

Ministers (7)

- Cde. U.E. Johnson, M.P.,
Minister in the Office of the Prime Minister
- Cde. Sallahuddin, M.P.,
Minister within the Ministry of Agriculture
- Cde. R.C. Fredericks, A.A., M.P.,
Minister of Youth and Sport within the Ministry
of Education, Social Development and Culture
- Cde. S. Prashad, M.P., (Absent – on leave)
Minister of Transport within the Vice-Presidency
of Social Infrastructure
- Cde. Y.V. Harewood-Benn, M.P.,
Minister of Information and Public Service
- *Cde. Dr. R.A. Van West-Charles, M.P., (Absent)
Minister of Health and Public Welfare
- *Cde. K.W.E. Denny, M.P.,
Minister of Manpower and Co-operatives

Ministers of State (2)

- Cde. M. Corrica, M.P.,
Minister of State within the Ministry of Internal
Trade and Consumer Protection
- Cde. H.L.B. Singh, M.S., M.P.,
Minister of State within the Ministry of Regional
Development

Parliamentary Secretaries (3)

- Cde. A.W. Bend-Kirton-Holder, M.P.,
Parliamentary Secretary, Housing, within the
Ministry of Health and Public Welfare
- Cde. D.A.N. Ainsworth, M.P.,
Parliamentary Secretary within the Ministry of
Education, Social Development and Culture
- Cde. B. Bhaggan, M.P.,
Parliamentary Secretary in the Office of the
Prime Minister

*Non-elected Member

Other Members (23)

Cde. M. Ally, M.P.
Cde. M. Armogan, M.S., J.P., M.P.
Cde. B. Beniprashad, M.P.
Cde. J.B. Caldeira, M.P. (Absent)
Cde. A.A. Chin, M.P.
Cde. J.P. Chowritmootoo, J.P., M.P.
Cde. O.E. Clarke, M.P.
Cde. E.B. Davidson, M.P.
Cde. H. Doobay, M.P.
Cde. A.B. Felix, M.P. (Absent)
Cde. E.H.A. Fowler, M.P.
Cde. P. Fredericks, M.P. (Absent)
Cde. E.F. Gilbert, M.P.
Cde. J. Gill-Mingo, M.P.
Cde. A. McRae, M.P.
Cde. E. Melville, M.P. (Absent)
Cde. J.M. Munroe, J.P., M.P.
Cde. R.N. Primo, M.P.
Cde. P.A. Rayman, M.P.
Cde. C.G. Sharma, J.P., M.P.
Cde. B. Tiwari, M.P.
Cde. C. Vandenburg, M.P.
Cde. R.E. Williams, M.P.

Members from the National Congress of Local Democratic Organs (2)

Cde. R. Bishop, M.S., M.P.
Cde. B. Latchminarayan, M.P.

Members from the Region Regional Democratic Councils (9)

Cde. K.N. Jones, M.P. (Region No.1-Barima/Waini)
Cde. K.V. Jairam, M.P, (Region No.2-Pomeroon/ Supenaam)
Cde. C.A. Singh, M.P (Region No.3-Essequibo Islands/West Demerara)
Cde. W. Bipat, J.P., M.P. (Region No.4-Demerara /Mahaica)
Cde. H.I. London, M.S., M.P. (Region No 5- Mahaica/Berbice)
Cde. I. Chowritmootoo, M.P. (Region No. 6- East Berbice/Corentyne)
Cde. N.R. Charles, M.P (Region No.7- Cuyuni/Mazurni)
Cde. D. Abraham, M.P. (Region No. 8- Potaro/Siparuni)
Cde. D. Hinds, M.P. (Region No.10-Upper Demerara/Berbice)

Members of the Opposition (12)

(i) Peoples' Progressive Party (10)

Minority Leader (1)

Cde. Dr. C. Jagan, M.P.,
Minority Leader

Deputy Speaker (1)

Cde. Ram Karran, M.P.,
Deputy Speaker of the National Assembly (Absent)

Other Members (8)

Cde. J. Jagan, M.P. (Absent – on leave)

Cde. Reepu Daman Persaud, J.P., M.P.,
Minority Chief Whip

Cde. N. Persaud, M.P. (Absent)

Cde. C.C. Collymore, M.P. (Absent)

Cde. S.F. Mohamed, M.P.

Cde. I. Basir, M.P.

Cde. C.C. Belgrave, M.P.

Cde. H. Nokta, M.P.

(ii) United Force (2)

Mr. M.F. Singh, C.C.H., J.P., M.P. (Absent – on leave)

Mr. M.A. Abraham, M.P. (Absent)

OFFICERS

Clerk of the National Assembly – Cde. F.A. Narain, A.A.

Deputy Clerk of the National Assembly – Cde. M.B. Henry

PRAYERS

1984-03-16

14:05 – 14:10 hrs

14:05 hrs

OATHS

The Speaker: Comrades and Honourable Members, following the resignation of Comrade Shiw Sahai Naraine and Sydney Sukhu, and my call upon the representative of the People's National Congress List of Candidates, the names of Comrades Yvonne Harewood-Benn and Harun Rashid have been extracted from the said list and Comrades Harewood-Benn and Rashid have today been accordingly declared to be elected Members of the National Assembly

The Oaths will now be administered to Comrades Harewood-Benn and Rashid as elected Members of the Assembly.

/The Oath of Office was administered to and made and subscribed by Cdes. Harun Rashid and Yvonne Harewood-Benn./

National Assembly

14:10 hrs

ANNOUNCEMENTS BY THE SPEAKER

Resignation of Parliamentary Secretary

The Speaker: Comrades and hon. Member, I have been informed that Cde. J.B. Caldeira has resigned as Parliamentary Secretary with effect from the 1st March, 1984. Cde. Caldeira continues to be a Member of the National Assembly.

Thanks to Deputy Speaker

The Speaker: Unfortunately, Cde. Ram Karran is not here, but I would wish to take this opportunity of thanking him for acting in my absence.

Leave to Members

The Speaker: Leave has been granted to Mr. M.F. Singh for today's Sitting.

QUESTIONS TO MINISTERS

Statistics on Women Employed

- QUESTION: (1) Will the Minister state –
- (i) The Number of employed women in the country in –
 - (a) Industry and Commerce
 - (b) Agriculture
 - (c) Domestic Work
 - (ii) The number of women engaged in the sugar industry in –
 - (a) Office Type Jobs
 - (b) Field Jobs
 - (iii) The number of women who though contributing to the N.I.S. fail to qualify for retirement benefits due to –
 - (a) Early Retirement
 - (b) Other Reasons
- (2) Will the Minister indicate the pattern of retirement practice among women giving percentages of those who retire before the attainment of age 60?

Cde. Reepu Daman Persaud: Cde. Speaker, I have been authorised by Cde. Ram Karran to ask Question No. 10 standing in his name on the Order Paper.

The Minister of Manpower and Co-operatives (Cde. Denny): Cde. Speaker, with regard to the first question, I would like to indicate that at present we do not have the up-to-date figures and since we are dealing with statistics we would like to give accurate and up-to-date figures to the National Assembly.

The most recent census in 1980 provides the figures but the processing of the returns, as you know, is being done out of the country and is not yet completed.

The Speaker: Number one has two parts.

Cde. Denny: As I understand it, it has three parts and my answer is applicable to all three parts.

The Speaker: It is one question but it has several parts.

Cde. Denny: With regard to the other part, I would like to say that the National Insurance Scheme Retirement Benefits are paid to insured workers, men and women, the only exception being contributors who have made less than 50 contributions. Retirement benefits take the form of either^{an} old age pension or ^{an} old age grant. The award of ^{either} / is dependent upon the number of contributions the individual has paid to the scheme. Should the worker retire before age 60 of his or her own accord / that worker would have to wait until age 60 to be awarded retirement benefits provided he or she has made the minimum of 50 contributions.

For 1981 and 1982 no application for old age retirement benefit was disqualified due to insufficient contributions.

Cde. Reepu Daman Persaud: Sir, my first supplementary is, has the Minister given consideration to workers who are compelled to retire before age 60 due to no fault of their own, but probably disqualified by medical men. There have been a number of cases of this kind. I know the Minister simply stated what the position is. Is his Ministry giving consideration to providing for these workers who for one reason or the other may have to retire before age 60. Will the Minister give consideration to providing some kind of relief for them. There are many workers who fall in this category.

Cde. Denny: Cde. Speaker, since the comrade has said many workers fall in this category, I think no violence would be effected if the union representative of those workers, which is GAWU, should make representation. We could discuss it, there is no problem about that.

Cde. Reepu Daman Persaud: I was asking the question from a national standpoint. Will the Minister say how early the statistics which he said was not in his possession will be available so that they will be brought before the ^{Assembly in} / answer to No. 1 of Cde.

1984-07-16

14:10 - 14:20 hrs

Ram Karran's question?

Cde. Denny: As early as possible.

Unemployment Relief

QUESTION: Will the Minister say when the Government proposes to provide unemployment relief for the thousands who are out of work?

Cde. Reepu Daman Persaud: Cde. Speaker, I have been asked by Mrs. Jagan to ask Question No. 10 standing in her name on the Order Paper.

Cde. Denny: My reply to that is that one of the objectives of this Government of the People's National Congress is to create full employment in the society. One of the basic things is that there are many opportunities for self-employment in this country, much greater opportunities than are available to people in other climes, especially the Caribbean. Because of this, because of the pattern of the Government's performance, we have given a lot of assistance to people, citizens who want to be in the area of self-employment. For example, there are many opportunities available in the area of agriculture and simple manufacturing. My thesis is that if the Guyanese people would take up the employment opportunities available - and we need the support of the People's Progressive Party, then we really have no ^{employment} problem in this country. Therefore, the payment of employment relief does not arise.

Cde. Reepu Daman Persaud: Is the Minister saying that there is no unemployment?

The Speaker: He is saying if they take up the employment available there would be no unemployment.

Cde. Reepu Daman Persaud: Will the Minister answer the question as stated on the Order Paper? Does the Government propose to provide unemployment relief?

The Speaker: That is not a supplementary. The question was asked and you were given an answer. No further question.

14:20 hrs.

The Minority Leader (Dr. Cde. C. Jagan): The Minister indicated that there was no unemployment problem. Will the Minister state on behalf of the Government what is the rate of unemployment in the country at the moment?

Cde. Denny: Cde. Speaker, the way I have put it over has not been understood by Dr. Jagan, but what I am saying is if the people of this country take seisure of the areas of employment, the employment oppportunities for self employment particularly, the whole quest, therefore no unemployment problem exists. That is what I said.

PUBLIC BUSINESS

Cde. C. Jagan: Cde. Speaker, I wonder if I could crave your indulgence to raise a matter at this moment concerning the matter before the House, which not only this Party on this side but the country as a whole consider to have far reaching implications.

Cde. Speaker, this last week I wrote the Minister asking that this Labour bill be deferred to allow more time not only for this House to have to go into the ramifications of this Bill but also for the Labour Movement as a whole. I informed him that I spoke to the Secretary of the Trade Union Congress last Tuesday and at that time 2.15 p.m. or 2.30 p.m. in the afternoon the T.U.C.'s General Secretary had not yet seen the Bill and they had not as far as I am aware discussed this matter yet and now I have in front of me the letter by the Secretary of the T.U.C. Mr. Pollydore to Mr. Denny and it reads as follows:

"Three copies of Bill No 5 of 1984, Labour Amendment Bill 1984 as published in the Official Gazette of 8th March, 1984 have been received by the Trade Union Congress. One copy was received late on the afternoon of Tuesday 13th and two copies were received about 10:00 a.m. on Wednesday 14th. I am writing to inform you that because of insufficient time between the receipt of copies of the Bill and the debate on the Bill which begins in Parliament today, the T.U.C. is not now in a position to offer any comments or recommendations on the proposed legislation. This is considered regrettable because of the apparently far reaching implications of the proposed legislation as it relates to the T.U.C., its affiliates to the Trade Union Movement generally".

Cde. Speaker, you will remember that following on the 1963 strike

which lasted for eighty days when the Labour Bill was before this House, the T.U.C. as supported then by the P.N.C. and other forces argued that there was not sufficient time, sufficient consultation, although the now Minister of Education, the then Minister of Labour argued that there has been not only publication but sufficient consultation and time and it was agreed out of that that in future when the settlement was made on that strike, when the bill was withdrawn that in future on all occasions before any labour matter comes to this Parliament, the Employers Association Kg and the Labour Movement represented by the T.U.C. will first have a say on these matters.

I am therefore requesting in keeping with what I have just said that this Bill be adjourned for another two weeks so that all and sundry in this country will have an opportunity to have far reaching - not only in relation to labour, this is to do with Judiciary and all kinds of things and therefore I am making a request to the Government, not to rush through today with this Bill, to defer it for two weeks when the T.U.C. and others would have had an opportunity to discuss it and then we can discuss it in this Parliament.

The Speaker: You are not requesting me because I have no power, you are requesting the Government. Cde. Denny a request has been made by the Leader of the Minority whether you would consider to grant an opportunity of two weeks before you continue with the bill. What say you?

Cde. Denny: Cde. Speaker, I first want to say that the reference that Dr. Jagan made to the Labour Relations Bill of 1963 is not an all fours with the situation. In 1963 it was a pure total Bill which would have eroded the Labour Act etc., but on this occasion all we seek to do is to amend aspects of the Labour Act Chapter 98:01. The second thing Cde. Speaker, that has to be noted, many of the/^{points} which the Bill seeks to bring out are points which are recommendations from the Labour Code Commission. The Labour Code Commission sat from 1974 August for seven uninterrupted years. The TUC was a party to that, the P.P.P and GAWU. In such circumstances Cde. Speaker, I cannot acquiesce on behalf of the Government the request of the Minority Leader.

The Speaker: Let us proceed with the Bill Cde. Denny.

BILL – Second and Third Reading

LABOUR (AMENDMENT) BILL No. 5/1984 published 1984-03-08

A Bill intituled:

“An Act to alter the Constitution in accordance with articles 66 and 164 thereof, to amend the Labour Act, to give legal effect to certain provisions of the agreement set out in the Schedule and to provide for matters connected therewith.
[The Minister of Manpower and Cooperatives].

Cde Denny: Cde. Speaker, in spite of the thundering of the Minority Party, justice and truth are on our side. Cde. Speaker, as I did indicate in the first place this Labour Amendment Bill 1984 seeks to regularise what has been regarded as certain inadequacies of the Labour Act Chapter 98:01. From the time of the P.P.P. when they held office and over the years basic amendments were made. These amendments were minisculed – these amendments were not designed to revolutionarise our industrial relations system. As a matter of fact Cde. Speaker, it has to be understood that for years practitioners in the field of industrial relations like Personnel Managers, Trade Union Leaders many of whom are in the T.U.C. and even officials in the Ministry of Manpower then known as the Ministry of Labour have recognised that the Labour Act which can be called the Bible of industrial relations experts did not serve the interest of the workers entirely, did not serve the interest of the nation although as I said earlier certain amendments were made. So what this Bill seeks to do in the first instance is to amend the Labour Act fundamentally – to bring it in line with progressive labour legislation in keeping with our socialist thrust and in keeping with the socialist development that this Government of the People’s National Congress is pursuing.

Cde. Speaker, let me say quite clearly and unequivocally that this Government of the P.N.C. recognising the need for improvement in this Bill and the Labour Act, and I want to reiterate this point that the Labour Code Commission was broad based – it was established in the time of our predecessors Winslow Carrington and that Labour Code Commission – the P.P.P. was there, it attended regularly, party to the decisions. One of the aims of this Bill is to make collective bargaining agreements legally enforceable and this is not something that this Government has taken out of the hat as Dr. Jagan would like to let this Parliament feel. It is a case that out of the Labour Code Commission – as a matter of fact, if one, if one checks the report of the Labour Code Commission which was submitted to Vice President Green when he had responsibility - - -

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14:20 -14:30 hrs

The Speaker: Cde. Denny you must expect some amount of heckling, please do not bother with them, continue with the Bill.

Cde. Denny: I was making the point that if one looks at the Labour Code Commission pages 96-99, part 13, division 34 Cde. Speaker, one would see that these are the recommendations of the Labour Code Commission. This Government is now implementing the provisions of the Labour Code Commission recommended to it when in 1981 it was submitted to Vice President Green. As a matter of fact this commission sat for seven uninterrupted years, so they had time to look at the pros and the cons in order to submit it to the Government.

Cde. Denny continues

1984-03-16

NATIONAL ASSEMBLY

14:30 - 14:40 hrs

14:30 hrs

I want it to be noted that collective labour agreements in thisin Guyana are mere gentlemen's agreements. Collective agreements at present are not legally enforceable and so, as I said before, what we are doing is to depart from the British system of voluntarism, a system which the People's Progressive Party speaks against. The People's Progressive Party says that we are tied to the colonial, capitalist, imperialist mode. That is what the members of the P.P.P. argue. Here is an occasion where we are departing radically from what has happened for a number of years based on a consensual approach and here we find the Leader of the Minority Party opposing.

It must be noted that another aspect of the Bill is in relation to arbitration. I want to say that under Chapter 98:01, that is the Labour Act, section 4 (1) (c) which was introduced in this Parliament on March 17, 1975, the Labour Act was amended to give the Minister the power to put to arbitration any matter which he considered to be inimical and injurious to the national interest. In this circumstance, it was a case, in 1975, of the Manpower Citizens Association and the Guyana Agricultural and General Workers Union which were not recognised. It was out of that arbitration tribunal, chaired by Crane, that subsequently a poll was held in the sugar industry by this Government of the People's National Congress. The poll in the sugar industry was not held by the People's National Congress. The poll in the sugar industry was not held by the People's Progressive Party. That must be noted, but it was as a result of the commitment of this party; it was as a result of the commitment of this Government that a poll was called in the sugar industry.

I want it to be noted that this part of the Bill assists G.A.W.U. because the truth of the matter is, as Dr. Jagan knows, that, in the case of Lysons Knitwear, the Minister used the powers vested in him under the Labour Act, progressively used them, and there we find that the employer used the mechanism of the Court to hinder, to forestall and, maybe, to frustrate the aspirations of the workers.

This Government, because of its working class basis, background and support, got into the act to say that the matter is going to be put to arbitration in order that matters could be specially resolved, expeditiously resolved, obviously in the interest of the workers. What did we find? That the employer was able to use the mechanism of the Court to forestall. Dr. Jagan who has read the Bill even though he asked for a deferment – I know he has read it; the party met up to last night to discuss it. I am aware they discussed it. /Cde. Dr. Jagan: "the party did not meet..."

last night." I am saying that this Bill is designed to assist not only the Lysons situation but all future interlocutory injunctions. In other words, we want to ensure that the arbitration tribunal does its work.

The history of arbitration tribunals in this country has been merely voluntary where the parties mutually agree to go to arbitration but this was the second instance in the history of this country where the Minister used the powers vested in him and if it was said that the P.N.C. was partisan, the P.N.C. could not have caused its Minister to do that. It would have been a situation where, because the union involved was G.A.W.U., it would have allowed things to deteriorate but, because of the national objectivity of the People's National Congress - we are here to serve all and by virtue of that we brought into being the Minister using the powers vested in him. [Interruption.]

I want it to be understood that this is in the interest of the workers. As I said, there is also another provision under the labour Act for compulsory arbitration but that is in relation to essential services and that is not necessarily applicable but merely to say there are three stages of negotiations in industrial relations - negotiation which would be bipartite between the two parties at the level of the industry or the company. Then it moves to conciliation where the Ministry of Manpower gets involved and, thirdly, arbitration.

Usually the award of an arbitrator is binding. What we are saying here is "Let the arbitration tribunal do its work expeditiously and quickly. Let it not be hindered by a challenge in the Court. That is what we are saying.

National Assembly

14:40 hrs

(Cde. Denny continues)

Cde. Speaker, I want to move on to deal with the question which is referable to the Bill – the whole question of the strike in the Sugar Industry. In the first place, this Government of the People's National Congress has said repeatedly, we have no problem, that so long as the People's National Congress is there, we will never oppose the right to strike. That right is preserved. But then one cannot expect to trample rights and expect things to be alright. I am saying that in the case of NACCIE, the National Association of Agricultural, Commercial and Industrial Employees, opportunity was given for dialogue. In other words, opportunity existed for dialogue. But before seeking to have a meeting with the employer, Guysuco, before seeking to have a meeting involving the Ministry, NACCIE proceeded to issue through a news release that it would go on strike and then a 72-hour ultimatum. What I am saying, Cde. Speaker, is that it is clear to any one that their's is not the task to be involved in meaningful dialogue, but their's is the task to be disruptive. Their's is the task to be guilty of harassment. That is what NACCIE and GAWU seek to do. If they had had that type of dialogue, they would have known the true position. Let me say GAWU later on issued an ultimatum – a 72-hour ultimatum. I want to make it quite clear that no dispute exists at present between GAWU and Guysuco. In other words, the Collective Labour Agreement existing between GAWU and Guyana does not provide for such types of strikes. It is a strike in general industrial terms, in sympathy with, or in support of their sister cousin union, NACCIE. What one has to understand is this: When the ultimatum ended Wednesday night, GAWU did not call out the workers yesterday. Obviously they wanted to fool. They intended to let us feel that everything was alright. But lo and behold, on this day, Friday 16th March, to coincide with the discussion on this Bill, they have called out the Sugar Workers the GAWU categories on strike.

Cde. Speaker, let me say this further. It is a ruse. They know that the pagwah weekend is approaching and they know that, traditionally, over the years, post-pagwah, the return is weak and that is why they are setting out to do this type of thing. But I think it would be in the national interest for there to be a return to work and for there to be a return to normalcy in the situation.

Cde. Speaker, the argument is sometimes advanced that we are immoral in bringing this piece of legislation. But I want to make this point: When the TUC signed that Agreement in 1977 one of the signatories was Bertice Bangarie. In the first place, Bertice Bangarie was General Secretary of NACCIE, and obviously Treasurer for GTUC, the Guyana Trades Union Congress. On no score could Bangarie have signed without the concurrence and agreement of NACCIE. Had he done that, he would have been booted out, knowing how those organisations operate. So first of all for Bangarie to participate in the talks and secondly, for Bangarie to have signed, is clear evidence that NACCIE was supportive of the whole mechanism. Cde. Speaker, you know sometimes in organizations, with time, people tend to change their minds. What has happened is that since Bangarie went and Gopaul became General Secretary, it is then we began to hear certain noises. With Bangarie there, Asthon Chase there and Seegobin Balram who was President of NACCIE, there were no problems, they were in total agreement with it. Cde. Speaker, I think it is important for us to note, or rather I want to make some important points for people to remember that in 1977 when that Agreement was signed it must be remember, the Government honoured its obligations. It must be remembered and in that same year, 1977, when the Biennial Congress of the People's National Congress was going on GAWU called a strike in the sugar industry. Was it by mere accident? One cannot disagree with that. It was a calculated effort after GAWU had recognised that the TUC had signed with the Government and it was in act of faith dependent on increases in production and productivity. That must be remembered. But in spite of that strike in 1977 – /Interruption/ It is there you have no read it – the Government paid \$8.40 a day, in 1978 again this Government again paid workers \$11 per day, but because of the deterioration in the economy aided and abetted to a large extent by the GAWU strike, we do not have the \$14 a day. /Cde. Dr. Jagan: "Squandermania! It is because of that we do not have the \$14 per day/

The Speaker: Dr. Jagan, may I suggest something? All the points Cde. Denny is making that are not in keeping with your views make a note so that when you contribute you will reply to those observations. I will give you enough time. You can make all the points then.

/Cde. Dr. Jagan: This gentleman is dishonest. He takes a few point and twist it around and twist it out of context/

The Speaker: Well, you will tell him that.

Cde. Denny: Cde. Speaker, I was making the point that in 1979 the \$14 could not be paid because of the situation. but I want it to be understood that this Bill is designed to give legal effect to the 1979 wage freeze as from January 1 1979, and to pay wages at the level at which it stood up to December 1979 subject to certain powers given to the Cde. President, on behalf of the Government. I want it also Cde. Speaker, to be understood that an argument is said that we want to ban strike. This Bill is designed to ban strikes. Cde. Speaker, that is a wicked, insidious, malicious type of allegation used to gain cheap political notoriety. /Applause./The truth of the matter is that this Bill has nothing to do with trade union rights. This Ministry, the Ministry of Man power and Co-operatives, has submitted to the TUC since July of 1983, the TUC recognition Bill and the Severance Pay Bill. Those are the facts and to date the Ministry has not received it.

14:50 hrs

(Cde. Denny continues)

To date the Ministry has not received it. This is now March of 1984. Dr. Jagan knows while Nero fiddled Rome burnt, and I am saying that this Bill by and large is what was agreed upon. Hence, the necessity did not arise. That is the point that has to be understood. I want it to be clearly understood, too, that the courts have acted correctly. What we are talking about – and elaborations will be made later – is we as a Parliament are not challenging the decisions of the court. What we are doing, which is a Parliamentary power and prerogative, is to change the law. This is what must be understood. On no point are we challenging the right of the court. /Interruption/The law, as I understand it, could be changed either prospectively or retrospectively. In the circumstances the Parliament is right. /Applause/

Cde. Speaker, I think that all the people of this country recognise that this Government would do nothing inimical to their interest. The people of this country have the experience of the P.P.P., wicked, between 1957 and 1964. Our memories are not short. We all remember the viciousness of the People's Progressive Party and so what I am saying is that this Bill seeks to make all future collective agreements legal and it also seeks to make the T.U.C. agreement of 1977 legal.

In this initial presentation I, therefore, commend that the whole Assembly be supportive of this progressive measure, this measure that is designed to ameliorate the relations between trade unions and Government, between trade unions and the workers so that when maybe Dr. Jagan and others like me would have shuttled off this soil, it would be recorded that this was a very progressive and advanced measure that the People's National Congress introduced. /Applause/I now move that the Bill be read a Second time.

Cde. Reepu Daman Persaud: Cde. Speaker, we are really disappointed in the presentation by the Minister of Manpower and Co-operatives. In fact, one was expecting that a matter which has such far-reaching effect – and he will not deny that because so on the radio last night – would have had a more sober presentation, more objective, and the Minister would have dealt with the Bill before the Assembly. Unfortunately, he wandered away, a distance from the Bill, and he did not succeed in presenting this afternoon a cohesive Government's position on this measure. It is unfortunate. I am sure there are other Members who will attempt to tell what is Government's position because we are still to hear.

Our position, however, is that the Bill is retrogressive. The Bill has far-reaching effects and it affects profoundly adversely the working class of this country. If it is not so let the Government tell us. I will allude them to what we think the Bill does and the kind of effects it will have. It also dismantles trade union conventions and laws. It is an objectionable Bill. In fact, we are of the view that the Parliamentary process is being used to subvert the rights of workers and to reduce them literally to tools of the employer and, in this case, the state. This Bill is a calculated and vicious measure, thus we feel it should be vehemently opposed.

Contrary to what is being made out by the Government, the Bill amends an entrenched provision in the Constitution which the Cde. Minister did not allude to, though it is his Bill and it is that that is being considered. Why did he not deal with that serious amendment which he has in the Bill? In making that point, I wish to say that the explanatory note on the Bill is deceiving. In fact it did not clearly explain what was the intention for the amendment of Article 142 of the Constitution. Why conceal the truth away from the people of this country. My view, I hope I am right, is that Article 142 is an entrenched provision in the Constitution. It deals with rights and will require a two-thirds majority to have that amendment passed. I do not want to discuss the question of the two-thirds, whether it is legal or illegal. We have dealt with that on many occasions. We know that when rights are being tampered with consultation should be wide, discussion should not be impeded and the nation must be given a full opportunity to pronounce on a measure which requires a two-thirds majority. The Cde. Minister has not this afternoon said that there was any consultation at all. In fact, he sought to hide behind some recommendation of the Labour Code Commission. Did the Labour Code Commission recommend the amendment of Article 142 of the Constitution? That report will be examined. I have not looked at it, I did not expect that kind of presentation. So once again the Minister will be placed to the public for scrutiny and to see whether my submission that the Explanatory Note deceives is not fortified by the fact that the Labour Code Commission, if it has not, recommended the amendment of the Constitution.

I share the very cherished opinion, as I am sure you will and the greater number of people of this country and all those who believe in freedom, that you do not by the stroke of a pen dismantle a right or rights which were entrenched not only in the recent 1980

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Constitution but in the Independence Constitution of this country. The other point I make is – and I would like him to answer if he is capable – is it not a fact that the 1980 Constitution was subjected to deep and profound scrutiny by the Constituent Assembly over which you presided? So the Government had a situation where they were looking at a provision that came from the colonial past and that Constituent Assembly which the Government said was a representative body said Article 142 must be retained and it must remain an entrenched provision in the Constitution in its identical form more or less.

15:00 hrs

(Cde. Reepu Daman Persaud continues)

If I argue – the Government believes in freedom, in democracy. Isn't it reasonable for any member in this House to stand up and argue that several organisations looked at the Constitution, they deliberated and by the stroke of the pen without any consultation, not even with the Trade Union Congress, the Government changes what the Constituent Assembly has done. Let me just anticipate – I am not saying that the Constitution does not allow that, I am not saying that there is no inhibition in so far as the provision of the Standing Orders are concerned, but I am dealing with it from a political and democratic standpoint and I make the strong point that it is immoral and I emphasise and support all those who say that this legislation is immoral. In fact it is and more so the way, the haste, the manner in which the Government is pushing the legislation fortifies any such belief. I am very dispassionate in looking at this measure because I want to look at it objectively. Both these constitutions – the Independence Constitution of 1966, article 8 is reproduced in article 142 of the 1980 Constitution which makes out that the wages of a worker is his property and the worker enjoys the right to mount an action premised on article 42 to recover any such wages from anybody including the State. By the stroke of a pen, with a Bill being put on this table Monday last and today Friday – that important element which forms part of an entrenched provision in the Constitution is being removed. Within one week you are telling the worker that he is no longer entitled to say and to move the Court if you so desire to say what you have earned and there are certain facts which can support that people would have earned. There are different kinds of incentives and increments and so on.

Let us have a look at the interpretation of the Court. The Court ruled, both the first instant Judge and the Appellate Court. The first instant Judge found that Teemal had a good case – because that action was mounted on the premise of article 142. It was its strongest ground to probably produce a cause of action. The Appeal Court finds that the first instant Judge was right, as a result Teemal was entitled to collect. Let us assume that he did collect and let us for the purposes of debate assume that there were others who took advantage of the Appellate Court's decision and went and made representations and

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collected money which they were entitled to because the matter was ventilated and there was a pronouncement – a legal pronouncement, a pronouncement of the highest Court of the land. I make the point that those people under this Bill will now have to pay back because ---

The Speaker: Cde. Persaud there were some amendments circulated, did you have a look at them?

Cde. Reepu Daman Persaud: The Bill in its first form suggested that the Government can move the Court to recover the sums which those people received.

I say that Bill as I saw it and read it and examined it was immoral. It was an attack on the worker. It is a disgrace and probably on second thought the Government has taken the course not to recover from those people who had already earned money. How could the Minister say that this is a simple legislation? How could he seek this afternoon to deceive or to use a Guyanese phrase 'to throw dust in people's eye' and say the Labour Code Commission? How long were you in that Ministry? We have looked at it, we have examined it and we understand it. May I add at this point without really – as a layman looking at the amendments and relating them to the Constitution and the Act and so on say that the Government on second thought to introduce an amendment not to recover is not what we advocate. Though we say the Government probably realized how serious it is to do a thing like that. How scandalous it would be and let them do something to minimize the attack that would be on them from the workers in the matter probably that may have resulted in the proposed amendment which I did not have an opportunity to study. I would say with the greatest respect I was taken by surprise.

Cde. Speaker, we say that people who were satisfied that they had earned based on the law and the constitution as they hitherto existed – based on the Appellate Court's decision they may have committed sums of money which were their property on the provision of article 142 of the constitution.

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They may have mortgaged their sums. I do not know what they might have done with it – it would mean if they had invested it, and they had a right to invest even without collecting because they had an entitlement and I am sure the lawyers on the Government side will concur with that suggestion.

Let me explain it – if I know that I am entitled to a sum like Teemal was, just simple layman's view and the matter was cleared by the Appeal Court and even if I did not go and collect my sum, but I say that this is a sum of money I am entitled to and I have the necessary documentation to show somebody and say this is it and therefore that is my security – just a simple example, I think that is a strong point.

Cde Reepu Daman Persaud continues

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It would mean that this Bill would not only have an effect on those who have already collected but it can have an effect on even those who have not collected and who were acting legally on an entitlement which was clearly theirs.

It would appear that in order for the Government to get out from paying it is damaging the provision of the Constitution in a very general way though there might be a limited effect in certain areas for those people who are not entitled. Are the members of the Government really saying to us this afternoon that they do not any longer hold the view – they held it up to 1980 when they put it in the Constitution – that a worker's wage is his property? If that is so, then I say keep it in that sacred realm of the Constitution where it cannot be easily touched. It must be one of the guarantees which must remain within the framework of the Constitution and not left to the imagination, consideration or judgment of anybody, so that the union, the public and the worker can always invoke that provision of the Constitution.

Let me now deal with the Court of Appeal. The Minister attempted to tell us – honestly he was not on good ground this afternoon; probably he did not sleep well last night – that they are not interfering with the Court's decision. Even in theory that has no basis. I make this point: If the Court found that the first instance Judge's decision was right – and it so found – and ultimately ventilated and pronounced on the matter and this legislation before the Assembly has retroactive, or retrospective, effect, does it not mean that in the final analysis the decision of the Court of Appeal has been nullified? I hope the Minister is with me. In other words, the Court is there. The pronouncement has been made but let us put aside the amendment which I have not looked at. Teemal has to pay back minus the amendment and, even if Teemal does not have to pay back, those who are entitled to claim cannot claim any longer because, with the passage of this legislation, that decision is no longer law. If that is the intention of the Bill, as a very alert member of the Government is alleging, why is it that the Government did not think it fit, in all fairness, observing all the norms of equity and everything else, and not indulging in any impropriety, to make this Bill effective from the day of assent and not to bring retrospective legislation at this point

in time. I am not arguing that retroactive legislation, or retrospective legislation, is not sometimes necessary. Sometimes it is necessary but I am saying that in this instance it is a clear assault, or attack, on the working man on the street. If the Government has a case for retrospective legislation, surely the Minister would be willing to listen. The Minister has not presented such a case at all. In fact, the Government carefully, and in a calculated way, studied all the ramifications involving the issue which is being considered at the moment and very skillfully – let me give the members of the Government credit – ensured that the legislation is so framed that it would not have to pay one red cent. Pay whom? The worker. This is not the big people. Simple workers are being denied what is theirs. What they were entitled to before today, they will not be entitled to after the passage of this Bill. Is this a simple measure? Could any Minister go and tell a worker that up to the time this Bill is assented to he had a right to go to the Court and claim money which he had earned, but, with the passage of this Bill, he cannot do that any more because the Bill does not allow that end, if the Court is now to interpret the position, it has to interpret it in relation to the new legislation? Which worker will agree with you? In these circumstances, I say the Bill is iniquitous; the Bill is immoral; the Bill is a vicious and calculated measure which every decent person must be compelled to oppose.

Let me take the second limb of the Court so that there is no ambiguity in our presentation insofar as the Court is concerned. We believe in the rule of law and we believe that the legislative process must not be used to intimidate judicial officers, the Court in particular. The Court must never be led to believe “Look you go and interpret and the moment you find against the state in a matter which the state does not expect you to find against it, the state will teach you a lesson by coming and using the legislative process and reverse what you have done by an Act of Parliament. It is clear that that is what is happening in this matter.

If, on the other hand, the Government came to pass this legislation and said, “Look, it will take effect subsequent to today”, then I could not have made the point with respect to the Court. It means that that decision was honoured and all those who are entitled at the present moment would not be hindered in any way. I could not have made the point I am making presently. So I am saying the Court’s finding has been literally dismantled by this Bill.

The Court's duty is to interpret. I do not want to get into theory. The Court happens to interpret. It has pronounced. That pronouncement deals with people's wages, money they had earned at that time. That was their understanding: "Look, I am entitled. I am entitled based on the realities of the situation and I am entitled. Forget the Court.

What I say now – and this is indisputable – that right which the worker enjoyed yesterday you are taking it away today. So how could you go and say, "Here is a Constitution to give you this; there is a Constitution to give you that – free education, free health, leisure and what have you" and yet come and in such a deceiving manner take away a right that the worker hitherto enjoyed? The Minister in the front page report in the "Guyana Chronicle" today did not fairly and honestly represent the Bill, nor does the Explanatory Memorandum.

Let me come to the Labour Act. It is not simply the Government's intention to have laws enacted to make collective agreements binding. I want to question the sincerity of that intention. Why do I say **that? Because** I hold the view that the possibility exists that if Teemal has succeeded then those who are entitled to \$14 a day with effect from 1979 might invoke the provisions of article 142 of the Constitution and ask for their money too. Therefore the legislation is not only blacking out Teemal; it is blacking out all Government employees who may be included to come for money. How could the members of the Opposition, how could any member of this Parliament, sit down and support a measure which is clearly against the workers and the workers' interests? We cannot support it. We must oppose it and we feel proud that we are doing so and we are doing it conscientiously and sincerely.

(Cde. Reepu Daman Persaud continues)

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I hope, Cde. Chairman, the Government will appreciate our reasoning and evaluating this matter objectively and for those reasons I am not attempting at all to wander out of the perview of the Bill itself before the Assembly. So at this point in time and with such haste, even bringing you back, sir – I was reliably informed that you would not be here today – with such haste.

The Speaker: Some people seem to know my business more than I do.

Cde. Reepu Daman Persaud: We had been informed that somebody else would be presiding. Cde. Speaker, the point I wish to make is: You mean the Minister of Manpower only recently realised that he had the report of the Labour Code Commission? He did not know that all the time? When the Labour Code Commission stopped sitting, it is the Minister who sometimes says he is a Trade Unionist – Is the Minister saying that it would be wrong, immoral for him to send this Bill to the TUC for them to look at it in its present form, so that if they had any suggestions that those suggestions could have been considered by you? Is the Minister saying that a Bill which has direct reference to an institution, ought not to be examined by that institution before it is brought to this Parliament, bearing in mind that that institution is not officially and legally represented in this Assembly?

The Speaker: Cde. Persaud, three minutes more.

Cde. Reepu Daman Persaud: The intention of the Bill is not as the Minister makes out. The intention is to present the Bill in Parliament to make collective agreements binding and legal. In fact, this Bill is entrenching the TUC, and this Bill is dismantling the Trade Union movement. This Bill will deny individual unions and individual workers the right to represent their own groups. In fact if the TUC functioning within the the framework of the Government sector have certain views for their workers, if they wish to represent them and they feel strong on those views with respect to wages and so on, and the TUC goes subsequent to the passage of the Bill and say we want this, the Government is now institutionalizing the TUC, without the mandate from the people and the Union, to speak for the Public Servants of this country. That is wrong and immoral. And what is more, in 1982 a resolution was passed to the effect that the TUC did not have the necessary mechanism to take on this task. Implied in that resolution clearly is that the Unions affiliated to the TUC did not give it the mandate to bargain for them. So we have a real

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serious situation in this Assembly, the greatest scandal of the year and probably the greatest scandal for a long time. And if the Government seeks to institutionalise the TUC to make it the mouth piece for the workers in the Government sector without the authority of the workers, and it does appear as if it is without the consent of the TUC, I would like to ask the Government this afternoon in all seriousness and in all sincerity, if these are not objective grounds and honest grounds upon which the Bill must be opposed, what greater measure this opposition could have opposed. I do not see any parallel to this one. This has been the worst within recent times. This afternoon, Cde. Speaker, I say that the Government is doing a disservice to the nation. The Government is also doing a disservice to the Assembly. They are showing arrogance and happiness which I would ask them this afternoon not to indulge in for this will not help the country and will not bring about production in Guyana. In fact, I bear the view that a Bill of this type should be sent to the Bar Association so that they could have pronounced their opinion on it. It is only a suggestion.

Last but not least, Cde. Speaker, I want to invoke the provision of the Standing Orders. The Government did not accede this afternoon to Dr. Jagan's application for the Bill to be differed for two weeks for discussion. A reasonable request, two weeks. I am invoking the provisions of the Standing Orders at this point to ask, Cde. Speaker, and I hope the Government will accede to this request: let the Bill be sent to a select committee to provide some consultation, some examination so that further, these amendments which have just come in today can be properly read and examined so that ultimately and finally we can reach conclusion on this Bill. Presently, Cde. Speaker, we have no alternative to oppose it and to vote against it at the proper time.

Vice-President and Attorney General: (Cde. M. Shahabuddeen): Cde. Speaker, my colleague, the Cde. Minister of Manpower and Co-operatives, has already dealt with the question whether reasonable time has been afforded for the consideration of this Bill. I would only add that for our part on this side, we must dissent from any suggestion that the Government is inflexibly unreceptive to any reasonable proposals for amending the Bill. Following on conversations which I had with a delegation from the Guyana Bar Association two days ago, which my friend Cde. Persaud just referred to, it is now proposed to delete from the Bill those provisions which seek to provide for repayment of any wages paid above the limit contemplated by the Bill. I am explaining that because my friend Cde. Persaud said that he did not quite appreciate the import of the notice of the amendment. I do not suppose that the proposed amendments alone will satisfy the Bar Association, but I do sincerely hope that it goes some part of the way. As Cde. Persaud recognised, this is a Government big enough to have second thoughts, where second thoughts are justified.

Cde. Speaker, as to the remainder of the Bill, to avoid repetition, I adopt the full introduction and clear exposition of offered by my colleague, the Cde. Minister of Manpower and Co-operatives, and would only add one or two other observations to what he has so usefully put forward.

But before doing so, Cde. Speaker, I do desire to record my recognition of the validity of at least one point made by the other side. I am referring to the stress which has been laid on the importance of the measure now before the Assembly. I agree with them in the importance which they attach to it, but I do differ somewhat as to the underlying grounds of that importance.

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(Cde. Dr. Shahabuddeen continues)

It is said that the Bill is important because of the particular changes which it seeks to make in the law. These changes are indeed important. But, in my view, the real importance of the Bill lies, at a deeper level, in profounder issues concerning the existence, fortunes and survival of a major sector of the economy, and therefore of the economy itself, and ultimately of the nation as a whole. I do concede ~~that~~, in seeking to grapple with these issues of survival, Parliament should proceed with due regard for compelling principles of constitutionality and constitutionalism, but I do not accept that there are any such principles with which the Bill collides.

As to the substance of the measure, I would begin, as critics of the Bill might have done, by relying on the words used by Mr. Justice, R.H. Luckloo in the Teemal case to which reference has been made and in which His Honour said as follows: "It is the constitution which is paramount and which is the supreme law of the land." The fact that that principle is self-sufficient does not detract from its primal importance, and accordingly I do myself respectfully take my stand on it. It is the constitution then which is supreme – not the executive, not the legislature, not the judiciary.

The constitution confides to the judiciary the power to interpret laws and to make decisions thereon. The constitution equally grants to the legislature the power to make law and to change law, including, indeed, changing the provisions of the constitution itself, and, with exceptions not germane to the case, to do so either retrospectively or prospectively, as my friend the Cde. Minister of Manpower and Cooperatives has accurately stated before me in this honourable Assembly. Parliament cannot legislate to say that the courts were wrong in any particular decision they gave. To do so would be an unconstitutional usurpation by the legislature of a role entrusted by the constitution to the courts alone. Parliament cannot adjudicate under colour of legislating. It cannot issue what are called legislative judgments. On the other hand, the fact that the courts have stated what the law is, does not prevent Parliament from changing that law as so stated, and from changing it either retrospectively or prospectively save for cases which, in my submission, are not relevant to the issue under debate.

In the Bill now before it, Parliament is not being invited to say that the Court of Appeal was wrong in its interpretation of the law. On the contrary, Parliament would be proceeding on the basis that the decision of the court was of course correct, as my friend has already said, but that the law as so declared by the court should now be changed, and changed, to some extent, retrospectively.

It is true that as a result of the change proposed in the law – and here I come to one of Cde. Persaud's more useful points – the decision in the plaintiff's favour could not longer be implemented. That is true. However, a close analysis would show to those who are interested in the matter that this result would happen not because of any parliamentary assumption of power to reverse the decision of the court, but because of the change in the law on which the decision of the court was based. The right of the plaintiff is based on the old law as interpreted by the court, and not purely on the decision of the court itself. Parliament has the power to change that old law and to change it retrospectively, and accordingly it has the power retrospectively to remove the right recognised by the court as being based on that old law. The right is removed not by a reversal of the decision of the court, but by a retrospective change in the old law.

If, as I believe, this appreciation of the intent of the Bill is accurate, then I would submit to the Assembly that no collision is involved between Parliament and the judiciary, each would be functioning within its allotted sphere as designed by the constitution.

Let me mention two cases. I do believe I have one interested hearer across the gang way. For his benefit, if for no others, I would mention the case of Burmah Oil Company versus Lord Advocate of Scotland (1965) Appeals Cases, page 75, House of Lords. The plaintiff were claiming compensation for their property which had been destroyed by the British Army during the Second World War – I believe in 1942 – to prevent it from falling into the hands of the invading Japanese forces which were then moving into Burmah. The plaintiffs won. The case was remitted by the House of Lords to the lower determination in accordance with the law as stated by the House of Lords. The Government took the view that the law as declared by the courts should be changed, and that it should also be changed retrospectively. This was achieved through a very short Act passed by Parliament. It was called the War Damage Act 1965. It consisted of one operative section made up of two subsections. Subsection (1) changed the law, and changed it retrospectively.

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(Dr. Cde. Shahabuddeen continues)

Subsection (2) then tersely stated as follows, and I read ["where any proceedings to recover at common law compensation in respect of such damage or destruction have been instituted before the passing of this Act, the Court shall, on the application of any party, forthwith set aside or dismiss the proceedings, subject only to the determination of any question arising us to costs or expenses."] So here, Cde. Speaker, the Courts of the United Kingdom were being expressly, positively and explicitly directed by Parliament to dismiss any proceedings before them which were based on the old law, even though the action was brought in respect of an Act done before the law are changed. In fact Cde. Speaker, and more pertinently the effect of the new Act was to direct the Courts to dismiss the particular proceedings in the Burmah Oil Company case which having been remitted by the House of Lords to the lower Courts were still pending in the Courts at the time when the Act was passed.

I go now to a non-British jurisdiction. I refer to the decision of the Supreme Court of India in the case of Ashok Leyland Limited vs the State of Madras (1962) ISCR 607. I pause to assure my friend Cde. Reepu Daman Persaud that, in our usual cooperative way, I can make available these references for his own research.

Here, in a 1957 decision one of the High Courts in India invalidated a Tax Act – the National Parliament then intervened to put the matter right by retrospective legislation, one provision of which read as follows: ["Notwithstanding any judgment, decree or order of, any Court no law of a State imposing or authorizing the imposition of a tax on the sale or purchase of any goods where such sale or purchase took place in the course of interstate trade or commerce during the period between the first day of April, 1951 and the 6th day of September, 1955 shall be deemed to be invalid or ever to have been invalid merely by reason of the fact that such sale or purchase took place in the course of interstate trade or commerce; and all such taxes levied or collected or purporting to have been levied or collected during the aforesaid period shall be deemed always to have been validly levied or collected in accordance with law."] So Cde. Speaker, the effect of the new legislation was to neutralize the effect of the previous decision of the High Court but not to say that the decision was itself erroneous.

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Cde. Speaker, precedents are furnished by yet other jurisdictions for special reasons, partly of an historical nature, the position in the United States of America may be a little different. But Canada seems to follow the usual lines of legal development in this area. In relation to that country a standard Canadian text book by P.W. Hogg, Constitutional Law of Canada 1977 at page 200, footnote 22, observes that "retrospective legislation in quite common."

Cde. Speaker, my friend Cde. Persaud sought to unfold, if he will forgive me, a somewhat Morpheus theory that the Bill constituted an act of intimidation directed against the Courts. With such respect I have not succeeded in following this branch of his argument. The Courts unlike my friend would I believe have no difficulty in appreciating that an exercise by Parliament of its own undoubted power under the Constitution to legislate can in no sense be regarded as an act of intimidation directed against the Courts.

Cde. Speaker, the Bill now before the House has been impugned by both members of the Minority Party who have spoken, as immoral. Cde. Speaker, an argument based on morality must always command respect, even when unsupported by evidence. It should never be lightly dismissed, even when too unsparingly put forward, so perhaps a word may be said on the contentions based on it in this case. Cde. Speaker, the matter depends no doubt on one's point of view. A point of view founded solely on individual interest will probably lead to results very different from one derived from a point of view resting on the larger national interest. In the Government's view, the real immorality in this case arises not in relation to any withdrawal of an increment agreed to be paid to a particular worker, but in relation to a repudiation by or on his behalf of the moral foundation of the larger covering agreement to which his own union through its General Secretary subscribed. Indeed Cde. Speaker, as Mr. Justice Vieira found in the Court of first instance in the Teemal case – Teemal himself had in fact been told early by his employers that his salary for 1978 had been increased "from the adjustment as a result of the Government – TUC minimum wage agreement.

(Cde. Shahabuddeen continues)

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Then, as the learned Judge added, he had in fact been shown a copy of the Agreement even though, as he said, "he did not look at it or read through it because he did not consider that he 'would wish to read it.'"

So, he was aware of the existence of the Minimum Wage Agreement of 1977. He had been told, when he returned from Moscow, that his salary had been increased in 1978. Yes, salaries were increased in 1978 and he was told, when he enquired why his salary had been increased, the pleasant news that it had been increased because of the 1977 Minimum Wage Agreement. So he knew of the Agreement and he took the benefit of it in 1978.

Under that Agreement, the minimum wage visualized for 1979 was, in our contention, predicated on the assumption that the performance of the economy would improve, and improve sufficiently, to warrant and justify the granting of the increase for 1979 and that, consequently, the increase would not be granted where that assumption did not materialize. No one seems to dispute the fact that that assumption was not realised. Production and productivity did not improve for 1979 as had been anticipated and, therefore, the Government was not only entitled but obliged to take the position that the Agreement, being expressly stated to be "an act of faith" – these words were not recalled a while ago on the other side – did not justify the granting of the particular increase.

Recording his own findings on these aspects, in his judgment at first instance in the Teemal case, Mr. Justice Vieira had occasion to note that the non-implementation of the 1977 Agreement between Government and the T.U.C. for the year 1979.

"came about as a result of a decision taken by the Government, which was agreed upon by the T.U.C., that there should be a 'wage freeze' for 1979."

I take those words verbatim from the written judgment of His Honour Mr. Justice Vieira in the court of first instance. To take advantage of a particular agreement entered into between the employer and his employee in oversight of these important and indispensable underpinnings of the projected increases represents, in my submission, the true immorality of the situation.

The House may ask: Why did the particular case succeed? It succeeded essentially for two reasons: First, under the existing law, the T.U.C. Agreement with the Government was not legally enforceable. Collective Labour Agreements, as members would know, are generally not legally enforceable. Secondly, the letter of appointment to the plaintiff did not explicitly link his appointment to the T.U.C. Agreement. Those were the two reasons. I conceded they are both sound grounds in law. Yet in a real sense to the take advantage of these ground in the particular circumstances of the case involved a technicality, for the increment had been obviously granted by GUYSUCO on the basis of the 1977 T.U.C. Agreement to which the plaintiff's own union was a party. Justice Luckhoo recognised this truth when he said and I quote now from his judgement.

It was, no doubt, true that the appellants (GUYSUCO) had regard to the salary structure contained in Exhibit "G"

That is to say, the 1977 Minimum Wage Agreement –

"in fixing the respondent's salary at \$334.72."

So the Court recognised that the new and ampler salary fixed for this worker for the year 1978 had in fact been based on the Minimum Wage Agreement, and he had already been told that that was so. This presumably was why. In his own twin, Justice Massiah in the Court of Appeal concluded his own judgement by saying these words:

"I think I ought to say, however, that I am satisfied that in this matter Guysuco was in no way actuated by any immoral considerations. At a time when Guyana, in common with almost every country in this world, was (and still is) beset with stubborn economic problems, the appellant desire to husband their resources in understandable and commendable. They merely overlooked the basic fact, that in this particular exercise, the consent of the respondent was required. The common law is against them, but no taint of opprobrium attaches to their conduct."

So much for immorality.

I turn now to a further criticism. This is the criticism that the bill abrogates the right of trade unions to enter into collective agreements.

The Speaker: Cde. Shahabuddeen, before you go on to that, it is five minutes to four. I do not know whether it is the desire of the House to hear you through before we take the suspension. Cde. Leader of the House, I wonder if you would indicate.

The Vice-President, Party and State Matters (Cde. Ramsaroop): Cde. Speaker, I think we should go through.

The Speaker: Is that agreed?

/Members indicated in the affirmative./

Cde. Shahabuddeen: Cde. Speaker, Thanks for the co-operation of my colleagues on the other side.

I was trying to restate this second criticism of the Bill as best I understood it. I understood the argument to be that the Bill abrogates the right of trade unions to enter into collective agreements in that it entrenches the T.U.C. as the bargaining agent. I shall leave aside the strictly legal question whether the right to membership of a union includes a right to have one's own trade union act as one's bargaining agent. I proceed instead on the footing that, as a matter of good industrial practice, the norm is that collective agreements are negotiated by trade unions in the field. But even on this basis, the Assembly may well consider that the relevant provisions of the Bill need to be read within the matrix of our experience of our own industrial realities in this country. When so viewed it would, in my submission, be apparent that the Bill retains as a primary norm the principle that negotiations would be conducted by the recognised union in the usual way and that the power conceded to the T.U.C. to negotiate for the worker would be exercised, as it were, by way of a reserve authority.

It may be that in particular circumstances it may prove impossible or impracticable to secure that welfare of the worker through agreements made in the ordinary way by his own union. Where extreme conditions of this kind arise, it would be appropriate to resolve the impasse by having recourse, if only on an exceptional basis, to the reserve power given the T.U.C. to enter into appropriate agreements. Having regard to the anticipated way in which this power will tend to be exercised, it would seem to follow logically that any provisions of an agreement negotiated by the T.U.C. should prevail in case of conflict, over any corresponding provision in an agreement negotiated by the worker's own union.

I come now to the proposal in the Bill concerning the granting of injunctions in relation to the work of industrial arbitration tribunals. The Cde. Minister of **Manpower** and Co-operatives has already presented the factual background out of which the proposed amendment has emerged.

(Cde. Dr. M. Shahabuddeen continues)

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I do not apprehend that any questions of constitutionality have been raised on the proposed amendment either inside or outside of this Chamber. Therefore, Cde. Speaker, I propose to limit my remarks to the substantial considerations justifying the amendment.

Cde. Speaker, I invite the Assembly to consider the case of a tribunal which has been appointed and which is about to hold its inquiry in the ordinary way. An interested party bring an action challenging the validity of the appointment of the tribunal. Now, as we know, Cde. Speaker, regrettably, it could take a long time perhaps a year or two for that case to reach maturation and to be decided. At the end of it all, the court may well uphold the validity of the appointment of the tribunal. However, Cde. Speaker, if the tribunal has meanwhile been unable to function because of an interlocutory injunction, this may well mean that by the time the court has come around to uphold the validity of the appointment of the tribunal, the original issues might have ceased to be significant or worse might have been overtaken by even more intractable issues created by the non-functioning of the tribunal.

So, Cde. Speaker, a balance has to be struck between two things – between the disadvantage to interested parties of allowing an improperly appointed tribunal to function subject to the possibility that the court may ultimately nullify its appointment, and the advantage to the public of allowing a lawfully appointment tribunal to do its work unimpeded by an interlocutory injunction which may ultimately have to be vacated. Cde. Speaker, the judgment which this Assembly is invited to make is that the balance is decisively in favour of the latter course. For, Cde. Speaker these arbitration tribunals constitute a centrally important piece of machinery in the national apparatus for resolving industrial disputes.

The Assembly is asked to note that the power of the court to grant injunctions is not altogether removed. In the first place, cases properly based on the fundamental rights provision of the constitution are expressly excepted. In the second place, if the court ultimately holds that the tribunal was improperly appointed, it may, of course, proceed to grant a permanent injunction restraining the tribunal from taking any further action.

What it is being sought to prevent is the real danger which can arise to the public interest where a properly appointed tribunal is prevented by an interlocutory injunction from doing its very important work. Now, it is true that in the result an improperly appointed tribunal will also be free to function pending the hearing of the case. But, Cde. Speaker, any disadvantage to the public weal which this may cause should be capable of correction without undue difficulty. The same is not true, in my submission, where a properly appointed tribunal is prevented from functioning pending the hearing of the case.

Finally, Cde. Speaker, the Assembly may wish to note that the restraints sought to be imposed on the granting of interlocutory injunctions in these cases is also sought to be counter-balanced by a requirement that these cases be speedily heard by the court --

[Interruption]/I am heartened by the support from my friends on the other side.

I come now to the criticisms of the proposed amendment to the constitution. I would wish, in my first place, to record my own appreciation of the participation by the Major Minority Party in this part of the debate. The Assembly may no doubt regret the fact that we did not have the benefit of their contribution in the even more important debates which took place in the Constituent Assembly on the framing of the very constitution on which they are now taking their stand. Cde. Persaud, my friend – sometimes I am tempted to say "my learned friend" in sincere tribute to his undoubted ability – was pleased to characterise the explanatory memorandum to the Bill as deceiving. I did not collect from him any particulars to support so weighty a judgement. I have the explanatory memorandum here with me and would read the particular part which I believe he had in mind. It is the first paragraph and it says:

"Clause 3 of this Bill seeks to alter paragraph (3) of Article 142 of the Constitution so that legislation to regulate wages cannot be challenged on the ground that it affects property rights guaranteed by that article."

Cde. Speaker, my submission is that within the brevity expected by the Assembly of an explanatory memorandum, that explanation is both adequate and fair. It says exactly what the amendment intends to achieve.

Now, as to the constitutional amendment itself, this does not visualize any wholesale erosion of the worker's fundamental right to property. It is dealing with a very special kind of situation, as anyone who takes the trouble to read it would be able to appreciate.

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Cde. Speaker, I do not think I need trouble this Assembly with a response to some of the mere adventurous submissions by my friend, Cde. Persaud on this branch of the Bill. In large part, the amendment is being put forward simply out of abundant caution, for in the ordinary way wage-fixing legislation is perfectly constitutional, as everyone should know. In so far as the amendment is technically necessary, it certainly is designed to protect the validity of some aspects of the wage freeze provisions of the Bill. But the amendment can be as **helpful to the** employee as it may be to the employer.

With respect to the position of the employee, an industry, such as sugar whose product is being sold below the cost of production can conceivably argue that legislation fixing wages even minimum wages above the level strictly indicated by its earning capacity is really requiring the industry to pay, not from its earnings, but from its corpus or capital resources, and that, accordingly, such legislation is open to legal challenge on the ground that it has the effect of depriving the employer of part of his ordinary property without compensation. I cannot say, Cde. Speaker, with confidence how a court may respond to such an argument. what I do know is that there are authorities to support the argument. It seems therefore useful and judicious to take the opportunity to foreclose possible arguments on the point.

16:10 hrs

Predictably, my friend, Cde. Reepu Daman Persaud has made remarks as to the constitution being amended so soon after its commencement. If he had participated in the work of the Constituent Assembly which produced the constitution, he would have heard Government speakers saying more than once that, although the new constitution would of course be treated as being more appropriate to our conditions than the old one, yet, regard being had to the manifold variables falling to be dealt with by a small developing state, the Government would not flinch, if the necessity arose, to come back to Parliament for any appropriate amendments to the new constitution. That was said in the debates of the Constituent Assembly. It is indeed no light matter to amend a constitution, but it would be a worse calamity to allow the important interests of a nation to suffer from a mistaken reverence. Now, as in times long gone it is fitting to remember that the law is made by man for man: man is not made for the law. Where change is dictated by experience, inaction is folly.

Cde. Speaker, the trade union movement in this country is one of the vital importance to us all. That importance cannot be overestimated, nor has the Government been slow to recognise it. The facts show that the trade union movement has been admitted by Government to participation in the making of far-reaching decisions of a national character. The 1977 Minimum Wage Agreement is a case in point. It is reached between the Government and the supreme trade union body, the T.U.C. and was, in addition, signed as has already been said, by representatives of particular unions covering a number of industries. It would be said if this welcome development in trade union participation in the processes of national decision-making were to be unreasonably inhibited or discouraged through any weaknesses in the law.

Some weaknesses have been brought to light by the Teemal case. Where a national agreement has been patiently and carefully worked out by the Government and the top trade union body to meet our difficult economic situation, it should not be possible in an ordered society for such an agreement to be undermined and overturned by the ruthless exploitation by the uncooperative of any weaknesses in the law.

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With respect to what happened in the Teemal case, someone might have said to the Government, "If you do not like it, it is up to you to change the law." Cde. Speaker, the law is now being changed. It is being changed for the reason that, where co-operation is wanting, it is for the law to supply the deficiency.

It is for these reasons that I now conclude by supporting the notion to ably move by my friend, the Cde. Minister of Manpower and Co-operatives, that the Bill be read a Second time.

The Speaker: The Sitting of the Assembly is now suspended for 30 minutes.

Suspended accordingly at 16:15 hrs

16:45 hrs

On Resumption –

The Speaker: Cde. Belgrave.

Cde. Belgrave: Cde. Speaker, looking at this Bill and listening to the Mover of the Bill who over a number of years held the very important post in the Trades Union Council, a very good friend of mine, I am a bit worried in relation to the future of the Trades Union Movement. First, I must correct some points raised by the Mover who indicated that some of the provisions in the Labour Act which he seeks to have changed this afternoon had been the total recommendation of the Labour Code Commission. If I should accept such a point I would be considered guilty, as a party to this legislation. For the number of years I sat as a Member of the Labour Code Commission, I know for a fact that the T.U.C. and the People's Progressive Party on many occasions saw eye to eye on many points raised on that Commission. Some of the clauses which the Minister seeks to have amended are still contentions and ought to be looked at. I remember Mrs. Walters, Chairman of the Labour Code Commission, told us he has got to finish the task in haste, despite serious objections by myself and the T.U.C. Her words were that she was instructed and she resigned from the Government Services in a haste to go to Trinidad. She was instructed to bring this discussion to an end. I remember that C.A.G.I. had raised several points and had to meet the Minister in private sessions. Unfortunately, the T.U.C. did not have the opportunity to meet the Minister to discuss certain ramifications of the Labour Code Commission. To say that the provisions in this Bill have met with agreement and understanding by Members who sat on the Labour Code Commission would not bring out the facts.

The Speaker: He said that was a recommendation.

Cde. Belgrave: It was not a recommendation. We did not complete recommending on the Labour Code Commission because we were told it had to come to an end irrespective. The point I want to note here is that the hon. Minister, like myself, is a trade unionist. Despite the fact that he wears the hat of a Minister, he is also a member of the Trades Union Movement. When he seeks, in this honourable Assembly to pilot a Bill which in content will have a far-reaching effect upon the Trades Union Movement, one ought to wonder on which side of the fence he finally will sit. As I said before in this Assembly, the future will decide whether you are with the progressives or you are with those who tend to trample upon the rights of the workers.

I listened to the hon. Vice-President and Attorney General and wondered again – a case lost in court. To my layman's mind, lost in court, ably represented by the Attorney General's Office, a case where a worker sought the Court's assistance and gained his rights as a worker is now being moved in this Assembly to give defeat to that case by which the Government sought, through Guysuco to gain a victory.

16:50 hrs

(Cde. Belgrave continues)

Guysuco is a state Corporation and the Attorney General's office most likely had to be involved in some form. There a case was lost and there similarly a case is brought before this House to remove an important clause – a clause which gives certain rights to workers' wages as property.

I used to hear so much about the People's magic Constitution. I hear my very good friends in all their debates around the street corners, they speak about the People's Constitution. The Constitution would have given the people all the glory in this society. The Constitution now is taking away that fundamental right which my colleague has mentioned before and which the Minister accepted – taking away that fundamental right by which a worker or workers could seek the Court's assistance to get that basic value, his just due as a worker, is taking that away now and what we are doing is setting up various machineries which has a total anti-working class smell – as I go down a little later on I will deal with a few of those machineries that will be against the workers in this country.

You are using the legal aspect to defraud the workers out of his just rights, his due reward for his work. In the case of Teemal it is clear and running over. In 1977-78 there was adjustment in wages. That for 1979 which ought to have been paid was not paid. Later we were told no bargaining for wages. In a follow up we were told a wage freeze – the economy did not perform. No worker or Trade Union who had the right to bargain for the workers respective Trade Unions had ever seen a copy of any agreement reached between the Government and the Trade Union Council. That agreement which we understand hinged the worker to that right by which bargaining ceased and the TUC carries out that area. We as an individual Union did not see an agreement. It is the very first time that this agreement is made to my mind public. It may have been, but this is now to the general public and maybe in Parliament. I have not seen it as a Parliamentarian. I have not seen a copy of this agreement reached between the TUC and the Government which says, clause 6 on page 26 which says 'that an act of faith is agreed upon that if the economy does not perform wages will not increase.' Did this act of faith go to all those who have recently been given increased salaries and allowances. That act of faith is only hinged upon the worker at the bottom, Ministers have gotten their increases. Allowances have been given to Permanent Secretaries. I have no quarrel with them.

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Increases have been given to Heads of Corporations and we did not hear that clause 6 is applied in this respect. Other forms of benefit – fancy new cars etc., perks for the boys. In no way we see that an act of faith, a change by which the economy is hit and we have to act with constraint, but because it comes to the bottom – the same workers in which you are asking to produce, you must think what you want – the same workers you are asking to produce, those workers who were out here picketing – not those that are there now, they are not workers, they have been mobilised here from a religious body for the purpose. They are not workers. They do not know what is a hard days' work for days' wage. They are still picketing, but the workers that were out there picketing – they are the ones whom you are asking to produce. Produce or perish, but yet you will take the act or attitude that the benefits to be given to those workers at the moment must be subverted because the economy is not performing.

Do these people on the other side expect that the economy will perform better?

Where is their sense of thinking or reasoning. Is it not the same worker whether or not the strike is finished tomorrow or when has got to go back to the same work place to produce. Would they produce? Would they give you the basic **value for their** wages. I said in this House several years ago that the workers are taking a different attitude towards this Government. You are not paying them, they are not quarrelling with you, but they are dissatisfied and they are not giving their worth. You cannot expect a man who earns below this take home pay to give you the full benefit of his labour in his work place and Cde. Speaker, to support that point let me again draw to this House the TUC's position upon that. The TUC had set up several committees to examine the change in the workers position and so far Cde. Speaker, they have had four reports.

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In 1982, the Technical Sub-committee of the TUC said that the worker is earning \$240.00 per month and his expenses are \$654.00. He earns \$240.00, but what he gets in terms of his value is a deficit because \$654.00 per month is his expenses. That committee set aside and another committee gave a report. That is in July 1982, this was in February. It said clearly and called for an increase in the minimum wage from \$12.70 per day to \$29.70. This is the TUC I am speaking about – not NAACIE. This is the Trade Union Congress, the same body which they seek to discuss with for the workers.

Again the Daniels committee met in 1983 and Daniels committee said clearly that \$38.00 per day ought to be the minimum wage. Cde. Speaker, this is the important one. The TUC set up another committee. The Assistant Secretary now is going to make some remarks. What has happened after they have taken away the individual rights of the Union, the TUC through their bodies have been agitating for changes, so some pressure has been placed upon them one way or the other so they have to speak out because the affiliates fail. The affiliates contribute to the TUC to keep them alive so the Officers must speak to earn their wages or their salaries.

The TUC Assistant Secretary stated that the worker was getting in terms of purchasing power of his wage less than the entitlement that the slaves under slavery got.

(Cde. Belgrave continues)

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Daniels, a big member of the P.S.U. is making this point on behalf of the T.U.C., that the wages the workers are getting now are far less than the entitlement that slaves got under slavery. This Government does not seek to analyse the views of the workers' representatives and does not understand that the workers are in a jungle. There is a rat race, which is the normal terms used of the jungle. The fittest survive, the cat is searching for the rat, the one in front is likely to escape: he has gone into the hole. The one at the back is caught up.

The members of the Government should sit as mature people and understand that the situation is worsening, not because the sugar price is dropping internationally or because the bauxite price is falling somewhere, or Japan is using less bauxite than it used in the past, or rice has some problems in Trinidad with respect to purchase. There are other markets. Right now there is a boat alongside the Guyana National Shipping Wharf. It is now in its first week of waiting for a shipment of rice to go abroad to earn foreign exchange. The rice cannot be made available because production has dropped and that is because the workers themselves **have limited interests**. You are not giving them the just reward for their labour. Instead, you are amending your laws now to drive greater fear into the minds of the workers. That will decrease production. This is **how** this Government wants it.

Why must the Government stab at the worker? For what reason? If it is because of the virtue of Teemal's case, then Government ought to pay as a mature and responsible body. It is not to amend the Constitution, subvert the Constitution, which, incidentally, was accepted **in the** Constituent Assembly as being the P.N.C. Constitution. The copy presented by the P.N.C. was accepted. The T.U.C. complained that not one iota of theirs was accepted. Pollydore's remark was: "I wasted my time in the Constituent Assembly." The P.N.C.'s draft, lock, stock and barrel was accepted. It is this Constitution that they are now subverting to suit their own purpose.

Cde. Denny failed to tell this honourable House that when it suits him and when it suits the Government they send documents to the T.U.C. for discussion. I raised the point about labour legislation in terms of severance pay.

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I raised the point in terms of the trade union recognition bill in this honourable House and he said "It is with the T.U.C." and that we would soon be having it before this honourable House. Was this Bill sent to the T.U.C.? Was this piece of legislation sent to the T.U.C.? Day before yesterday was the very first time that the President of the T.U.C. saw a copy. Incidentally I gave a copy to him because he is the President of my union and we were together. I handed him a copy of this Bill, a spare copy which was sent to me by Parliament Office. There was another one with the Order Paper which I collected on Monday. The very first time that Mr. Pollydore, General Secretary of the T.U.C., saw a copy of the Bill was when Dr. Jagan called him up and sent him a copy with a covering letter. The Bill was read for the First on Monday. On Tuesday the General Secretary of the T.U.C. and on Wednesday the President of the T.U.C. saw a copy of this Bill which is now in Parliament for debates.

Again, as we entered this Chamber at 2.30 a copy of the Amendments was brought to this honourable Assembly for us to study.

The Speaker: Those were good amendments.

Cde. Belgrave: We would not know whether the amendments are good or bad until we get down to studying the Bill and the Act. [Interruption] We accept it but do you believe that mental supremacy produces? Do you believe that sitting and pressing a button and bell produces in the field? Do you think that the laws you are going to enact in this Parliament are going to produce in the field? No. Hands, the hands of workers produce. Cde. Chandisingh, the hon. Minister of Education, told me that in the past when he lectured to me. It is the hands of the workers that have to produce. You are now tying to hands of the workers and yet you are asking them to produce. What type of Government is this? How do the members of the Government think?

They think that this Bill gives the T.U.C. a vitally important right and the T.U.C. could not debate or discuss this Bill night before the last. Night before the last the Executive of the T.U.C. met and, from information received, Cde. Pollydore who is the General Secretary advised that the Standing Orders be suspended to discuss this Bill. Some able friends of the T.U.C. who sit there regularly and who also sit in Parliament agitated that it was not on the agenda and must not be discussed.

The T.U.C. with a sharp division by which the unions with the largest membership have the smallest support in it, is now going to be given powers to bargain totally for individual trade unions. What is that? Whether or not the T.U.C. has a majority or a minority, it will still have the exclusive right to bargain for all the trade unions in this country.

This Bill seeks, as I say, to change an important principle of the trade union movement. When we discussed with the Labour Code Commission we did not raise that point. We just agreed to that. Another clause in this Bill which is dangerous gives ultimate powers. We will now be having rule by decree, by seal. I did not hear the hon. Minister of Justice touch on that point. "I, the President of this Co-operative Republic do—" We have gone right back to John of England and Louis of France. Is this what you wanted for the P.N.C. in 1963 when the general strike was mounted and you called for a free trade union movement? Is this what you were calling for? An individual to decide whether you live or die? That is exactly what we are going back to. We are returning to the days of old but it will not affect those who are 45 years of age. I know them well. I appeal to those who are going to be hit.

This will somersault. I have read history and seen some of these things develop. Absolute power! This is what we have returned to. Critchlow turned ten times in his grave. I thought I saw his hands move outside this Parliament when I was on the verandah. He was begging for mercy. You have slaughtered everything that Critchlow fought for in the name of the people's Constitution.

The workers are entitled to a wage of \$14 a day. I think this Government should set aside this Bill and be honest enough to get down to the real discussion with the relevant bodies so as to come to grips with reality and to understand that the cost of living has gone up tremendously above wages. Before the members of the Government start legislating they should get down to business. Let us start talking about the realities of life. Recently a large tine of milk cost \$19. A shipment came. There was no change in the overseas price. The Government carried up the local price to \$32.

(Cde. Belgrave continues)

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They raised the price of milk to \$32. They have put on \$13 more to the working class people. This Government calls itself a working class Government. Everything in this country has gone by the stroke of a pen. My unfortunate friend across the bay has got to sign these orders when they do come. He is my good friend, the Minister of Trade. It is most unfortunate that he has got to be part and parcel of this exercise as a working class citizen. Brazil sent its butter and we paid \$8.50 a pound. We now make our own margarine here and it is \$7.30 for 500 grammes. When it came from Brazil, it came through the borders by plane or boat and when it arrived we paid \$8.50 for the 500 grammes. We are now importing the raw materials and we sell it back to the workers at \$7.50 a pound. The price rose from \$3.56 a pound to \$7.50 a pound. What are we talking about? We are talking about the man's position in the various industries. That is what we want **change. We want** to the man at least to have a little comfort in his life. Let us forget all these various Bills and Bills and Bills and sit down and talk about national unity. This is vitally important. Let us see how best we can find ways and means of bringing this country out of the rot. This country is suffering from what is called economic cancer. There is no doubt about it. We are doomed to die anyhow. It is only a matter of time. This Government is going to die and they know it. This is the reason for all these various bits of legislations. They are using these legislations to keep them alive temporarily, but they will die eventually. They are going and they know that. Do not carry the others with you. If you are going to die lie down and die in peace. Rest in Peace. Do not carry all the workers in this country, decent respectable people who want to work and earn money to keep their families alive. Do not carry them with you. Resign peacefully. Why waste time? But it is the perks that keeps them there. They cannot screw off old number plates and put it on now cars at that time. I have seen that: Old number screwed off the put on brand new Datsun 240. If you drive out to G.N.T.C., Water Street entrance you will see what I am talking about. Cde. Collymore usually makes the remark – catalyc lifestyle in a bicycle economy.

Comrades, if we examine Cde. Denny's remark and the letter sent by Cde. Pollydore to the Leader of the Minority Party, we clearly note that the Trades Union Congress is not in favour of this Bill being placed before this honourable Assembly at this time. If this Bill seeks in some measure to go into agreement and make binding the Trades Union Congress and the Government, it is only too fair that this Bill ought to have gone before the Trades Union Congress for their comments. This is vitally important. All the legal aspects will not change what the Bill is. What you are now trying to do is to destroy the TUC, and the General Secretary of the TUC also, take note, will be destroyed by these provisions. One must take into consideration –

The Speaker: Cde. Belgrave, I do not want to destroy you, but your time is up. You have two minutes more. /Laughter/

Cde. Belgrave: It is not up. I have two minutes more. /Cde. Green: But you are not saying anything./ What I am saying would not mean anything to you because you are not a worker. You are one of the elite in this society who has been riding rod shod over the backs of the working class.

The Hon. Attorney General speaks a great deal about laws in India and Laws in Britain. They are talking about socialist change and he is talking about the laws in Britain. Apparently he is still British. We are talking about moving towards socialism and he is finding the answer in the British laws and the Indian laws. They are not socialist countries. Comrade, why did you not speak to Chandi before you raised this point? It exposed you that you are still in Britain. Still over there, not here. We want the law of can to be applied: Justice! This is what we are seeking in this country. Justice – the value for our labour. This is what we want. We want to work, we earn, we maintain our families and we say hip hip hooray! after. We do not want you to tell us about British laws and what it says, and who wins case in Britain and all that kind of thing. We are saying, Cde. Speaker, as I have said before, apparently this Government is seeking to have confrontation with the workers. It would appear so. Every exercise, every behavior seems to be running counter to the workers life. Apparently for some reason some workers may have to move the scene for some special purpose, because confrontation can only bring about violence. We are trying to tell this Government that they should not allow such a situation to develop because in the final analysis irrespective of what you may mount as your protection the workers will finally win out. History said so.

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Some may go but the rest will live to tell the tale of what took place. I am advising this Government once more in this Honourable Assembly to watch the handwriting on the wall. The workers are dissatisfied. The walls are saving in. come to grips with reality and let us ensure that the works of Hubert Nathaniel Critchlow, the ideas, the hopes and aspirations and what he fought for in the past will be honoured and respected out so that each worker in this country can lift his head with dignity to say I have worked well in my country of birth and I love it. I love Guyana. /Applause/

The Minority Leader: (Cde. Dr. Jagan): Cde. Speaker, the historical development of this society is advancing both in terms of material well-being and in terms of spiritual values. Society is moving from a lower to a higher level, and in the process where people are becoming more and more involved at a higher stage of democracy. This is what is happening for instance in the Socialist countries. In this country it is written in the Constitution that we are in a transition stage between Capitalism and Socialism. But let us examine the reality, instead of going forward – forget the rhetoric of the Minister of Labour and the sophistry of the Hon. Attorney General – this country is moving backward with anti-labour slave legislation moving more and more, step by step in the direction of anti-working class slave stage. My colleague, the last speaker, referred to the fact that the TUC said the resent wage structure is such for the working man that when it is measured money related to goods, the working man's position is worse than in the days of slavery. Is this what Guyana is involved in through the struggles of Critchlow, through Cuffy and all of them? With all our resources we are now hearing about the price of sugar. What happened when the sugar price was high? We hear a little voice in the back. What happened to the sugar levy?

17:20 hrs

(Cde. Dr. C. Jagan continues)

What did you do with the sugar levy, \$111 million, earned in previous years? Minister Denny told us about the sugar strike in 1977 and how magnanimous the Government was to hold a poll to give GAWU recognition and GAWU in turn went ahead to sabotage the Government. What falsehoods? Half-truths are more dangerous than lies. It is true that the Government made arrangements for a poll and the one consequence of that poll was the Minister's head was rolled. He is no longer with us. That made place for this Minister.

The fact of the matter is that in 1971 the then Prime Minister said in this Parliament that the poll would be taken in the sugar industry to determine union recognition and that promise was never kept. As a result of that, in 1975 there was a strike which lasted seven weeks in the spring crop, for the first time in this country. It was adjourned – even the President, then Prime Minister said that he never heard of adjourning a strike. It was then called back in the second crop for six weeks and that is how they were forced to agree to a poll. Those are the facts. So tell the truth here, do not come and tell half-truths.

Why did the workers go on strike in 1977? It was not to sabotage but because you robbed them of their profit-sharing scheme. There was an agreement from the days of Bookers for profit sharing. They imported a levy which gave them this \$300 million which I told you about. They took away all of it. As a result the Company said they have no profits to share with the workers. We told them take it from Bookers, let the workers get at least something when the price of sugar was high. When the price of sugar was highest in the history of this country workers got nothing. Ask them what they did with the \$300 million. They squandered it, wasted it misspent it. All who helped themselves admitted that they made miscalculations and as a result all went down the drain. Now the sugar workers are being blamed. When they robbed them and when the workers struggled for their rights they used big stick methods, 6,000 scabs to break the strike. You did not hurt me, you hurt the economy. That is like the contract labour. They are employing contractors to do the work now.

Let us look at the history. For nearly 25 years GAWU fought for recognition. When they got it and they were forced to recognise it they by-passed that and made an agreement with the T.U.C. Now they are telling us this agreement must become law, that agreements between Trade Unions and employers do not have to validity of law and they want to make it that way. What the Ministers did not tell us was that agreement was made by the T.U.C. They are saying now that there was an agreement, implied, an act of faith that the workers will produce. Expressed! Implied! Do they know that the T.U.C. at that time was saying the minimum wage should be \$23 a day? I am talking about the technical people who are measuring the wages, like Clive Thomas and all of them. I am talking about people who are measuring statistics and cost-of-living. They were saying at that time \$23. Go in the records and you will see that. So they got the T.U.C. under their control to make a three-year agreement so as to by-pass collective bargaining by unions such as GAWU which had fought for many years and which got recognition and which was at the point of making their own agreement. On the one hand, you frustrate collective agreement by separate union, you deal with your Company, T.U.C. at that time. What was the negotiated wage? It was \$8:40, \$11.00 and \$14.00. When the \$14.00 was to be paid in 1979 they said they did not have money, the workers did not perform. When they mismanage everything they then put the blame on the workers.

Cde. Speaker, there are three parts of the national cake; what goes to the workers, the people who work in the sate – and you must make a distinction between the bottom and the top, those who cannot get slave rations and those who get Datsun cars. We must speak of what is going as a result of mismanagement by this Government after being in power for so many years. They must tell us why it is necessary to enlarge the police and the military which cost \$15 million in 1970 and which today progressively has been increasing, costing today nearly \$140 million. Put all of that in the equation gentleman, if you went to tell us who is producing and how the cake must be shared and who must get. **The fact of the matter** in that they refused to honour an agreement which they made. The \$14 a day, as the Minister pointed out, was even below \$15 a day when the agreement was reached. Even if there was indexation in Guyana – Brazil has it, Israel has it. They do not claim to be building socialism. The fascists dictatorship in Brazil, one of the most reactionary Government, has it. The Bourgeois Government in Italy has indexation.

17:30 hrs

(Cde. Dr. C. Jagan continues)

The socialist countries do not have indexation but every year their real wages are going up. I am talking about bourgeois states like you have set up in this country – bourgeois states and which you call socialist countries, practically all of them that deserve the name every year imperceptibly the standard of living is going up by 2 to 3%. Real wages are going up. That is state planning – not the kind of planning you have set up here.

Cde. Speaker, what did they do that this \$14.00 a day which was below Minister's Denny figure of \$15.00. In the last year of the agreement it was below and still not paid. They not only did not pay the \$14.00 a day, they did not pay increments – it was paid automatically in February and then an order was issued to the Corporations and elsewhere do not pay. In June it was withdrawn – that led to the bauxite strike of 1979 which lasted for five weeks and how did they deal with. When there was a solidarity strike of four Unions, they deemed it political and used police methods to solve the problem. Two busloads of scabs were put at Guyana Stores the first day – the Friday, the second day, they arrested Gordon Todd the Leader and dumped him in Bartica. The President of the CCWU, they beat up the workers who were assembled right outside Guyana Stores and they threatened the workers that Saturday that unless they returned to work on Monday all of them will be dismissed. That is democracy. We hear the Minister telling us how they love Trade Unionism and they recognise Trade Unions – that was using force, police methods in a so-called democratic society. What is happening in Gaddanks and Poland is what you were doing with the CIA in Guyana in the 60s.

The Speaker: Comrades if we want this debate to conclude, please let us hear Dr. Jagan.

Dr. Jagan: Cde. Speaker, in 1979 on the same question of increments, they used police methods, intimidated the workers, harassed them, beat them up and then when the strike was crushed they went ahead – these lovers of Trade Unionism and workers and dismissed eighty-two workers – key workers, shop stewards and others of the CCWU and they are telling us they respect trade unionism. So what is left for the people – they resort to the Court. In this case merit increments – not the usual increments, but the merit increments.

This was the agreement with NAACIE – the people merited it and the Courts upheld it. Now they are going ahead to amend the Constitution in order not to pay or to stop further payments if they have paid anything at all because I do not think they have paid and this so-called amendment that was put, that anybody who was paid they will be so generous that they would not demand it back is a lot of eyewash. How they have compromised with the lawyers, with the Bar Association because they have not paid and because they have not paid the Union representing Teemal, one of the members has gone on strike because they refuse to pay.

Cde. Speaker, where are we going? What is the practice in this so-called socialist state? One of the foundations of a socialist state is democracy. You are undermining, you are using police methods to solve industrial disputes, then you are now interfering with the judiciary. At one time in this country a lot of the people in the judiciary and the Magistrate and so on left the country because of the partisan nature of how they selected hand-picked people and so on to put them in the judiciary. Cde. Speaker, what has happened now? The same judiciary that they nurtured and built up now gives a decision against them and then we hear the honourable Attorney General giving us a big explanation to justify this. He quoted Burmah, India, Canada etc. The case in Burmah or wherever it was involving the Burmah Oil Company's properties – I presume it was the Far East that he was talking about because that is where the Japanese moved in and took away the properties and the British and the Dutch when they ran away – they employed...policies and it may be in that context that they argued that this was in the fight against fascism and therefore they had to destroy it and therefore they are not liable. That is the particular context as I understand it – that that argument was put forward justifying retrospective legislation and that we are all in this game of defeating fascism and what were we to do? We know that this is a policy of the Soviet Union when they were retreating in front of the fascist herds – they had to themselves destroy their own property in order to stop the onslaught.

So we can go on and talk. He can quote India, Canada and so on, we have to take the particular situation, we have to take the nature of the state. What kind of Government, which class and if we want to talk about a so-called perfect democracy in America constitutionally. Do you think in America any President can pass a law like this?

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Sure they can pass a law, they can change the law if the Supreme Court judges something unconstitutional – they have that right, written constitution like we have. The legislation has the power to remake another law, change the constitution, amend the constitution, but not dating it back because by dating it back as they have done now, they are virtually telling the Supreme Court – that is why my friend said intimidation, the honourable Attorney General say no we do not intend to intimidate, but if anytime there is an interest between the state and the people and there is a conflict of interest – what this decision is saying to the judiciary is if in future you do not decide in our favour we have the right to change it retrospectively. Isn't that intimidation Cde. Speaker? What else is it.

Cde. Dr. C. Jagan continues

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17:40 – 17:50 hrs

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No amount of sophistry can change this. In order words, the foundation of the state is that the Executive must not be supreme and rule by decree. ...is telling us No, we are coming to Parliament and Parliament is making a law. Cde. Hyote: "Parliament is supreme in this country."/Parliament is supreme in all countries. The people are sovereign but the people did not elect you. Fraud elected you. Fraud gave you a majority in this parliament. Fraud gave you a two-thirds majority by which you brought a Constitution and now you are seeking to amend that Constitution with that same fraud.

Let us deal with the thesis that Parliament is supreme. Sovereignty here rests with the people. That is why the people rolled the head of King Charles and made the Rump Parliament. The House of Lords became the Second Chamber without any power virtually and the House of Commons, the elected body, became the supreme law-making body. That is history. It is historical development. Do we have that here? Can anybody not just the P.P.P. say that we have free and fair elections in Guyana? That we have an elected Government of Guyana? That we have a Parliament which represents and speaks for the people? Cde. Hoyte: "What are you doing here?"/What we are doing here? We are here to expose you and to use this platform to work for your downfall, which is inevitable. In the same way the people rolled the head of King Charles, in the same way the American revolutionaries fought to bring an end to British colonialism and Britain authoritarian rule in the thirteen colonies, in the same way the people are going to do that here.

I want now to deal with the section about the T.U.C. They used the T.U.C. to come to power. That is well established, but even in the T.U.C. there has been evolution. The T.U.C. in 1978 called for general strike. The Government was able to coerce the T.U.C. to stop that. In 1982 the T.U.C. took to the streets. In 1983 the balance in the T.U.C. shifted further, so much so that the very executive that they control – they kept out the two major unions in the country, the bauxite and sugar industry unions; the unions of the two major industries of the country, with the largest work forces, were kept out of the T.U.C. by manipulation – was seriously divided when it came to last year's strike in the bauxite industry when the Government wanted to take away the rights of the workers and put them on a three day work week.

There was a division. Even within the ranks of the body that they nurtured, controlled and manipulated that has come about, because the working people no longer, as my colleague pointed out, can live. Therefore, that pressure is being exerted at the General Council level and even at the executive level of the T.U.C.

That is why they manipulated last year's T.U.C. Annual Conference so that it broke up in disorder. They refuse now to exert their control over it to summon another meeting of the General Council or another meeting of the T.U.C. Annual Conference. They are refusing that because they are afraid that the T.U.C. might move against them and so what are we going to find now? In the same way that the M.P.C.A. was a company union for 25 year – We tried to make legislation in 1953. We failed because the troops came in. In 1963 we failed again because by that time Mr. Burnham had changed sides and he was using the Bill to bring down the Government. We failed again to make it into law. Until today the Bill has not seen the light of day. Mr. Minister Denny is telling us that they are consulting, they are waiting on the T.U.C. But, on a matter like this, where the T.U.C. is to be institutionalised, they do not want to consult the T.U.C. This is understandable because even in this T.U.C. now they are not certain whether I will go along with this. They are not certain because of the contradictions which have developed in the working-class movement and within the body of the movement, the leadership.

So, what do they intend to do? The Bookers plantocracy held on to their company union for so many years because the movement in this country was divided and weak, flirting with the British and American imperialism so that planters were able to maintain company unions until 1975 when the workers took action and forced a poll. That is how democratic trade unions and collective bargaining came in. They sought to subvert it with the 1979 agreement and even they themselves subverted that agreement by not fulfilling the last \$14, the increments.

What are they trying to do now? They are trying to say, "The Labour Code Commission and everybody else have been fighting for a long time to have collective agreements have the force of law" and they are showing that they are doing that. But take this again relatively and dialectically: Collective agreements with Bookers and the M.P.C.A., even if they had the forces of law, what would it have meant? It would have meant slavery for the workers.

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That is why G.A.W.U. was fighting all the time, recognition or no recognition. Collective agreements may have the force of law, yes but under what conditions?

Now the state, under the P.N.C. Government, is not only the employer of a large number of people but will become the bargainer and they are going to make collective agreements with what is a collective M.P.C.A., that is, the new T.U.C. which they do not want to function democratically. They were rigging elections before in Linden. They lost that. Who is marching on the streets against them now? Not only the bauxite workers but the bauxite unions.

I hope I am making this complicated picture clear. They are not democratising this society. What we are doing here is going in the reverse to the British practice when the people chopped off the king's head and brought in democracy and the rule of law. Of course, it has not gone very far. There are still laws and a far way to go because they have not established a socialist society in England but bourgeois democracy at least is practiced there.

(Cde. Dr. C. Jagan continues)

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17:50 – 18:00 hrs

17:50 hrs

In the same way the other day with education, the TUC signed an agreement for the teachers without consultations, and without serious discussions with the teachers. We have to see where this is getting this country. Where is it getting this country? What the Government should seriously examine if they are interested as they saying the welfare of the people of this country is who are the forces with them. They must examine concretely who are with them and who are now with them today. In all sincerity do they expect to be able to solve the problems of the economy in Guyana without the involvement of the masses of the people and their social organisations? Apart from the political parties, one cannot say all of them are working with the imperialists or all of them are cohorting with the CIA. One cannot say that the church is reactionary. We see the church playing a progressive role in this period of history in Latin America, particularly the Caribbean or a section of it. Therefore, we cannot fall into the trap of thinking that everybody who is against us, is against us only because they are saboteurs. The Guyana Council of Churches was at one time working with them very very closely. It helped to bring them to power. /Cde. Hoyte: That is not true./The Guyana Council of Churches was allied with the United Force which was allied with you. All of you were marching the streets together. You have forgotten when Burnham and D'Aguiar were marching and shook hands before the Parliament Building here. Ask the young lady over there, she was with them. She is hiding her face. She knows it is true. /Cde. Green: Who were marching?/Do not worry about who were marching, you were leading the thugs.

Cde. Speaker, I want to say in all seriousness that slavery was not abolished as an institution not because of the evil that it was, there were humanitarian reasons. Those who were fighting like Wilbur Force, Buxton and so on were fighting for human reasons. But the British ruling class did not bring an end to slavery because of humanitarianism. They do not care about that. The brought it to an end because it was an unproductive system. /Cde. Hoyte: Eric Williams wrote about that in one his books./I am glad you read it. Well, alright then, apply it in your own country. Do not use big stick methods. Do not violate the rule of law. When your own judges – the judicial system which you created – go against you, you go and overrule them.

On the question which you yourselves agreed to pay, you made the agreement. You made it and what are you trying to do now? You are trying to amend the law to say that this Agreement like other collective Agreements do not have the force of law, therefore 1979 will be excluded out of the Agreement. You can see what – to use a word – shysters these are. A shyster is like an underhand man performing three card tricks. That is what they are doing. Cde. Speaker, all we can say is that it is because of these old methods which have been going on now for some years, that is one of the reasons why the economy is going down. They are using that as an excuse not to give the workers their just shares. What the workers are asking for is not very much. However, there is no doubt that perhaps another case will be brought before the Supreme Court for the \$14 a day so they are now saying that 1979 is excluded out of the Agreement, and they are now making collective agreements all legal so that when they negotiate, with their control over TUC, and bargain for everybody, it will have the force of law. May I say this too. The State can sue anybody for breach of law but no civil servant in this Guyana, no person can sue the State of Guyana. Very few can succeed. Before doing so that person has to get the permission first of the Attorney General. I believe they call it fiat. Cde. Chairman, this is a colonial institution which they are still using here although we are said to have decolonised Guyana. This is like the prerogative of the crown. The pope can do no wrong; therefore you cannot sue the Crown. We are a Republic. We are Independent now but we are still holding on to that strong prerogative to penalize the workers. In England that law does not even apply. Here we see these so called benefits that they are giving the workers; - making the Agreements legal and getting the TUC to become the bargainer for all- this is undermining the principles of collective bargaining. In the western countries, TUC never bargains for the workers as a whole. Secondly, looking at it as I said dialectically, it is not going to give right to workers. It is intended to take away the rights of the people. We are concerned not only because of legality and legalism, but because we see this measure as being inimical, and not only inimical to the interest of the workers, but counterproductive, because it is going to achieve the results that you want. You are trying to save a few million dollars in one way but in the end you are going to lose far more and that is what has been happening in the last few years in this country. We advised them not to sign the IMF Agreement. They went ahead and signed the Agreement and penalized the workers and now we are seeing the bitter fruits of that – loss of production and productivity.

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Therefore, Cde. Speaker, I would again appeal to the Government to defer this Bill. They have the 2/3 majority. They can steamroller this Bill but they cannot steamroller the people to produce. That is one thing they cannot do. Therefore, I make the plea to them to differ this Bill as I said at the beginning. You made an agreement way back in 1963 that on all matters, all without exception pertaining to labour, the TUC and KAGI will first be involved. That is part of our convention if not written law. Isn't that so Cde. Attorney General. You were there. You were part of that. Your Government agreed with it. You were the Opposition then fighting for it. You demanded it and now that you are in the Government you are forgetting it. And it is not a question of forgetting the law. I am saying that if you fought for something while you were in opposition, when you come into power carry it out. One would assume that was going to be the practice. You are saying now that you are not bound by that. And when we put the question to the Minister what about the TUC legislation dealing with the rights to workers such as severance pay and Trade Union Labour recognition Bill, we are told that the matter is with the TUC. That is no excuse.

18:00 hrs

(Cde. Dr. C. Jagan continues)

They blow hot and cold. When it suits them they put the burden on the T.U.C. and when it does not suit them they say there is no law.

Cde. Speaker, I repeat that the Government has to take not a short-term pragmatic approach to every question. They have to talk to the working class people and try to come to some settlement with the working people of this country. Otherwise, you will not get anywhere. In that sense I appeal to the Government to defer this Bill and allow the Trades Union Movement to have further discussions on this question. Yesterday at the T.U.C. meeting even some of the people who I understand are with the Government wanted this matter to be discussed. But the Chairman who was put there only to say yes, who has not got the guts nor the ability to do anything else, said no. in this case it was no. the yes-man's job became no on this occasion. He said we cannot discuss this matter. I am saying to the Government that this is not the way in which you are going to solve your problems. Economics is integrally related to politics, to institutions, to ideology, and unless you see this interconnection and interaction, and you act to work within that, you cannot solve the economic problems. You cannot solve it by using the hammer and fraud and force and fear. Fear will only operate for a little while. History in all countries has shown that a time comes when it blows up, even spontaneously.

Cde. Speaker, let better sense prevail. The Minister quoted Latin last night. He is a Latin scholar. But as I reminded him today, when Bookers were asking that they get part of the profit sharing – they had a lot of money, the Treasury was full then. Now they are reminding the workers that the Treasury is empty.

I wish to close on this note, not with a threat. /interruption/

The Speaker: Please let us continue.

Cde. Dr. C. Jagan: Do not let us play with words now. We are in serious times. If this country goes on like it is going there would be war in the streets. There was a little war out there this afternoon. There are only two alternatives in this country. If the Government goes on on this road, using force they are then heading for a really serious confrontation as you have in El Salvador and other places.

Therefore, it is for the Government to decide where whether they want to take this country because, eventually, people will struggle, come what may, struggle for liberation, national liberation and social liberation in every country in the world, including Guyana.

Cde. Denny: (replying) Cde. Speaker, very succinctly, I want to make –

The Speaker: I take it that that means five minutes.

Cde. Denny: Not necessarily, Cde. Speaker. Cde. Reepu Daman Persaud spoke of dismantling take union laws. That is not so at all. The trade union laws are contained within the Trade Union Act and nothing in this Bill seeks to destroy or to nullify or negate the trade union laws. When you are saying that, people have to recognise that you are not telling the truth. They are guilty of half-truths because of their misunderstanding.

Secondly, he spoke about the explanatory note on the Bill being deceiving. He just made a blanket statement. What he should have done, if he was not deceiving this Assembly was to itemise clearly and unambiguously the areas of deception he is trying to present. I, therefore, want to submit that there was nothing deceiving in the explanatory memorandum and it was a mere blanket statement being made by the Member of Parliament.

The question was asked whether it is only now the Minister has seen the Labour Code Commission. The fact of the matter indicates that we have from time to time extracted aspects of the Labour Code Commission and brought it to the honourable Assembly. You will remember the introduction of common employment which is in the interest of the workers.

My good friend, the second speaker for the Minority Party spoke about which side of the fence. You see, that approach indicates not one of cooperation, but one of confrontation, the mere fact that he speaks about which side of the fence in reference to me. He also said that the Attorney General's Office was involved in the Appeal Court. For the sake of the records may I have expunged the wrong impressions he was giving. It was not the Attorney General's Office, it was C. Lloyd Luckhoo, D.J. Moore, for the Appellant, that is Guysuco, with Ashton Chase and C.R. Ramson for the Respondent, which was Teemal.

I want to refer to this agreement between the T.U.C. and the Government merely to say this, that right now the T.U.C. has begun discussions with the Government on the question of wages and salaries. Talks began last Saturday.

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Here we have a situation where Naccie and some of its cohorts are now saying they are challenging it in the court, filing an injunction to restrain the T.U.C. from bargaining on behalf of its affiliates. What is the T.U.C.? It is a separate legal entity from its affiliates. That is factual. It is these legal entities, the trade unions, which make up the T.U.C. and every time the T.U.C. has this bargaining it involves all trade unions, irrespective of the fact whether you are represented on the Trades Union Congress or not. Dr. Jagan is aware that on previous occasions NACCIE, U.G.S.A. and the others are called in. It is not true to say that the T.U.C. discussions would be impervious to the views of the Members of the T.U.C.

18:10 hrs.

(Cde. Denny continues)

Cde. Speaker, I think it is important to note that this term 'act of faith' – the TUC spoke of it since 1977. The Cde. Leader and President of this nation on many May Days spoke of that question of 'act of faith' – so have they now arisen from their Rip Van Winkle sleep to recognise that the act of faith was expressed unambiguously and clearly in the agreement. One wonders what type of approach is going on, on behalf of these Comrades.

The other thing I should say, they have made a number of points – I need to make the point, let me read it interpretation article 6 'this agreement shall be interpreted as an act of faith and the TUC and its affiliates would do everything within their power to ensure that in all sections and areas of activities there is full production and increased productivity'. Do you know what this means? – It means that the onus does not rest merely on the Government, the onus equally rests on the Guyana Trade Union Congress. That is what it means.

Cde. Speaker, how did Dr. Jagan – at this stage he is so much hand and glove ostensibly with the TUC because I have been around long in politics. I have been around as long as Dr. Jagan couldn't thought to be, but then that strategy that was used this afternoon when I got up to speak – to heckle, that is an old strategy which I have passed through years ago and it could not penetrate me at all. I have been matured in this for years.

Dr. Jagan in 1958 called the TUC crack pots. How could he be so enamoured with the Guyana Trade Union Congress now. Has he undergone a change of heart. Well therefore, if he has undergone a change of heart well then he is not consistent. I must make this point that in the Labour Code Commission to which my good friend at the back referred – we had a meeting up to yesterday with the waterfront boys – he spoke of the Labour Code Commission, they rush their work and so on. That is an unmitigated falsehood. As a matter of fact he might be described as an unmitigated falsifier of veracity because the truth of the matter is that Boysie Ram Karran until recently General Secretary of GAWU, now on retirement, if not pre-retirement – he was a signatory.

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That is factual. I have the book here. This is Ram's Signature. Ram – who tells me he is not feeling too well that is why he could not be here today, but it is true that Ram did sign it.

Cde. Speaker, the discipline from which I have come is a discipline of which I am proud and I cannot be easily over run. Further, I want to let it be understood – you could say Comrade now Cheddi, you are not with it. There are two other points that need to be made or three. Dr. Jagan forgets – his memory is short. I have been around long, I remember these things. He speaks of trying to manipulate the Courts. Does he not remember in 1961 – 1962 when they described a certain man as a tarnish functionary. This happened in the history of this country. Who then was trying to manipulate. You did not go along with what the Courts did. When Justice Fraser gave a ruling in a certain case – you it was as Head of Government then who spoke about tarnish functionary and attacked the Courts. How today are you coming now to tell us that you are such a lover of democracy and you believe in the independence of the judiciary. That is the type of thing we speak about.

Dr. Jagan in his presentation said defer the Bill, let the TUC have further discussions. From what you have said you are admitting that we have had discussions with the TUC and all you are asking for a deferment for is for further discussions. How did you earlier say that we did not have discussions? The moment you use the adjective further, it implies that we have had discussions and what you are asking for is additional discussions. That is what you are asking for. Anybody who understands the English language would know it.

Let me finally say Cde. Speaker, that the irrelevances of Dr. Jagan have been legioned. He lacks the ability to put his ideas coherently and so I want to say this quite clearly that in the case of the G.T.A. --- /Interruption/

Cde. Denny continues: I want to say finally that when the GTA signed the agreement they consulted with their membership. It might not have been that the people who support you in the GTA that they did not want to listen to the GTA, but the GTA as I understand it went throughout the country canvassing the views of their members and when they signed the agreement with this Government, they signed it fully cognisant of the views of their membership.

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Cde. Speaker, I do not want to deal with these unimportant frivolities in this area but merely to say that they have done nothing, they have said nothing to convince this Government that it needs to defer the Bill. I therefore Cde. Speaker, would like to say quite clearly that our case is just and win we must and whether it is felt that we do not have the popular support by those who are in the Minority, because they do not have, the P.P.P. has lost many of the stalwarts that it had and when you talk about rigging elections, I remember when Bahram Singh Rai came out openly and spoke of the approach of the P.P.P. and its leadership. What has happened to people like Brindly Horatio Benn? What about Telma Reece – I was around, I know it. This is the hypocrisy that we get at this time.

Cde. Speaker, I believe that this Bill is in the interest of the workers and so we continue strongly to commend it to the Parliament.

Question –

"That the Bill be read a Second time."

Put.

Cde. Ramsaroop: Division.

Assembly divided: Ayes 46, Noes 5, as follows:

Ayes

Cde. Hinds
Cde. D. Abraham
Cde. Charles
Cde. I. Chowritmootoo
Cde. London
Cde. Bipat
Cde. C.A. Singh
Cde. Jairam
Cde. Jones
Cde. Latchminarayan
Cde. Bishop
Cde. Williams
Cde. Vandenburg
Cde. Tiwari
Cde. Sharma
Cde. Rayman
Cde. Primo
Cde. Munroe
Cde. McRae
Cde. Gill-Mingo
Cde. Gilbert
Cde. Fowler
Cde. Doobay
Cde. Davidson
Cde. Clarke
Cde. J. Chowritmootoo
Cde. Chin
Cde. Beniprashad
Cde. Armogan
Cde. Ally

Noes

Cde. Nokta
Cde. Belgrave
Cde. Mohamed
Cde. R.D. Persaud
Cde. C. Jagan

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Cde. Bhaggan

Cde. Ainsworth

Cde. Bend-Kirton-Holder

Cde. H.L.B. Singh

Cde. Corrica

Cde. Harewood-Benn

Cde. R. Fredericks

Cde. Sallahuddin

Cde. Johnson

Cde. Rashid

Cde. Corbin

Cde. Chandisingh

Brought Forward: 42

Cde. Ramsaroop

Cde. Green

Cde. Hoyte

Cde. Reid

Motion carried.

Bill read Second Time.

NATIONAL ASSEMBLY

18:20 hrs.

Assembly in Committee.

Clause 1.

Question –

That Clause 1 stand part of the Bill

proposed and put.

Cde. Ramsarrop: Division:

Assembly divided: Ayes 46, Noes 5, as follows:

Ayes

Cde. Hinds
Cde. D. Abraham
Cde. Charles
Cde. I. Chowritmootoo
Cde. London
Cde. Bipat
Cde. C.A. Singh
Cde. Jairam
Cde. Jones
Cde. Latchminarayan
Cde. Bishop
Cde. Williams
Cde. Vandenburg
Cde. Tiwari
Cde. Sharma
Cde. Rayman
Cde. Primo
Cde. Munroe
Cde. McRae
Cde. Gill-Mingo
Cde. Gilbert

Noes

Cde. Nokta
Cde. Belgrave
Cde. Mohamed
Cde. R.D. Persaud
Cde. C. Jagan

1984-03-16

18:20 – 18:30 hrs

Cde. Fowler
Cde. Doobay
Cde. Davidson
Cde. Clarke
Cde. J. Chowritmootoo
Cde. Chin
Cde. Beniprashad
Cde. Armogan
Cde. Ally
Cde. Bhaggan
Cde. Ainsworth
Cde. Bend-Kirton-Holder
Cde. H.L.B. Singh
Cde. Corrica
Cde. Harewood-Benn
Cde. R. Fredericks
Cde. Sallahuddin
Cde. Johnson
Cde. Rashid
Cde. Corbin
Cde. Chandisingh
Cde. Ramsaroop
Cde. Green
Cde. Hoyte
Cde. Reid

Motion carried.

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

Clause 2.

Question –

That clause 2 stand part of the Bill
proposed and put.

Cde. Ramsaroop: Division!

Assembly divided: Ayes 46, Noes 5, as follows:

Ayes

Cde. Hinds
Cde. D. Abraham
Cde. Charles
Cde. I. Chowritmootoo
Cde. London
Cde. Bipat
Cde. C.A. Singh
Cde. Jairam
Cde. Jones
Cde. Latchminarayan
Cde. Bishop
Cde. Williams
Cde. Vandenburg
Cde. Tiwari
Cde. Sharma
Cde. Rayman
Cde. Primo
Cde. Munroe
Cde. McRae
Cde. Gill-Mingo
Cde. Gilbert
Cde. Fowler
Cde. Doobay
Cde. Davidson
Cde. Clarke
Cde. J. Chowritmootoo
Cde. Chin
Cde. Beniprashad
Cde. Armogan
Cde. Ally

Noes

Cde. Nokta
Cde. Belgrave
Cde. Mohamed
Cde. R.D. Persaud
Cde. C. Jagan

Cde. Bhaggan
Cde. Ainsworth
Cde. Bend-Kirton-Holder
Cde. H.L.B. Singh
Cde. Corrica
Cde. Harewood-Benn
Cde. R. Fredericks
Cde. Sallahuddin
Cde. Johnson
Cde. Rashid
Cde. Corbin
Cde. Chandisingh
Cde. Ramsarrop
Cde. Green
Cde. Hoyte
Cde. Reid

Motion carried

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

Clause 3.

Question –

That clause 3 stand part of the Bill

proposed and put.

Cde. Ramsarrop: Division:

Assembly divided: Ayes 46, Noes 5 as follows:

<u>Ayes</u>	<u>Noes</u>
Cde. Hinds	Cde. Nokta
Cde. D. Abraham	Cde. Belgrave
Cde. Charles	Cde. Mohamed
Cde. I. Chowritmootoo	Cde. R.D. Persaud
Cde. London	Cde. C. Jagan
Cde. Bipat	
Cde. C.A. Singh	

1984-03-16

18:20 – 18:30 hrs

Cde. Jairam
Cde. Jones
Cde. Latchminarayan
Cde. Bishop
Cde. Williams
Cde. Vandenburg
Cde. Tiwari
Cde. Sharma
Cde. Rayman
Cde. Primo
Cde. Munroe
Cde. McRae
Cde. Gill-Mingo
Cde. Gilbert
Cde. Fowler
Cde. Doobay
Cde. Davidson
Cde. Clarke
Cde. J. Chowritmootoo
Cde. Chin
Cde. Beniprashad
Cde. Armogan
Cde. Ally
Cde. Bhaggan
Cde. Ainsworth

Cde. Bend-Kirton-Holder

Cde. H.L.B. Singh

Cde. Corrica

Cde. Harewood-Benn

Cde. R. Fredericks

Cde. Sallahuddin

Cde. Johnson

Cde. Rashid

Cde. Corbin

Cde. Chandisingh

Cde. Ramsaroop

Cde. Green

Cde. Hoyte

Cde. Reid

Motion carried

Clause 3 agreed to and ordered to stand part of the Bill.

Clause 4.

Question –

The Minister of Manpower and Cooperatives (Cde. Denny): Cde. Speaker, I would like to formally move an amendment to say that clause 4 should be deleted and clauses 5, 6, 7 and 8 should be renumbered as clauses 4, 5, 6, and 7, respectively.

Amendment.

That clause 4 be deleted and Clauses 5, 6, 7, and 8 be renumbered as clause 4, 5, 6, and 7 respectively.

Proposed, put and carried.

Question –

That clause 5, renumbered as clause 4, stand part of the Bill

Proposed and put.

Cde. Ramsarrop: Division:

Assembly divided: Ayes 46, Noes nil, Declined to Vote, as follows:

1984-03-16

18:20 – 18:30 hrs

<u>Ayes</u>	<u>Noes</u>	<u>Declined to Vote</u>
Cde. Hinds	Nil	Cde. Nokta
Cde. D. Abraham		Cde. Belgrave
Cde. Charles		Cde. Mohamed
Cde. I. Chowritmootoo		Cde. R.D. Persaud
Cde. London		Cde. C. Jagan
Cde. Bipat		
Cde. C.A. Singh		
Cde. Jairam		
Cde. Jones		
Cde. Latchminarayan		
Cde. Bishop		
Cde. Williams		
Cde. Vandenburg		
Cde. Tiwari		
Cde. Sharma		
Cde. Rayman		
Cde. Primo		
Cde. Munroe		
Cde. McRae		
Cde. Gill-Mingo		
Cde. Gilbert		
Cde. Fowler		
Cde. Doobay		
Cde. Davidson		
Cde. Clarke		
Cde. J. Chowritmootoo		
Cde. Chin		
Cde. Beniprashad		
Cde. Armogan		
Cde. Ally		
Cde. Bhaggan		

1984-03-16

18:20 – 18:30 hrs

Cde. Ainsworth
Cde. Bend-Kirton-Holder
Cde. H.L.B. Singh
Cde. Corrica
Cde. Harewood-Benn
Cde. R. Fredericks
Cde. Sallahuddin
Cde. Johnson
Cde. Rashid
Cde. Corbin
Cde. Chandisingh
Cde. Ramsaroop
Cde. Green
Cde. Hoyte
Cde. Reid

Motioned carried.

Clause 5, renumbered as clause 4, agreed to and ordered to stand part of the Bill.

Clause 5.

National Assembly

18:30 hrs.

Clause 5.

Question –

"That Clause 6 renumbered as clause 5 stand part of the Bill."

Proposed and put.

Cde. Ramsaroop: Division:

Assembly divided: Ayes 46, Noes nil, Declined to Vote 5. As follows:

<u>Ayes</u>	<u>Noes</u>	<u>Declined to Vote</u>
Cde. Hinds	Nil	Cde. Nokta
Cde. D. Abraham		Cde. Belgrave
Cde. Charles		Cde. Mohamed
Cde. I. Chowritmootoo		Cde. R.D. Persaud
Cde. London		Cde. C. Jagan
Cde. Bipat		
Cde. C.A. Singh		
Cde. Jairam		
Cde. Jones		
Cde. Latchminarayan		
Cde. Bishop		
Cde. Williams		
Cde. Vandenburg		
Cde. Tiwari		
Cde. Sharma		
Cde. Rayman		
Cde. Primo		
Cde. Munroe		
Cde. McRae		
Cde. Gill-Mingo		
Cde. Gilbert		
Cde. Fowler		
Cde. Doobay		

1984-03-16

18:30 – 18:40 hrs

Cde. Davidson
Cde. Clarke
Cde. J. Chowritmootoo
Cde. Chin
Cde. Beniprashad
Cde. Armogan
Cde. Ally
Cde. Bhaggan
Cde. Ainsworth
Cde. Bend-Kirton-Holder
Cde. H.L.B. Singh
Cde. Corrica
Cde. Harewood-Benn
Cde. R. Fredericks
Cde. Sallahuddin
Cde. Johnson
Cde. Rashid
Cde. Corbin
Cde. Chandisingh
Cde. Ramsaroop

Cde. Green

Cde. Hoyte

Cde. Reid

	_____	_____	_____
Total	<u>46</u>	<u>Nil</u>	<u>5</u>

Motion carried

Clause 6, renumbered Clause 5, agreed to and ordered to stand part of the Bill.

Clause 6.

Question

"That clause 7, renumbered as Clause 6 stand part of the Bill."

Proposed and put.

Assembly Divided: Ayes 46, Noes nil, Declined to Vote 5, as follows:

<u>Ayes</u>	<u>Noes</u>	<u>Declined to Vote</u>
Cde. Hinds	Nil	Cde. Nokta
Cde. D. Abraham		Cde. Belgrave
Cde. Charles		Cde. Mohamed
Cde. I. Chowritmootoo		Cde. R.D. Persaud
Cde. London		Cde. C. Jagan
Cde. Bipat		
Cde. C.A. Singh		
Cde. Jairam		
Cde. Jones		
Cde. Latchminarayan		
Cde. Bishop		
Cde. Williams		
Cde. Vandenburg		
Cde. Tiwari		
Cde. Sharma		
Cde. Rayman		

1984-03-16

18:30 – 18:40 hrs

Cde. Primo
Cde. Munroe
Cde. McRae
Cde. Gill-Mingo
Cde. Gilbert
Cde. Fowler
Cde. Doobay
Cde. Davidson
Cde. Clarke
Cde. J. Chowritmootoo
Cde. Chin
Cde. Beniprashad
Cde. Armogan
Cde. Ally
Cde. Bhaggan
Cde. Ainsworth
Cde. Bend-Kirton-Holder
Cde. H.L.B. Singh
Cde. Corrica
Cde. Harewood-Benn
Cde. R. Fredericks
Cde. Sallahuddin
Cde. Johnson
Cde. Rashid
Cde. Corbin
Cde. Chandisingh
Cde. Ramsaroop
Cde. Green
Cde. Hoyte
Cde. Reid

Total

46

Nil

5

Motioned carried

Clause 7, renumbered as Clause 6, agreed to and ordered to stand part of the Bill.

Clause 7.

Question –

"That Clause 8 renumbered as Clause 7 stand part of the Bill.

Cde. Denny: What I would like to say is that in the renumbering of clauses 4, 5, 6, and 7 respectively, I would not come again until talking about the renumbered clause 7.

Cde. Chairman, under that renumbered clause 7, sub clause 2, line 3, I am asking that these words be inserted: After "in force" insert "in relation to him."

In existing Clause 8 renumbered Clause 7:

- (a) Delete subclauses 3 and 4 and
- (b) renumber clauses (5), (6) and(7) as subclauses (3), (4) and (5) respectively.

In existing clause 8 which is renumbered clause 7, subclause 5, delete the words beginning with "and any such amount" and ending with "and may be had."

Amendment:

"That the words "in relation to him" be inserted after "in force" in subsection 2;

That subsection (3) and (4) be deleted and subsections (5), (6) and (7) be renumbered as subsections (3), (4) and (5), respective;

That the words beginning with "and any such amount" and ending with "may be had" be deleted in the renumbered subsection (3)."

Proposed and put.

Cde. Ramsaroop: Division:

Assembly Divided: Ayes 46, Noes nil, Declined to Vote 5, as follows:

<u>Ayes</u>	<u>Noes</u>	<u>Declined to Vote</u>
Cde. Hinds	Nil	Cde. Nokta
Cde. D. Abraham		Cde. Belgrave
Cde. Charles		Cde. Mohamed
Cde. I. Chowritmootoo		Cde. R.D. Persaud

1984-03-16

Cde. London

Cde. Bipat

Cde. C.A. Singh

Cde. Jairam

Cde. Jones

Cde. Latchminarayan

Cde. Bishop

Cde. Williams

18:30 – 18:40 hrs

Cde. C. Jagan

1984-03-16

18:30 – 18:40 hrs

Cde. Vandenburg
Cde. Tiwari
Cde. Sharma
Cde. Rayman
Cde. Primo
Cde. Munroe
Cde. McRae
Cde. Gill-Mingo
Cde. Gilbert
Cde. Fowler
Cde. Doobay
Cde. Davidson
Cde. Clarke
Cde. J. Chowritmootoo
Cde. Chin
Cde. Beniprashad
Cde. Armogan
Cde. Ally
Cde. Bhaggan
Cde. Ainsworth
Cde. Bend-Kirton-Holder
Cde. H.L.B. Singh
Cde. Corrica
Cde. Harewood-Benn
Cde. R. Fredericks
Cde. Sallahuddin
Cde. Johnson
Cde. Rashid
Cde. Corbin
Cde. Chandisingh

1984-03-16

18:30 – 18:40 hrs

Cde. Ramsaroop

Cde. Green

Cde. Hoyte

Cde. Reid

	_____	_____	_____
Total	<u>46</u>	<u>Nil</u>	<u>5</u>

Motioned carried

Clause 8 renumbered as clause 7, as amended, agreed to and ordered to stand part of the Bill.

Schedule.

Cde. Denny: Cde. Chairman, there should be a consequential correction. The reference "Section 7" should be substituted for "Section 8" at the top of the Schedule.

Question –

"That the Schedule stand part of the Bill."

Proposed and put.

Cde. Ramsaroop: Division

Assembly Divided: Ayes 46, Noes nil, Declined to Vote 5, as follows:

<u>Ayes</u>	<u>Noes</u>	<u>Declined to Vote</u>
Cde. Hinds	Nil	Cde. Nokta
Cde. D. Abraham		Cde. Belgrave
Cde. Charles		Cde. Mohamed
Cde. I. Chowritmootoo		Cde. R.D. Persaud

1984-03-16

18:30 – 18:40 hrs

Cde. London

Cde. C. Jagan

Cde. Bipat

Cde. C.A. Singh

Cde. Jairam

Cde. Jones

Cde. Latchminarayan

Cde. Bishop

Cde. Williams

Cde. Vandenburg

Cde. Tiwari

Cde. Sharma

Cde. Rayman

Cde. Primo

Cde. Munroe

Cde. McRae

Cde. Gill-Mingo

Cde. Gilbert

Cde. Fowler

Cde. Doobay

Cde. Davidson

Cde. Clarke

Cde. J. Chowritmootoo

Cde. Chin

Cde. Beniprashad

Cde. Armogan

Cde. Ally

Cde. Bhaggan

Cde. Ainsworth

Cde. Bend-Kirton-Holder

Cde. H.L.B. Singh

1984-03-16

18:30 – 18:40 hrs

Cde. Corrica
Cde. Harewood-Benn
Cde. R. Fredericks
Cde. Sallahuddin
Cde. Johnson
Cde. Rashid
Cde. Corbin
Cde. Chandisingh
Cde. Ramsaroop
Cde. Green
Cde. Hoyte
Cde. Reid

	_____	_____	_____
Total	<u>46</u>	<u>Nil</u>	<u>5</u>

Motioned carried

The Schedule, as printed, agreed to and ordered to stand part of the Bill.

Assembly resumed.

National Assembly

18:40 hrs.

Cde. Denny: Cde. Speaker, I beg to report that the Bill was considered in Committee Clause by Clause and passed with amendments, I now move that the Bill be read a Third time and passed as amended.

Question –

"That the Bill be read a Third time and passed as amended."

Proposed, and put.

Cde. Ramsaroop: Division

Assembly Divided: Ayes 46, Noes nil, Declined to Vote 5, as follows:

<u>Ayes</u>	<u>Declined to Vote</u>
Cde. Hinds	Cde. Nokta
Cde. D. Abraham	Cde. Belgrave
Cde. Charles	Cde. Mohamed
Cde. I. Chowritmootoo	Cde. R.D. Persaud
Cde. London	Cde. C. Jagan
Cde. Bipat	
Cde. C.A. Singh	
Cde. Jairam	
Cde. Jones	
Cde. Latchm ,inarayan	
Cde. Bishop	
Cde. Williams	
Cde. Vandenburg	
Cde. Tiwari	
Cde. Sharma	
Cde. Rayman	
Cde. Primo	
Cde. Munroe	
Cde. McRae	
Cde. Gill-Mingo	

1984-03-16

18:40 – 18:50 hrs

Cde. Gilbert

Cde. Fowler

Cde. Doobay

Cde. Davidson

Cde. Clarke

Cde. J. Chowritmootoo

Cde. Chin

Cde. Beniprashad

Cde. Armogan

Cde. Ally

Cde. Bhaggan

Cde. Ainsworth

Cde. Bend-Kirton-Holder

Cde. H.L.B. Singh

Cde. Corrica

Cde. Harewood-Benn

Carried Forward 36

5

1984-03-16

18:40 – 18:50 hrs

Brought Forward:

Cde. R. Fredericks

Cde. Sallahuddin

Cde. Johnson

Cde. Rashid

Cde. Corbin

Cde. Chandisingh

Cde. Ramsaroop

Cde. Green

Cde. Hoyte

Cde. Reid 46

Motioned carried

Bill reported with Amendment; as amended, considered; read the Third time and passed.

ADJOURNMENT

Resolved: "That this Assembly do now adjourn to a date to be fixed." Vice President,
Party and State Matters/

Adjourned accordingly at 18:43 hrs.