance of the use of arbitration machinery, and has signed an agreement providing among other things for this. Workers and employers have demonstrated their desire to settle their disputes by arbitration rather than by strikes and lock-outs, but in many cases the cost of arbitration has caused unions not to pursue arbitration, and in many cases there are unfriendly employers who refuse to test their decision in impartial arbitration.

When an employer or a union has been unfair in its demands it is in the interest of the country that the differences should not be subject to a lock-out or a strike but that machinery should exist whereby either side can ask the Minister of Labour to permit the matter to be taken to arbitration or, as I am asking, to a tribunal.

Sir, I am trying to finish my speech in the next six minutes or so in the hope that hon. Members would sit for an extra 30 minutes and complete the debate on this Motion.

**Mr. Speaker:** I have a meeting at 5.15.

**Mr. Tello:** Well, Sir, may I ask for an adjournment now in the hope for the fulfilment of the promise made some days ago that another day will be allowed for Private Members' Motions.

**Mr. Speaker:** The Standing Orders state that Private Members' Motions shall

be taken on Wednesdays. Standing Order 20. (4) reads :

"On Wednesdays, Private Members' Motions and Orders of the Day shall have precedence, and shall be placed on the Order Paper in the order in which they stand in the Order Book. Any such business not disposed of at the end of the sitting shall be placed on the Order Paper for the next Wednesday upon which the Council sits, or upon that for such later Wednesday as the Member in charge of the business may appoint."

That is the reason why when the Government wants a motion taken first on a Wednesday, the Government seeks the permission of the Council that it should be so taken.

**Mr. Tello:** Yes. This Motion was on the Order Paper for some time.

**Mr. Speaker:** Do full justice to your Motion, as you think fit. I am not asking you to hurry in any way.

**Mr. Tello:** I doubt that there will be a meeting tomorrow.

**Mr. Speaker:** I do not know. I am always here, and always ready.

**Mr. Tello:** Very well. I was saying that this Motion stems from the desire of the trade unions to have various issues and disputes settled in the most amicable way and without impairing in any way the relations existing between employer and employee or affecting adversely the economy of the country. For nearly 20 years compulsory arbitration has operated in the United Kingdom, and as far as we are aware it has not endangered the economy of the country or lessened the good relations between the employer and the employee, or in any way retarded the growth of the trade union movement.

In British Guiana we have had unemployment with us for some time, and it has been said in this Council that even with the commendable Development Programme offered us, it would take some time before the impact of the Programme

[MR. TELLO]

reduces the percentage of unemployment. Even if a trade union is financially strong, a strike is a difficult matter when it faces heavy competition from a large number of unemployed workers. Such a strike is a test of the leadership of the union, a tax on the resources, a source of frustration on the part of the members and a source of embittered relations between worker and employer.

The trade unions in asking for this tribunal have waited until British Guiana has evolved the means of having satisfactory provisions in the labour field whereby the freedom of the worker to withhold his labour is in no way interfered with. This progressive Government has always claimed that it has an interest in the worker, and we have heard the hon. Minister of Communications and Works say that the interest of his Government is always with the working man. From his experience he must be aware that on several occasions the crying need for some machinery of this sort has shown itself.

It is quite true that success of a trade union depends on the strength of its membership and the strength of its leadership. What is not always emphasized or publicized is the fact that its success is influenced by the size of the unemployed population. It is not an easy thing to ask people who have obtained employment to withhold their labour and do nothing when there are nine persons waiting to get a similar job. Equally, it is not an easy thing for a trade union to maintain discipline during a strike when there is evidence of a possible failure of the strike.

We are not saying that the free right to strike or to decide to go to arbitration is to be replaced by something obligatory, nor are we saying that recourse to the Courts is not necessary.

Sir, I see time is creeping up on me and I will not be able to finish my speech in a few minutes; therefore I will stop now, and resume later.

*Council adjourned until Wednesday,  
25th November, at 2 p.m.*