

THE
PARLIAMENTARY DEBATES
OFFICIAL REPORT
[VOLUME 7]

**PROCEEDINGS AND DEBATES OF THE FIRST SESSION OF THE NATIONAL
ASSEMBLY OF THE THIRD PARLIAMENT OF GUYANA UNDER THE
CONSTITUTION OF GUYANA**

33rd Sitting

2 p.m.

Wednesday, 8th May, 1974

MEMBERS OF THE NATIONAL ASSEMBLY

Speaker

His Honour the Speaker, Mr. Sase Naraine, J.P.

Members of the Government – People’s National Congress (50)

Prime Minister (1)

The Hon. L.F.S. Burnham, O.E., S.C.,
Prime Minister

Deputy Prime Minister (1)

Dr. the Hon. P.S. Reid,
Deputy Prime Minister and Minister of
National Development and Agriculture

Senior Ministers (7)

The Hon. H.D. Hoyte, S.C.,
Minister of Works and Communications

(Absent)

*The Hon. S.S. Ramphal, S.C.,
Minister of Foreign Affairs and Justice

(Absent)

***Non-elected Minister**

*The Hon. H. Green,
Minister of Co-operatives and National Mobilisation (Absent)

*The Hon. H.O. Jack,
Minister of Energy and Natural Resources (Absent)

*The Hon. F.E. Hope,
Minister of Finance (Absent)

*Dr. the Hon. K.F.S. King,
Minister of Economic Development

*The Hon. S.S. Naraine, A.A.,
Minister of Housing

Ministers (6)

The Hon. W.G. Carrington,
Minister of Labour

The Hon. Miss S.M. Field-Ridley,
Minister of Information and Culture

The Hon. B. Ramsaroop,
Minister of Parliamentary Affairs
and Leader of the House

*The Hon. Miss C.L. Baird,
Minister of Education and Social Development (Absent – on leave)

*Dr. the Hon. O.M.R. Harper,
Minister of Health (Absent)

*The Hon. G.A. King,
Minister of Trade and Consumer Protection (Absent)

Ministers of State (9)

The Hon. M. Kasim, A.A.
Minister of State for Agriculture

The Hon. O.E. Clarke,
Minister of State – Regional
(East Barbice/Corentyne)

***Non-elected Ministers**

The Hon. P. Duncan, J.P.,
Minister of State – Regional (Rupununi) **(Absent – on leave)**

The Hon. C.A. Nascimento,
Minister of State, Office of the Prime Minister

The Hon. M. Zaheeruddeen, J.P.,
Minister of State – Regional
(Essequibo Coast/West Demerara) **(Absent)**

*The Hon. C.V. Mingo,
Minister of State for Home Affairs

*The Hon. W. Haynes,
Minister of State – Regional (Mazaruni/Potaro) **(Absent)**

*The Hon. A. Salim,
Minister of State – Regional
(East Demerara/West Coast Berbice)

*The Hon. F.U.A. Carmichael,
Minister of State – Regional (North West)

Parliamentary Secretaries (8)

Mr. J.R. Thomas,
Parliamentary Secretary, Ministry of Housing

Mr. C.E. Wrights, J.P.
Parliamentary Secretary, Ministry of Works and Communications

Miss M.N. Ackman,
Parliamentary Secretary, Office of the
Prime Minister, and Government Chief Whip **(Absent – on leave)**

Mr. E.L. Ambrose,
Parliamentary Secretary, (Agriculture),
Ministry of National Development and Agriculture

Mr. K.B. Bancroft,
Parliamentary Secretary (Hinterland),
Ministry of National Development and Agriculture

***Non-elected Ministers**

Mr. S. Prashad,
Parliamentary Secretary, Ministry of
Co-operatives and National Mobilisation

Mr. J.P. Chowritmootoo,
Parliamentary Secretary, Ministry of Education

Mr. R.H.O. Corbin,
Parliamentary Secretary, Ministry of
Co-operatives and National Mobilisation

Deputy Speaker (1)

Mr. R. C. Van Sluytman, Deputy Speaker

Other Members (17)

Mr. J.N. Aaron

Mrs. L.N. Branco

Mr. M. Corrica

Mr. E.H.A. Fowler

Miss J. Gill

Mr. W. Hussain

Miss S. Jaiserrisingh

Mr. K.M.E. Jones

Mr. M. Nissar

Dr. L.E. Ramsahoye

Mr. J.G. Ramson

Mr. P.A. Raymon

MR. E.M. Stoby, J.P.

Mr. S.H. Sukhu, M.S., J.P.,

Mr. C. Sukul, J.P.

Mr. H.A. Taylor

Mrs. L.E. Willems

(Absent)

Members of the Opposition

Liberatory Party (2)

Mr. M.F. Singh, Leader of the Opposition

Mrs. E. DaSilva

OFFICERS

Clerk of the National Assembly – Mr. F.A. Narain

Deputy Clerk of the National Assembly – Mr. M.B. Henry, AMBIM.

8.5.74
2.10 p.m.

National Assembly

2.10 – 2.20 p.m.

PRAYERS

ANNOUNCEMENT BY THE SPEAKER

LEAVE

The Speaker: Leave has been granted to the hon. Member Miss Baird from the 6th to 11th May, 1974, to the hon. Member Mr. Duncan for today's sitting and to the hon. Member Mr. Ambrose for today's sitting.

INTRODUCTION OF BILLS – FIRST READING

The following Bills were introduced and read the First time

Public Authorities (Limitation of Actions) (Special Provisions) Bill 1974, Bill No. 11/1974, published on 4.5.74.

**[The Minister of Parliamentary Affairs and Leader of the House on
behalf of the Minister of Foreign Affairs and Justice]**

Public Officers Widows (Amendment) Bill 1974, Bill No. 15/1974, published on 11.5.74.

**[The Minister of Parliamentary Affairs and Leader of the House on
behalf of the Minister of Finance]**

PUBLIC BUSINESS**MOTION****SUPERANNUATION BENEFITS TO NON-PENSIONABLE
GOVERNMENT EMPLOYEES**

“The conditions governing the payment of superannuation benefits to non-pensionable government employees as authorised by Legislative Council Resolutions No. LII of the 6th July, 1951, and No LVI of the 8th May, 1957, provide inter alia that

- (i) an employee who at the date of this retirement holds “an approved appointment”, and has served in an approved appointment for at least twenty (20) continuous years immediately preceding the date of his retirement will be eligible for an annual allowance; and
- (ii) an allowance of gratuity will be paid only in respect of service after the age of twenty (20) years ...;

provision exists in the Pensions Act (Chapter 27:02) for an officer to whom a pension is granted under that Act to exercise an option to take a reduced pension with a gratuity, and it is considered that similar provision should be made for the non-pensionable government employee to whom an annual allowance is granted to be given the option to be paid in lieu of such annual allowance an annual allowance at the rate of three-fourths of such allowance together a gratuity equal to twelve and one half times the amount by which such allowance is reduced;

under the Pensions Act (Chapter 27:02) the holder of a pensionable officer is eligible with effect from 3rd December, 1971, for the payment of a pension, gratuity or other allowance in respect of service from the age of 18 years instead of 20 years:

that the conditions authorised by the Legislative Council Resolutions aforesaid mentioned be varied to

- (i) allow, with effect from 1st July, 1973, for an employee to whom an annual allowance is granted to be paid, at his option, an allowance at the rate of three-fourths of the allowance payable in terms of the Resolutions together with a gratuity equal to twelve and one-half times the amount by which such allowance is reduced; and
- (ii) permit service from the age of 18 years instead of 20 years to be counted for the purpose of payment of superannuation benefits to non-pensionable government employees in the employ of the Government on or after 3rd December, 1971.”

[The Prime Minister]

The Prime Minister (Mr. Burnham): Mr. Speaker, on the face of it, the Motion standing in my name because it is lengthy appears complicated but the object is very simple, it is to extend to members of the Public Service who up to now are not on what is called the “fixed establishment” the same facilities with respect to pensions and gratuities as those enjoyed by their colleagues who, I would say fortuitously are on the Fixed Establishment.

No doubt it will be recalled, sir, that during the course of last year the job evaluation exercise with respect to members of the Public Service was completed and a number of categories or posts previously in the service were abolished, the number of bands simultaneously being reduced.

Those who were previously described as “open vote” to differentiate them from those on the Fixed Establishment, have, in so far as salaries and remuneration are concerned, been assimilated into what had previously been known as the “Fixed Establishment”.

There, however, remain some anomalies. One, for instance, is that up to now they are not entitled to be contributors to the Widows and Orphans Fund. This is being looked into and actuarial studies are being conducted.

The reaction we have got from the unions representing these persons is in favour of their becoming eligible to contribute to the Widows and Orphans Fund.

Another anomaly is the fact that those who come into a category appearing under the heading “Approved Appointments” though eligible after 20 continuous years to have pensions are not today eligible to have a gratuity. The various anomalies we hope to straighten out in time including the third one to which I may allude, that is: persons holding appointments under the head “Approved Appointments” have their pensionable age accounted from 20 years instead of 18 years. The latter age is now that at which pensionable service starts to run for the Fixed Establishment and also for the teaching profession.

The Public Service Ministry, which is one of my responsibilities, have therefore advised, and Government has accepted the advice, that we do two things to remove two of these anomalies to which I have referred; the first place, to have persons who hold Approved Appointments eligible to opt for a reduced pension and to enjoy a gratuity at a time of retirement in the same way as their colleagues in the so-called “Fixed Establishment” enjoy that option and facility; and in the second place to reduce the earliest age at which pensionable service may start to run from 20 years to 18 years. Of course, the later proposal is in consonance with the age of majority being reduced as it was recently for all purposes from 21 years to 18 years.

As I see it, sir, there is nothing controversial about this Motion and in the circumstances I commend it to the House recognizing at the same time however as I look across the House that the Leader of the Opposition must mark his presence.

Question proposed.

The Speaker: Hon. Leader of the Opposition.

The Leader of the Opposition (Mr. M.F. Singh): Mr. Speaker, not only must I mark my present but I must make useful and constructive comments in respect of proposals put forward by the Government.

In respect of this proposal we agree with the proposal. We can have no quarrel with it but we say that the proposal does not go far enough.

What are we doing here? As the hon. Prime Minister has said we are merely putting the non-pensionable employees – and this is the important qualification – who holds approved appointments, those in the open vote who hold approved appointments, in the same category of pensionable officers, that is, they will be able to opt for a lump-sum on retirement with a reduced pension, or what they call “annual allowance”, and further, service would be counted from the age of 18 years. But let us bear in mind that this will apply only to person holding approved appointments and not to all open vote Government employees. It will apply only to that special, particular and preferential category holding approved appointments. Those open vote Government employees who are not in approved appointments will be excluded. They will still continue to get, as I understand it, merely a lump-sum, but they will not get any pension.

If we are cutting out preferential treatment then why are we not treating all Government employees alike? Why are we including the open vote employees in non-approved appointments? Those in the non-approved appointments will not be able to get the opportunity of receiving a lump-sum and a reduced annual allowances. All they will get is the lump-sum alone.

I am sure that the families in particular of some of these people would welcome their being put in the same category as these preferential people in approved appointments because we all know the frailty of the Guyanese society. We know that in some cases these employees

will receive their lump-sums and at their advanced stage in life, until a sizeable sum of money in their hands, they will go and invariably spend it all out in the rum shops. And then what happens? They become a burden on the society. Some may have cirrhosis and we would have to try to look after them in that deplorable institution which we call the Public Hospital.

2.20 p.m.

Is it not much wiser that these people be allowed the same facilities as other Government employees? That they should get a lump sum, on the same basis as is proposed here, and a reduced pension? Should we not put them in the same position as other Government employees? Why are we creating this preferential class of people? If our aim is to treat them all alike, then surely the time has come for us to remedy the anomaly and put all Government employees on the same terms and conditions as regards qualification for the pension.

I am reliably informed that in fact the Public Service Ministry some years ago had done an operation with this in view, but at the time it was thought that the Government would not be able to meet the cost. As I understand it, the proposal then was that the Government employees should be made to contribute to a pension scheme. Nothing has happened since then. I therefore invite the hon. Prime Minister, while commending him on this move, to tell us what is the position as regards these Government employees with non-approved appointments. I invite him to tell us what the proposals are and how soon this preferential class of employees should be cut out so that all Government employees will be eligible for gratuity and pension on appropriate terms and conditions, of course, and that we would not merely be dealing with those, as in this Motion, in approved appointments.

The Speaker: Hon Minister do you wish to reply?

The Prime Minister; (replying): Briefly, sir. This matter is now engaging the attention of the Public Service Ministry which is in discussions with the unions representing the person to

whom my hon. and learned Friend has alluded and for whom he shows such unexpected solicitude. As soon as those discussions are over the Government will consider the final proposals and will do justice to the workers as is its wont.

Question put and agreed to.

Motion carried

BILL – SECOND READING
FACTORIES (AMENDMENT) BILL 1974

“A Bill intituled an Act to amend the Factories Act.”

[The Minister of Labour]

The Minister of Labour (Mr. Carrington): Mr. Speaker, I beg to move the Second Reading of the Factories (Amendment) Bill. This Bill seeks to apply the provision of the Factories Act to off-shore operations carried out for the purpose of exploring and exploiting mineral resources of Guyana. From time to time, it is necessary to amend these Acts wherever workers are not covered by these Acts. It is necessary also to amend the Acts in the interest of employers. In this case it became necessary to amend this Act in the interest of the workers.

As I look in the Gallery, Mr. Speaker, I see a number of workers who will be affected by this Act. Some time ago the Shell Company in Guyana carried out off-shore drilling for oil; and because their operations did not come under the Act many of the workers employed there did not benefit from the Factories Act. They protest through their organisations to the Ministry of Labour, and the Minister of Energy and Natural Resources then communicated to the concern informing them that for any future operations it will be necessary for us, the Government, to amend the Act so that workers will be covered by the Factories Act. As everyone knows that

on-shore, workers benefit by way of overtime on Sundays and on holidays. Because of this type of operation they were not covered. The Bill then seeks to protect the workers in this respect.

You will agree, Mr. Speaker, that any working-class Government would want to make sure that the workers are protected and get the full share of their benefits. Just the same, it is in the interest of the Government that the workers give of their best on any such operations as the one to which I am referring. My officers responsible for the factories examined the rig from time to time and they were satisfied that the workers engaged there were giving of their best. Employers did not complain of the performance of the workers. The only protest we got was mainly because the workers were not covered by the Factories Act. We have therefore set out to do this today. Whether it be a trade union, whether it be the T.U.C. or groups of workers, the Ministry of Labour will always be concerned and want to assist in these measures.

Very shortly, the operations will begin again in Guyana. These workers in taking up their positions on their respective jobs will not work with that dissatisfaction as they did in the past. We will expect that because of these amendments there will be higher productivity, because the workers employed there will be satisfied. I therefore ask that the Bill be read a Second time.

Question proposed.

The Speaker: Hon. Leader of the Opposition.

Mr. M.F. Singh: Mr. Speaker, let us examine this proposed legislation very carefully in the light of the hon. Minister's speech that the Factories Act should apply to off-shore operations. Let us also read the explanatory memo and compare it with what, in fact, is proposed and then we will see that the proposed change is very wide, indeed, and goes much further than is stated in the explanatory memorandum and also in what the hon. Minister has just said. The explanatory memorandum reads:

“The Factories Act applies to premises specified in the Schedule thereto where person engaged in manual labour are employed. It is considered desirable that the Act should apply to other places which may not be regarded in law as being premises, for example, installations used in the exploration of oil. This Bill accordingly seeks to enable this to be done.”

In so far as the Bill seeks to apply the Factories Act to oil rigs used in the exploration of oil, this is very commendable. I know personally of the problems which workers faced not so long ago in respect of oil drilling operations off-shore. Workers did, in fact, suffer. Workers made representations to me and, unfortunately, the legal position did not permit any tangible help to them at that time. So I am very happy, indeed, to see that the Government is now proposing to amend the legislation to include oil drilling rigs – installations used in the registration of oil.

Let us look at what Clause 2 of the proposed amendment, in fact, says. It reads:

“2. Subsection (1) of section 2 of the Principal Act is hereby amended by the deletion of paragraph (b) of the definition of the word “factory” and the subsection therefor of the following paragraph –

- (b) any premises or undertaking specified in Schedule where person are employed in manual labour and the Schedule may be amended by order made by the Minister.”

There is no specific reference to oil drilling rigs – oil exploration installations. What does this mean? It means that in addition to installations used in the exploration of oil the hon. Minister by the stroke of a pen, can bring any undertaking where person are employed in manual labour with the ambit of the Factory Act. The hon. Minister will not only deal with oil exploration installations by anything at all, any undertaking in which person are employed in manual labour.

There is another extension and for us to appreciate this extension we must refer to the existing legislation. What is the law at the present moment? Let us read the law at the present

moment. Paragraph (b) in the definition of “factory” in the section 2(1) of the Factories Act, Chapter 95:02 states:

“(b) any premises or undertaking specified in the Schedule where persons are employed in manual labour and the Schedule may be amended by order made by the Minister.”

So that whereas in the existing law any other premises may be specified, in the proposed amendment the Schedule may be amended. The existing law allows only additions but subtractions. The Minister can either add to the Schedule or he can take out from the Schedule. So that – and this is the important point – without the opportunity of Parliamentary scrutiny, it is being sought in this proposed legislation to give the Minister the power merely by the stroke of a pen to declare any undertaking a factory, and not only to declare any undertaking a factory but also to knock out anything which under the present law is considered to be a factory. So he has the power to declare any undertaking a factory and he has the power to knock out anything that is a factory and make it not a factory. Do we really want to do this?

It is important that we look at the whole tenor of the legislation as in the existing Factories Act. For example, let us look at section 26 of the Factories Act, Chapter 95:02. It is headed Part VI, Regulations. It reads:

“26(1) Subject to negative resolution of the National Assembly, the Minister may from time to time make regulations.”

And then it goes on to talk of all sorts of things he can make regulations about and I may mention some of them. Let us bear in mind that all these regulations that he may make are subject to negative resolutions of the National Assembly, so they are subject to the scrutiny of the National Assembly if any Member of the National Assembly desires to bring them before

this honourable House. What are the things in respect of which the regulations can be made. I will give some examples quoted here:

- “26(2)(a) the safe means of approach or access to, and exit from, any factory, or machinery;
- (b) the fencing and covering of all dangerous places or machines;
- (d) securing safety in connection with all operations carried on in a factory;
- (h) the proper ventilation of any factory, having regard to the nature of the process carried on therein;
- (i) the sanitation, including the provision of lavatory accommodation and sanitation conveniences (having regard to the number of workers employed) at any factory;”

So all things like this, in respect of which the hon. Minister makes regulations, subject to negative resolutions of the National Assembly.

Is it far then that the hon. Minister, by the stroke of a pen, should be able to declare something a factory and to declare something else not a factory when all these ancillary things in connection with a factory are subject to negative resolution of the National Assembly? He declares some place a factory and Parliament has no opportunity whatsoever to scrutinize what he has done. But if the hon. Minister makes regulations in respect of those same places that he has declared a factory, then that is subject to a negative resolution of Parliament.

8.5.74

National Assembly

2.40 – 2.50 p.m.

[Mr. Singh contd.]

2.40 p.m.

“That is why I urge, Mr. Speaker, in keeping with the whole tenor of the Factories Act, that the hon. Minister can have no objection to merely adding to this proposed legislation the words, “subject to negative resolution of the National Assembly.”

All we are saying is, it should read the same way:

“any premises or undertaking specified in the Schedule where persons are employed in manual labour and the Schedule may be amended by Order made by the Minister subject to negative resolution of the National Assembly;

If the National Assembly so desires, it may bring the matter before the House for scrutiny. That is all we are saying.

We are not saying that we may ever want to do this, but this honourable House should have the opportunity provided to do this, particularly, as I reiterate, in the light of the fact that regulations made in respect of these factories, ordinary simple regulations in connection with safety, with lavatory facilities, are subject to negative resolution of the National Assembly. Why then should not an area or some place which is declared a factory be subject to negative resolution of the National Assembly?

And something which we should note very carefully is this. The hon. Minister is under heavy fire from the T.U.C. and labour leaders generally. We all read how he was castigated on Labour Day, a few days ago. The hon. Minister does not seem to enjoy the confidence of the labour leaders in this country, and that is why it is all the more important that what he does must be subject to scrutiny by this National Assembly.

We remember also very vividly, not so long ago, when we were amending the law particularly to give agricultural assessors powers somewhat similar to those of factories officers, powers to be able, for example, to go to the back of the sugar estates, into the cane fields, and perform duties there, the hon. Minister inferred that sugar workers in the cane fields should enjoy conditions which were not dissimilar to those of factory workers. He said that in some of the cane fields, conditions were very bad, and they needed remedying, and we should do something about them. He said this while dealing with the proposed change in the law to give certain powers to the agricultural assessors. I mentioned at the time that perhaps what we should do is to appoint these agricultural assessors as factory inspectors, but that suggestion was not accepted. They seem to be on a lesser grade than factory inspectors.

One wonders. Is it now the intention to bring these cane fields under the Factories Ordinance after this Bill is passed? Very easily it can be done. By the stroke of a pen the Minister can say, “by Order, I say that sugar cane fields at the back of the estates are covered by the provisions of the Factories Act.” I am not saying it may not be desirable to do this, but what I am saying is: should Parliament not be given an opportunity to discuss such a proposal before it is made law? Even though we may not make use of the opportunity, should it not be a provision there that if we want to, we can look at this proposal before, by the stroke of that pen, the Minister makes it law?

This is particularly important in view of the serious allegations which are being made that these agricultural assessors are in fact activists for the Union of Agricultural and Allied Workers, a trade union which it is alleged has the sympathy and the favour of the Minister of Labour. It is a serious matter to allege that a Labour Minister has favourable connections with a particular trade union to extend that it is receiving preferential treatment and not the same fair and impartial treatment that should be meted out to all trade unions. That is why we say that this legislation should be subject to negative resolution of the National Assembly.

I give another example. I talked about sugar cane fields. What about drug stores? Under this proposed legislation, a drug store is a place where manual labour is employed. It can also be a stroke of a pen be brought within the ambit of the Factories Act, and a host of other things. **[Interruption]** There is special legislation for bakeries. We know there is case law in relation to drug stores. The hon. Minister must know that there is the “Boots” case, in which the Courts decided very decisively that drug stores are not to be covered by the Factories Act. But under this proposed legislation, drug stores, by the stroke of the pen, by legislation can be made subject to the Factories Act.

I am not saying that in the light of existing circumstances in Guyana this may not be a desirable thing, but what I say is that his honourable House, if we are to function in a meaningful manner, should be given the opportunity, if Members want to raise the matter in the House. I am saying that the words, “subject to negative resolution of the National Assembly” should be put in.

What possible objection could the Minister have to this, particularly in view of the fact that I read regulations, simple regulations, dealing with toilet facilities, which are subject to negative resolution of the National Assembly? And then the Government says that the declaration of a factory should not be subject to negative resolution of the National Assembly. I cannot see how the Minister could refuse to accept the suggestion which I am making.

Finally, in passing, we note again, that in this new revised labour Act, 98:01, wherever functions were previously given to Chief Labour Officer, the revision took out the Chief labour Officer and put in the Minister and Permanent Secretary. So wherever the Chief Labour Officer had been given functions, he has been replaced by the Minister and the Permanent Secretary. The hon. Minister in his explanation said that because of the new structure of things, the Cabinet system, they had to take out Chief Labour Officer and put in Minister and Permanent Secretary. But it is interesting to note that in this Factories Act, at 95:02 on page 6, it states:

“The labour Authority “Means, in respect of any provision of this Act or of any subsidiary legislation made there under, such officer or officers of the Ministry as may be designated for the purposes of such provision by the Minister by notice published in the Gazette, and in default of such designation means the Chief Labour Officer, the Deputy Chief labour Officer or the Assistant Chief Labour Officer;”.

2.50 p.m.

We are dealing with the Factories Act. The Factories Act states that the labour Authority in the absence of gazette appointments means Chief Labour Officer, Deputy Chief Labour Officer or Assistant Chief labour Officer. But what do the Estimates have? There is provision in the Estimates and there is an officer attached to this post. In fact there is a whole a department on page 162 of the Estimates: Chief Factories Officer, an executive officer on scale A32: \$12,012 per annum, on Assistant Chief Factories Officer, one Senior Factories Officer and three Factories Officers. Provisions is made for executive post with ancillary support.

Surely the Chief Factories Officer should be the person to administer the Factories Act. The Labour Ordinance takes out the Chief Labour Officer and puts in Minister and Permanent Secretary, and the Factories Act, the technical one, has the Chief Labour Officer stuck into it.

The Labour Ministry probably works in devious contradictory ways. It certainly seems to be a contradiction to take the Chief Labour Officer out of the labour Act and still have him in the Factories Act. I cannot understand it.

I have advocated before that he Chief labour Officer’s post should be abolished because no one seems to know what exactly what he has to do. Under the Labour law he has nothing to do and under the Factories Act where he does not have the technical qualifications, because we have a whole set of people provided for in the Estimates, he has powers. How is this Labour Ministry really working? The tragedy of it is that the hon. Minister is under such terrible fire by the labour leaders that he do not seem to know how this Labour Ministry is in fact working.

[Mr. M.F. Singh contd.]

Finally, what about those measures which the hon. Minister so forcibly told us about on the last occasion in Parliament when we were dealing with the Agricultural Assessors? He told us that he has proposals to put an end to the spate of strikes in the country. Unfortunately the strikes continue particularly in the sugar industry at a time when we are so badly in need of the foreign sugar exchange from sugar in order to salvage our economy which is in such a terrible state at the present moment. Let the hon. Minister tell us what are his new proposals. Because, obviously, whatever proposals he may have had in the past have failed. Maybe he has a new magic formula. We would like to know of it because we are very, very worried indeed that the country is held to ransom by sugar workers, that our economy suffers and that the strikes still continue. Let the hon. Minister give us his proposals in this honourable House.

Getting back to this piece of legislation I can see no objection to the addition of the words “subject to negative resolution of the National Assembly.” I will explain what “negative resolution” means. The Opposition need not bring a Resolution at all. If they do not bring a Resolution then it is automatically law but at least the opportunity should be there to bring a Resolution. That is all we are asking for. We may never bring a Resolution but give us the opening. Let us examine the situation at the particular time. Give us the opportunity to bring the Resolution to Parliament if we consider it necessary. The Government has the majority. If we cannot convince then they will throw it out. We all know that but at least let justice appear to be done. Let it appear that this honourable House is working democratically and is working along the lines and along the principle adapted in this legislation where even ordinary regulations are subject to negative resolution of Parliament.

The Speaker: Hon. Minister of Labour

Mr. Carrington: Mr. Speaker, I was very impressed with the length to which the hon. Mr. Feilden Singh went in this very short amendment to the Factories Act. He took the opportunity perhaps to see if it was possible for him to divide the trade union movement and the

Government, to create a rift perhaps between the union leaders and the Ministry of Labour, but he will look in vain for, as he will find in Guyana, there is what we know as “freedom of speech”. Labour leaders or any leaders have the right to criticize any member of the Government or any Minister.

Out in the Gallery here there are a number of workers who took time-off to come to this special session. They are members of the General Workers Union. That union is affiliated to the T.U.C.

This morning Mr. Cummings, the President of that union, came into my office and told me that his “boys” would be in Parliament today and that I should get some tickets for them to attend the session. They are here. Mr. Cummings is the Organizing Secretary of the T.U.C.

I remember well that one of the speakers on the last May-day demonstration was Mr. Cleveland Charran who was in my office yesterday and has invited me to visit Versailles factory at the invitation of the union of the workers who came to my Ministry to see me.

I think the hon. Member Mr. Feilden Singh will never be able to understand the relation between myself and the leaders of the trade union movement. To do so he will first of all have to be a trade unionist.

The relations between the Ministry of Labour and the leaders of the trade union movement will always remain as they have been.

On the question of this amendment I think the hon. Member Mr. Feilden Singh needs to know what is taking place in the field of industrial relations.

Very shortly the Ministry will be sending out letters appointing members of the Labour Code Commission. The Labour Code Commission will be set up on a tripartite basis where

workers, employers and Government will sit to make any amendment to the existing labour laws, to make codes, to set regulations, to discuss matters affecting labour. The laws will not be drawn up by a tripartite basis. So when the laws come into effect the parties concerned will be aware and accept those measures. This is what we want to have in the future and that is why we are setting up a Labour Code Commission. These are progressive trends in industrial resolution.

Further, these workers worked for over a year under conditions with which they were not satisfied. The hon. Member Mr. Feilden Sing admits that they came to him and he could have done nothing on their behalf because of the law. They had to wait a year. They worked under these conditions for a year or more. If there was this provision, as we are setting up now immediately I would have set out an Order to make that into a factory and those workers would not have suffered over that period.

The fact is that the workers did appeal to the Ministry. As I said earlier, the amendments to these Acts do not apply to workers but to employers. If employers are not satisfied with provisions of the Acts they can seek to have amendments.

This provision that will be coming into effect shortly came after an examination by workers and employers on an Advisory Committee Report. But any Order, as we know, can be the subject matter of a Question in the House. What we do not want to see is that the workers suffer unduly. That is why we want to have provision here that can give the Government the right to act quickly in the interest of the workers or the employers.

2.50 p.m.

To stretch the matter that canefields or even the House can be made into a factory is getting to the ridiculous. Because as I said earlier, these measures or proposals will be examined by workers' and employers' organizations from time to time. We have an Advisory Committee;

[Mr. Carrington continues]

we have Wages Councils; we have Wages Advisory Committee set up in the Ministry of Labour but now we are setting up an institution in the form of a Labour Code Commission.

On the question of regulations, they could have been made the same way in the past. I will still have to make an Order to bring the rig under the definition of a factory. I will have to do that after this has been passed. If we had the measure before I could have done so. I do not see why the hon. Member is trying to make a mountain out of this matter interjecting other matters that are not really relevant to these discussions.

I am always happy to answer questions. I am prepared to defend my Ministry, because I know as a fact that all the officers, including the Chief labour Officer, are working very hard. In the case of the Chief Labour Officer, as I told the hon. Member on the last occasion, we are satisfied that he is going a good job. As a matter of fact he is working too hard, so we have taken away some of the duties which he was performing and this will enable him to pay more attention to more important matters.

Sitting in this House is the Chief Factories Officer, Mr. Alan Price, who has been appointed to that post. In the past, we did not have a Factories Division, the Chief Labour Officer was responsible for factories and everything, he was the jack of all trades. Today we have a Chief Factories Officer, we have a Factories Division to look into these matters, to go and made examination, because this is a specialized area. The Chief Labour Officer specializes in labour matters: collective bargaining, conciliation and such matters. We are now specializing in the various sections. So the hon. Member need not worry about is brother's matter, his brother will take care of himself. I am sure if he has a discussion with his brother he will tell him that he is satisfied and happy.

The next point I need to bring to the attention of the hon. Member is that with the change in political structure the powers of such people like District Commissioners and Chief Labour

Officers must go and the Minister who is responsible to the Cabinet and to the nation must take full responsibility for those matters that came within the purview of the Chief Labour Officer, or District Commissioner, or what have you.

A matter which is not relevant at this time is the question of the number of strikes. I want to say that the unions affiliated to the T.U.C. are behaving responsibly in industrial relations matters. When we examine the number of strikes in other countries, even in the Caribbean and not only the number of strikes but the duration of the strikes and what they are causing other countries outside of Guyana – I would consider that we are doing well in industrial relations when compared with other countries. There are twenty-four unions affiliated to the T.U.C., and the union which the hon. Member is making reference to in the sugar belt is the G.A.W.U.

Part of the reason for the number of strikes is that the G.A.W.U. is outside of the T.U.C.'s control. I am satisfied that if the G.A.W.U. was an affiliate of the T.U.C. there would not have been so many strikes in the sugar industry. Because of the structure of the T.U.C. the approach to matters is very responsible. But you can imagine, the G.A.W.U. is like a run-away organisation and they are more or less under the control of a political party. What then do you expect in this situation?

The hon. Member wants to know what are the solutions I have in this situation. The G.A.W.U. and the G.I.W.U. have been with us for over twenty-five years. Even Her majesty's Government, as the hon. Member would say, could have done very little about strikes in the sugar estates. We have inherited a situation. There have been strikes in the sugar estates since the days of Critchlow. The hon. Member is asking me what are the solutions. We are not going to take a position as you find in perhaps India where they have to shoot or lock up leaders of the trade union movement. For the present moment, we are using persuasion; we are trying to put some sense in their heads to let them understand that they are doing just as much damage to themselves as to the economy. We are hoping that this will work. We are hoping that some sense will be put into the heads of those workers who are misled.

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National Assembly

3.10 – 3.20 p.m.

[Mr. Carrington continues]

3.10 p.m.

We can introduce legislation as is done in other countries to curb strikes. In Britain – only this morning I listened to the news – one union refused to accept the Industrial Relations Act. They just decide that they will ignore it. I am not saying that that will be the situation in Guyana, but it is possible. We are dealing with workers and they have rights. The employers are responsible for some of the strikes on the Estates and when we examine them in that lyric we tell them when they are right and when they are wrong.

But who should not be concerned with the situation of the sugar industry? Perhaps the hon. Member can give us the answer perhaps the T.U.C. can give us the answer as regards what we need to do in this present situation. But, as I said earlier, we inherited a legacy of strikes and disruptions in the sugar industry.

For the present moment we will continue the dialogue, we will continue to mediate, conciliate and arbitrate, whenever necessary, between the M.P.C.A., the S.P.A. and the G.A.W.U. But I hope that when this Government decided that the time is reached when we must act positively that we do not get cries from the Opposition that we are dictators and we are introducing measures without consultation and discussion. I hope we would not hear such voices from the Opposition. They say something today and something else tomorrow. So, though it is not relevant to the matter I am prepared to answer those questions.

The dialogue will continue with Mr. Marry Lall and the Ministry of Labour and we will continue to encourage the M.P.C.A. to make representations on behalf of the workers. We will advise the S.P.A. to meet the M.P.C.A. and to discuss whatever matters they have, to negotiate with them and to provide better conditions for the workers from time to time. But do not believe for one moment that the Government or the Ministry of labour is not conscious of the seriousness of the disruptions in the sugar industry. We are conscious of it. We will continue to make all efforts to resolve the situations from time to time but when we are satisfied that all have had their

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3.10 – 3.15 p.m.

full, this Government will act and I am sure when this Government decides to act that all Guyanese will be satisfied that our actions are justified.

Question put, and agreed to.

Bill read a Second time.

Assembly in Committee.

Bill considered and approved.

Assembly resumed.

Bill reported without Amendment, read the Third time and passed.

ADJOURNMENT

Resolved, “That this Assembly do now adjourn to a date to be fixed.”

[Mr. Ramsaroop]

Adjourned accordingly at 3.15 p.m.
