SECOND LEGISLATIVE COUNCIL

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

Wednesday, 25th 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. *ex officio*
Financial Secretary, Hon. F. W. Essex, C.M.G.

The Honourable **Dr. C. B. Jagan** —*Member for Eastern Berbice* (Minister of Trade and Industry).
B. H. Benn —*Member for Western Essequibo* (Minister of Natural Resources).
,, **Janet Jagan** (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. **W. O. R. Kendall** —*Member for New Amsterdam*
,, **R. C. Tello** —*Nominated Member*
,, **F. Bowman** —*Member for Demerara River*
,, **A. L. Jackson** —*Member for Georgetown North*
,, **S. M. Saffee** —*Member for Western Berbice*
,, **Ajodha Singh** —*Member for Berbice River*
R. E. Davis —*Nominated Member*
,, **A. M. Fredericks** —*Nominated Member.*

Mr. I. Crum Ewing — Clerk of the Legislature
Mr. E. V. Viapree — Assistant Clerk of the Legislature.

ABSENT :

Mr. R. B. Gajraj
Mr. L. F. S. Burnham
Mr. S. Campbell — on leave
Mr. J. N. Singh — on leave
Mr. E. B. Beharry
Mr. H. J. M. Hubbard — 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, 18th November, 1959, as printed and circulated, were amended by the substitution of the figures "11" for the figures "18" in the first line on page 2, and confirmed.

ANNOUNCEMENTS

THE LATE MR. S. W. R. D. BANDARANAIKE

Mr. Speaker: Hon. Members will remember that this Council passed a Resolution expressing its sympathy on the death of Mr. Bandaranaike, the Prime Minister of Ceylon. In this connection a letter has been received from the Clerk of the House of Representatives, Ceylon, dated 16th November, 1959, as follows :

"Dear Mr. Ewing,

I write to acknowledge receipt of your letter No. LEG. CO. 12/54/3 of the 30th September, 1959, conveying to the Parliament of Ceylon an expression of the sympathy of the Legislature of British Guiana on the death of the late Mr. S. W. R. D. Bandaranaike, Prime Minister.

Your letter has been placed before Mr. Speaker who has directed that it be read at the next sitting of the House on the 24th instant. Mr. Speaker desires me to convey to the Legislature of British Guiana through you the thanks of this House for the Resolution so generously passed by them. A copy of your letter is being transmitted to Mrs. Bandaranaike.

Yours sincerely,
R. St. L. P. Deraniyagala".

LEAVE TO MEMBERS

Mr. Speaker: There is no need for me to announce the leave granted to the hon. Minister of Trade and Industry as I notice that he is back. The hon. Nominated Member, Mr. Hubbard will be absent today and tomorrow, as he is performing other important duties. The hon. Nominated Member, Mr. Tello, has been granted leave from 27th November to 28th December—he will be out of the Colony. The hon. Member for North Western District has asked permission to be excused from today's meeting.

INDUSTRIAL DISPUTES TRIBUNAL

Mr. Speaker: Council will now resume consideration of the following Motion :

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

When the adjournment was taken at the last meeting the Mover of the Motion, Mr. Tello, was still speaking on his Motion. He may resume now.

Mr. Tello : When we adjourned last Wednesday I was trying to impress upon the Council that this request sprang from a great need in the Colony, and that if Government accepts this invitation it would not be offending anyone in the industrial sector of the Colony because already there is acceptance of the principle of voluntary arbitration, and this Motion only seeks to supplement this voluntary machinery by statutory provision.

I propose to say very little more today because I think the burden of my speech has already been made in those few minutes in which I spoke on the last occasion, and I only desire to add that I would like once more to remind this Council that while there is the right to strike in this country, and there is also the right to organize and to take decisions as to the use of the strike weapon and lock-out, considerable hardships have been experienced by the smaller trade unions, and strikes can be an impediment to the development of the Trade Union Movement in British Guiana. At this time in our developmental history we must take into consideration the smooth working of industrial relations so as to assist this development as much as possible.

We ask for this statutory provision because in the Statute Book of British

Guiana there is nothing that can be regarded as a substitute for an Industrial Disputes Tribunal. It is quite true that there is provision for arbitration in public utility and essential services, but some people seem to think that there is other legislation which should be sufficient to satisfy industrial relations, as in the Labour Ordinance, Chapter 103, Sections 4 and 6. In Section 4 (1) (c) there is provision for arbitration if in the process of conciliation the Commissioner of Labour finds that the only way conciliation can be reached is by means of arbitration, and again in this case it must be by mutual consent. Section 6 (1) gives the Governor the power to appoint an Advisory Committee in case of an existing or apprehended trade dispute, but the Committee is restricted to making recommendations, and it is rather doubtful when two opposing organizations refuse to go to arbitration by mutual consent, that they would be willing to accept the recommendations of an Advisory Committee which are made to the Governor.

What the Motion seeks is the setting up of an independent body with sufficient authority to make awards and to say who is right and who is wrong in a trade dispute, and to award what it considers fit and just. As I said last Wednesday, such legislation has been operating in the United Kingdom for some years, and we must take cognizance of the fact that when it was enacted in the United Kingdom that country had already had more than a century of experience in trade union practice and industrial relations, and that its voluntary negotiating machinery had already stood the test of time.

After the War, legislation for an Industrial Disputes Tribunal was introduced in the United Kingdom and so far it has proved to be a tremendous success, and to be making a great contribution to the economic progress of the country because of the harmonious relations which have been built up around the Tribunal. It was discovered that because both sides recognized that whether or not there was voluntary decision to submit a dispute to arbitration, there was in existence an Industrial Disputes Tribunal to which a dispute could be taken as long as the Minister of Labour was satisfied that the entire voluntary machinery had been fully exhausted.

One person, for whose opinion I have some respect, thought that the Trade Union Movement should give consideration to whether or not there might be an abuse of the use of an Industrial Disputes Tribunal if such legislation is enacted. I want to assure this Council that anything that is new in any part of the world is likely to have some pressure brought to bear on it during the first year or so of its operation. We have had our experience with the Essential Service Arbitration Tribunal, but when we look over its short history no one can say that there was any abuse of its use by either side during its short period.

Another argument raised was whether we have the personnel required to operate a tribunal of such high importance. The answer to that is that we have found personnel to operate the Public Utilities Arbitration Tribunal, and inasmuch as we have found personnel to operate that important tribunal we should be satisfied that there are people well qualified to operate a tribunal restricted to industrial disputes.

I feel that both sides of this Council should support this Motion because last week I said that if my memory served me correctly, I believe that the People's Progressive Party did advocate the enactment of legislation of this sort. After some research I found this copy of the Party's manifesto issued on behalf of Mr. Bowman, now the hon. Member for Demerara River, and this is what it says on the subject

> "The principle of compulsory arbitration, whereby employers and trade unions, when resolved in a deadlock, must go to arbitration is one which offers the fullest protection to workers under a friendly government. Unfortunately this same

[MR. TELLO]

> principle can go against the workers and their trade unions if the law exists under a government largely controlled by the Chamber of Commerce and vested interests. This is why the P.P.P. advocated compulsory arbitration and the establishment of a National Labour Board by a progressive government representative of a majority of the people of the country."

I suppose I can assume that the elected Members of the Government who belong to the People's Progressive Party and those associated with them on this side of the Table, will agree with me that a friendly Government is now in office, and that the time is ripe to enact legislation to make this compulsory arbitration operative now. The one great fear of the People's Progressive Party in those days was that this very good machinery could get into the hands of a Government that sided more or less with vested interests, but if the Government is friendly towards the workers they agree, as stated in their own manifesto, that it would be a great protection to the workers and their trade unions.

I am now satisfied that we have a friendly Government in office, and that the opportunity has now arrived when we should have compulsory arbitration. I do not like to call it compulsory arbitration, which means that you go to arbitration whether you are willing or not. I would prefer to regard it as provision for a tribunal to resolve a deadlock, a sort of court of appeal to which either side could ask the Minister to refer a trade dispute. Either side could appeal to the Minister to pass this matter on to the tribunal, and I feel that I am correct in anticipating the full support of the other side of the Table.

When I look on my left I see the hon. Member for Demerara River for whom this manifesto (*holding up a document to Members*) was specially issued, and I anticipate his support whether he speaks or not. On my right is a trade unionist who has had the experience of a Public Utilities Arbitration Tribunal—I suppose he has seen the advantages of it—and I will get his support. I also see an employer on my left, the hon. Nominated Member, Mr. Fredericks, and I am sure he will agree with me that where there is a deadlock on a matter of disagreement and both sides feel strongly on it, justice alone permits both sides to agree that an impartial body should arbitrate. I think I am on safe grounds to anticipate a wide majority in favour of this Motion, if not the unanimous support of it.

I will like to remind this Council that we are not introducing anything new neither are we impeding the free movement of the voluntary machinery. This is only intended as a supplement to it. I think I can take my seat now, being very happy to commend this Motion to this Council.

Mr. Kendall : I beg to second the Motion.

Mr. Jackson : Mr. Speaker, in supporting this Motion I would hardly believe there is anyone who will very sensibly oppose it. This is an age when there is no need for severe conflicts between employee and employer; this is an age when the settlement of claims or disputes is more often done around the table than in the old way of conflicts and fights. In all progressive parts of the world there has been introduced ways and means of reducing conflicts between the workers and the employers, and one of the ways which has been chosen is the one which this Motion now seeks to bring about.

Government or the Administration has, long ago, recognised the need for establishing courts of arbitration, not with the desire that voluntary negotiations would be made to disappear but because it is recognised that there comes a time when voluntary negotiations break down and in order to maintain the smoothness of the machinery, plus that continuity of employment and services, there has been introduced machinery to avoid these disputes or strikes or lockouts.

Long ago the Government, with a view to removing severe conflicts between employers and employees as represented by the trade unions, had introduced the same type of machinery which the Motion now seeks to introduce in a very broad way. It is what was known as the Essential Services Ordinance which precluded employees in certain categories or fields of employment from striking without first submitting a notice of dispute to the Governor in Council, and also prevented employers from locking out people unless they took the same course and the Governor did not take action to appoint a committee to deal with the dispute. That Ordinance no longer exists but another has taken its place and the same provision is made for the workers in the categories and fields mentioned in that Ordinance.

It is going to be admitted that it does not work as one would like to see it work. In this Colony it is more necessary that this should be done because in spite of the fact that there are trade unions all over the country, all are not well organized as the union representing the employees of Government. While organizations exist in other fields, it cannot be said that there is a total mobilization of the workers, and because of this it is unlikely that those organizations would be able to carry on a fight against the employers by way of the strike weapon. Consequently, every effort of the workers is bound to fail because of the inability of the unions to measure up to the financial strength of the employers.

It is the responsibility of the Government to see that there is much harmony existing between employer and employee, but this harmony cannot exist under present conditions. Unless this machinery is put into operation the workers will have to bow to the might of the employers. One does not say it would be the case with all employers; but one has got to think in terms of the majority of employers who would not behave in that sensible and reasonable manner. If this Motion is not accepted it would mean that the Government is leaving the workers at the mercy of the employers who are able to impose their will upon the workers because of the latter's inability to measure up to them both numerically and financially.

I cannot see Government refusing to accept this Motion because they have, very recently, on many occasions indicated that they want to bring things up to the standard in other parts of the world. Since that is their objective, all that they will be doing is falling in line with what is being done in England and other places where there is progress in those fields; and I am sure they will like to record in the *Hansard* that they have adopted a progressive solution rather than allow fights and conflicts which should no longer exist in the Colony. One is of the view that this Motion will find favour with the Government's Ministers and supporters.

Mr. Bowman : Mr. Speaker, I rise to support the Motion which is before this Council, but I would like to say that it is most unfortunate that the Mover of the Motion has produced that booklet having my photograph on it as a former member of the People's Progressive Party. Today, I am standing here as a Progressive Liberal and I have to forget my ideas of three years' past. I will, however, stand firmly behind some of them and this is one which I have not changed. I feel that compulsory arbitration is long overdue.

I remember when we were here in 1953 we brought a Bill — the then Minister of Labour was Mr. Ashton Chase — called the Labour Relations Bill. It was something akin to this Bill before the Council today; and I am going to say this: In my opinion, the members of the People's Progressive Party are gradually becoming conservatives rather than the radicals they are known to be. We stood for it in 1953 and I am going to see what they are going to do today. It will be stupid and foolhardy to butt your heads against rocks when you know

[MR. BOWMAN]

you cannot throw them down. I feel my stand is a proper and sensible one because in this country we need employment.

I stressed the point when I was in Australia that we have about 60,000 people who cannot find work. This Government which represents, or at least claims to represent, the workers is not making enough effort to represent the working-classes. While I am supporting this Motion, I should perhaps observe that there was a time when I might not have done so, a time when I was of the view that the worker has the strike weapon and he must use it. It may be true that arbitration involves money and time, on the other hand in a strike, both the employer and the worker loses. I hope my former colleagues support this Motion, in spite of the fact that they are today the Government.

The Minister of Labour, Health and Housing (Mrs. Jagan): We have an interesting Motion before us today in the form of the hon. Nominated Member, Mr. Tello's advocacy of an Industrial Disputes Tribunal. This question has been gone into very carefully by all of us, and we have listened to the excellent claims put forward by the chief advocate of an Industrial Disputes Tribunal, the mover of the Motion. Not only did I listen carefully, but I made notes, and frankly, I am unable to determine what the hon. Mover wants.

Is it compulsory arbitration, or is it not? That is the question. At one moment he suggests that Government should issue an invitation to employers to take the option of pursuing to a final decision an issue or dispute through a tribunal, and at another moment he speaks of voluntary machinery; yet at another moment he informs us that he wants compulsory arbitration based on the Industrial Disputes Tribunal which exists in the United Kingdom. Then, again, he tells us that he is not proposing to take away anything that at present benefits the worker nor, he says is he seeking to impose anything on the employer or the employee.

If compulsory arbitration does not impose anything on the employer or the employee, then I do not know what it means. I understand compulsory arbitration to enter the picture when either side in a dispute notifies the Minister of Labour of their inability to solve a dispute — to use common language, when they are in a "deadlock" — and it must then go to arbitration. The dispute *must* then go to arbitration, and there is no question of an option.

Reference to the Annual Report of the Ministry of Labour and National Service for the year 1958, issued by Her Majesty's Stationery Office, will help us to have a clear idea of what obtains in the United Kingdom. This Report states at page 92:

> "Under the Industrial Disputes Order, 1951, which superseded the Conditions of Employment and National Arbitration Order, 1940, disputes could be reported to the Minister by a trade union, an employers' organisation or an individual employer. Provided certain conditions were satisfied regarding such matters as the nature of the dispute and the use of existing joint negotiating machinery, the Minister was required to refer the dispute to the Industrial Disputes Tribunal for settlement. An award of the Tribunal became an implied term of contract between the parties and was therefore enforceable in the civil courts."

Note the use of the words, "the Minister was required to refer the dispute . . .". There is no question of an "option". I cannot regard a compulsory method of settling a dispute as an amicable manner, but I would term a voluntary settlement as amicable.

From what the hon. Mover said yesterday I am left with the impression that he is uncertain in his mind what he really wants: compulsory arbitration by statutory provision or a body through which workers and employers can seek arbitration in a voluntary manner? It is most confusing, because he told us today

that what he was asking for was what already existed in the United Kingdom, and it would only be supplementary in the present situation here. What astounded me was that he said he had been urged by trade unionists to bring forward this measure. Have they studied it? I wonder.

He said that the Industrial Disputes Tribunal had contributed to economic progress and harmonious relations in the United Kingdom. That surprises me. Let me continue from where I left off, and quote again from the Annual Report of the Ministry of Labour and National Service, at page 92.

> "The success of this form of compulsory arbitration as a means of settling industrial disputes had depended very largely on the willingness of employers and of unions to co-operate in making the system work. When the Order was introduced in 1951 it was made clear that it would be reviewed at any time and at the request of either side of industry. During a review by the Government of Defence Regulations made under emergency legislation, the British Employers' Confederation, the Trades Union Congress, the nationalised industries and Local Authority interests were consulted about the desirability of providing permanent legislation for some form of compulsory arbitration. The consultation showed that the parties were at variance on the continuance of compulsory arbitration and the Minister, in the absence of an agreement decided to bring the Industrial Disputes Order to an end.
>
> Accordingly, on 30th October, the Industrial Disputes (Amendment and Revocation) Order, 1958, was made . . . ; it provided that the Industrial Disputes Order should cease to have effect on 1st March, 1959, and that reports under that Order should not be admissible after 9th December, 1958."

The Report goes on to show how many cases were dealt with under the Tribunal or referred to the joint machinery under the Order or were subject to conciliation.

So that in the United Kingdom in October last year the Industrial Disputes Tribunal was abolished, taking full effect from March, this year. Apparently, the Mover of the Motion did not realize this.

The hon. Member for Georgetown North, whom we all know is a prominent trade unionist, said we should try to bring our legislation up to the standard of that existing in the United Kingdom and the United States so far as progressive measures are concerned, and that we must take guidance from those countries, which have highly organized unions. What guidance must we now take from them? I do not know. As Minister of Labour I saw fit to examine the contents of this Motion. Did the hon. Mover or his colleagues take time to find out the ramifications of the Motion before us? Can they tell us categorically what they want? Can they say that we must follow the United Kingdom where they have already found that there are weaknesses in the Act and have revoked it? What are we to do? I think the hon. Mover should be up-to-date in what he brings to to the Council rather than have a long debate on what does not exist in the United Kingdom. However, my job is not to criticize the hon. Member. I am sure he has brought his Motion in all sincerity, but there we have it.

Another thing that surprises me is that the Mover is insisting that the Government should accept his Motion, yet at every move we hear it said "We do not want any Government interference; hands off! We do not want Government to interfere in our trade union affairs." There was a big song and dance about the Wages Council. The T.U.C. complained that it was reducing the militancy and strength of trade unions, but what is this Motion seeking, if it is not interference? What is this if it is not, in the words of the three Members, removing the right of trade unions to strike, taking away their most effective and long-fought-for weapon? Under compulsory arbitration you do not strike.

We have been told that Wages Councils weaken the Trade Union Movement. If that is so, as they have declared, I cannot see how they can ask for compulsory arbitration which ultimately weakens the militancy of trade unions.

[MRS. JAGAN]

The Mover admits that we do have a form of compulsory arbitration in the Essential Services legislation. That is true. Whether it has worked satisfactorily or not is a question which is receiving the full consideration of the Government at this moment. We have grave doubts that the Essential Services Ordinance has served its purpose and is to the advantage of the workers of this country. The matter is under review at the moment.

One of the speakers — I think it was the hon. Member for Georgetown North (Mr. Jackson) — referred to the fact that only the Government workers are well organized and have this form of arbitration. Although the Mover of the Motion pointed out quite correctly when he spoke on the last occasion, that there is already provision by collective bargaining for the voluntary settlement of disputes in a number of industries—sugar, bauxite, sawmilling, waterfront and mining — which, taken in conjunction with those covered at the moment by the Essential Services Ordinance, takes care of a great number of our workers in British Guiana, there are some small groups of workers which the Mover mentioned are not so well organized and would need this assistance. I wonder how much it would help them. At the moment those industries which are not well organized, for example the timber industry, the soft drinks industry and the printing industry, are having Wages Councils established which, in a way, I think will help to solve some of their problems. In other words, we seem to have existing machinery already to assist the smaller trade unions. We do not want to stifle their growth; we do not want to kill them. We want them to grow.

I am a firm believer in each union fighting its own battles. If trade unions do not learn to fight their own battles they would be smothered to death by paternalism. I feel, and I had to tell the T.U.C. on the occasion on which they asked me to address their Annual Convention in 1958, that it is not this Government's intention to mother the Trade Union Movement. We want the trade unions to stand on their own feet and fight their own battles as all trade unions have done in the past. I do not think they should be mollycoddled; they must learn the hard way. A strong and militant trade union does not grow by having all its problems solved beforehand. If the strike weapon is the only weapon left in the arsenal of a trade union, then use it. Workers learn by the use of the strike weapon, and they learn to fight for what they want.

The three Members who have spoken have waved before my eyes a copy of the manifesto of the People's Progressive Party. Of course I have a much better copy, one with the picture of the Leader, which shows that it is much more authentic. It contains the same statement of policy which the Mover quoted. It is true that in our Party's 1957 manifesto we did advocate the principle of compulsory arbitration. We also mentioned the American National Labour Board as a good example of what can be done by a progressive Government. The hon. Member quoted a portion of a paragraph from the manifesto. I shall read the concluding portion. It says :

> "That is why the P.P.P. advocated compulsory arbitration and the establishment of a National Labour Board by a progressive government representative of a majority of the people of the country."

An examination of the American National Labour Act, or the Federal Mediation Act, indicates that it promotes collective bargaining and encourages and assists the two parties who have reached a deadlock to settle their differences. There are no coercive or compulsory powers. The difference between the United Kingdom Act, which has now been abolished, and the American Act is that in the United Kingdom they were using compulsory arbitration which they have now seen fit to abolish, while the Americans have

been using a form of arbitration with no coercive or compulsory powers.

I am quite willing, if hon. Members on the other side wish, to postpone consideration of this proposal until another day. We have learnt that the Secretary of State for the Colonies has informed I.L.O. about the removal of the Industrial Disputes Tribunal in England, and that they are in consultation, I understand, on the question of a modification of the General Industrial Disputes Tribunal. We gather that they may be thinking in terms of having some form of Wages Councils to deal merely with wages and not with other aspects of differences between the two parties. At the moment they are still in consultation, and it may be wise to wait and see if there is any important modification which may be of interest to us here.

I do not necessarily agree with the stand taken by some Members, that we should follow slavishly what is done in the United Kingdom, and what the British Trade Union Movement advocates, but since my colleagues on the other side of the Table are such strong advocates of the British T.U.C. and have told us in no uncertain terms today that whatever exists in the U.K. is progressive, and that we should emulate their legislation, I should imagine that they may want to have second thoughts on this whole matter. We have had second thoughts about our recommendation in our Party's manifesto in the light of present developments, in the light of the fact that compulsory arbitration has not proved wholly satisfactory in the United Kingdom, and the American pattern of not having compulsory arbitration.

We have been often accused of being so rigid in our thoughts that we are unable to move with the times. We have been accused on numerous occasions of not having that flexibility which is required. Let us say this is an example of our flexibility and our ability to appreciate what is happening in other parts of the world. In this case we have appreciated the fact that compulsory arbitration has not been a total success in the United Kingdom. As I say, I do not subscribe to that pattern, to that group which strives slavishly to follow what goes on in the United Kingdom, but from time to time we can learn and benefit from the pattern of development in other countries. In this instance I have seen the wisdom of not establishing compulsory arbitration in British Guiana at this time. My main reason is that I fear — and I say it with all sincerity — it would be the weakening, if not the destruction, of the militancy and growth of the Trade Union Movement in British Guiana. We want to see a militant Trade Union Movement standing on its own feet and fighting its own battles, not leaning at a 40 degree angle on the Government.

I hope Members will appreciate some of the points I have made, and if they want to accept the advice I have given them to reconsider this proposal, it is up to them. I would urge — perhaps I should not — that Members should not come into Council and make categorical statements which they cannot back up. They should not tell us that compulsory arbitration is a booming success in the United Kingdom when in fact the Act has been rescinded some months ago. If they had done some research they could not have failed to discover what the truth of the situation was. They had the energy to pursue and find a manifesto of the People's Progressive Party. Certainly, they could have used that same energy to find out what was happening in the United Kingdom and how successful it was.

I do hope when the Mover of the Motion replies he will clarify what he wants. I am in utter confusion to know what he wants. Is it voluntary arbitration or is it an Industrial Disputes Tribunal? In moving the Motion he should have put to us what he had in his mind, and not tell us that he wants an Industrial Disputes Tribunal based on the U.K. Act, and he wants voluntary arbitration. He said that we are only supplementing our voluntary

[MRS. JAGAN]

legislation by statutory legislation. He tells us that it would not impose anything on the employer or employee. challenge him. It does impose something.

I regret that I have had to be so caustic in my remarks, but I have, since last Wednesday, been thinking over what the hon. Member had said, and I found that he keeps weaving and turning. Do you want compulsion or you do not want compulsion? I await the hon. Member's remarks on that; but under the circumstances as they exist we cannot support his Motion.

The Minister of Trade and Industry (Dr. Jagan): I would like to add merely a few words to what was just said by the last speaker; and I do so, Sir, not with any object of criticising the hon. Mover of this Motion, but merely of advising him because I feel that in trying to get something on the Statute Books we must not only think of what may be the immediate gains, but what will be in the long term interest of the working people.

Compulsory arbitration can be regarded as a double-edged weapon. If the working-class, the trade union movement, is weak and they cannot fight then there will be the temptation to demand compulsory arbitration; but the history of the working-class movement has shown and proved that with the militancy of the working-class, with the development of strong trade unions, it is the employers who demand compulsory arbitration because they want to remove the workers' right to bargain and their ultimate right to strike.

The hon. Member is a very close friend of the Steel Workers of America. We have seen that the American labour force fought against the Taft-Hartley legislation for years — legislation which brought in the 'cooling off' period when the workers were militant — yet we saw, recently, where the steel workers were sent back to work under the very Taft-Hartley law. What are the employers saying in the United States of America where the trade unions are strong? — 'that the employees have too much power.' They are saying: 'Let us introduce more legislation to curb them', and right now, if it has not already been passed, I think there is before Congress legislation which is aiming at the same thing — compulsory arbitration — which the unions are opposing. Let the hon. Member tell us that is not so.

In a weakened position there is always the temptation for unions to say 'let us go to arbitration because we cannot fight'. If the hon. Member accepts that thesis then he cannot, by any stretch of imagination, oppose a wages council as he has been doing because wages councils originated from the same weakened position of the trade union situation. Where there is weakness one cannot blow hot and cold at the same time. If you admit that the trade union movement is weak and want compulsory arbitration to protect it, I am saying that you cannot come along when the Government is attempting to introduce a wages council and oppose it vehemently. I know the Member for Demerara River has been caught between two fires here. [*Laughter*].

Mr. Bowman: Sir, may I get up again?

Dr. Jagan: He wants a wages council. We also say that there must be wages councils, but wages councils can be set up by the Government when the latter sees it is convenient. In Jamaica, the B.I.T.U. and the National Workers Union had the sugar workers in a prolonged strike. Eventually, the Government set up a Commission of Inquiry into the whole sugar industry. There is nothing to prevent this Government from setting up a Commission of Inquiry into an industry. A Commission of Inquiry can make recommendations. If the Government finds that the unions cannot stand up and fight or the leaders are not

directing them to stand up and fight — the only people they fight against is the Government; the militancy of the trade unions is directed against the Government which is sympathetic to the workers —if a Commission of Inquiry discloses that the industry is able to pay—remember this is only a recommendation — surely that strengthens the hands of the workers to take action. If the workers cannot take action or their leaders are refusing to do so, then the Government can always come back and introduce compulsory wages. The Government can do so, as it has done so in many fields.

I do not want to elaborate. A great deal has been said about the manifesto, but Members should remember that when this manifesto was written the entire atmosphere in British Guiana was entirely different. Workers were given trespass notices; there was no trade union democracy. But I would again appeal to the hon. Member to remember that in seeking a compulsory arbitration tribunal, he is ultimately placing in the hands of the State machine a weapon which is generally used against the working-class people. This is so in the United States of America and in other countries, and that is why the working class in the developed countries has been opposing any attempt to have compulsory arbitration.

Mr. Tello: Mr. Speaker, I am very much disappointed at the lack of knowledge on the part of the Members of the Government and their inability to differentiate between compulsory arbitration and an Industrial Disputes Tribunal. The Trade Union Movement deliberately asked for an Industrial Disputes Tribunal because you still maintain your right to strike. You still have the right to go on strike if that is your desire or you can request the Minister to refer the matter to the tribunal.

They are talking about compulsory arbitration. Compulsory arbitration was in existence in Britain during the War. I am sorry I have not got that great command of language like my hon. Friend, but in postwar days it was found necessary and acceptable in the trade union movement to advocate the abolition of compulsory arbitration in industrial disputes. I do not think it is necessary, with such well-informed people on the other side of the Table, to waste the Council's time in explaining the history of and the difference between these two things.

In 1940, when the War was waging in Europe, in the interest of the economy of Britain, there was what was known as the Conditions of Employment and National Arbitration Order, better known as Order 1305, which made it compulsory for all disputes to be settled, when the voluntary machinery is exhausted, by way of compulsory arbitration.

Lock-outs and strikes were prohibited, and this lasted for a certain period. In the post-war years the trade union movement in Britain objected to the continuance of this restriction, and out of their representation the National Arbitration Tribunal was replaced by the Industrial Disputes Tribunal.

I have just got the information that the United Steel Workers of America have decided to continue their strike. That Union operates in a country that has unemployment amounting to only about 4% to 6% of the population, and they can carry on indefinitely. In this country where the national unemployment figure is between 20% and 21%, how can we fight indefinitely against the employer by way of a strike? The point is, we want some statutory provision whereby disputes may be decided by arbitration.

It is no use anyone trying to belittle me; it does not worry me; I am not one of the aspirants to political leadership in this country. To relate a Wages Council to an Industrial Disputes Tribunal is a sign of ignorance. The Wages Council takes away from the trade union movement, but the Industrial Dis-

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putes Tribunal is a useful and lasting thing. It is, I feel, in the best interest of industry and commerce, as well as the workers, among whom there is a large floating unemployed population. I hope that when the Development Programme gets into stride, the whole thing will change.

In the present circumstances the United Kingdom has seen fit to do away with the Industrial Disputes Tribunal, and after a time we may do that also. I am asking for further consideration of this measure by the other side. We need to encourage the growth of the trade union movement, and I would point out again that nothing can "kill" a trade union movement as surely as wages councils, where you already have voluntary wage-fixing machinery. Nothing can cause people to lose respect for the Government more than when it encourages these wages councils, whose impartiality can be questioned because of its political elements.

The attitude of the Trades Union Council to the wages councils is that when there is need for them we will welcome them, but we must go on, and follow the example of people who have had with them wages councils for the past 60 years and opposed their establishment where voluntary machinery existed and is working well. The T.U.C. therefore never opposed the formation of wages councils, but it opposes departure from traditional practice now that we are still in the experimental stage.

As far as I can see, we may not get the support of the Government in this measure. I suppose that after some consideration they have decided that they cannot give the opposite side the credit of initiating an important practice of this sort. We read it in their manifesto, we sat back and waited and nothing happened; later we passed two resolutions seeking it, and under further pressure from the trade union movement I brought it forward in this Council. We should have it here for a period when it is necessary.

To say that I am not certain of what I am trying to put forward is only an attempt to confuse the issue. I still feel that this Motion is one which commends itself to this Council, and I take my seat confident of some support.

Motion put, the Council divided and voted as follows:

For	*Against*	*Did not vote*
Mr. Fredericks	Mr. Ajodha Singh	Mr. Davis.—1
Mr. Tello	Mr. Saffee	
Mr. Bowman	Mr. Rai	
Mr. Jackson	Mr. Ram Karran	
Mr. Kendall. —5.	Mrs. Jagan	
	Mr. Benn	
	Dr. Jagan	
	The Financial Secretary	
	The Attorney-General	
	The Chief Secretary.--10	

Mr. Speaker: The Motion is lost.

FIRE BRIGADE (AMENDMENT) BILL

The Chief Secretary (Mr. Porcher, acting) : I beg to move the Second Reading of the Bill intituled

> "An Ordinance to amend the Fire Brigade Ordinance, 1957."

Under section 15 (2) (c) of the Fire Brigade Ordinance, 1957, it is the duty of the Chief Fire Officer of the British Guiana Fire Brigade to cause prosecutions under the Fire Prevention Ordinance, 1954, to be instituted either in his own name or that of any officer of the Brigade. This applies to any other law for the prevention of fire. There are only three officers in the Fire Brigade, including the Chief Fire Officer, and having regard to this the work of the Fire Brigade has been severely handicapped or slowed down. It is therefore sought by way of this Bill to provide that the relevant subsection in Section 15 of the

1957 Ordinance be amended by the introduction of the words "or sub-officer," thereby allowing other men to do this work.

The Attorney-General (Mr. Austin): I beg to second the Motion.

Question put, and agreed to .

Bill read a Second time.

Council resolved itself into Committee to consider the Bill clause by clause and passed it without amendment.

Council resumed.

The Chief Secretary: I beg to report that the Fire Brigade (Amendment) Bill has been considered in Committee and passed without amendment. I beg to move that the Bill be now read the Third time and passed.

The Attorney General: I beg to Second the Motion.

Question put, and agreed to.

Bill read the Third time and passed.

FIRE PREVENTION (AMENDMENT) BILL

The Chief Secretary : I beg to move the Second Reading of the Bill intituled

> "An Ordinance to amend the Fire Prevention Ordinance, 1954."

This is another very short Bill. Section 2 of the Fire Protection Ordinance, No. 19 of 1954, defines "inspector" for the purposes of that Ordinance as "a sub-officer within the meaning of the Constabulary Ordinance." The Constabulary Ordinance has been repealed, so that the definition requires to be amended. It is now suggested that it should be as set out in the draft Bill which has been circulated—

> "'inspector" means any member of the British Guiana Fire Brigade authorised in writing by the Chief Fire Officer thereof to inspect premises under this Ordinance or any regulations made thereunder".

I formally move that the Bill be read a Second time.

The Attorney-General : I beg to second the Motion.

Question put, and agreed to.

Bill read a Second time.

Council resolved itself into Committee to consider the Bill clause by clause, and passed it without amendment.

Council resumed.

The Chief Secretary: I beg to report that the Fire Prevention (Amendment) Bill has been considered in Committee and passed without amendment. I therefore move that the Bill be read the Third time and passed.

The Attorney-General : I beg to second the Motion.

Question put, and agreed to.

Bill read the Third time and passed.

INCOME TAX (AMENDMENT) BILL

The Financial Secretary : I beg to move the Second Reading of the Bill intituled

> "An Ordinance to amend the Income Tax Ordinance".

This Bill has two unconnected objects. The first is to exempt from income tax the profits from fairs held by ecclesiastical, charitable or educational institutions and endowments of a public character. The second object is to exempt from income tax the profits of the British Guiana Credit Corporation.

Under Section 10 (d) of the Income Tax Ordinance, Chapter 299, the income of ecclesiastical, charitable or educational institutions or endowments of a public character, in so far as that income does

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not derive from a trade or business, is exempted from income tax. It is obviously fair that any purely commercial or trading profits of such institutions should be subject to tax in the same way as the profits of purely commercial undertakings are. Under English law it is held that the profits from fairs even when held by such institutions are trading profits, but we feel that in our local circumstances, if a fair is of a limited duration and the proceeds of it are going to an institution which, by its very nature, is wholly ecclesiastical, educational or charitable, the income should not be regarded as a commercial profit, and should be exempt from income tax like the rest of the income of the institution. I do not think that anyone will see anything wrong in this, because the fairs themselves, such as are expected to be covered by this legislation, are really produced by the unpaid labour, for the most part, of people who have ecclesiastical, charitable or educational motives.

The second part of the Bill deals with the Credit Corporation which is a statutory institution entirely financed by Government. It is the lending arm of Government, and any excess of its revenue in any particular year over its expenditure can only be disposed of by the Corporation in a manner which is agreed on with the Government. The Corporation itself is not a profit-making institution. Its obligation is to balance its books, taking one year with another. Nevertheless the Legislature in its wisdom when the Ordinance was passed in 1954, specifically provided that the Corporation shall not be exempt from income tax. The result of that is that a great deal of nugatory work has to be done by the Corporation and by the Income Tax Department in producing its accounts in the right form, and both those institutions, the Income Tax Department and the Corporation, could put their time to better use. If, of course, the Corporation made thousands of dollars in revenue over expenditure, which is extremely unlikely, ways would be found of using that money in the public interest without going to Government again in the form of tax. I formally move that the Bill be read a Second time.

The Minister of Natural Resources (Mr. Benn) : I beg to second the Motion.

Question put, and agreed to.

Bill read a Second time.

Council resolved itself into Committee to consider the Bill clause by clause, and approved the Bill as printed.

Council resumed.

The Financial Secretary : I beg to report that the Income Tax (Amendment) Bill was considered in Committee and passed without amendment. I therefore move that the Bill be now read the Third time.

Mr. Benn : I beg to second the Motion.

Question put, and agreed to.

Bill read the Third time and passed.

Mr. Speaker: Council is now adjourned to a date to be fixed.

Council adjourned accordingly, at 3.55 p.m.