

Leave of Absence

Thursday, November 18, 1999

HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

The House met at 10.30 a.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I wish to advise that I have received communication from the Member for Couva North who is out of the jurisdiction on official business and who has asked to be excused. The leave of absence which he seeks is granted. There is a continued leave of absence of the Member for Arouca South which was granted until next month.

PAPER LAID

Annual audited financial statement of the National Gas Company of Trinidad and Tobago Limited. [*The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj)*]

To be referred to the Public Accounts (Enterprises) Committee.

PARLIAMENT

(REFORM OF MANAGEMENT STRUCTURE)

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker,

Whereas the White Paper on the reform of the management structure of the Parliament of Trinidad and Tobago was laid in the House of Representatives on June 12, 1998 and in the Senate on June 16, 1998; and

Whereas this report was referred to a joint select committee in the last session which was unable to complete its deliberations; and

Whereas on September 6, 1999 this House agreed that a joint select committee should be appointed in this session to continue the work of the last committee;

Be It Resolved that a Joint Select Committee be established to consider and report on the White Paper on the Reform of the Management Structure of the Parliament; and

Be It Further Resolved that this committee be authorized to consider as part of its records the work of the previous committee appointed to consider this matter.

Question proposed.

Question put and agreed to.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, thank you. I beg to move,

That the following Members be appointed to serve with an equal number from the Senate on the Joint Select Committee established to consider and report on the White Paper on the Reform of the Management Structure of the Parliament of Trinidad and Tobago.

Hon. Ramesh Lawrence Maharaj

Hon. Kamla Persad-Bissessar

Dr. The Hon. Rupert Griffith

Mr. Chandresh Sharma

Mrs. Camille Robinson-Regis

Mr. Martin Joseph.

Question put and agreed to.

OCCUPATIONAL SAFETY AND HEALTH (NO. 2) BILL

Order for second reading read.

The Minister of Labour and Co-operatives (Hon. Harry Partap): Mr. Speaker, I beg to move,

That a Bill respecting the safety, health and welfare of persons at work be now read a second time.

Mr. Speaker, I am privileged once again to present this Bill which has as its short title the Occupational Safety and Health Bill. If I may be so presumptuous, I believe I speak for both sides of this honourable Chamber when I say that this important and fundamental piece of legislation is long overdue.

The basic philosophy that informs this Bill hinges on measures to protect the safety and health, not only of workers in the workplace, but also employers, the general public, who may be in or in the vicinity of the workplace.

Mr. Speaker, this is what this Bill is about. It is designed to put in place a basic framework to make the workplace safe. The Bill is comprehensive in scope, but one admits the possibility, however, that amendments are yet necessary. The Bill comes in a revised form and it reflects in part the concerns raised by honourable Members, particularly those on the opposite benches, when it was last presented in this House.

Mr. Speaker, the revised Bill before us today is an example of the Government's commitment to the consultative process which we have faithfully followed whenever we on this side have to deal with fundamental legislation. Under our watch, this Bill was subjected to intense scrutiny at four consultations. The first involved hands-on technical persons who were given the opportunity to bring their varied experiences to bear on the draft document. Three other public consultations were held, including one in Tobago. Additionally, the Ministry of Labour and Co-operatives held mini-consultations with trade unions, groups of employers and non-governmental organizations. Separate meetings were held with employers at the Point Lisas Industrial Estate and other interested parties. Arising out of these early discussions, some 128 amendments were made to the original draft.

Mr. Speaker, after this Bill went through the scrutiny of a joint select committee, the discussions and dialogue continued to the point where certain other amendments were made. However, I assure this honourable House, and by extension those thousands of workers and employers across the country, that there has been no dilution of the fundamental provisions of the Bill. The principle of protection under the legislation remains intact. This Bill is intended to provide protection, not licence.

Mr. Speaker, this Bill will repeal three existing pieces of legislation: the Factories Ordinance, 1948; the Employment of Women (Night Work) Act, 1939; and the Gas Cylinders Use, Conveyance and Storage Act, 1949.

This Bill provides for the revision and extension of the present law regarding the safety, health and welfare of persons at work in order to keep pace with the country's rapid industrialization. It also reflects contemporary, international labour standards in respect of safety, health and welfare in the total work environment inclusive of shops, offices, ships and the outdoors. The Bill incorporates concepts, principles and standards which will permit its easy harmonization with proposed Caricom legislation. The jurisdiction of this Bill would be wide enough to embrace all persons at work in all locations.

In repealing the Factories Ordinance, we have retained those parts that can strengthen the present legislation. In other words, we have not thrown out the baby with the bath water. Clearly, provisions of the Factories Ordinance, which is 51 years old, became hopelessly obsolete in light of our rapid industrialization and the technological changes taking place in Trinidad and Tobago. I would say that the Factories Ordinance had been outdated since the late 1960s when industrialization was an option being pursued by early economic planners. But

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while industrialization was pursued as an option, little or no effort was made to keep the legislative framework abreast of the technological changes taking place in the workplace. It is not that this was not known; it is that there was a reluctance—whatever the reasons might have been—to put in place the legislative protection for safety and health at the worksite. However, the fact is that the Bill is before us today.

This Bill represents the cumulative efforts of six administrations spanning 26 years. I want to repeat that, Mr. Speaker. It is a cumulative effort of six administrations spanning 26 years. I want to thank an earlier PNM administration for initiating the revision of the Factories Ordinance through a United Nations Development Programme expert who arrived in the country on May 24, 1973 some 26 years ago to begin work on the proposed legislation. Twenty-four years ago, the first draft of the Occupational Safety and Health Bill was prepared, but no action was taken then to advance the Bill. Four years later in 1979, an amended version was produced, but again no action was taken to push it forward. In 1984, another version of the Bill was distributed for public comment with no further action. However, the 1984 version was the first in which the scope of the coverage was widened to cover all workers regardless of where they work. Seven years later in 1991, another version was referred to the Legislative Review Committee and introduced in the House of Representatives by the NAR administration on October 11, 1991. The Bill remained on the Order Paper, but lapsed when Parliament was dissolved on November 5, 1991. Mr. Speaker, a 1994 version was produced by an *ad hoc* committee set up by the then PNM administration's Legislative Review Committee. This committee recommended that the Bill be reformatted to make it simple and user-friendly.

10.45 a.m.

Since coming to office in 1995, the UNC administration revised the Bill to strengthen the law and widen its scope to embrace, *inter alia*, a significant number of reportable diseases. In fact, the number has been increased from seven, in the existing Ordinance, to 38, in the present Bill. We should also note that asbestosis was not—I repeat, not—included in the list of reportable diseases in the existing Ordinance. It is now a reportable disease under this Bill. [*Desk thumping*]

Further, since the Ordinance applied, specifically, to factories, it was not and is not applicable to schools and office buildings. Schools and office buildings, however, are now recognized as industrial establishments in keeping with the 1984 version of the Bill, which now forms part of the present Bill.

Mr. Speaker, before I walk this honourable House through the various parts of the Bill, permit me to draw the attention of hon. Members to the Preamble of this

Bill, which points to a special majority of the House. We must keep this in mind, as we debate the measures here today. Let me now walk hon. Members through the Bill, Mr. Speaker, with your permission.

Part I of the Bill provides preliminary information including a list of definitions which give meaning to the language of the Bill. Some amendments are to be proposed at the appropriate time, including one to delete the definition of “Commissions” and insert one for “agency”. It will also clean up the definitions of “Chief Inspector, Inspector and Premises”.

Part II of the Bill which deals with the general duties, offers a clean distinction between employers and occupiers, and imposes appropriate duties on an employer in relation to his employees, and on an occupier in relation to persons in the industrial establishments, whether or not such persons are employed by the occupier. This section also points to the duty of an employee, to take responsibility for the safety and health of himself and other persons who may be affected by his acts or his omissions in the workplace.

For example, the employee must correctly use the protective clothing or other devices provided for his use. A worker who contravenes the provisions of the law, is liable on determination of the Industrial Court to a fine of \$5,000. It should be emphasized here that we are decriminalizing such an act, by giving the Industrial Court, jurisdiction. We are saying that as far as consistency dictates, such matters should be seen in the context of industrial relations rather than as criminal acts. Wilful destruction of plant and property, leading to the endangering of other employees, can attract a \$10,000 fine. This provision does not interfere with the accepted industrial relations practices. A further amendment would be introduced at the appropriate time, to ensure that, notwithstanding this provision, the employer would retain his right to discipline employees for breaching safety rules.

The revised Bill in Part II also makes it mandatory for employers to give employees information on any hazardous or toxic substances which they may handle or which may be in the vicinity of the worksite. It also makes provision for pregnant employees and young persons. With reference to pregnant employees, subclause 7(1) should really be subclause (7) of clause 6. An amendment will be proposed at the appropriate time.

Part II also provides for general duties of manufacturers and suppliers in terms of the manufacturer and supply of machinery, plant or materials. Manufacturers and suppliers would be held accountable for the equipment or materials which they supply. There are, however, safeguards to avoid abuse of this provision.

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Part III of the revised Bill makes provision for the right of an employee to refuse to work, or to do particular work where he has reasons to believe that in working, he is likely to endanger himself or other employees. There is a set of procedure for the reporting, investigation and resolution of the matter. There are, however, exceptions under this section—which I would discuss later. I hasten to add that this provision is not introducing a new principle of industrial relations law and practice in Trinidad and Tobago. It is a law of industrial relations in Trinidad and Tobago, by virtue of the provision and operation of the Industrial Relations Act, Chap. 88:01, that such a refusal to work is not viewed as industrial action.

Moreover, the provision is in accordance with the international labour standards and contemporary law in the Commonwealth, for example, Guyana. Further, it is also proposed in the draft, which is called a Caricom Model Legislation for the Harmonization of Safety, Health and Welfare Laws.

Part IV of the Bill provides for additional safety requirements in respect of employment of young persons on dangerous machines. They must have protective clothing and devices to avoid dangerous fumes and lack of oxygen.

Part V makes provision in relation to means for fire fighting and escape in case of fire. This Bill proposes basic health requirement under Part VI in terms of cleanliness of establishments, respiratory, protection, lighting, noise and vibration control, overcrowding and ventilation on the factory floor. It also requires pre-medical examination for employment, in particular, job classifications.

In the previous debate the method of calculating the space required for each worker was raised by the Member for Diego Martin East. I have been advised that the figure of 400 cubic feet, quoted in the Bill, is a British standard, which is based on United Kingdom scientific research, which I am informed, is the basis of many engineering standards. The British used a room height of 12 feet in calculating the cubic space. They have recently amended the maximum height to 14 feet, while retaining the cubic space at 400 cubic feet. We have retained the 400 cubic feet in this Bill, however, I will be introducing an amendment to raise the height from 12 feet to 14 feet in line with the British standard.

Part VII of the Bill proposes new and improved measures relating to the welfare of employed persons. Again, these are basic requirements which should be in place at any workplace regardless of the size. For example, every workplace should have adequate and accessible supplies of drinking water, sanitary facilities, accommodation for clothing, first-aid appliances, a rest-room and a lunch room. It also requires larger industrial establishments of 250 employees or more, to provide an ambulance and a first-aid room with medical and nursing staff.

10.55 a.m.

This matter was raised at the level of the Joint Select Committee. We suggested that the clause reflect recognition of the arrangements made by employers and occupiers for ambulances whether private or on a regional basis. Mr. Speaker, the provision where the Chief Inspector can exempt industrial establishments from this provision will effectively deal with the Joint Select Committee's suggestion. It is expected that such discretion exercised by the Chief Inspector will take into account:

1. the nature of the hazards throughout the premises;
2. the severity of industrial accidents likely to occur; and
3. the frequency with which accidents or incidents occur in the particular industry.

Part VIII of the Bill provides for the notification of the Chief Inspector and the subsequent investigations of accidents which can be prejudicial to the safety or health of the public. Mr. Speaker, "serious injury" is defined in Part VIII, clause 46(6):

"...such bodily injury as is likely to prevent the victim thereof from performing the duties of his employment for three or more days."

Part VIII also requires in case of death or critical injury that the scene of the accident is preserved until after investigations, unless there is need to save lives or keep utilities running. Part VIII also requires that medical practitioners report cases of industrial diseases and the investigation of such diseases.

Part IX deals with young people and protects them in terms of hours of employment, medical examination, and places an obligation on an employer to maintain a registry of the young people in his employ.

Part XI of the Bill introduces another innovation: it requires that the construction plans of all proposed factories and warehouses be submitted to the Chief Inspector for his approval; this will not be a hindrance to an entrepreneur. In any case, drawings of new factories are submitted to the Town and Country Planning Division, which then sends them to the Factory Inspectorate, and this happens at present. What is enshrined in the Bill is that these drawings must be seen by the Inspector rather than the optional submission by another agency. At present, the Factory Inspectorate dispatches these drawings in a matter of a few days, so that there is no fear of the plans being unnecessarily delayed at Factory Inspectorate.

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Part XI of the Bill establishes the Occupational Safety and Health Authority, which would consist of a chairman and deputy chairman appointed by the Minister. There would be an executive director who heads the proposed Safety and Health Agency, representatives of the ministries responsible for occupational safety, health and energy industries, and representatives of employers' and employees' organizations and such other as the Minister considers appropriate. This is the composition of the Authority. At the appropriate time, an amendment would be proposed to deal with the appointment of the Executive Director who, as I said before, will head the proposed agency.

The functions of the Authority will be of an advisory nature and are provided for in this part of the Bill. There are provisions for the approval of codes of practice by the Authority for the purpose of providing practical guidance with respect to the requirements of the proposed legislation.

Part XIII of the Bill establishes the Occupational Safety and Health Agency headed by the executive director and deputy director. There will be as well a secretary and two other persons with the necessary expertise to manage the agency. It shall direct the operations of several technical units, which will give effect to the policy of the authority. Part XIII of the Bill also provides for the powers of the inspectors who will assume a new status and additional authority. Inspectors will be empowered to issue prohibition or improvement notices to occupiers and prohibit or restrict access to premises, plant, or machinery where safety is endangered. Such prohibition or restriction would be enforced until satisfactory arrangements are made to effectively control the source of danger.

Part XIII also imposes severe penalties on an inspector who divulges the source of information or complaint concerning an alleged contravention of the provisions of the Act to the occupier or anyone connected to an industrial establishment under scrutiny. This secrecy is extended to even after leaving the public service. The inspector may divulge such information only if given written permission to do so by the occupier or if the disclosure is necessary in legal proceedings pursuant to this Act. An offence attracts a penalty on summary conviction of \$10,000 or 12 months' imprisonment.

Mr. Speaker, Part XIV of the Bill outlines the offences, penalties and legal proceedings arising out of the provisions of the Act. An interesting feature of this part of the Bill is that where a young person is employed in contravention of the Act, the parent of the young person is deemed to have committed an offence and is liable on summary conviction to a fine of \$5,000 unless it appears to the court that the contravention was without the consent, connivance, or wilful default of the parent.

I turn now to the Schedules. Schedule 1 in the Bill contains a list of occupational diseases and included in the list of 38 diseases is asbestosis, which has been occupying the public's mind over the past three weeks. Schedule 2 outlines the rules governing the Occupational Safety and Health Authority.

Mr. Speaker, I would like now to take Hon. Members back to clause 16 in Part III that deals with the right of employees to refuse work where safety or health is in danger. In the original Act, section 16 begins by saying:

“Upon refusing to work or do particular work the employee shall promptly report the circumstances of the intended refusal to the employer or his representatives who shall do certain things as outlined in the Act.”

The Joint Select Committee proposed, and it was agreed, to amend the clause by replacing the word “upon” with “before”. However, I must bring to the attention of this House that by replacing “upon” with the word “before” we would be infringing International Labour Organization Convention 155, Article 13, and also acting contrary to the Industrial Relations Act, which does not require a worker to comply first and query later.

The argument is that the word “before” assumes that the worker is invited to experience the danger before he can decide to remove himself from it, whereas “upon” assumes that the worker sees the danger and decides not to enter the workplace. I am sure that the Member for Arouca North who is a seasoned trade unionist would understand the difference between the words “upon” and “for” in this context. Conventional wisdom dictates that the person should not be exposed to the danger and, therefore, the law should protect the person from walking into a dangerous situation. The question which the Joint Select Committee had sought to address was an abuse of this provision. It is my respectful view, that clauses 14, 17, 18, 19, and 20 deal adequately with any attempt by persons inclined to abuse the system.

I want to refer to that in the Bill before this House. If you can turn to Part III on page 11, I want to read clause 14(1):

“This Part does not apply with respect to an employee described in subsection (2)—

- (a) when a circumstance described in section 15(a), (b) or (c) is inherent in the employee's work or is a normal condition of the worker's employment; or
- (b) when the employee's refusal to work would directly endanger the life, safety or health of another person.”

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Mr. Speaker, I want you to look at clause 15(a), (b) and (c), because I would not be reading them.

In clause 14(2) it says:

“The employee referred to in subsection (1) is—

- (a) a member of the Defence Force, Police Service, Fire Service or Prison Service.”

These are employees who will not be able to take action under this Act and they are, as I said, a member of the Defence Force, Police Service, Fire Service or Prison Service. Clause 14(2) continues:

- (b) a person employed in the operation of—
 - (i) a hospital, clinic, health centre, nursing home, psychiatric institution, home for the aged, rehabilitation centre or other establishment;
 - (ii) a laboratory;
 - (iii) a power plant or technical service or facility used in conjunction with an institution, facility or service described in subparagraphs (i) or (ii).”

Mr. Speaker, I invite you to look now at clause 17, which states:

“Where, following the investigation or any steps taken to deal with the circumstances that caused the employee to refuse to work or do particular work it is found that the employee has reasonable grounds to believe anything mentioned in section 15, the employee may refuse to work or do the particular work and the employer or the employee or a person on behalf of the employer or employee shall cause an inspector to be notified thereof.”

Look at section 18(1) where it says:

“An inspector shall investigate the refusal to work in the presence of the employer or his representative, the employee and the person mentioned in section 16(a) or (b).”

I invite you to look at that. In subsection (2) it says:

“The inspector shall, following the investigation, decide whether the machine, plant, device or thing or the workplace or part thereof is likely to endanger the employee or another person and shall give his decision in writing within seventy-two hours to the employer, the employee and the

person mentioned in section 16(a) or (b) and the decision of the inspector shall be complied with unless the Chief Inspector decides otherwise.”

11.10 a.m.

“(4) A person who fails to comply with the decision of an inspector in accordance with subsection (2) or the decision of the Chief Inspector pursuant to subsection (2) commits an offence.”

Mr. Speaker, I go to clauses 19 and 20:

“19. Pending and during an investigation, or pending the making of a decision, under this Part, the employee shall, during normal working hours, be in a safe place in the industrial establishment and make himself or, as the case may require, be made available to assist, if necessary, in the carrying out of the investigation.

20. Pending the investigation and decision of the inspector, no employee shall be assigned to use or operate the machine, plant, device or thing in question or to work in the workplace or in the part of the workplace being investigated unless, in the presence of the person mentioned in section 16(a) or (b), the employee has been advised of the other employee’s refusal and of his reasons for the refusal.”

Mr. Speaker this Bill will regulate and force a response from both employers and employees in matters of safety and health in the workplace. It will discourage abuse of the rights of employees to refuse work because of the quick response nature of the procedures to be adopted.

I have taken the time to go through the Bill for the benefit of hon. Members to emphasize its importance to workers, employers, and the country as a whole. We have to understand that safety and health in the workplace is not a partisan matter, because as far as this Government is concerned, the issue transcends political affiliation.

Mr. Speaker, I want to make it quite clear that bringing this Bill to Parliament is more of a collaborative effort in which we help pull the strands together to get the best for the workers and employers. The need to make the workplace safe and healthy must be seen as an investment and not as an unnecessary expenditure. Yes, it is an expenditure, but one that pays handsome dividends in the long run in terms of lives saved, maimed bodies spared, high medical costs, valuable work time lost, and unnecessary trauma.

An examination of the records of the National Insurance Board for the period 1976—1998 shows that the board made a total payment of \$148,995,634.59 as an

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employment injury benefit. I am advised that these figures represent indirect costs and that the practice in estimating the direct costs is to multiply the indirect costs by 4 which would produce a figure of \$595,974,538.36. The estimated total cost of the country's direct and indirect would be in the order of \$744,968,192.95. Also, this country lost 81 workers during the period 1990—1997 due to workplace accidents. That is a tragedy which we must seek to avoid as we move into a new century.

I have, over the past few minutes, pointed to the provisions of the Bill before this honourable House. I have outlined the philosophy of the Bill by focusing on the need to protect all workers and look after their welfare at the workplace, whether that is an office, a factory, or some outdoor installation.

This revised Bill went through a second reading on August 14, 1997 in this House but was referred to a Joint Select Committee, as I said, which held seven meetings and completed its work in October, 1997. A report was submitted to the House on November 6, 1997. Mr. Speaker, please permit me to thank Members of the Joint Select Committee from both sides of the House and from both sides of the parliamentary system for their comments and input in this Bill. I thank Members opposite, especially the Member for La Brea who is not here, and the Member for St. Ann's East who made valuable contributions to the discussion on the Bill during the joint select committee stage.

Mr. Speaker, the committee recommended the redrafting of seven clauses and 27 amendments were proposed. The committee's input is reflected in the redrafting of the following clauses: Clause 4(1) on page 5 of the Bill has been redrafted to define toxic substances along similar lines as the definition of toxic chemicals in the Pesticides and Toxic Chemicals Act, 1979.

Clause 43(4) on page 23 of the Bill states:

“(4) In every industrial establishment...”

factory, shop, office, place of work or other premises, but does not include premises occupied for residential purposes only.

“...where more than two hundred and fifty persons are employed, there shall be provided and maintained an ambulance and a first aid room of a prescribed size...”

equipment, medical and nursing staff.

The Joint Select Committee was concerned that allowance should be made for such industrial establishments to make private arrangements for ambulances on a regional level and only certain companies/factories may be equipped with their own ambulances. This concern is captured in the same clause at line 6 which says:

“...unless the Chief Inspector, upon application, exempts an occupier from this section, in which case he shall issue a certificate to that effect to the occupier.”

The Joint Select Committee had asked that we amend clause 44 on page 23 of the Bill. It was amended to indicate that the establishment of a canteen is not mandatory, but may be established by agreement between the employer, the employees and/or the union.

On page 25 of the Bill, subclause (4) was inserted to clause 48 to indicate the responsibility of the Chief Inspector in conducting enquiries in the event of accidents, or occupational diseases.

Clause 50 on page 25 of the Bill, subclauses (1) and (2) were redrafted in reference to the Coroners (Amdt.) Act No. 17 of 1996.

Clause 60, on page 29 of the Bill was deleted and substituted with section 52 of the Factories Ordinance 1948. The quantum of the fines however, in section 52 of the Factories Ordinance, was increased to \$5,000 or six months imprisonment and to a further fine of \$500 for each day on which the offence continues.

Part XII, on page 31 of the Bill, the word “agency” was deleted and substituted with the word “Authority” wherever it appears in the Bill.

Clauses 65 to 67 were redrafted to distinguish the policy function of the authority from its executive function and to include in the functions of the executive director, the power to delegate authority.

Mr. Speaker, the seven clauses were redrafted to represent the collective wisdom of the Joint Select Committee. The Bill before the House now also reflects the amendments proposed to clauses separate and apart from those requiring redrafting. Therefore, amendments were made to clauses 4, 6, 7, 9, 10, 15, 16, 17, 18, 25, 35, 36, 37, 46, 48, 53, 61, 62, 65, 69, 70, 83, Part III 100(3) and 34 in Schedule 1; those reflect the changes which the Joint Select Committee had recommended.

Mr. Speaker, with the permission of this honourable House I would like, in closing, to make some general remarks that have specific and important significance in any assessment of the provisions of this Bill. This Government has not, and is not seeking to ascribe blame for the time taken to bring this Bill in this form to this House. Indeed, our experience in crafting the Bill made us fully appreciative of the complexity in drafting such a Bill and we are conscious of the fact that we came last and, therefore, had the opportunity to draw on the

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experiences of earlier attempts. We therefore see this as a non-partisan effort to protect all those in a work environment from threats to health and body.

The Bill demonstrates several fundamentals of people relationships. It protects for example, not only prevention or a proactive approach to occupational safety and health, but it emphasizes this fundamental by involving the major players in the membership of the authority. The workers used in the broader sense, workers' representatives, management, occupiers, the general public and the Government must work together towards the goal of safety at the workplace and a healthy work environment.

In the membership of the authority, the establishment of safety committees in the workplace also emphasizes the concept of proactivity and the interdependence of workers and employers. For the first time in our short history, regardless of who you are, where you work, or if you are visiting or even passing a workplace, the Bill provides a manner of safety. We have been very fortunate in that investors to protect their own investments have been putting in place safety features, some of which go even beyond the provisions of this Bill.

The existing Factories Ordinance is a toothless tiger, and both sides of the House would ascribe to that. It is a toothless tiger in dealing with these new and recent investments. Not only did existing legislation have a severely restrictive list of reportable diseases, but even that did not include something like asbestosis, neither did it include a procedure for dealing with circumstances where a threat to health was perceived. The proposed list is also six times as long and, therefore, there is also a procedure which brings an orderliness in dealing with that type of situation which does not exist. For example, there is a 72-hour provision for reporting in the first instance. I would mention for good measure that schools and office buildings, not being factories, fall outside the ambit of the existing legislation. That has been corrected in the new Bill. There is a discretionary practice whereby organizations seeking duty-free status have their building plan sent to the factory inspectorate for scrutiny. The experience of the ministry has been that all of the ministry's requests for correctional action to be taken have been fulfilled. The proposed Bill will make this practice mandatory for all commercial buildings.

11.25 p.m.

Mr. Speaker, we have begun the process of delineating industrial relations or labour management relation, if you prefer. That is either industrial relations or labour management matters, so that workers affected—in what is in a world of

work environment—would have them aired in a jurisdiction that has specialized knowledge of the world of work.

Already, all matters arising out of the Maternity Protection Act are being sent to the Industrial Court. We are decriminalizing some of the offences in this Bill by having them directed to the Industrial Court. The intention is, that matters concerning the Minimum Wages Act, will also be dealt with by the Industrial Court. An amendment to this effect will shortly be made in respect to the Minimum Wages Act.

We expect to bring shortly to this House, the Industrial Injury and Disability Act, which would replace the outdated and long-dead Workmen Compensation Act. It was necessary to first put in place the Occupational Safety and Health Act, before any serious and comprehensive proposals could be made as a replacement for the Workmen Compensation Act. It is enforced in law until we could change it. We should not underestimate the shortcomings of the existing legislation in the entire field of labour relations. It is difficult now, in hindsight, to understand why the Factories Ordinance did not cover outdoor work.

Mr. Speaker, today, the Members on both sides of this honourable House have an opportunity in the passing of this Bill—and we should put aside partisan politics—to put on the statute books, legislation to protect the safety and health where people work. We can say at the end of the day that both sides have together enacted a piece of legislation for the 21st Century.

Mr. Speaker, I thank you and I beg to move.

Question proposed.

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, some ministries are such, that if a Minister is not careful, when he enters that ministry he can become captive to the various organizations and influences that interact with that ministry and the Ministry of Labour and Co-operatives in particular, is one such ministry. You see, Ministers of Labour are always going to conferences in Geneva, and having a good time with their colleagues in the trade union movement. It is quite easy for a Minister of Labour to lose perspective and, this is particularly so when you have a weak Minister.

Mr. Speaker, what I find particularly distressing is that this matter was laid in this House two years ago. Very, very serious concerns were raised by Members on this side, including myself, and you look at what has come back two years later; you look at what was brought here two years ago and the Minister has not

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dealt with the fundamental issues that we raised on this side; the fundamental objections and points that we raised in terms of the practicability and workability of this legislation. Instead, we are treated to a dissertation on triviality on whether there should be a canteen or an ambulance or whatever it is—all sorts of trivialities. That is what the Minister has come here with today, but he would not deal with the substantive issues that we raised two years ago.

When one looks at the Occupational Safety and Health Bill which was laid in this Parliament in 1997, and the offending clauses, like clause 15; the whole question of how you are going to have mechanisms in place regarding refusal to work and what is in the new Bill is virtually the same thing. They have done nothing. Two years the Minister has taken and has not addressed in any fundamental way, the serious problems that would occur if this piece of legislation is enacted in the manner in which it was submitted to this House. They have done absolutely nothing.

Mr. Speaker, what is more interesting, this Bill requires a special majority, and correctly so, because it is going to make constitutional changes, it is going to change or abrogate or interfere with fundamental rights under the Constitution and that is why it requires a special majority. One would think that any Minister worth his salt, with a grain of intelligence or any regard for the consultative process, recognizing that he is going to tamper with the Constitution and take away people's rights, and subject them to penalties and enforcement orders and so forth—and all sorts of other areas which can be abused—would think that a Minister would take cognizance of the fact, that he is tampering with the Constitution and would need to address, very carefully, the concerns addressed by the Members on this side. But would the Minister do that? No! He brings the same Bill back with some cosmetic changes, knowing very well that he has not dealt with the issues or objections that were raised in the first place. What does that tell us?

Mr. Speaker, this UNC Government is at its lowest ebb in terms of its relationship with the labour movement. You have trade unionists being arrested in the middle of the night under strange circumstances, with all sorts of denials of liability. This one is saying, "I never sent instructions." That one is saying, "I only gave advice." Another one saying, "I do not know anything about it." But it happened! A situation where trade unionists were arrested in the middle of the night. And there is a situation where the Member for Chaguanas was accused by teachers of intervening in an industrial dispute, where there is an overflowing cesspit reported in a school in Central Trinidad—not even in the constituency of

the Member for Chaguanas, I am told—and the teachers are protesting because they believe that their workplace is unsafe; that it is not sanitary and there is sewerage in the yard and so forth.

A Government Minister reportedly drives down, blocks the gate, jumps out of his car and engages in an altercation with teachers, an industrial relations matter. So, you have trade unionists being locked up in the middle of the night; you have Ministers of Government reportedly interfering with industrial disputes; getting involved in matters that have nothing to do with Government Ministers and where teachers were protesting that their workplace is not safe. And what was it? This hand still works. Is that what they said on television?

Hon. Members: Yes.

Mr. C. Imbert: “The head eh working but the hand working.” [*Laughter*] What is that, a threat of violence? Is that what it is? So you have these reports of threats of violence from high officials of the administration. You have arrest of trade unionists; you have another report of the Minister of Local Government; you have persons who have been arrested for kidnapping in relation to matters in the precincts of a Government Minister’s office and you see it all over the newspapers and so forth. So, you have all of this going on. You have changes made by the Government to the legislation dealing with protest action where previously, 24 hours’ notice was required but under this administration it has been changed to 48 hours and includes religious protests and so forth, for the first time—religious meetings.

You have an open confrontation between the Minister of Public Utilities and the Communication Workers’ Union and so forth. All sorts of things are going on. This Government is at its lowest ebb in terms of its relationship with the trade union movement and they know that there are objectionable things in this Bill and they know it requires a special majority.

11.35 a.m.

So it is just a trick, a ruse, a “mamaguy”, to say that they are doing something to help the labour movement. [*Desk thumping*] That is all this is. They know very well there are problems with this Bill. They know it requires a special majority, yet they come here and bring back the same Bill with the same clauses to which we objected in 1997. They have not changed one full stop in terms of the fundamental issues and principles. We objected in 1997 to these matters and pointed out the serious areas for abuse. We told you to deal with it, yet you come back having changed nothing. What do you expect us to do? Do you expect us to

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do a flip-flop and say, “Well, that was 1997, this is 1999, the issues no longer arise. We will support whatever you do”? That is not logical.

So they know that they are going to create a confrontational situation in the Parliament today where they will pretend that they are trying to buttress the trade union movement when nothing could be further from the truth. They are not fooling anybody. They are attacking the labour movement at every step and at every inch. They are trying to crush the labour movement, yet they come here with this nonsense knowing that we have serious objection to it because it is not workable. I will show why it is not workable. It is just a “mamaguy” and a sham, just to pretend that they are doing something for the labour movement.

The most unworkable clause in this whole Bill—and you see, they are all dancing to the beat of a different drum. The Minister of Education, the Minister of Labour and Co-operatives, the Minister of Public Utilities, the Minister of Social and Community Development, they are all dancing to a different drum. All of them are doing their own thing. All of their actions are inconsistent with each other. The actions of the Minister of Education, the Minister of Public Utilities and of the Minister of Social and Community Development are completely inconsistent with the policy enunciated by the Minister of Labour and Co-operatives today.

We have a situation where the Minister of Education is quarrelling with teachers who believe that there is a threat of disease contracted by exposure to asbestos. She is telling them they must not abandon school and is quarelling with teachers. We have the Minister of Public Utilities quarrelling with Communication Workers’ Union and so forth. We have the Minister of Local Government quarrelling with workers and so forth. The Minister of Labour and Co-operatives, however, introduces a Bill which, if it is passed in its present state, would cause every single school in Trinidad and Tobago to be abandoned tomorrow because this introduces the concept of suspicion.

There was an attempt to pass a law in this country where, if a policeman suspected that one was about to commit a crime some time in the future, he could lock you up.

Hon. Member: The PNM was passing that law?

Mr. C. Imbert: No, it was the NAR.

Hon. Member: It was he, when he was in the NAR.

Mr. C. Imbert: It was you, the Member for Oropouche, who was introducing that when you were a Member of the NAR for one day, or whatever it was. But it

was quickly pointed out that it was an error, that the situation cannot be allowed to exist where, if someone suspects or a fella is looking suspicious, that “you go lock him up jus’ so”.

We have a situation here, Mr. Speaker, under clause 15 of this Bill, where:

“An employee may refuse to work or do particular work where he has reason to believe that—”

if he feels in his mind:

“(b) the physical condition of the workplace or the part thereof in which he works or is to work is likely to endanger himself;”

So all the teachers in all the schools in Trinidad and Tobago can say, “I believe that this roof is made of asbestos, and I going home, now. I suspect that the cesspit is overflowing and I going home now. I suspect that the electrical wiring in this school is defective and it will burn down and I going home now. I suspect that the drinking water in the tank at the back of the school is contaminated and I going home now. I suspect that the air-condition contains contaminants which will affect my respiratory system and I going home now. I suspect that the floor is too slippery for me to walk on and I will fall down and hurt my back so I going home now”.

The Parliament will be closed down because I feel that the corridor outside there is too slippery and I will fall down. I mean, who in their right mind will introduce legislation that will allow persons to refuse to work if they believe that there is something wrong with the workplace? I mean, what kind of thing is that? This is not normal. I understand that in another jurisdiction, Nova Scotia, the normal industrial relations practice is followed. In this regard the Minister was misleading the House. The normal industrial relations practice is to comply and complain. That is the normal industrial relations practice in Trinidad and Tobago—follow your grievance procedures, comply and complain and then you have systems and mechanisms—[*Interruption*] Yes, there are systems and procedures and mechanisms in place to deal with a prompt response and remedy to a complaint. [*Interruption*] Whatever it is, comply and complain. But now it is, do not comply; complain, do not comply, and wait and wait. Shut down and wait.

Let us go through clause 15 which states:

“An employee may refuse to work...he has reason to believe that—

- (a) any machine, plant, device or thing he is to use or operate is likely to endanger himself or another employee;”

So, Mr. Speaker, I sit in this chair. I have reason to believe that this chair is going to hurt my back and I will have a long-term life problem with my back so I am not working until you bring a specialist to certify that this chair is not going to hurt my back. Even when you bring him I am going to appeal that because I am not going to be satisfied. I am going to the chief inspector and I am bringing him to tell me that the chair is not going to hurt my back. I mean, these are real issues and, in the meantime, the whole Parliament is shut down. I will explain as we go through this Bill.

You see you have to ask yourself, why would a Minister of Labour, in the face of the action, reportedly, of the Member for Chaguanas who was so upset that teachers were disrupting, in his opinion, classes at a school, that he “flies down and he blocks the gate and he barricades them in the school” and engaged in an altercation with the teachers. You see we have the Minister of Labour and Co-operatives bringing a Bill that says an employee may refuse to work if:

“...he has reason to believe that—

- (b) the physical condition of the workplace or the part thereof...is likely to endanger himself;”

So the teachers feel the cesspit is overflowing, that they will catch some contagious disease and they protest and they stop working. The Minister of Social Development flies down there and says, “You see this, this hand”, so it is reported, “this hand still working. All you go back inside there”. You have the teachers coming out of the schools. The Minister of Education is saying, “Why are you doing that? We have determined the toxic levels”. I heard all kinds of statistics coming from the mouth of the Minister, point zero, zero, zero something, and saying that the asbestos levels are way below the minimum requirement from international standards and so forth. “Go back in the class”. The teachers say, “Nah, nah, nah, nah, nah, nah, nah. We have reason to believe that we are going to contract asbestosis”. So this is my problem.

How does this Government operate? Do you sit down and discuss anything? The Minister of Labour and Co-operatives is bringing this Bill. He does not understand the Bill. He has not looked at it. One problem with that particular Minister is, he is not thorough. The Minimum Wage Order that he brought here, when he brought it we told him it did not make sense, that it was in conflict with existing collective bargaining agreements, that it would have to be amended. He

had to amend it twice, the reasons being he did not read it the first time, he did not understand it and he did not listen. This is what I mean by a Minister being captive to his Ministry.

You go inside there, a fella pushes a piece of paper for you and you ask him, “What inside there?” He says, “Do not worry, Minister, just sign that”. “Where to sign? Show me where to sign”, and that is it. That is particularly so in the Ministry of Labour and Co-operatives because it is a set of palsy-walsy. As I said, when they go off to Geneva and they have a good time in this annual conference—I remember seeing Cabinet notes for \$300,000 to \$400,000 to send these fellas off to Geneva to have a good time to wine and dine themselves in Geneva. And you see, it is a fact. *[Interruption]*

It happens to all Ministers of Labour and Co-operatives. I am not being partisan now. It is a danger in these Ministries, the Ministry of Labour and Co-operatives in particular. One gets caught up and one becomes a captive, and the Speaker will know what I am talking about. It happens in all. I am not—*[Interruption]* No, no, it happens in all organizations where persons—*[Interruption]*

Hon. Member: The Speaker is a man of integrity. I do not agree with you.

Mr. C. Imbert: No, I am not talking Labour here now at all. He will know what I am talking about. People go into organizations with a certain mind-set and, as they go into the organization, they become captive to the organization and their entire outlook and approach is—and they become more like a robot and they are just following instructions and their whole personality changes. The Speaker will know what I am talking about. I am not talking about Labour here at all. I am talking about another organization; and I am not talking about the hon. Speaker either. *[Laughter]* I am talking about a particular individual who went into a particular organization and became captive to that organization and the Speaker felt the wrath of that person. But anyhow that is a digression.

The fact of the matter is that I cannot understand the policy of this Government. You know, we have the Minister of Trade & Industry and Consumer Affairs, a businessman in his own right, long experienced in the private sector, but he will sit in a Cabinet that will bring legislation like this that allows an employee to refuse to work on suspicion. The thing is so all-embracing. Listen to this one, 15(c):

“any machine, plant, device or thing...”

That includes a typewriter:

“he is to use or operate or the physical condition of the workplace or part thereof in which he works or is to work is in contravention of this Act...”

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This Bill has 100 clauses. So any employee under this Act, if it is passed, can refuse to work because he believes that the workplace or the machinery or whatever he is to use is in contravention of this entire Bill; any one of the 100 clauses. He could refuse to work.

The other problem I have with this legislation is that the Minister has stated he wants to bring everybody under the same umbrella. It is not practical. Some of the requirements and proposals in some of the clauses are clearly designed to deal with industrial establishments employing large numbers of workers. Let us deal with the report of refusal.

“Upon refusing to work or do particular work the employee shall promptly report the circumstances of the intended refusal to the employer or his representative who shall forthwith investigate the report in the presence of the employee and in the presence of—

- (a) a person who because of knowledge, experience and training, is selected by the trade union that represents the employee; or
- (b) if there is no trade union, an employee selected by the employees to represent them,...

11.50 a.m.

Let us take a small law firm where there is a lawyer, his secretary and his messenger or clerk. His secretary comes to work one day—and I will use the chair as an example—and says, "This chair is defective. I cannot sit in this chair. It is hurting my back. It is not ergonomic. It is not user-friendly." So the secretary stops working "one time", because that is what this legislation says. The employer has to also stop working because he now has to investigate the report in accordance with this legislation and the third employee, the messenger, has to stop working, too, because the report has to be investigated in the presence of another employee.

Miss Nicholson: But if you have another chair in which the person could sit.

Mr. C. Imbert: No. The person does not have to return to work until the investigation is concluded.

So the lawyer, his secretary and his messenger stop working now: the employer investigating the chair; the secretary looking on to make sure the investigation is done properly and the messenger, as a witness, to make sure that everything is done. This is what this legislation is saying and, clearly, that is not the intention. This can only be a situation where there are 100, 200, 300

employees where there are committees, bodies and organizations set up to deal with things like this. This cannot be applicable to a small business—a parlour, a straightening and painting shop, a tyre shop. It does not make any sense.

Mr. Manning: A roti shop.

Mr. C. Imbert: Yes, a roti shop. It does not make any sense and we have to ask the question: If the Factories Ordinance was defective, why did the Government not deal with the Factories Ordinance? [*Desk thumping*] Why did it not enact legislation to deal with high risk areas like the Point Lisas Industrial Estate, the oilfields, the National Petroleum Marketing Company Limited—

Miss Nicholson: Gas stations.

Mr. C. Imbert:—like gasoline stations; things where there are hazards, where employees are under unusual risk. Why did the Government not take that kind of approach? Why try to bring umbrella legislation that has provisions in it that clearly are not suited to our society, not suited to our country, not suited at all to the culture, traditions, norms and practices in Trinidad and Tobago? Why?

Mr. Sudama: What is suited?

Mr. C. Imbert: Why not upgrade the Factories Ordinance to deal with factories, bring another bill to deal with specific high risk areas and look at other legislation to deal with other areas like offices and so forth, places like the Parliament? Why must we have legislation which is clearly designed to deal with industrial heavy manufacturing and so forth being applied to offices and secretarial functions? Why? It does not make any sense.

Mr. Speaker, at clause 19, the interesting thing is:

“Pending and during an investigation...the employee shall...be in a safe place in the industrial establishment and make himself or, as the case may require, be made available to assist, if necessary, in the carrying out of the investigation.”

Do you know what that means? The employee is not working; the employee has to be somewhere in a safe place in some other part of the industrial establishment and make himself or herself available.

Clause 20 says:

"Pending the investigation and decision...no employee shall be assigned to use or operate the machine, plant, device or thing in question or to work in the workplace or in the part of the workplace being investigated..."

Dr. Rowley: A tyre shop.

Mr. C. Imbert: And a shop with one room, a roti shop, a tyre shop or whatever. "That machine over there, the one they use for taking out the tyres, is dangerous," says the employee. "I hurt my finger on that one." So, one employee says, "I sprained my wrist on that machine over there and I want it investigated", and the whole place shuts down because that is what it says at clause 20, that:

"Pending the investigation...no employee shall be assigned to...work in the workplace or in the part of the workplace being investigated..."

When you have a 20 by 20 area, which is the part being investigated, in a roti shop? For example, is that corner the one being investigated, or is this corner? Or, everybody stand in this half of the room while that half of the room is being investigated. It does not make any sense. One has to ask oneself: What is the Government's motive? Is it that the Minister is lazy? I have to ask that question. Is it that he is lazy?

We raised these identical points in 1987. If you go back in *Hansard* and look, it is there. This whole question of the impracticability and the unworkability of clause 15 that, if it is enacted in the form proposed in 1987 and in the form proposed in this Bill, will allow tremendous potential for abuse and disruption of the entire economic system in Trinidad and Tobago. The whole fabric of the society could be disrupted in a situation of abuse.

Mr. Sudama: Not at all. Hysteria. Alarmist!

Mr. C. Imbert: We told them all that; they come again in 1999 with exactly the same thing.

Mr. Manning: Stick break in their ears.

Mr. C. Imbert: The other thing I do not understand is, if they had any sense, they would bring limitations to the legislation, in the first instance, to identify high risk areas. The Minister, as I said, brings legislation but he does not understand it.

He spoke about clause 14 which says:

"This Part does not apply with respect to an employee described in subsection (2)—

- (a) when a circumstance described in section 15(a), (b) or (c) is inherent in the employee's work or is a normal condition of the worker's employment;"

So he brings that as a palliative. That is a cure-all for situations where you are dealing with the Defence Force, the police, hospitals and so forth. But he does not understand.

You see, let me give you a personal example, Mr. Speaker. On Monday of this week, under the caring hand of this brilliant UNC administration, I was a victim of crime. My house was broken into on Monday of this week and, as a consequence, I had to be interacting with the police in a different way to the manner in which I would normally interact with them as a Member of Parliament. As a Member of Parliament, I would interact with the police from a community perspective; interact with them to see how we can assist each other to assist the community. But on Monday, I was a victim of crime. So, I was interacting with the police—the fingerprint people, the photographers, the detectives, the investigators and so forth—and I discovered that the air-conditioning in the police headquarters administration building has not been working for nine months.

Dr. Rowley: That is the PNM's fault. The PNM should have fixed that.

Mr. C. Imbert: Since last year, 1998, a substantial section of the air-conditioning in the police headquarters building has not been functioning. Do you know how I found out, Mr. Speaker? One of the guys dusting for fingerprints and so forth said, "Boy, we have to take these back to the lab. We have to go back in that hot box and sweat." I said, "What do you mean?" He said, "No air-conditioning." I said, "What? In the new administration building." He said, "Yes." The new administration building, police headquarters, no air-conditioning in many areas of that building for months.

Now, Mr. Speaker, that is where I will come back to the point where the Minister does not understand anything. He read clause 14 and said that employees cannot refuse to work if the problem is inherent in the employees work or normal condition, and he mentioned the police service, the fire service. But it is not normal for a police officer working in an office to be working in a building designed for air-conditioning and the air-condition is not functioning. So clause 14 does not apply to that.

The non-functioning air-condition unit in the police headquarters building is not normal. That is not inherent in the police officer's employment. When he became a police officer, they did not tell him, by the way—they told him, "Yes, you will have to dodge bullets from bandits. Yes, your life will be on the line." They told him all that, but they did not tell him, "We are putting you in an office without air-conditioning to sweat." They did not tell him that and it is not a normal condition for members of the police service to be working in a hot box.

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So, under this legislation, the police service could walk out; the entire administration of the police service, if this Bill is passed now, could walk out of police headquarters tomorrow and they would not go back until the air-conditioning is fixed and certified.

The interesting thing is that they have been trying to fix this air-condition unit, based on the information I received, for months; so that it is quite possible that if the police walked out of that building, we would have no functioning police administration for at least a month or two.

You have to understand, Mr. Minister, the consequences and the implications of what you are doing and, by the way, Mr. Speaker, the phones are not working either in the police administration building. It is quite interesting. You have to wonder what is going on in this country.

I see the Attorney General laughing. He wants to bring all kinds of draconian legislation into this House and laugh about it, but he is involved in an arm of government that deals with justice and security. He knows that the air-condition unit is not working in the police headquarters building and he has done nothing about it. He knows that the entire PBX system in the police headquarters building is not working and he has done nothing about it. The situation is ripe for some unscrupulous element to take over this country. That is what is going on under this intelligent, caring, efficient UNC Administration. Look at the state this country is in.

They could spend \$1 billion on some scandalous project in Piarco. You could spend \$100 million on a one-night stand in Chaguaramas.

Dr. Rowley: Three hours.

Mr. C. Imbert: Three hour stand in Chaguaramas. They could spend \$2 million ripping up grass in the Savannah, but they cannot buy air-condition units for the police headquarters building, the nerve centre of the state's security system. Some of the equipment in that building is not designed to function in high temperatures; they are so sensitive that they are breaking down. Some of the electronic equipment is breaking down because they are not designed to function in a situation where temperatures exceed 80 and 85 degrees and that is what this UNC Administration is doing. They have no shame, coming here to talk about occupational safety and health. They are just "mamaguying" people. Let me go on.

Unless new members have been appointed, I was a member of a committee chaired by the Member for Siparia dealing with development control and planning in Trinidad and Tobago. We have had several meetings, deliberations and so

forth, and the whole focus of the committee meetings—Government, Opposition and Independents—is in a particular direction, where the Member for St. Augustine brought a new bill to enact a National Planning Commission, to clear away all the cobwebs and delays in the bureaucracy in the approval system for building and construction. All of us going down one road—me, the Member for Siparia, the Independent Senators. We agreed that we were going down this road, in terms of clearing the logjams.

Dr. Rowley: Dynamiting the logjams!

Mr. C. Imbert: Dynamiting the logjams, clearing the bottlenecks—all of us—UNC, Independent and PNM, in one mind, going down one road in one direction, about how we are going to clear away bureaucracy in the planning approval process, and the whole question of supervision of construction to make sure there are proper controls in place and that kind of thing.

12.05 p.m.

While that Bill is in committee, the Government brings another piece of legislation, to change all of that, to change everything proposed by the UNC in its own Planning and Development of Land Bill where it is enacting its own National Physical Planning Commission, with authority for the approval of construction and so forth—the Government is changing all of that. In this Bill, the Government then decides that another agency will now receive, approve and look at plans. What is really going on? That is why I am saying that each Minister is dancing to a different drum.

The Government is not removing a logjam, it is creating one. I wonder if this is an initiative of their “Minister of Logjams, the Minister of Dynamites”. I wonder if it is his initiative; his first initiative is to put in new logjams in the system of approvals and so forth. I do not understand it, it is so inconsistent. The Government is bringing all types of legislation to deal with environmental management development control and now the whole question of industrial establishments. The Government would not integrate the legislation. This piece is conflicting with that Bill. There is chief inspector on one side and a building inspector on the other. This will result in a chief inspector under this Bill and chief building inspector under the Planning and Development of Land Bill. They will have contradictory powers and contradictory authority, and who is subservient to whom and who will make the final approval—it does not make any sense! This is why I wonder why the Minister does not listen when people on this side are talking. Quite often the points that we are making are extremely relevant.

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The other thing about this Bill that I have some trouble with—I think the Minister, again, does not understand this whole question of the virtual police powers. Under this legislation the Government is conferring virtual police powers on these inspectors. At the back of this legislation—I will jump to the back now—where it deals with administration and so forth, the Government is giving inspectors the power to enter a place at any time. Policemen do not have that power, they have to get a warrant to enter a place at anytime. The Government is now giving an inspector the power to enter a place at anytime. Clause 72(1) states:

“Every inspector shall, for the purposes of enforcement of this Act, have power to do all or any of the following:

- (a) to enter, inspect, take photographs of and examine, at any time...”

[Interruption]

Mr. Narine: Let that stop man!

Mr. C. Imbert: This is deliberate. Is we do that? *[Interruption]* You know it is interesting. Mr. Speaker, this Government is really good, they know that Parliament is in session but they are making noise outside. They are really good.

Mr. Manning: They are discourteous to the Speaker.

Mr. C. Imbert: They are discourteous to the Parliament. They are discourteous to the Speaker; they are discourteous to everybody. What is all this noise about? According to this legislation, my hearing is about to be impaired *[Laughter]* and I refuse to work. I shall sit.

Miss Nicholson: Sit and lose your position.

Mr. C. Imbert: More importantly, Mr. Speaker, clause 72(1) of this Bill states:

“Every inspector shall, for the purposes of enforcement of this Act, have power to do all or any of the following:

- (a) to enter, inspect, take photographs of and examine, at any time either alone or together with such other person...as the Chief Inspector may authorise...any premises which he has reasonable cause to believe are premises to which this Act applies;”

Police powers. If someone is running a parlour underneath his house with three employees, that is an industrial establishment. I think we need to understand what an industrial establishment is. Let me refer to the definition section of the Bill which states:

“‘industrial establishment’ means a factory, shop, office, place of work or other premises but does not include premises occupied for residential purposes only;”

In the traditional rural setting where there is residence above and a shop below, the inspector, under this legislation, can enter that place at any time, once he has reasonable cause to believe that there is a problem inside there. That is police powers. One has to ask oneself: “What is the reason for this?” What is the policy of the Government that it wants to give the inspectors these police powers? I need to know why. To me, this is one of the clauses in this whole section where there is the requirement for a special majority.

The other problem I have is the whole question about divulging information; it does not make any sense. Clause 76 (1) states:

“No employer shall dismiss, suspend or otherwise adversely affect the employment of an employee or alter his position to his prejudice, by reason only that an inspector in exercise of his powers under this Act, sought or obtained from the employee information pertaining to the operation of the industrial establishment.”

One cannot dismiss, suspend or otherwise adversely affect an employee who gave information to an inspector.

Listen to this one, clause 77(1) states:

“No inspector shall divulge to the occupier or any person employed in the industrial establishment, the source of any information or complaint which reaches him...”

That is a breach of my rights.

Hon. Member: He cannot say anything.

Mr. C. Imbert: Let us go back to the legal situation. If I am a lawyer with three employees, one of my employees has a problem: he comes to work late or he is an alcoholic, whatever, and he is being subjected to disciplinary action, the employee goes to the inspector and says: “You see that workplace I am working in, it has overflowing sewage.” He knows it is not true, it is a lie! But he goes to the inspector and he lies and says: “Every morning when I come to work in this office, I meet sewage on the floor because the toilets are clogged and when I try to flush the toilets they overflow all over the floor.” He is lying and he knows that he is lying: he is deliberately telling an untruth to disrupt his employer. He goes to the inspector, what happens—complaint has been made; the place is

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shutdown, investigation. When it is investigated it is found out that it is not true. One cannot take disciplinary action against that employee because according to this Bill no action could be taken based on information given to an inspector, and the inspector is not required to divulge the information.

If there are 10 employees—Monday morning the first employee says that there is sewage all over the floor, he is lying—shutdown. The situation is investigated and three days later the employer is told that the matter is now cleared and he could resume business. If the second employee says that the roof is leaking and goes to the inspector. He knows it is not true, shutdown—three more days. The inspector goes and inspects, it is not true. The third employee says that the floor is slippery—and so it goes on. This does not make any sense. If the Government is going to have this consensual approach where there is a partnership between employers and employees, someone must be able to face his accuser. The Attorney General knows about that. It is natural justice. I must be able to face my accuser. If someone is doing an injury to me, or making an accusation against me, I must be able to confront that person and demand an explanation from them or question them and so forth. *[Interruption]* The questions could be:

Dr. Rowley: When did you fall?

Mr. C. Imbert: Yes, the questions could be: “When did you fall? How is it that the roof is leaking in the dry season? We just fixed that toilet yesterday, the cleaner passed here two hours ago, how could you say that the floor is covered in sewage?” I must be given that opportunity, but not under this legislation.

12.15 p.m.

Under this legislation, no employee could be subject to disciplinary action because he brings a complaint, whether that complaint is totally false or not. This is a very serious matter. This is why I say that I do not understand why this Government is moving in this direction. Because, we on this side want to help you, we want to help you to enact legislation that protects workers; but come good. I do not understand why this administration adopts such a confrontational and cantankerous approach to matters of such importance.

Mr. Speaker: Hon. Members, the speaking time of the Member for Diego Martin East has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. *[Dr. K. Rowley]*

Question put and agreed to.

Mr. C. Imbert: Thank you, Mr. Speaker.

Look at the situation with the Dangerous Dogs (No. 2) Bill. We told the Government that we would give it the special majority to ban pit bulls. We told them we would do it. *[Interruption]* True. Pit bull in a yard is unsafe. That is interesting, too, that this lukewarm, watered-down version of this Dangerous Dogs (No. 2) Bill will now allow pit bulls to be in the workplace. I could say that I believe that my health and safety is at risk because they have a dangerous dog over there; even though it has on a muzzle and is on a leash, I feel that leash could break, I feel that muzzle ain't good, and that dog will bite me, and I am going home until you remove that dog from this compound. But they would not listen to us.

You see the comments in the newspapers now where there is a wide body of opinion that the Government should have taken advantage of the offer from the Opposition to give them a special majority to pass that Dangerous Dogs (No. 2) Bill to—I am sorry for the pun—give it teeth. We gave them the commitment. Bring the Bill to ban these animals and we will support it. They said, “no, we do not want that. We do not want your support. We do not want to do that at all”. It is interesting.

Again, in this Parliament I am saying here today, the PNM wants to work with Members on the other side to improve legislation dealing with the health and safety of workers. We want to work with you, but there must be some sort of meaningful interaction. It cannot be that in 1997 we told you what we did not like, we pointed out all of the problems with this Bill—the same examples I am using now—where workers could shut down everything, where every school and police station in Trinidad and Tobago is shut down, the hospital too. Because, under clause 14, all it says is that if the conditions of work are normal for that workplace you cannot complain. But it is not normal in a hospital to have no air-conditioning. It is not normal in a hospital to have no electricity or a slippery floor; those are not normal things.

There are tremendous loopholes in this legislation. So hospitals, schools, and police stations will shut down because of the manner in which this Bill is drafted. It goes against the grain—as we said in 1997—of industrial relations procedures. It has got to be a situation where the employees are protected whereby they can make representation in some forum, to some committee or some authority, that there is a problem and there is a prompt response and remedy to that. It cannot be as drafted here that if they believe there is a problem, they can stop working and the whole workplace has to stop, shuts down one time, just because one believes there is a problem. That cannot be right.

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You see, I notice that the Members on the other side, they are so flippant, I have raised certain areas of the Bill, I have not gone into it clause by clause, because in principle, no one could possibly have objections to some of the provisions in this legislation. I mean, who could have a problem, for example, with clauses 22 and 23:

- “(1) In every industrial establishment, no young person shall work at a machine...unless he has been fully instructed as to the dangers arising.
- (1) All persons entering an area in an industrial establishment where they are likely to be exposed to the risk of...injury, shall be provided with suitable protective clothing...”

And so forth. Who could have a problem with that? But you see, you take all of these issues of health and safety and then you put mechanisms in the Bill—stupidness! You have the principle of the Bill where you want to protect the health, safety and welfare of workers: the workplace must be clean, it must be safe and so forth. Everything is nice and pretty. We like that. We are supporting that. Yes, it must be clean. Yes, it must be safe. Yes, it must be conducive to motivating workers to work and all that sort of thing. Definitely nice. We agree with all that, and then you put mechanisms in place which are totally contrary to the way our society and our country functions.

One has to wonder: where is this Government coming from? The Minister is living in a dream world. I mean, what about the allocation of resources? How many inspectors are there in Trinidad and Tobago? What is your ability to train and equip inspectors to deal with any responsibilities under this legislation? How many inspectors can the Government generate in the next five years to deal with the increased responsibilities under this legislation? How many inspectors right now exist within the Government system? How many? When you incorporate the thousands of workplaces in Trinidad and Tobago, the 10,000-odd, or more than that, because if you have 300,000 or 400,000 employed persons, you are talking about 40,000—50,000 workplaces in Trinidad and Tobago. How many inspectors do you need to monitor, inspect, and enforce the provisions of this legislation when you are dealing with 50,000 workplaces, where you are dealing with something as simple as a little roti shop under somebody's house to a tyre shop, to a straightening and painting garage, to a business place, to a laundromat, to a copying centre, to a lawyer's office, to this Parliament, and so forth? From where are you getting all these inspectors? Where are these inspectors getting the time, with their new responsibilities you now want to give them that are, effectively,

responsibilities of the Minister of Local Government and his staff, the whole public health system, the whole building inspector system?

Right now, in municipal corporations there are building inspectors. You have entire departments that deal with the inspection and monitoring of construction sites, but all of a sudden now, you want to tell these inspectors that they have to go in and monitor construction sites. So, in addition to roti shops and straightening and painting garages and lawyers' offices and the whole gamut of business establishments in Trinidad and Tobago, now these inspectors would be on every construction site, including houses.

Because it does not discriminate. That is the problem with this legislation; it does not discriminate. The section that deals with the requirement for building plans and establishments—it could be a house. A little contractor with 10 workers building a flat house, according to this Bill, that is an industrial establishment, he has to register now with the inspectors, who will come to inspect to make sure that all his workers have boots, raincoats, hats, gloves, and goggles, and when they are going up on the scaffold that they do not hurt their backs, they must have braces around their waists. I mean, I wonder if the Minister is living in Trinidad and Tobago. So that, the little house builder with 10 workers now has to register the building of an apartment or a flat with these inspectors and be subject to monitoring and all of the rules and regulations regarding danger and safety and so forth.

We are not saying this should not be done! What I am asking is: where are you getting the resources to do this? I have not seen it in the 1999/2000 Budget. It is certainly not there. Where are you going to get these hundreds or thousands of inspectors to go all over the country, train them and equip them? Where are you going to get all of the administration, procedures and machinery to deal with all of this? Now you are overloading the Industrial Court.

This legislation is anti-people; that is what it is. A “fella” building a wall, and I am talking about the small wall, not a big wall. *[Interruption]* Hey, I know about wall, you know. I am using this example. A fellow is building a wall or a fence which with six workers, he has to dig a trench, cast a foundation, put up blocks, cast his columns, put his capping beam and so forth; that is an industrial establishment. So the little mason and carpenter working on a weekend covering a man's roof, he is changing the roof for his partner; that is an industrial establishment under this legislation. This legislation is anti-people. This legislation is anti-small man. That is what it is, because it does not discriminate.

There is no arrangement inside of here which would present any system whereby you could say, all right, a fellow is coming inside here to change the

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kitchen cupboards in the house, he has three workers with him, they are ripping out the old cupboards and putting back new ones; that is not an industrial establishment. He does not have to register that with the inspector, and he does not have to get a certificate that all his workers have gloves, goggles and that kind of thing.

I just wonder, when these Ministers sit in Cabinet: where do they dream up these things? I could use agricultural examples, people working on farms and small holdings, four or five workers planting corn up in Paramin—a part of my constituency of which I am very proud—or a group of workers involved in planting chive; that is an industrial establishment according to you, and according to this legislation. The people, after they plant the chive and they go into the chive factory, they dry, bottle and blend it with other seasonings; that is an industrial establishment. Three little people in Paramin bottling chive, you are going to make them register, get all kinds of certificates, make sure that the space in which they are bottling the chive is 10 by 10 feet, and when they bend down to bottle chive they do not injure their backs. This legislation is anti-people.

You know what is beating me, Mr. Speaker, they know that this legislation is anti-people. It is a front. It is just an attempt and I go back to what I said at the beginning, they know this legislation makes no sense. They know that. They know that in the other place this Bill will get licks too. They know that. They know this legislation “ain't going no place” unless they deal with the fundamental problems in the Bill. The fundamental issues that they have to balance, it is all about balance. How do you balance your regard and your justifiable concern to uplift the conditions in the workplace to which all of us adhere? Every one of us in this Parliament: PNM, UNC and the Independent.

Miss Nicholson: Hey, I take objection; People's Empowerment Party (PEP).

Mr. C. Imbert: Sorry—and PEP.

Mr. Speaker: Hon. Members, the sitting is suspended for lunch until 2.15 p.m.

12.30 p.m.: *Sitting suspended.*

2.15 p.m.: *Sitting resumed.*

Mr. C. Imbert: Mr. Speaker, before we took the lunch break, the point I was making is that this legislation is too broad and it covers too many jurisdictions and, as a result, it is far too impractical.

When one examines the deliberations of the select committee, one sees that all of these issues were raised at committee. The record is very, very clear. The discussion at the committee level, with regard to clause 15 and the practicality and

workability of clause 15, this refusal to work, thing. The whole question about the broad spread of the legislation. It was all discussed with objections; issues were raised in the committee.

You see, it comes back to the point I made about a Minister being captive to the organization. It appears that, despite the wide-ranging discussions raised at the committee level, it was pointed out that the clause dealing with the refusal to work and the fact that this legislation would extend from a methanol plant to a roti shop, the Minister allowed himself to become captive to the lobbyists and the other persons who reversed the theme of the discussions in the committee and brought this Bill here today. It is a pity. As I said, this is the kind of thing that happens in a ministry of that type.

Really, what we on this side are saying is that there is absolutely no need in Trinidad and Tobago, as the structure today in our society, at our stage of evolution, to have a Bill that is so far-reaching and we believe that what should be done instead, is to restrict the provisions to certain categories of industry for the time being, or to bring other legislation that is more suited to small businesses and to non-manufacturing situations; professional offices, computer, schools, *et cetera*. It just does not make any sense. I gather from the Government that they intend to attempt to railroad this legislation and push it down our throats. That is my understanding. My understanding is that the Government—just like they did in 1997—would ignore the points we have made; would ignore the fact that when you want to make constitutional changes, you have to try to seek consensus; would ignore the very unworkable elements of this legislation and would just proceed. That is my understanding. They wasted two years! From 1997 to 1999. They could have gone back in that period, brought a new and improved factories bill easy. They could have done that in six months.

In 1998, there could have been relevant, modern factories legislation, giving most—if not all of the powers implied and contained in this legislation—to the Factories Inspectorate or to some other authority. That could have been easily done in 1998 with our support. The Government could easily, in the last two years, have brought another Bill to deal with safety in the workplace; to deal with a non-industrial situation; a non-Ispat or a non-Petrotrin situation, where some of these conditions are not applicable. They could easily have done that; they could easily have gone to other jurisdictions and brought legislation that is workable, but no, they decided not to do this and, instead, has brought a Bill that they know, cannot and will not work. They know very well that if they had introduced this in the other place, it would have been shot to pieces. They know very well that it is so.

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My contention and my belief is that they are really not interested in this legislation. They have no interest in upgrading the laws relating to occupational safety and health. If they did, they would, as said, have upgraded the Factories Ordinance, or brought a new bill to deal with factories; brought a bill to deal with high risk establishments, as I said, gas stations and places like that, if they are not already covered under the Factories Ordinance. They could easily have done that and, then, through discussion and dialogue, dealt with all the other issues. But instead, they bring this Bill.

They bring this Bill—yesterday I drove down the Southern Main Road in Cunupia, and that is where I heard about eye-witness accounts of the behaviour of the Minister of Social Development. I did not have to look at it on TV, I heard eye-witness accounts in Warrenville about it. I was in that area yesterday. As you drive down the Southern Main Road in Cunupia, virtually every other building is a residence converted into a business establishment; where the people live above and there is a shop below; whether it is a parlour; whether it is a tyre shop or whatever. So that what we now have, as I said, where regulations and provisions that are intended to deal with a methanol plant, there is a severe risk of danger to life and limb; where, yes, it is proper for an inspector to enter a methanol plant at 2.00 o'clock in the morning—because they are working a shift system and the kind of catastrophic injury that could occur to not just people in the plant, but in the surrounding areas, too—if it is an explosion—yes, it is correct and proper, as it is contained in the existing legislation, for an Inspector to enter an industry of that nature in the middle of the night—nothing is wrong with that. But now, under this legislation, Tanty's Roti Shop on the Southern Main Road would be subject to these provisions for entry and prohibition—the whole gamut of regulations and provisions in this Bill. It just does not make any sense.

One has to ask oneself: Is this UNC Government living in Trinidad and Tobago? Do they understand the make-up of our society? Do they understand what this Bill would do to small entrepreneurs; to the small mom and pop operation which is so typical of rural Trinidad and Tobago? Do they understand what this thing will do; the impositions that will occur on all of these little people in these country areas? Do they understand? I do not think so. Or, if they do understand, they just do not care, Mr. Speaker.

2.25 p.m.

Once again we in the People's National Movement are asking the Government to make a meaningful attempt at reaching consensus with us on some of the contentious areas of this legislation. We want to deal with workers' health and

safety; we want to upgrade it; we want to deal with unscrupulous employers. That is the wish of the PNM, but because of the way that you have brought this hodge-podge of legislation that is suited for Switzerland, or some other jurisdiction where you do not have these typical cultural practices and these small businesses where you have a residence and a shop below. This is for Switzerland. This legislation would work in Geneva and this is probably where the Minister got it, when he went on his trip and had fun drinking, wining and dining with Selwyn John and the other boys. He probably got it out of some package that he got in Geneva; but this is not Geneva, this is Trinidad and Tobago. This will do injury to the little people in Trinidad and Tobago. It would do injury to the small man. It will create harm and hardship for the small man in Trinidad and Tobago and, on that basis, I am afraid that we on this side are asking the Government to come forward and discuss with us, in a meaningful manner, how we deal with some of the impractical areas of this legislation.

I thank you, Mr. Speaker.

Dr. Fuad Khan (*Barataria/San Juan*): Mr. Speaker, I rise to join this debate in support of my colleague, the Member for Nariva and Minister of Labour and Co-operatives, on the Occupational Safety and Health (No.2) Bill.

Mr. Speaker, may I digress a little and say that I found it very strange this morning, after a good dissertation by the Minister of Labour and Co-operatives and a proper representation of a Bill, that the Member for Diego Martin East stood up for close to 70 minutes and attacked basically one clause in the Bill, which is the workers' right to refuse.

Mr. Imbert: Were you sleeping?

Dr. F. Khan: Using that clause, I could not believe that the Member, after his leader at their convention said that they were for workers' rights, stood here and preached and advised in a very subliminal manner, industrial unrest to the police for an air-conditioned building. In other words, telling the police that—unfortunately his house was broken into and a policeman said that he had to go back and process the things in a hot environment—hence we should not be surprised if the police in the main building walked off. It reminds me of a certain phrase when in 1990 people were told, “Don't loot!” It was the message to loot. He also spoke about how the mom and pop operations would be closed down, that we are against the small man and that the small man would be the hardest hit because this Bill is anti-people. He also went on to say that this Bill will determine small business, to get safety and health measures intact and we should

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not do that. We should not pursue excellence at any style or thought because small businesses should not pursue excellence but stay as they are and not be advised on such. I think the message coming from the Member for Diego Martin East is a bit contradictory in terms of his own style where he as a contractor/engineer searches for excellence, especially in building walls.

Let us go to the main concepts of the Bill. This Bill seeks to introduce into this country workers' rights legislation and it strikes a balance between employers and workers. Concerning work-related hazards, in the USA a survey was taken and many work related and occupational diseases and hazards of the workplace come about as a result of lack of responsibility on both sides of the workplace: employees and employers. In addition to that, it has also been found that not only employees are affected but people in the vicinity of the establishment are also affected. This legislation has made provisions for occupiers of businesses and industrial establishments to look at the vicinity and persons in the vicinity of the establishment who are so affected. This is seen in clause 7(4).

In occupational diseases the majority of problems occur in the musculoskeletal part of the body; 48 per cent. However, respiratory problems due to poor work environment accounts for between 10 to 20 per cent and a lot of it occurs as a result of inhaled problems such as dust, fumes, asbestos, *et cetera*. But a major part of work-related illnesses, which tend not to be seen as physical causes is that of the mental/psychological strains that occur.

Mr. Speaker, the Occupational Health and Safety (No. 2) Bill provides for looking into solutions, identifying problems, and balancing both areas for employer and employee. Our country has been crying out for such a Bill for a very long time. The Factories Ordinance in 1948, basically, is the only piece of legislation that attacks these problems, however, the world has gone very fast and furious, technologically-wise, as well as industrial-wise in the last 50 years and legislation such as this has been needed.

What I would like to focus on is the general duties of the employer. What does the employer have to do? The employer has to do some major things to his construction—which I would not go into—but also for the health and safety aspects of his employees. He has to provide and maintain his machinery and training: give information on hazardous materials to his employees. Quoting from the journal of *Occupational Medicine, Volume 49*, January 1999, there is an article that says:

“...hazard communication laws and regulations to provide workers with information about health hazards to which they are exposed at the workplace so they may protect themselves against injury and illness.”

Many countries have established these regulations.

“The United States Occupational Safety and Health Administration (OSHA) established its Worker Right-to-Know (WRTK) Law in 1983.”

In a nutshell it says:

“...all employers must: (1) record and clearly label all hazardous substances at the workplace; (2) submit a standard Material Safety Data Sheet (MSDS), indicating the risks posed by every hazardous substance at the workplace and instructions for proper handling and (3) provide workers with information about health hazards at the workplace and how to avoid them.”

The people in Israel took this and called it the Worker Training Regulation and said further:

“(a) employers must train workers to protect themselves from hazardous equipment and materials; (b) employers must retrain workers at intervals...”

To recognize certain hazardous areas.

“(c) training must be conducted by a person or institution skilled in that specific area...”

(d) employers should ensure that all workers understand all instructions and training methods...”

Mr. Speaker, parts of this Bill show that those regulations have been, in a way, put into our legislation and it makes two things: it makes the employer responsible for the action and the hazards at the workplace, the information; as well as it makes the workers responsible for the knowledge of what they are dealing with. There are certain chemicals that if you see them on the hands they appear as dermatitis, but people do not realize that when these chemicals are inhaled the same reaction on the hands occurs in the lining of the lungs. As a result of that, a lot of occupational asthma, which is a very big area, has been occurring. However, these illnesses do not occur right away. The time of onset usually takes years, a couple months, or it is seen as nocturnal wheezing.

The reason I have mentioned this is that, without knowing this information the signs and symptoms of these disorders of occupational hazards are similar to those that are non-occupational diseases. Asthma by any other name is asthma. However, making information readily available and making it compulsory for workers to understand that, as well as skilled people delivering this information, puts the onus on both the employer and employee to determine the environment in which they work.

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Another factor, is the handling of corrosive materials without the use of proper equipment; chemical as well as fire burns can occur. But a major problem, which is seen in most industrial areas, is that of hearing loss. Noise induced hearing loss occurs greatly, moreso seen in the airline industry where the sound of incoming and out-going planes are of such a decibel, that it causes overtly greater vibration of the ears and this induces loss of pitch in the normal voice range. Taking this into consideration, if somebody has to work in these areas they have to be provided with protective hearing muffs. This would dampen the sound, but such people should be identified and medically examined on a regular basis, as well as pre-work assessment should be done. Once this Bill is passed, any person or employee who is going to a job fraught with these difficulties will need to undergo various pre-employment medical assessments. There is a whole list in the occupational health journal that tells you exactly what to look for, how to look for it, what to expect and what complications are there.

During employment itself, regular medical examinations of certain areas, which is proportional to the type of job intensity and job specifications of the working environment, is also done, and this has been put into this legislation for the protection of the workers' medical and health aspects.

Regarding the provision of adequate and protective clothing, it is necessary, not just to provide clothing but to provide adequate and protective clothing. I am going away from clothing a bit. What has been happening is that due to the need to cut costs, tendering processes tend to buy as cheap goods as possible. In the surgical aspect of which I am part, I would just mention something to show exactly what I mean by low quality protective gear.

We use gloves. The gloves that we use are supposed to be of such that if you are allergic to latex there is non-latex, as well as non-porous because you play in blood or secretions. For a long time now, our surgical and medical occupation has been receiving gloves—not just now but for years, and we have complained about it—that are porous, easily burst and they allow secretions to enter.

Now, this is the result, I think, of poor tendering practices and when this Act is put in place, with the help of the Opposition, of course—and the Member for San Fernando East will see to it that it is passed today—we will be able to put in place certain actions where quality material, quality items, and protective gear could be given to our workers.

2.40 p.m.

Mr. Speaker, there is no sense in giving a worker a pair of earmuffs and a mask to cover his nose if he inhales flour in a bakery—which sticks in his lungs,

of course, if it does not work—just to get around the legislation. Protective gear must be equitable to the intensity and difficulty of the work environment.

Toxic substances are things that you can smell, and things you cannot smell. Carbon monoxide is a gas that you cannot smell, but carbon monoxide combines with the blood haemoglobin and brings about something called carboxyl haemoglobin which decreases the oxygen content and can kill you. Constant, slow infusions of carbon monoxide or gas fumes that you cannot smell can damage eyes, nasal passages, cause them to shrink, the back of your throat, lungs and so forth without you knowing it. It could occur over a period of 10—20 years once you are working in a specific environment. If an employer is aware that there are noxious fumes occurring, however does not have anything to do like to correct this—because of the profit margin and the need for profit margins, one is not compelled to look after the safety aspects of the workers. After about 10—15 years—and there are statistics to show it; that the worker dies earlier in certain professions as somebody with the same environmental and genetic pattern as one who is working in a specific job. *[Interruption]* Heart problems in politics.

With an Act like this in place, a factory has to be so constructed, so checked out by inspectors, they also have to bring in skilled people in whatever dimension who can detect various aspects of negativity that somebody generally cannot see. Suppose in a factory of, let us say, 200 persons, 10 of the workers start to get respiratory disorders, they are either sent home or deemed medically unfit, but 10 workers in a population of 200 workers can be considered epidemic in that area of respiratory illnesses. The chief inspector, after looking at it can bring in skilled persons to check this out and the Bill provides for it.

Mr. Speaker, there are a host of occupational diseases, but in this Bill, we are trying to produce a balance in respect of problems of workers, problems of employers, workers' rights, employers' rights, workers' solution, employers' solution—and although there may be one small aspect of it where there is refusal to work, and knowing, as the Member for Diego Martin East said, our society and its implications, I would tell him that not everyone in our society is devious. As I was speaking the other day to a good friend of mine I said only when one is devious, one sees deviousness in other people. And if you are honest, you see honesty in everybody.

Mr. Speaker, with the employee's right to refuse to work, all employees should have that right and we on this side would like to give the employees that right, the right to refuse to work under specific circumstances that warrant it; circumstances that would be investigated, and done in a very short time by

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somebody who is in authority bringing in, if possible, skilled people to check out what the problem is. Clause 15 says that.

The Member for Diego Martin East went to town on clauses 14 and 15 saying that the person would not go if there are three persons in a workplace with the roof leaking, the lights and the chairs not good and so forth. It is our concept that not many people would be so petty in their allegations and the worker should be given this right, his refusal to work. However, although right now workers can walk off the job and say they are not working as a result of that and nothing is done. They could continue to say that, however, if the area is investigated and a report is given in three days' time or 72 hours which clears it or does not clear it; which says whether the problem is fixed, or the problem does not exist, the worker has to return to work or face possible consequences. Like in all legislation I understand there are frivolous matters, but that is not the norm in legislative matters.

The legislation also provides for safety of young people, safety depending on age 14—18—which is the age of a young person as defined by this Bill—to work certain hours, to not work certain hours, to receive appropriate training, to be thoroughly supervised and fully informed about whatever part and machinery they are working.

We have dealt with protective devices and clothing. Confined spaces: ventilation, vibration and so forth. Part V tells a lot about fire, fire drills and evacuation procedures; evacuation plans, certification of evacuation plans and details, safety provisions in case of fire. In every industrial establishment they talk about locked and unlocked doors. In many places like cinemas right now people tend to lock their doors with very small entrances with a large number of people inside. Mr. Speaker, this Bill is a very complete one which covers every imaginable part of occupational health and safety that is present or could occur. It also provides solutions for this.

In Part VI, the health aspect of it, there are certain things I would like to mention. It talks about respiratory disorders, and lighting. Improper lighting brings about severe migrainous attacks, it also produces in not well-lit areas, shadows on machinery, and hands *et cetera* could find themselves in the wrong part of the machine and be totally crushed, cut and dismembered. It has happened because of poor lighting, poor working gear and a poor policy in establishments.

Mr. Speaker, I now go into something called sick building syndrome. We live in air-conditioned areas and in these air-condition units the air, or so-called exhaust on entry—through the air-condition vents, there is much air-condition, or,

as we say, air coming through. However, after a while these vents become extremely clogged, they attract dirt because of the electrostatic forces, and as a result of this, bacteria and organisms, together with the dust and water live in these air-condition vents and they blow throughout a system. Once these blow through a system, illnesses such as legionnaires disease, we do not have much of that here, but we have the common cold and various different respiratory spread viruses. That is the physiology of the sick building syndrome and workers who work in these air-conditioned areas tend to suffer from this.

There has been a cry of air hostesses trying to stop that spray which is sprayed on aircrafts before take off and landing. It may not affect us because we get it once, but there has been a cry from air hostesses that because of the ventilation pattern, the chemical of the spray circulates throughout the plane and after a period of time of constant flying, they get runny eyes, itchy eyes, runny nose, sick feelings as well as malaise. It has been documented and proved that this could happen as a result of the sick building syndrome, or in an aeroplane together with these noxious chemicals going constantly throughout the system.

In a Bill like this, unfortunately or fortunately, workers can complain for their rights and employers have to look into the aspect, rather than just write it off and do not listen, because they will have to face the consequences of rulings by the chief inspector and the authority that is put in place. I see nothing wrong with that. The Minister on the other hand determines much of the regulations and the power to regularize the division.

The welfare of people at work. There are establishments in this area where restroom facilities are not available. If they are, they are not clean. A proper supply of drinking water is not available and accommodation for changing clothing is not available. This Bill seals the deal with employers that they have to provide such facilities.

Mr. Speaker, we go on to notification of accidents, health authorities, litigation, legislation, penalties and so forth. Penalties in the Bill are harsh, but unless they are harsh and carried out, nobody conforms to the rule of legislation. It is the belief that to get something done properly, there must be proper legislation in place and in all legislation one could not have everything one wants, but we must decide on the good of everybody rather than just a few, and this legislation provides for this. It covers the aspect of general health and safety, welfare, the occupational diseases and there is a long list of occupational diseases in the Bill. It covers penalties, the health authorities, environmental rules, notification of diseases and occupational diseases although non-notification of

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diseases should be penalized, but it is not so and usually, epidemiology is based on the notifiable diseases. However, we have learnt that when a disease is taken up from the register, it is close to about three times that which is seen on the register.

It covers the protective wear and gear of workers. It covers people in the workplace and its vicinity. It balances the responsibility placed on the employer, as well as the employee. It also gives a good indication of the employer's rights for refusal and non-refusal.

2.55 p.m.

Mr. Speaker, at the end of the day, I think this is a welcome legislation— notwithstanding what the Member for Diego Martin East has said—and I would like the House to support it, at least, for workers' sake and let us go forward. *[Desk thumping]*

Mr. Speaker, I thank you.

Mr. Hart: The heavy roller boy.

Mr. Jarrette Narine (*Arouca North*): Mr. Speaker, I sat this morning and listened carefully to the Member for Diego Martin East and he has stated a case clearly, that the party that I belong to—the People's National Movement—from its inception, was always for the welfare of the working masses of this country, as far as health and safety are concerned.

Over the years, we have seen many collective agreements, and even government workers were given the privilege to have in their collective agreements, provisions for health and safety. Apparently, the two Members on that side who spoke before I did, probably never read a collective agreement; probably never sat in negotiations for collective agreement; probably just read this Bill since 1996, and it came here in 1997 with many flaws; sent it to the Upper House; railroaded it through the Lower House and ended up with a Joint Select Committee in the Upper House.

Mr. Partap: Mr. Speaker, no, the Member is misleading the House. This Bill did not go to the Senate and it was debated here in the Lower House and was sent to a Joint Select Committee from here. It did not go to the Upper House.

Mr. J. Narine: I did that on purpose to see if this Member really read this Bill. When it came here, it did not last as long as “the Red House fire” that we had to send it to a Joint Select Committee. I wanted to know if the Minister was really listening or sitting there sleeping. *[Laughter]* When it went to a Joint Select

Committee, we had Members on that committee. Those Members reported to us that they raised concerns but the majority of them did not have the opportunity to speak on this Bill because it was rushed to a Joint Select Committee very early.

Mr. Speaker, the Minister should have learnt from that. There were many problems in relation to the Occupational Safety and Health Bill. Therefore, the Minister should have taken his time. He had two years to do so before coming back to the House today. The Member for Diego Martin East pointed out that the concerns that we had then are still the concerns that we have now. Whilst the PNM is for health and safety, we need legislation. They are to bring legislation to this House and we in the Opposition are to see that the legislation is properly done and it is workable. It is no sense that we pass legislation here, and then after a short period of time, we realize that the legislation is not workable.

Mr. Speaker, I would like to make reference to a collective agreement for *Wages and Conditions of Services for Government Hourly, Daily and Weekly-Rated Employees*. I will start by going to section 14, on page 4 of that agreement which states:

“Age of Recruitment and Retirement.”

We all know that the age of retirement was reduced from age 65 to 60 years. We also understand that based on the same Industrial Labour Organization Agreement the Minister is bringing this legislation here to Parliament. The Industrial Labour Organization agreed years ago that in order that Third World and other countries do not abuse children, they had set a ceiling and age limit for child labour. Therefore, this collective agreement states:

“The minimum age of recruitment of workers or employees shall be 17 years.”

In this Bill, there is a clause which states: “14 years” and there are provisions in this Bill which state that you can go to a medical practitioner and that persons under 17 years must be well-trained and so forth.

Mr. Speaker, if we are going to follow the Industrial Labour Organization Agreements, then we must follow all Industrial Labour Organization Agreements and not those that seem to come to the House at this stage. It was correctly said by the Member for Diego Martin East, that you fall out with the labour movement and you are trying to hug them back up today, so that you are bringing provisions here that cannot stand up in the national community.

Mr. Speaker, most of the big industries in Trinidad and Tobago already have collective agreements. The government workers, both monthly and daily-paid

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public serving sector have collective agreements. So, this legislation is mainly for the small business people. The point was made this morning that the small business people, some of them will have to go out of existence because of the stipulations in this Bill that they will have to adhere to from time to time. *[Interruption]* I will come to that part with the inspectorate. We know that there are good police and bad police. The inspectorate also has good and bad officers. Even my good friend from Chaguanas, who works with the Customs and Excise Department knows that there are good and bad officers—

Dr. Rowley: Crooked.

Mr. J. Narine: —and if they want to victimize a person who has a small business, they can do that at their whims and fancy. So that in going into this agreement, I am asking the Minister, whether we are following the Industrial Labour Organization Convention for a limit for child labour, when we are seeing here in a collective agreement, that the minimum age is 17 years and the Minister is saying in this legislation, that you can work from 14 years. So come on, let us know what is taking place. Mr. Speaker, I would like to know if this has changed or if Trinidad had a change and we are considered as a Third World country and can do what we want. But if we are going for international legislation then certainly, we will have to follow the Industrial Labour Organization to the letter, in that if the age for recruitment is 17, then we must adhere to that in all our legislation.

3.05 p.m.

Mr. Speaker, further down in this legislation I would indicate to you after— and most of these agreements have been arrived at because of the People's National Movement and the years of negotiations and the encouragement of the labour movement in Trinidad and Tobago *[Desk thumping]* for collective agreement. When you go into these documents there is very little that can be added. The last time the union with which I was connected negotiated, there was only one new introduction to this agreement. What introduction did they have? It was paternity leave for men so that when their wives got pregnant they should be given paternity leave. So that was the stage that they had reached. *[Interruption]* Yes, assuming not only your hand worked but your head and other parts of your body worked.

So that in these agreements there would be situations where there were many agreements here from the ILO, like what is a regular worker. *[Interruption]* Mr. Speaker, I saved him and he got another term but I am disappointed; yet he is

telling me about last term. Mr. Speaker, I would not worry to answer because I am speaking to you. I am not going to be railroaded by one who has made no contribution to this House in the last nine years.

Hon. Member: Who is that?

Mr. J. Narine: The Member for Arima—not a single contribution. That is why the Member for Couva North had a right to take away his entire Ministry and not three-quarters. He should have taken away the entire Ministry because he is just doing lip-service to the people of Trinidad and Tobago. He is not a performer. He knows that. He knows that now but we have known that for a long time.

So that, Mr. Speaker, apart from the age of recruitment, there are other parts of this agreement which contain provisions for medical checks. My colleague from San Juan/Barataria did allude to the fact that medical problems in the working environment are very important. But years ago since in the 1960s, Mr. Speaker, there was part of the agreement that had this provision for medical checks and I would read part of it.

“A medical check shall be provided once per year for the following categories of employees:”

This legislation here is widening that.

As we said before, we are not against this total legislation. There are provisions in this Bill with which we are already in agreement and there are provisions in this document that we are for. We say, however, that where there are problems we should sit and work out a system. Why is it that the pieces of legislation that we had before were not looked at and upgraded? In this way we would have had legislation for those big factories like Point Lisas and take away the little straightener and painter from the corner on Green Street who would not then have to make the same provisions as Ispat would have to make. I am just drawing a reference. The same type of health and safety requirements are not needed in the small business as they are needed in the large industrial estates.

So that you had here the:

“Barber Green Employees	Operators of Quarry Crusher
River Cleaners	Operators of Heavy equipment
Painters	Quarry and Laundry Employees
Stockmen	Milk Technicians

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Stock Assistants

Scavenger and Underground Workers

Dump Ground and
Cesspool Employees”

that is in the sewer system:

“Garbage Lorry Drivers and Garbage Lorry Loaders

Workers dealing with toxic chemicals and such other workers as may be agreed to between the employer and the Union.”

So that it is written there.

I have had my experiences, Mr. Speaker, working with the Ministry of Agriculture, Land and Marine Resources for almost 29 years. These things started when I started there in 1963 where every single employee in our department had to go down to Wrightson Road at the Caribbean Medical Centre to get a chest X-ray and to get a medical checkup. There were sprayers, those who used chemicals. We have proven over the years that some of the chemicals used at that time were dumped in Trinidad and Tobago and some of them had lead poisoning and things like that in it. Since then we have banned some of those materials coming into the country. The sprayers had to go twice per year to the Caribbean Medical Centre to get their X-rays done and to get their medical checks. That is no longer so.

I visited my previous place of employment about one month ago asking—*[Interruption]* I could go back any time. He cannot go back anywhere and neither can you. So that I visited there and I inquired from the workers how long it was since they had not been receiving medical benefits from the Government by getting their yearly checkup and the persons who do spraying and use chemicals should have been going twice per year. They said some of them never even knew about that because they were never taken from the workplace and carried for their medical checkups. So we have a situation where, yes, we have a history of collective agreements but one wonders.

I ask a question now. Recently we had a budget debate here and the provisions in this document will hold the Government liable to all the employees under the jurisdiction of government workers, such as public servants, to make provisions for these people to have proper protective gear. I am talking about rubber boots, rubber gloves, clothing, helmets, respirators, goggles; you name it. I ask, what provision has been made? You were here during the budget debate. I looked for it. There is very little in the budget to buy these things for the next year. If you are

going to make supplementary funds available to the departments, I am in agreement with that.

I represented workers for a number of years. I had problems when workers had to clean drains and they did not have proper protection. Now take, for instance, in those days, Mr. Speaker, they said that if you gave a worker a pair of rubber boots it should last him one year. They also said that if you put a couple pairs of rubber boots into your toolroom any worker should put his feet into those rubber boots. I stopped that. I am proud to be a trade unionist who stopped that habit because I would not want to wear a pair of boots after the Member for Arima wore that pair of boots. I do not know what he has in his feet. That is why he crossed, you understand. If he has any diseases in his feet that would cause him not to stay here and he had to cross and walk, then I would not be able to put my feet into his boots.

So that when you give boots to a worker, and I am only talking about rubber boots, that worker will keep that pair of boots as his personal pair of boots. He will have them cleansed on a weekend and so forth and he will be able to use other things in there that will protect him. In case that pair or boots should be damaged he is to bring it back and he is to get another pair of boots. So that if within one week's time he is going on the look-out and that pair of boots is ruptured by some piece of iron or anything, he has to get that changed.

However, when you make a budgetary allocation for protective gear and from one point in time to the other some people get and some do not get any—most of the workers are not protected in any case. Then when you have a difficulty like the umbrella is defective and you need an umbrella to be in the Savannah as a supervisor—they are given umbrellas—that person cannot get that umbrella changed unless a year has passed.

So that you are looking at legislation here—*[Interruption]* I have a problem when you know that I am speaking about things that you know about and—*[Interruption]* Not you. You do not know anything. I am talking about the former Minister of Agriculture, Land and Marine Resources—when you come here you try to find some little thing to derail somebody, but you are not going to derail Jarette. I am an elected person from local government to Parliament for the last 16 years. So you are not going to derail me. *[Desk thumping]*

Mr. Speaker, when you look at these agreements and we speak about protective gear, there is a section (v) here which deals with uniforms and protective gear. It states:

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“(a) Where it has been mutually agreed between the employer and the Union that workers, due to the nature of their work, are exposed to hazards in respect of their health and/or clothing, such workers shall be supplied with protective clothing and/or protective gear.”

It was written here many agreements ago. It is repeated here.

“Where such protective clothing and/or protective gear are unserviceable, they shall be replaced.”

So whether they become unserviceable in one week or one year, they are to be replaced.

“The workers shall return to the employer the various items of unserviceable protective gear which have been replaced and in cases where they are unable to do so and in the absence of a satisfactory explanation, appropriate disciplinary action may be taken against them by the employer.

(b) In cases where agreement has been reached between the employer and the Union for the provision of uniforms for workers and it is not possible to provide such uniforms, an allowance shall be paid in lieu.”

We know what happens to allowances. I need not go into that part of it.

However, I say that in the budget debate I have not seen in the Ministry of Local Government, for instance, that the 14 regional corporations received money for protective gear in keeping with the provisions of this Bill. There are 1,260 permanent workers in Tunapuna/Piarco. You carried another 200 or 300 regular and casual workers and I would say approximately 40 per cent of those workers are sanitation workers who are going to fall under this legislation to be provided with protective gear and uniforms. You have a problem—*[Interruption]* Your time will be better spent somewhere in the bush, you know. He is of no use to anybody.

Yes, Sir, I have another problem as far as this Bill is concerned. Where it states here that a worker has a grievance and how he is to approach that grievance, this collective agreement has a grievance procedure.

I want to know whether, because of this legislation, this would supersede the collective agreement, at least for daily-paid workers in the Government service, because this “Grievance Procedure”, step by step—and I would only start it off. I would not go through all five—says at Step 1:

“The aggrieved employee with or without his shop steward shall take up the matter with the Works Supervisor of the Area, Section or Branch within two

(2) working days. Thereafter the matter shall be heard within a period of not more than five (5) working days and decision given not later than two (2) working days after the hearing.

If the matter is not heard or the decision given within the time allocated either party shall have the right of referral to Step 2.”

So, you move from area to area.

3.20 p.m.

In this legislation, it is saying if I am a worker and I get to the workplace one morning at 7.00 o'clock and I have a problem with breathing, that there is some chemical around that I cannot identify then, immediately, I am to sit there and wait, and if I do not have my union representative, I should get another employee to represent me, and that employees in the entire work area there will sit until an inspector comes to determine whether we should or should not work within 72 hours. If we are still not in agreement with the inspector, we have to take the matter to the chief inspector.

What I am saying is, this grievance procedure is different to what is being done here in this legislation. So, are we saying that this legislation will supersede the grievance procedure of this collective agreement? I want to know from the Minister where the workers of this particular trade union will have to take their matters.

I have a problem with that in that there are many parts of this agreement and there are many letters of understanding that are written into this agreement. For instance, task work may be affected by this legislation. As I said before, the large work areas, the large conglomerates and the daily and monthly paid workers already have collective agreements. These provisions here are for the persons who have small workshops in their yard or somewhere, where they employ about 10 or 12 workers.

I look at clause 15, the very clause on which my colleague started his contribution. Mr. Speaker, clause 15 says:

"An employee may refuse to work or do particular work where he has reason to believe that—

- (a) any machine, plant, device or thing he is to use or operate is likely to endanger himself or another employee;"

It goes on to (b) and (c).

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Two weeks ago, Mr. Speaker, while coming to this Parliament, there was an unfortunate incident that took place in D'Abadie near the traffic light. I saw a gentleman lying on the ground in the rain at 12.00 o'clock and he was already dead. I did not know, at the time, from where he was or what had happened. I came to Parliament and that afternoon, at a funeral in Tunapuna—Mr. Scanterbury died and we went to the funeral—I realized that it was a Fraser from Tunapuna who had died. When I went to the wake on that night, I was told that the vehicle, which belongs to the Ministry of Works and Transport, skidded because of smooth tyres. He had no safety belt where he was sitting on the loader's side and there was a defective door; the door flew open; he fell on the ground and the vehicle fell on him.

Miss Nicholson: It fell on him. It went up in the air.

Mr. J. Narine: Yes. The vehicle fell on him and he died on the spot.

Mr. Speaker, I know that you are acquainted with the Frasers in Arouca on Railway Road. The boy had four young children; he lived at Dunderhill on the Lopinot Road. What I am saying is that if we take one aspect of this Bill and we have to clean up the government services, then the entire Ministry of Works and Transport will have to close down. They would not have a proper vehicle to be on the road because maintenance on vehicles is a day-to-day operation, especially when they are over five years old.

The Member for Diego Martin East said this morning that money is being spent all over the place on all kinds of things, to put money in certain people's pockets, but to spend money on vehicles is not important and they are talking about the health and safety of workers.

Mr. Hart: How many more must die?

Dr. Griffith: Why do you not get up and talk? Only grumbling in the back there.

Mr. J. Narine: I also have a problem when the Government is buying parts for vehicles about which we have complaints. If the vehicles are defective, it means you have to spend money to upkeep these vehicles.

I received a call last week from a worker at the Secondary Roads Company. On November 2, six trucks went up to the Secondary Roads Company. I have all the numbers here.

Mr. Hart: Call them, man.

Mr. J. Narine: If you do want, I can call the numbers and all are vehicles belonging to one company called Coosals Construction Limited—TBC 8749; TBF 8640; TBF 8641; TBB 463; TBF 7256—

Hon. Member: Which one is yours?

Mr. J. Narine: Ask the Minister of Local Government which one is mine—and TBB 5014. I can tell you that the workers up there are very much concerned because they estimate that they had over \$20 million in new and used parts on that compound. When the workers inquired, they were told that the Government owed Coosals \$20 million and that the Government sent Coosals with these six trucks to move out \$20 million in parts and equipment. We have not heard anything about that. There is no report here. I want somebody to answer that, because the last purchase of heavy equipment parts—and I am talking about tracks for tractors, sliders and so forth—\$3 million in new parts. As if that was not enough, they took up boxes of tools, truck rims and two loads—

Mr. Speaker: May I say to the Member that may be very dramatic and may be of concern, but I am having difficulty in relating it to the Occupational Safety and Health Bill. It is the type of issue that can be raised otherwise.

Mr. J. Narine: Mr. Speaker, I started by saying that workers can sit for not driving vehicles that are not roadworthy. The gentleman who died on the Priority Bus Route was working on the Priority Bus Route and he died because of a defective vehicle. I know that the ministries, over the years, have had problems in getting parts to have these vehicles properly repaired so that they will be safe for the workers. When millions of dollars in parts are bought for the safety of the workers and one company comes and takes eight truckloads of parts, equipment and tools away from the worksite—four loads went to Madras Settlement and two loads went up to Maracas at Coosals stations—then we have a problem. I have a problem for the workers of this country. [*Desk thumping*]

Hon. Member: Are you challenging the Speaker?

Mr. J. Narine: I am not challenging anyone.

Mr. Speaker: No. I think that one is going off the end. What you are saying, I am not saying it is not important and should not be raised, but I am not too sure—I have my doubts, that what you are saying there is relevant, or the allegations you are making are of relevance to the Occupational Safety and Health (No. 2) Bill.

Mr. J. Narine: Mr. Speaker, I submit to your ruling from the Chair, but in moving on, I say that if you make a survey through the ministries—and I am

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willing as a Member of Parliament to accompany anyone on the Government Benches to go to any of the job sites. Last week, WASA was on the road saying they had problems with health and safety, because whereas the people of the Water and Sewerage Authority who have to repair sewer systems and so forth, used to have doctors visit them, they are not now given the medical benefit to go to the doctor to get things done. They have other problems.

Only this week or last week, WASA workers were on the road demonstrating that they have problems with health and safety, but we have a Bill as a sham today, and we are talking about health and safety. But, any one of these ministers here, anyone who has any dealings with workers in the workplace, I am challenging them that I would visit with them and I am certain that there would be problems there with respect to health and safety with the present collective agreement that is made with the Government and the employees through their union representatives.

I still have a problem with the \$20 million moving out. I need an answer. I need to know and the public needs to know if this material was stolen, given away or paid in lieu.

Mr. Speaker, during my 29 years of representing workers, when we talked about health and safety, every time there were negotiations—and I sat in on a number of negotiations. I think you, yourself as a Minister of Labour at one time, were up at Knowsley Building, and I was a very young man just entering the workplace and had the privilege to go in with the National Union of Government and Federated Workers, Mr. Crichlow was President at the time, and I sat there for days of negotiations with you and your staff. We were always concerned about the safety of workers.

Mr. Speaker, I also recall that you had suggested certain things at that meeting that we should take to the Chief Personnel Officer and even to the Industrial Court to get for workers of this country with regard to health and safety measures.

3.35 p.m.

sMr. Speaker, there are areas in all the ministries that have problems. I can remember working at the Botanic Gardens when there were brush-cutters in the Savannah. There were two different types of brush-cutters; one carries a blade that is “Z”-shaped, that is the brush-cutter belonging to the John Deere tractor. The Massy Ferguson tractor carries a Perry brush cutter, which has a straight blade and a bolt that holds two short blades on either side. Those blots would, normally, touch the ground as the tractor goes down when the brush-cutter cuts the Savannah or anywhere else. *[Interruption]*

Mr. Speaker, there were many instances around the Queen's Park Savannah when these blades—if one does not check the bolts, from time to time, they would fly out, causing damage to vehicles or persons walking around the Savannah. In one instance, a gentleman's car windscreen was hit near Whitehall; he came into the Savannah in an unconscious state and ran head-on into a Lagasloma tree. One of those bolts, at that time, costs over \$250. I am talking about 15—20 years ago. It must be much more now. These safety measures must be checked at least once per week so that safety for the public will be there.

Now there are little brush-cutters being used on the sides of the roads. Most of the users do not have the proper protective gears. Most of the time there is a shield at the back of the blade or the string that is used. When someone is passing with his or her vehicle, if they should hit a pebble or anything, that will either endanger the person's life and vehicle.

I am speaking from personal experience where my windscreen was shattered on Madras Road. When I stopped and went back, of course, the gentleman said he did not do anything because he was not facing the road when he was brush-cutting, he was facing his yard. He was facing the road. My windscreen got broken because he was facing the road.

There are a number of departments now that engage in the buying of these small equipment. I am saying that there must be some time and some protection when one is cutting those edges and so forth. I am for upgrading, not only the workers, but the way we do things. We have gone way past the time of brush-cutting by hand. We can mechanize all these things and save labour cost. We can have Trinidad and Tobago very beautiful with very little; we do not have to spend much money to do so. I am of the opinion that anyone who is seriously thinking about the small people of this country—Trinidad and Tobago—by leaps and bounds, within six months, can have environmental problems in Trinidad eliminated and we can have all the verges of the roads beautifully done.

This week I was coming along the bus route by the market, there is a beautiful piece of work that was done. But, maintenance is all it takes. The next six months one may pass there and may not realize that there was so beautiful just six months ago.

Another problem that I have with health and safety in our department is placing materials on the roadway. The health and safety of the public is important. Do you know how many times pitch is placed in humps on the road and persons drive on them, which cause their vehicles to be damaged? Mr. Speaker, the Member for St. Joseph will tell you that when he was the Chairman of the St.

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George East County Council there were many problems with that: putting materials outside there and they are not marked. Safety to the public is important, something should be done. Insurances should be paid. If we can pay money for insurance for a pit bull, then certainly we can find money to pay insurance for workers and the public who are damaged by the negligence of the local government authorities who put materials on the roadside.

I have to research, but an agricultural officer told me that there is certain dumping still taking place in Trinidad, as far as chemicals are concerned. There are certain chemicals in Trinidad that are not being used in the United States. The chemicals are produced in the United States and sold to Trinidad and Tobago and other countries; Third World countries. One has to get research in place so that one can understand more about these chemicals.

Motion made, That the Member's speaking time be extended by 30 minutes.
[*Dr. K. Rowley*]

Question put and agreed to.

Mr. J. Narine: Mr. Speaker, I was reminded by my colleague that the Government wants to import waste in Tobago. The Government is going to import waste in order to transfer it into energy. We must be concerned about these things.

Another thing I am concerned about is—the Bill does not say anything about this, but I am going to draw reference—recently, in the O'Meara Industrial Estate, a battery factory was burnt down. We know the problems we have had in Demerara Road with respect to lead poisoning. The Member for Couva South, he is not here now, but he knows about that problem very well. When the Member was in the Opposition he advised those persons to remain there. He was fighting the PNM.

Mr. Hart: Do not move.

Mr. J. Narine: Do not move. The Soodeen boy who died rests on his conscience and the conscience of the Member of Parliament for Arima, not on mine.

Mr. Manning: Assuming that he has any.

Mr. J. Narine: Certainly. There are still persons there. This lead poisoning situation is very important. I feel that there should have been included in this legislation, that if one has an industrial factory and it should be destroyed by fire; according to the type of chemicals that are being used—in this case a battery factory in Arima; this meant that there was a lot of lead on that compound—there

should be certain legislation in place to deal with the removal of the lead from that area. It is very costly when one has to remove lead from an area. I think it must be boxed in a certain manner, buried and placed in a safe area.

What happened in the O'Meara Industrial Estate? A very small contract was given out to a gentleman with a truck from Malabar who then employed other persons with trucks and a backhoe and went and cleansed the whole site. The reason I got concerned is that I followed a truck from that site, when they were cleaning, into Wallerfield. Most of the materials moved from the site where the battery factory was, were dumped in Wallerfield, because of the cost to get professionals to cleanse that place.

3.45 p.m.

They gave it to a small person who was willing to take the \$500 alone. To him it sounded high, \$500 just to take up something here and drop it anywhere "allyuh" want. If we had regulations for that, then they would have had to have someone like the Solid Waste Management Company Limited or with such like expertise to come in and clean that area. I understand that there were certain Members of the Government who knew about that but stayed very quiet. So I have a problem with that. Another battery factory may burn down somewhere else and the same thing will happen.

So when we talk about health and safety, it is not only for the workers, but for the people of Trinidad and Tobago. To take up lead from one area and just drop it into another area is creating the problems that we have had with the Demerara Road business. We know how that happened. People were squatting, they saw these trucks and asked them to dump these materials there so that they can go in with their cars to get some relief for the roadway and so forth.

With regard to the sale of dangerous chemicals, we all know that gramoxone and other chemicals are being used for suicide. At this point in time, let me pay tribute to Dr. Adoo who died recently and was buried in San Fernando this week gone. [*Desk thumping*] A man who has done yeoman service for the people of Trinidad and Tobago over 20 years. He must have gotten a heart attack because he got pressure in getting his family coming from America to join him here recently? The man complained. Nobody would say anything about that, but we lost a good soul, a man with a heart, and one who did yeoman service to help people who drank gramoxone and also helped people with AIDS in Trinidad and Tobago as well.

So that, we have a situation where the Minister will come here and say "all persons at work in all locations", and this Bill is telling me that there are certain

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people who will be inspectors. I heard that they have inspectors now and I know that they are strapped with the amount of work that they have as against the number of inspectors that are available. I am concerned about what type of training and what type of person you are looking for as an inspector. Because, when you look at this Bill, one must be well rounded in the working environment and other things to be a person who can say that they will make a good inspector. I am not going far to say that there will also be victimization. We know that at certain times these things happen. So with regard to the funding and how many inspectors will be available, I want the Minister to answer that question. How many inspectors does he have now? How is he going to distribute these inspectors? How many additional inspectors he should have and what type of qualifications are necessary?

I have a problem, like the Member for Diego Martin East, that the inspector is a law unto himself. He can shut you down. He can start you back up. He is like a police, “eh”, and he has authority that even the Minister does not have. It is somewhere in the legislation here where he can prosecute. The inspector has the authority to prosecute. Clause 72(1) of this legislation, Powers of Inspectors, states:

“Every inspector shall, for the purposes of the enforcement of this Act, have power to do all or any of the following:

- (a) to enter, inspect, take photographs of and examine, at any time, either alone or together with such other person possessing technical or special knowledge as the Chief Inspector may authorise in writing, any premises which has reasonable cause to believe are premises to which this Act applies;”

So, we are saying here, and it is clear for everyone, that the Minister must say something about the qualifications of an inspector. I have no doubt that right now what you have in place is working well, but when this Bill becomes law, then certainly, you will have to have an increase—I would not want to say—by about 500 per cent in inspectors and people who are qualified to be inspectors in all the different areas of this Bill.

I have a problem in that you may not have sufficient workers. Are you going to increase your public servants? Are you going to bring people in as contract workers? Are you going to ask some of the companies that do this work now to contract that service out? I want to know how this thing will take place. So when you are winding up, I would like to know that.

If these inspectors victimize anybody, what redress will the people have? If they shut down my business for three months, I will go under because I am owing the bank and the inspector is laughing at me all the time. Because he can simply watch me and say “he doh like me”, or that “Jarrette Narine is a PNM, I go take he”, so that the Minister from Nariva will be happy that Jarrette get fix up. *[Laughter]* These things happen! There are business people in Trinidad and Tobago who are PNM people and they get harassed from the various agencies of the Government.

Dr. Rowley: On the instruction of the Minister.

Mr. J. Narine: Yes! By instructions! A man bought a building which was housing a school and he never changed anything in the building, but all of a sudden a fire officer appeared to inspect the building because it is a fire hazard, and it did not have proper fire escapes, all kinds of things. And the man is pleading and saying, “I just buy the building, and you know it was a schoolhouse here, they had 700 children in this school here. I just take the building because this building was a rented building until they moved to the new school”. But it was not a fire hazard when it had the school children two weeks before! As soon as he bought it, it became a health hazard. It was a fire hazard, because he is a PNM and that was said to him, that the Minister sent him to check that because he is a PNM! But we could take that, but not for too long again, so it ain't have no problem with that.

Mr. Speaker, as I stated, there are aspects of this Bill that I am happy about, because as a trade unionist I made representation on certain aspects of this Bill. But there are aspects of this Bill that, over the last 50 minutes or so, I have been saying simply will not work. I am still concerned about the Minister of Finance make funding available to you, the Minister of the Environment. You have five persons in an office and you boast about having a Ministry. *[Laughter]* Where are your workers? Where are the protective gears? They gave him a Ministry with five people in one office and he said he got promoted.

Dr. Mohammed: Of course!

Mr. J. Narine: The Minister of Local Government, I am sure that he has had the union on his back for the last four years. I am certain that he has that on his front burner in the Ministry: protective gear for workers. I am certain. *[Interruption]* Sello is “meh pardner”, he “sell out” long time. So that we are talking about union leaders who will be happy now because they have seen over the last four years that the membership dropped by about 80 per cent in some cases, in some departments. So when you have legislation like this, I am smiling

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all the way to the bank, because now I could bring workers under my fold. Now I could go on the job site and show strength. If Mr. Maraj comes to work by me and I do not like him as supervisor, I shut down the place every Monday morning until they move him. You understand. This is reality! You know that. You have moved 10 chief executive officers in one year in Tunapuna, so you know how easy it is to move people around.

So while certain aspects of this Bill are commendable, we cannot support it in its entirety. There are certain aspects of this Bill that need to go back and be looked at. Look at the old Bills and see if those three Bills can be incorporated into what is written in these 100 clauses, then we would have something that we can work with.

Thank you very much, Mr. Speaker. [*Desk thumping*]

The Minister of the Environment (Dr. The Hon. Reeza Mohammed): Mr. Speaker, I stand in support of the Bill before this House which was so well piloted by my colleague, the Member for Nariva, Minister of Labour and Co-operatives.

Before I demonstrate to this honourable House the nexus and synergies which exist between the provisions of this Bill and the Environmental Management Act (No. 3), 1995, as well as the National Environmental Policy, which was laid in this House in September, 1998 for negative resolution, I would just like to make a few comments on the concerns expressed by the Member for Arouca North during his long-winded, 75-minute contribution.

You know, I sat here listening to the hon. Member and I was asking myself the question and I am sure other Members on this side here asked themselves the same question: firstly, whether the goodly Member of Parliament for Arouca North read the Bill; secondly, whether he understood the provisions laid out in the Bill; and thirdly, whether we have not wasted our time over the past 75 minutes listening to who was knocked down in the road and what caused it and which Ministry should be shut down.

Mr. Speaker, we come to this Parliament on a daily basis, we are supposed to be involved as parliamentarians in the establishment of law, the making of law for the benefit of citizens of this country, to put in place regulatory mechanisms to develop an approved legislative framework for a number of different areas within Trinidad and Tobago. Rather than make constructive criticism, every time we stand in this Parliament, what we hear is a repertoire and a repetition of the same thing over and over and over. You know, one of the things, as parliamentarians, that we must learn if we have not already done so, is that the contributions that we

make in this honourable House should always positively benefit the moulding and the framework within which a piece of legislation is to be finalized.

Now, this piece of legislation went to a Joint Select Committee, recommendations were made and, in keeping with those recommendations, certain areas of the Bill were redrafted. Now, Members on this side were members of that Joint Select Committee, so I find it passing strange that after having sat as Members on that committee, we come here today with the Bill, with the amendments coming out of the recommendations made by that committee, to hear all this nonsense, all this criticism, when in truth and in fact they participated in making amendments to this Bill.

4.00 p.m.

Nonetheless, my objective this afternoon is to demonstrate, in keeping with the provisions of this Occupational Safety and Health Bill, the nexus, as I said, between the provisions of the Environmental Management Act of 1995 and the National Environmental Policy which was approved by this Parliament.

I would like, firstly, to refer to the ILO Convention No. 155 and recommendation No. 164 coming out of this Convention, and to state, very clearly, at section (2) of Recommendation No. 164, which speaks about technical fields of action under the ILO Convention No. 155, and all the recommendations made in 164, have been incorporated within the framework of this Occupational Safety and Health Bill.

If I may enumerate a few, to demonstrate what I am saying, it speaks to design, siting, structural features, installation, maintenance, repair and alteration of workplaces and means of access thereto and regress therefrom; lighting, ventilation, order and cleanliness of workplaces; temperature, humidity and movement of air in the workplace; design, construction use, maintenance testing and inspection of machinery and equipment liable to present hazards and, as appropriate, their approval and transfer.

Prevention of harmful, physical or mental stress due to conditions of work; handling, stacking and storage of loads of materials, manually or mechanically; use of electricity; manufacturing, packing, labelling, transport, storage, and use of dangerous substances and agents; disposal of their waste and residues and, as appropriate, their replacement by other substances or agents which are not dangerous or which are less dangerous; radiation: protection, prevention and control of, and protection against occupational hazards due to noise and vibration, all incorporated as well, under the purview of the Environmental Management Act, No. 3 of 1995.

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Control of the atmosphere and other ambience factors of workplaces; prevention and control of hazards due to high and low barometric pressures; prevention of fires, explosions and measures to be taken in case of fire or explosion; design, manufacturers' supply, use, maintenance and testing of personal protective equipment and protective clothing; sanitary installations, washing facilities; facilities for changing and storing clothes; supply of drinking water and any other welfare facilities connected with occupational safety and health. First aid treatment; establishment of emergency plans; supervision of the health of workers. These recommendations coming out of the ILO Convention No. 155 are well placed within the framework of this Occupational Safety and Health Bill.

That is why I think that we, as Parliamentarians, despite the concerns expressed by contributions made by Members on the other side, should give serious consideration to supporting the measures laid out by way of provisions in this Bill. It has become increasingly clear that human and environmental health are under serious threat because of the modern hazards of unsustainable development. We have seen it demonstrated to us on a daily basis.

Among the threats to human health or direct relevance are occupational and public health hazards, which include dust, chemicals, noise, radiation *et cetera*. Health is only possible where resources are available to meet human needs, and where the living and working environment is protected from life-threatening and health-threatening pollutants, and physical hazards.

I have already referred to the National Environmental Policy which was laid in this august House in September, 1998 by this Government. To say that this policy is aimed at providing a comprehensive and holistic approach to environmental management to Trinidad and Tobago, the intent of this Bill is totally in sync with the objectives of the National Environmental Policy, as the fundamental objective of both, is fostering the improvement in the quality of human life in Trinidad and Tobago.

There has been a gradual paradigm global shift, over the last two decades, which has established a new concept of development, one which takes account of the environmental dimension. One of the shortcomings of the previous developments and strategies is that the environment was not comprehensively incorporated within the framework of other pieces of legislation. The problems associated with this pattern of development can be gleaned from other countries, and what has been happening in other countries with respect to the environmental conditions which prevail in those countries and in particular, those countries which are deemed to be highly industrialized.

So that the challenge to us in Trinidad and Tobago is absolutely clear. The economy and the environment are linked; business and industry must play a role in shaping the environmental future of this nation. Mr. Speaker, Chap. (2) paragraph 2.4 of the National Environmental Policy Framework, emphasizes the nexus to which I have referred, between the development and improvements in the quality of human life. This Bill, the Occupational Safety and Health Bill, by seeking to promote a safety and health culture among the workforce—and that is one of the intentions of the Bill—would provide a further impetus to this Government's efforts to promote a pattern of development that is sustainable. It will facilitate a blending of economic performance with environmental care and responsibility. There are other strategies between the national environmental policy and this Bill, to which I would like also to make reference.

For example, Chap. 4 speaks about pollution, hazardous and toxic substances; paragraph 4.1 of the National Environmental Policy recognizes the need for industry to adopt cleaner production technologies and specific approaches to be adopted. In this regard, they should include substituting environmentally hazardous substances with benign materials; reducing the environmental toxicity of volume of waste streams, and minimizing the risk of accidents involving chemicals and processes.

Paragraph 4.3 of the National Environmental Policy reaffirms this Government's commitment to developing a framework for the abatement of all noise that is prejudicial to health or a nuisance including noise in the workplace. Towards this end, the policy requires the development of emission standards, based on noise quality, criteria for vehicles, aircraft, construction plants, parties and the workplace, amongst others.

The document speaks at paragraph 4.7, about the establishment of requirements for the handling and disposal of hazardous waste; establishes standards and design criteria for hazardous waste handling and disposal facilities. It enforces these requirements to licensing and permitting requirements. To ensure compliance with this policy, procedures of hazardous waste would be subject to periodic inspection by the Environmental Management Authority and inspections concerning collection and transporting operations would cover, particularly, the origin and destination of hazardous waste.

Mr. Speaker, producers and transporters of hazardous waste must—according to the policy and the legislation, that is, the Environmental Management Act—keep detailed records that are to be preserved for at least five years. Documentary

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evidence of management operations must also be supplied to the Environmental Management Authority upon request.

4.10 p.m.

Mr. Speaker, paragraph 4.8(c) deals in some measure of detail with hazardous substances and spills and it says, in particular, with relevance to the Bill that is before this House:

“Employers have a general duty to secure the health, safety and welfare of persons at work and to provide for the protection of the public from work activities;”

Paragraph 4.8(d) states:

“Industrial facilities have an obligation to develop measures and contingency plans to protect workers and the public from major accident hazards including fires, explosions and massive emissions of dangerous substances (e.g. oil spills, natural gas and ammonia emissions) when an activity gets out of control.”

The provisions of the Bill before this House, as I said, are in keeping with many of the provisions set out in the Environmental Management Act of 1995. I found it a bit disturbing to hear the Member for Arouca North refer to the requirement for legislation to deal with, and in this particular case, the battery factory somewhere in the East, which was gutted by fire and the need for a legislative framework to deal with matters of that nature. I am wondering in my mind whether the Member for Arouca North was a member of the government of the day, which brought the Environmental Management Bill of 1995 to this Parliament for debate, and whether he participated in that debate at all.

If that was the case, the Member would have known that there is already a legislative framework in place, which gives a mandate to the Environmental Management Authority to deal with matters of this nature in addition to Solid Waste Management Company Limited (SWMCOL). These are the two institutions, which have been dealing with the Demerara Road issue in Wallerfield. *[Interruption]* Just let me finish my statement and I will give way to you. At this juncture I would like to point out to Members of this House and, by extension, the national community, that the Environmental Management Authority has reached the stage, with the Demerara Road issue, where they are about to go into the Demerara Road site to remove the material which has contaminated that area. All they are awaiting, Mr. Speaker, is a no objection from the World Bank, which would then allow SWMCOL to go in with their equipment to begin removing the material, which has contaminated that area.

The Ministry of Housing and Settlements, through the aegis of the National Housing Authority, has already provided housing in Wallerfield for the removal of the residents of that area. I am advised that many of these residents have already been moved to their new living quarters. There are just a few who seem to be posing a little problem, but I assure you that the EMA—coming under the purview of the Ministry of the Environment—will be making every effort to ensure that the clean-up exercise is done within a very short time frame. My understanding, by way of advice, is that within one week's time, the no objection would be obtained from the World Bank, which would then allow the Solid Waste Management Company Limited to go in with plant and equipment to begin removing that material.

I am also advised that a site for the disposal of that hazardous material has already been identified and secured in a proper fashion. I now give way.

Mr. Narine: Thank you. Mr. Speaker, what I did indicate is that there was a fire at the O'Meara Road in Arima, a battery factory got burnt down. I was there in Parliament and we had a task force that dealt with that entire situation in Demerara. I mentioned that the Member for Couva South is the one who told them not to move when he was in Opposition. What I am asking is: was that the system used to remove the hazardous materials at that battery factory? They gave some petty contractor the authority to move it and he dumped it at Wallerfield. It was not removed in a professional manner. Where were your inspectors? Where was the Ministry of the Environment?

Dr. The Hon. R. Mohammed: When did that happen? When really did all of this take place? Was it before 1995?

Mr. Narine: Early this year and late last year.

Dr. The Hon. Reeza Mohammed: The position is this. This Bill has come to the Parliament today for debate. It came sometime last year and was sent to a Joint Select Committee, which took on board several pieces of other legislation that relate to factory inspectorates and what have you. I am of the understanding that until such time that this Bill has been debated in both Houses of Parliament, assented to and proclaimed by the President of the Republic of Trinidad and Tobago, those other pieces of legislation are still law. It means, therefore, that whatever incident took place, perhaps, if there was proper inspection by the Factory Inspectorate, the building may not have been gutted by fire. There are many other reasons, which may have caused that fire.

The Environmental Management Authority, at the present time, is unable to prosecute any perpetrators of these acts for the simple reason that the

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environmental commission has not been established—that is the court of appeal. The Environmental Management Agency cannot go in there and lay charges against the perpetrators of that act. My understanding is that they have taken up material in an *ad hoc* fashion and disposed of it in an area that is not amenable or against conditions in support of proper environmental management as well as human health. That is why this Government has taken the opportunity to bring this amendment No. 2 to this Parliament to ensure that we have the environmental commission put in place.

Mr. Speaker, I will tell you something: the Environmental Management Act of 1995 was assented to by this Parliament on February 21, 1995 and I am advised that according to this piece of legislation, six months after this piece of legislation was assented to, the environmental commission ought to have been established. If we check six months from the end of February that would have put us in August 1995. In August 1995, the People's National Movement government was in office, so to come here and ask now—the UNC Government is here for four years—why is it that they are now coming to this Parliament with the Occupational Health and Safety (No. 2) Bill for the establishment of the environmental commission?

One must ask the question for the delay. The delay was brought about because of that part of this piece of legislation, which was deemed to be unconstitutional.

Mr. Bereaux: By whom?

Dr. The Hon. R. Mohammed: This Government has now taken the time and effort in redrafting that part of the Bill which speaks to the establishment of the environmental commission and we have brought it here for amendment. It went through this Lower House and it was passed. This Government is well on its way to having the environmental commission put in place, so that it will now unlock the Environmental Management Authority and give it the kind of teeth to be able to go out there and prosecute the perpetrators of those acts which are deemed environmentally unfriendly. That is the only way enforcement can be brought about.

One of the problems in this country, let us all face it, whether under the PNM or NAR governments or even under this Government, is the problem of enforcement. That has been the major problem. So this Government is managing its affairs in such a manner now to make sure that the systems are in place for enforcement to take place. If you do not have the respective structures and institutions and, in this case as it applies to the Environmental Management Act, which is the environmental commission, how can you enforce? So that is what we

are about and we ought to be commended for that rather than be put down for it, as they continue to do.

We are here as responsible people. We were put here by the people who voted us into power as their parliamentary representatives and we have a responsibility to the people who put us here. Why do we not conduct ourselves in a manner that would not allow for the wastage of this Parliament's time? We continue to waste time and for whatever reasons, up to this stage. This is the fifth sitting of this sixth Parliament, if I am not mistaken, and we still have not recognized the importance of—[*Interruption*—]session, sorry, thank you hon. Member. We still do not seem to understand the importance of the time that we spend in here and the importance of what we say in here and the contributions, even though by way of criticisms, to advance the process for making law. We still do not seem to have understood that. Nonetheless, I do not expect those on that side to understand at all. [*Interruption*]

Mr. Speaker: Order please!

Dr. The Hon. R. Mohammed: To continue what I was saying I was speaking to the efforts by the Environmental Management Authority in the context of the provisions made in this Bill before this House and the legislative framework set out for the authority. I was also speaking to the hazardous waste issue. Efforts have been significantly advanced by the EMA to put in place the control mechanisms to give effect to the policies, that is, the policy agreed to by this Parliament in September of 1998. In this regard, standards and regulations are being developed in keeping with the provisions of the Bill in relation to air, water and noise pollution and, of course, for the management of hazardous and toxic waste.

Mr. Speaker, this Government is currently working in close collaboration—[*Interruption*]

Mr. Speaker: Order please!

Dr. The Hon. R. Mohammed: —with the Inter-American Development Bank for undertaking a study of the hazardous and toxic waste situation of Trinidad and Tobago. The study would inform Government's efforts to put in place the required infrastructure for the safe and efficient use and disposal of such waste.

If I may, I now wish to focus on other areas, vis-à-vis, the synergies between the Bill and the work being undertaken by the Environmental Management Authority. The Bill focuses on the impact of environmental conditions on human health and seeks to positively protect the health and safety of the employees of Trinidad and Tobago. It effectively acts in co-ordination with the national strategy

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of this Government which is to achieve economic growth in accordance with environmentally sound practices in the workplace.

By clause 6 of the Bill, for example, the occupier of every industrial establishment is mandated to take steps to protect the safety and health of the public in the vicinity of his industrial establishment, as laid out by the Environmental Management Act, or by the Environment Management Agency, from dangers created by the operation or processes carried on therein and shall take special care to ensure that plant and equipment used are of such integrity and that adequate safety systems exist to prevent the occurrence of fugitive emissions. This general duty extends to the scope and operation of this Bill by seeking to protect, not only the employees involved in the day-to-day working of the industrial establishment but the public at large, from environmental harm.

Clause 13 also seeks to protect the health of the employees and the general environment. This clause places a duty on the manufacturer, supplier, or importer of any machinery or plant for use in an industrial establishment, to take steps to ensure that there would be available, in connection with the use of the machinery, adequate information about the results of any tests which have been carried out on or in connection with the machinery, and about any conditions necessary to ensure that it would be safe and without risk to health or the environment when properly used.

4.25 p.m.

Mr. Speaker the Bill mirrors the Environmental Management Authority's programmes with respect to air pollution and noise pollution.

Clause 24 places the responsibility of the occupier to remove dust, fumes or other impurities from an industrial establishment. The occupier is also obligated to prevent its accumulation in any workroom and where practicable, exhaust appliances shall be provided and maintained as near as possible so as to prevent contamination of the air of the workroom. The employee is protected against inhalation of the dust or fumes.

Mr. Speaker, clause 34 targets noise and vibrations. It charges the occupier with the responsibility to take steps to prevent hearing impairment caused by noise, and diseases caused by vibrations from occurring to persons in, or in the vicinity of his industrial establishment. The occupier is also mandated to comply with the directives of the Chief Inspector in order to reduce the level of noise or vibration generated by a machine, device or process. This clause protects the

integrity of the environment in the prescribed premises and in the general vicinity of the industrial establishment.

Much work has been done by this Government with respect to the Point Lisas Estate. We have entered into strategic partnership with industries to ensure the implementation of codes of conduct, practices and work norms that are in keeping with the highest standard of occupational health and safety of the workforce. In this regard, Government has been seeking to facilitate efforts of industry to adopt environmentally sustainable production practices which include:

- the adoption of the ISO 14000 series of management standards
- mainstream of the total management concept
- introduction of corporate environmental policies
- implementation of voluntary codes of practice
- the use of environmental audits

These efforts are being co-ordinated within the context of an environmental management plan for the industrial estate at Point Lisas which has been developed in collaboration with residents of the area and relevant public sector agencies in the immediate environs. The main elements of which include:

- inventory of existing environmental data and information
- environmental incident response
- pollution inventory
- ambient environmental monitoring
- establishment of ambient criteria and standards
- environmental management system
- public awareness
- disaster preparedness
- programme evaluation and update

All of these things have been taking place since 1996 since this Government came into office. I am happy to say that progress on the plan of implementation has been very satisfactory.

It is obvious that our approach to environmental management—that is the approach taken by this Government—is an integrated and comprehensive one.

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This Bill would further strengthen initiatives in train to promote sustainable human development, an objective to which I am certain we will all subscribe.

Therefore, Mr. Speaker, with these few words, I commend this Bill to the honourable House and ask Members on the opposite side to support the provision and measures contained within the Occupational Safety and Health Bill.

Thank you.

Mr. Speaker: I recognize the Member for La Brea, but at this stage the sitting will be suspended for half an hour.

4.30 p.m: *Sitting suspended.*

5.02 p.m.: *Sitting resumed.*

Mr. Hedwige Bereaux (*La Brea*): Mr. Speaker, I rise to make a brief contribution on the Occupational Safety and Health (No. 2) Bill. The hon. Member for Princes Town, the Minister of the Environment, made a comment stating that Members on this side of the House were part of a Joint Select Committee to deal with this particular Bill and he was concerned now, that there appears to be some attempt by Members on this side not to support the Bill. I think, the Minister was not a member on that committee so, unfortunately, he did not know what went on in that committee.

I am not prepared to go into what went on in that committee in detail but to say, the reason for this Bill having to go to a Joint Select Committee in the first instance was, we all recognize that occupational health and safety in the workplace is an important consideration and it needed to be given thought and concern and be dealt with in a manner which was very detailed and required the kind of discussions that would come best from a Joint Select Committee.

Mr. Speaker, I must say that when we were in that Joint Select Committee—I think the Member for Caroni Central and the hon. Minister himself—we had very detailed discussions and agreements on certain areas. We also had certain points which were digressed or divided but, by and large, we all worked towards trying to put together a Bill that would be acceptable for the general benefit of the people of Trinidad and Tobago. So, it is a bit heart-rendering—but not in anyway, out of character of the hon. Member for Princes Town—that he seems to talk in the way he did, seeing that he normally likes to speak about things of which he knows nothing and, in particular, when it comes to employment and hiring people. So, I am not surprised.

Mr. Speaker, this piece of legislation is important. We must have thought on it and we did seek to do it. What hindered the operations was, for some time, we had certain positions we wanted to make clear because of the difficulty in finding draftpersons to do the drafts of the various changes, quickly. After we had come to it, we were unable to really look at the draft again. Mr. Speaker, you are qualified in law and you know very well that when you are dealing with drafting it takes a while. Nonetheless, we were able to deal with a number of items.

Mr. Speaker, what I am saying here is, this entire Bill being brought here today, is just another attempt by this Government—as I see it—to hurry it through without proper thought, in the hope of serving another public relations situation and really, not for the purpose of the Bill itself, but rather to deal with a problem which they have created elsewhere. I am glad to see the hon. Attorney is back here, because the problem was not created by the hon. Attorney General but by the hon. Member for Caroni East, acting for the Attorney General as Leader of the House.

This Government went ahead and somehow or other supervised over the arrest of two trade unionists in the dead of night, or should I say early morning, and now in an effort to ingratiate themselves with the trade union movement, they are coming here with this Bill, in which they know the trade union movement has a definite interest and trying to bring it here to show that they are all “pally wallies” again.

Mr. Speaker, law is my business and, in fact, dealing with this type of legislation is important and, as a member of the PNM and in my own capacity, I will not stand here in this House and be part of a piece of a half-baked legislation. Unlike some of them, there are a host of other lawyers in my family who will examine my performance here. [*Desk thumping*] I want to show posterity that I did my job in a professional manner when I had the opportunity so to do. [*Desk thumping*] So, I am going to comment on it because it is an important piece of legislation and I am just going to point out another element.

Mr. Speaker, occupational health and safety is meant to put the work environment in such a position that it will avoid industrial accidents. I have spoken in this House on more than one occasion on the situation as it exists today, with respect to compensation for injuries for which you obtain or, should I say, sustain on the job.

I have said that when you sustain an injury on the job and do not bring your case before workmen's compensation within six months you have lost the opportunity to claim. When you are injured on the job and you obtain workmen's compensation payments, Mr. Speaker, and at the same time you keep collecting

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that money over a period of time and one year passes, you find that you are unable to bring an action for negligence against your employer. I have spoken on that.

5.10 p.m.

This Government brought to the House a number of amendments to the Limitation of Certain Actions (Amdt.) Bill and did not point it out. When I spoke on it I was told it was coming with a whole package of legislation to deal with industry. I am here now again and we are talking about that. When we were in the committee stage I spoke on it, still we see nothing about it here. Yet you are telling me that they want to deal with this occupational health and safety. I say the only reason they are doing it is to ingratiate themselves and to show the trade union movement that they are interested in them.

On the last occasion when we started to deal with this Bill, I could recall that a few trade unionists were out there; they were interested. One man told me, “Béreau, you all better vote for this otherwise it is trouble”. I told him, “I will vote for it when it is dealt with to my satisfaction and to the satisfaction of any competent attorney who has dealt with matters of this kind”. Today, however, I am not seeing them. I look all the time but I am not seeing them here because they are annoyed with the Government and they have learnt that the attitude of this Government is one of “mamaguy”. I cannot recall seeing that as one of the unparliamentary statements, Mr. Speaker. It is one of smoke and mirrors whereby they try public relations gimmicks with the trade unionists from time to time and then send the police or cause the police or do not prevent the police from going in the dead of night or early morning to arrest them.

We are here looking at this Bill but I am here also to deal with duplicity, you see. Look at what we have here. In the Explanatory Note to this Bill it states:

“This Bill, which would repeal the Factories Ordinance 1948 and the Employment of Women (Night Work) Act, Chap. 88:12, provides for the revision and extension of the present law regarding the safety, health and welfare of persons at work in order to keep pace with the country's rapid industrialisation.”

This Government is telling us that the country is industrializing rapidly. However, the duplicity and the ambivalence of the Government is seen right away. As I speak, we saw in the *Trinidad Guardian* of today and sometime ago, about two or three weeks, the hon. Minister of—or should I say it differently? The hon. Minister of Agriculture, Land and Marine Resources at the last sitting of this honourable House indicated that the Government had no intention to divest Caroni (1975) Limited.

I mean, we are talking about industry and Caroni (1975) Limited is industry and I know that. It has a number of turbines and all sorts of other things. I lived in the smoke stack of Caroni for many years, Mr. Speaker. I went to school there too so I know Caroni. In those days it was known as Woodford Lodge Estate. So he indicated that he knew nothing about any divestment but we know, and I was here in this honourable House when we had to write off a debt of \$2.4 billion to Caroni. Caroni is really a ward of the Treasury and has been for a long time.

However, just as Caroni is to the county of Caroni and Chaguanas and Couva, Lake Asphalt (1974) Limited is to the constituency of La Brea and the village of La Brea [*Desk thumping*] and, in fact, it resides on the first industrial estate in this country. It was the first boom. It is a place needing much, and if you are speaking about safety and health in industry, that is a place that requires safety. This same Government, by its Minister of Energy and Energy Industries, has said, however, that because Lake Asphalt owes to Petrotrin \$44 million, they are going to divest it in a manner which will give the patrimony of Trinidad and Tobago, Lake Asphalt, to a few favoured persons, Mr. Speaker. They are going to give the mining rights.

I say, how can a Government that purports on the one hand to be interested in safety by bringing a Bill and on the other hand seeking—If you have, Mr. Speaker, a company that is in the process of mining a natural resource how can you, for years, keep them underfunded? In three years here they brought in a number of people to manage that company. Whereas before they came in the debt was \$10 million, within their three-year term it is now \$30 million. It is quite clear that what they are doing and what they have done is to mismanage the place by running up the debt. They then claim to want to sell it because it is not making money, when they know very well that because of last year's debt situation they wrote off a number of things. That is why they did not have a profit; but their accounts will show a profit this year.

I go on, Mr. Speaker. That was just by the way. I want to deal in particular with certain elements of this Bill. I am doing so in a way to show that this is a Bill which requires substantial thought and detailed consideration that cannot be done in committee stage here and which we should continue to do in the joint select committee as it was dealt with during 1998. For instance, I am looking at clause 8 of the Bill which deals with general duties of occupiers. Clause 8(2) states:

“An occupier shall, upon the direction of the Chief Inspector, prepare or revise, in consultation with worker representatives in the industrial establishment—

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- (a) a written statement of his general policy with respect to the safety and health of persons employed..."

It also goes on to say that an occupier owes a duty to the public for emissions from his industrial establishment.

I can recall when we were talking about that, Mr. Speaker, the hon. Member for Tobago East spoke about noise escaping. It was a valid point, noise escaping. However, I want to bring to the attention of this Parliament the question in particular of noxious fumes and to give a remedy to the population in respect of noxious fumes escaping from the industrial establishment of an employer. You see, we have a situation where there is protection for the employee but next door to the employee, right out on the road outside, you have the public and there must be some sort of protection for the public.

It says here in clause 9(4):

"An occupier who fails to comply with directions issued under subsection (2) commits an offence."

Committing an offence is not sufficient, however, and we have a classic example in Parrylands, Mr. Speaker, where Petrotrin, the occupier of an industrial establishment, for more than a year damaged the health and safety of the population around. All that has happened after my numerous verbal attacks on them in this House was that they have decided to stop the offending activity. But we have a CARIRI report and we have a medical report which point out that a number of those children who attended that school have suffered adversely.

Now, if I know the history of the way this Government behaves, they will tell us that we, the people, need to take Petrotrin to court. With whose money, Mr. Speaker? Therefore, if we are putting an Act like this in place in which we are putting an onus on the owner of the establishment not to do certain things, we must also provide a means of compensation of some kind in the Act for those members of the public, or at least give them the ability to seek legal advice and assistance through the legal aid system. Giving them a right alone and no means of enforcing that right or no means of ensuring compensation when that right is breached is tantamount to giving them no right at all.

Additionally, I do not want it to appear that I am only concerned about the people of Parrylands. Caroni (1975) Limited has a very large industrial establishment. All the cane fields, in fact, amount to extensions of that industrial establishment. Caroni also sprays, that is aerial spraying, and at one time with DDT. The books or should I say the research was replete and we know about the

serious effects that DDT is said to have on the human body. Even if this Bill becomes law, or when it becomes law after proper changes, we have to put things in place to assist the people who will be damaged as a result of this.

You know, I am told that we will have regulations. The hon. Minister, now that he is back here, indicated that the assistance which the environmental commission could give, which environmental commission is not yet in place, he pointed out that the PNM had five months to do it. But the UNC had four years and they have not yet done it because it was as a result of some alleged unconstitutional provision in that Bill that required that it be passed by a particular majority or in a certain way or with certain amendments.

5.25 p.m.

My attitude to that, Mr. Speaker, is that “by thy words thou shalt be judged and by thy words thou shalt be condemned”. The hon. Minister has admitted that what he thought the PNM should have done in five months, the UNC, he feels, should have at least four years to do it. That is just his admission of the different competencies residing on either side of the House.

I go even further to deal with the question of ages. They talk about children under the age of 14. There was the need to address what would happen if there were an industrial establishment with a child of the family being there. You know, children of the family normally enter their parents’ establishments and businesses, sometimes, without even their parents wanting them around. They are so interested in what their parents are doing, so they get there.

Mr. Speaker, I am just going through the Bill to point out the number of areas where some things need to be done and I am showing that we still have serious consideration to go on. Take for instance “Investigation by inspector” at clause 18:

“An inspector shall investigate the refusal to work in the presence of the employer or his representative...”

But before I get to that, there is the right of the worker if he or she believes—and we call, not the worker now but the employee—that there is an unsafe, unhealthy situation in the workplace, to stop working and that provision is at clause 15—“Refusal to work”:

“An employee may refuse to work or do particular work where he has reason to believe that—

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- (b) any machine, plant, device or thing he is to use or operate is likely to endanger himself or another employee;”
- (c) the physical condition of the workplace or the part thereof in which he works or is to work is likely to endanger himself;
- (d) any machine, plant, device or thing he is to use or operate or the physical condition of the workplace or part thereof in which he works or is to work is in contravention of this Act...”

Now, Mr. Speaker, I do not know if the present Government is, what my old lady would call, just brass faced. This is one Government that should not bring this here. It has bulldozed and sought to damage teachers, when all they were doing, was showing a genuine fear of some materials used in the construction of schools and which we have now found to be likely to cause cancer of the lungs. I am speaking of the asbestos phenomenon where a number of schools were built—although the PNM did not build any schools for them—in which asbestos was being used, either as a roofing material or a ceiling material.

I happen to know that asbestos is also used in the oilfields as an insulation material. I happen to know that I lived in a house and asbestos sheeting covered it, so I know of those things and the teachers, through fear of what they did not know or did not understand, exercised a right—incidentally, a right contained in the Industrial Relations Act—to say unsafe conditions in the workplace, we are not going in there until something is done. The attitude of this Government was to condemn the teachers.

Now, my good friend from Chaguanas—I really do not want to attack him—also ran into a situation like that and, not knowing the facts—I am going to give him the benefit of the doubt—but here we had, also, some teachers who alleged that conditions were unsanitary. Again, they seemed time and again, to come out in situations where workers are claiming that places are unsanitary or unsafe and we get the Government and the Government Ministers attacking them.

When they do something good, I like to mention it. When asbestos was found in the office of the Minister of Legal Affairs, they obeyed the law there and allowed the workers to stay away until the asbestos was removed, but when it is found in Siparia, although it is in respect of a school and the ceiling is coming down, they are told that it is okay to go back to school. I am asking the hon. Minister who will be winding up to tell me, whether in his or her view, a school would qualify for the definition of an “industrial establishment”.

Mr. Speaker, I want to deal with a statement, in today's newspaper, about the pollution and safety in the Gulf of Paria. It was an advertisement put out by Fishermen and Friends of the Sea. It is in the *Trinidad Guardian*:

“The immediate halting of Hydro Agri (Norsk Hydro) Gas plant forbidden by their own Government of Norway who, although they are 49 % owners of Hydro Agri, are encouraging the building of such dangerous plants in the Third World such as ours.”

Now, I am no environmentalist; the hon. Member for Princes Town is the environmentalist. We are talking about safety and the workplace. We also need to say when there was the big fish kill and whatever damage might have been done to persons other than the public in respect of the effluent from Hydro Agri, where are we dealing with this, in the Environmental Management Act or in this Occupational Safety and Health (No. 2) Bill. I will give the Minister a chance—

Dr. Mohammed: I wish to thank the hon. Member for giving way. Just to inform him that the Institute of Marine Affairs is actively engaged in studies, by way of quantifying the effluent coming out of these plants into the Gulf of Paria, once establishing the levels that are being put out there, with a view to taking necessary measures, through the aegis of the Environmental Management Agency, to control that situation.

Mr. H. Breaux: Thank you, Mr. Minister, I have heard you and I will look to see. The taste of the pudding is in the eating.

Look at what happens. In respect of persons refusing to work:

“Upon refusing to work or do particular work the employee shall promptly report the circumstances of the intended refusal to the employer...

- (a) a person who because of knowledge, experience and training is selected by the trade union...
- (b) if there is no trade union, an employee...

who shall be made available by his employer and shall attend without delay.”

Then the inspectors are brought in. My point is that we have to think about availability of inspectors and I am suggesting that there needs to be a cadre of independent persons, qualified and capable to make determinations under this Bill.

We are going to find that with the rapid industrialization of Trinidad and Tobago, we are going to have instances where the Government-appointed inspectors will not have the time. They will not be able to do some of these things

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quickly enough and they may want, as the state does now in respect of auditors, and as the state has started to do in respect of vehicle inspections, to have qualified persons who are certified by the state as being reputable inspectors, who will go in and look at these things and say whether the situation is as required or not. Because, if you have to wait on an inspector—and I am looking at it from both sides now—it could cause an immense loss of time, but with an independent person coming in there on time, you would find that certain steps can be taken to alleviate the problems.

So, Mr. Speaker, there are a number of areas in this Bill which need to be scrutinized and dealt with properly. We had pointed out to the hon. Minister of Labour and Co-operatives at the time, and I am surprised that he would bring this Bill to the House, although I noted by going through it, some of the areas about which we had spoken in the committee stage being addressed, but there are other more important areas.

I say that although I recognize that a Bill for dealing with occupational safety and health is necessary, it is not necessary to hasten it so that it is passed without proper thought and without proper deliberations, and I am calling on the Government, as the Member for Diego Martin East did before me, not to bring this Bill forward.

5.40 p.m.

I am also saying to the Government, as I know they are prone to say: “Well, vote against it.” If that is the case we will have to vote against it because it is a hodgepodge piece of work, we are not finished examining it and the great competence of the technical staff who dealt with it, notwithstanding, we believe that as legislators—some of us do have some competence in this area—we need to look at the Bill very carefully and make changes, where we think changes are necessary, before we commit ourselves to voting for this Bill.

Mr. Speaker, with these few words, I say to the Government once more, take back this Bill, let us go back to a committee with it, because that is where it should have been. It should not have left committee stage. It has to go back to a select committee. Just like that. Mr. Speaker, I cannot support this Bill in its present form. [*Desk thumping*]

Mr. Martin Joseph (*St. Ann’s East*): Mr. Speaker, when the Member for Nariva, the hon. Minister of Labour and Co-operatives, was piloting this Bill earlier in the day, he had indicated that my colleague from La Brea and I were members of the joint select committee responsible for looking at the details of this

Bill. As my colleague from Diego Martin East indicated, when the Bill came to this House the first time, it was suggested that it be sent to a joint select committee. The Member for Princes Town, in his contribution, indicated a sense of surprise as to the fact that how Members on this side could be criticizing aspects of the Bill when we had representatives. As I said, my colleague from La Brea and I were the PNM's representatives on that joint select committee.

Mr. Speaker, I would not bore this House in rehashing the details of aspects of the legislation with which we have some difficulty. At the same time, I will follow my cue from my friend and not divulge the details of the discussions that took place during the joint select committee stage.

There are a few areas of concerns that were reflected there and have not yet been corrected in the way in which it will satisfy the concerns raised. When the Member for Barataria/San Juan made his contribution, I think he summed it up in a way in that, he said the Bill is all-embracing. In an attempt to make the Bill all-embracing, in an attempt to make this all things to all, especially as it relates to the definition of establishments, therein we run into the first problem with the Bill. My colleague from Diego Martin East outlined that in terms of what is referred to as an "industrial establishment".

Mr. Speaker, the recommendation at the time and the recommendation made by my colleague from Diego Martin East still stands. That is the question about the separating of different establishments. To put all establishments under this Bill creates unnecessary problems. The Government thought that the Member for Diego Martin East was trivializing this morning when he gave us the examples of an establishment with five persons, and the extent to which implementation of aspects of this Bill will cause undue problems as it relates to the operation. That is not the intention. The intention of this Bill is to provide adequate health and safety to persons in the workplace.

In attempting to do that, it seems to me that we are trying to use legislation that exists in other jurisdictions that may not be applicable in our culture. That was the other concern: the culture of the workplace and the appropriateness of some of the contentious clauses. What are those contentious clauses? Part III, which is the right of employees to refuse work where safety or health is in danger, this is basically clauses 15—21. I do not have to rehash that. During discussions we suggested that, perhaps, there may be ways in which the employee can have a say in terms of the determination as to whether or not the environment is healthy and safe; yet, at the same time not subject that clause to the kind of abuses that can easily take place. I recall at the committee stage, we suggested looking at

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Nova Scotia. Nova Scotia had some legislation that indicated how they dealt with the question of that right. I am surprised, also, that notwithstanding the recommendations, it still did not find its way in this legislation. I do not know.

The first contentious area is Part III, which is the right of employees to refuse to work where safety or health is in danger, clauses 15—21. I am saying, clearly, that area has to be looked at because, as my colleague from Diego Martin East indicated, it can be subjected to abuse. We raised that. When we raised it we were given the impression that would not happen. We know where we want to get to, but we must also be aware of the existing culture in the workplace and we have to find a way of navigating around that. In other words, it is a question of trying to find a balance: trying to make sure that employees are not subjected to unhealthy or unsafe environments, yet at the same time we do not want to go overboard and provide them with so much rights that they could shut down the place. If they do that, the whole question about security: their own ability to earn income, *et cetera*, is seriously jeopardized; we do not want that.

The other contentious area was Part III: Administration, especially the powers of inspectors—clauses 72, 73, 74, 76, 77 and 81. Again, we gave them some examples of the Nova Scotia legislation where inspectors have a right, but a limited right, not the right to visit the workplace any hour of the day or night and interrogate persons, *et cetera*. Again, I am surprised that, notwithstanding these contentious areas, the Bill still came. As my friend from La Brea indicated, there were some areas which the Government corrected, but the areas that they corrected were minor areas such as whether or not the employer should have an ambulance or whether or not there should be a sick room and all those other things. The two contentious and serious areas have not been addressed in a way in which we can agree with this Bill.

I also agree with my friend, the Member for La Brea: I do not believe that we can correct this in a committee stage. I do not believe that! I believe the Bill has to go back to a committee, whether it is a joint select committee or otherwise, so that some of the concerns raised—every time we try to correct something, the technocrats tell us it cannot work that way. My friend from—I thought he was a part of the committee because in many instances he mentions Geneva, and several other conventions; fine. The question is: “What about our culture, can it work here?” Yes, there is what we want to get to, but we have a road to travel to get there and we do not want to implement laws that cannot work.

Mr. Speaker, I felt the need as a member of that joint select committee, to get up and make these few remarks. Yes, we participated, we had extensive meetings.

We met approximately nine times. Yes, we raised many of these concerns. Some of these concerns were not addressed. I do not believe they could be addressed in a committee stage, I believe the Government needs to go back to a committee so that we can bring laws that can satisfy what we want to accomplish.

Let it not be said that the PNM is not about a safe and healthy environment for working people. It is not! It is about making sure we implement laws that can work.

With these few remarks, Mr. Speaker, I thank you.

5.50 p.m.

Mr. Patrick Manning (*San Fernando East*): Mr. Speaker, I rise to make a very brief intervention in this debate, because this question of an occupational health and safety law has been on the legislative agenda of successive governments. In fact, I first interfaced with it in 1985 when I was a member of the Chambers' administration, when at that time we set up an internal Cabinet committee to go through the legislation that was contemplated and which the then administration had intended to bring to the House.

I made that point to make it absolutely clear to hon. Members opposite and to hon. Members of this House that that legislation has been around for so long only because successive governments have been very careful to enact proper law. And so, if today we are recommending a course of action that could delay the legislation by another week or two, that pales into insignificance when one looks at the length of time that such legislation has been around. It will be a tragedy, indeed, if we now seek to proceed with undue haste and we put into law legislation of which we, as legislators, cannot be proud.

Mr. Speaker, the legislation requires a special majority, and experience tells us that whenever special majorities are required in the Parliament, not only should we go for consensus because that is the only way you get the votes of those opposite, but we have a responsibility to protect the public interest and even if the Government is able to secure the support of the Opposition, that in itself is not enough, but the Government and Opposition should only agree on legislation in which they believe the public interest is best served. That really is what it is all about.

If the Government wishes to seek to play political games with the legislation, they can do so. The Government can easily put the legislation in its present form to the Parliament, we will not support it, and then the Government can go outside and say that the PNM does not support legislation in the interest of the workers—which is not true of course—but the Government can use it in that way if it is the wish of the Government.

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I would like to urge a different course of action. I would like to urge that this legislation be referred to a select committee of this House and that we take the one or two weeks that is required to streamline the legislation and bring back something of which we can be proud. If we seek to deal with this legislation in committee stage, then the risk that we run is that we can advance suggestions especially as of now, we have no drafted amendments that have been the subject of any due deliberation and consideration. Therefore, whatever suggestions we put at the committee stage, the effect will be *ex chesto* recommendations on a piece of legislation that has far-reaching—

Mr. Sudama: Ex-what?

Mr. P. Manning: *Ex chesto*. It is a technical term, Sir. You would not understand it. You understand the point, therefore.

So, Mr. Speaker, we can sit in the committee stage, we can argue from now till doomsday; it will get us nowhere. At the end of the day, the Government could railroad, we could disagree, we could say we are not voting for the legislation, it shuts down, it cannot come back for six months; you understand. We can take that course of action.

We are urging that the Government takes a more responsible position. We are urging that especially in light of the comments made by my colleague, the Member for Diego Martin East, who spoke—and I want to congratulate him, Mr. Speaker—very eloquently on this Bill today. He raised a number of issues, none of which has as yet been properly addressed by any Member on the Government side. Let us face it. Therefore, whatever reservations we may have had about the legislation on this side still remain. The reservations still remain and, therefore, it would be unreasonable to expect that in those circumstances we would just want to run and lend our support to an item of legislation that offends fundamentally entrenched clauses of the Constitution of Trinidad and Tobago.

I urge the hon. Attorney General, as Leader of Government Business, let good sense prevail in this matter. Never let it be said that as we came to the end of the 20th Century we were not mature enough, on an item of legislation affecting workers in Trinidad and Tobago, to pursue a course of action that not only will result in consensus and, therefore, the approbation of both sides of the House, but above all, will result in a piece of legislation which in due course not only we, but our children and our children's children could be justifiably proud. I urge caution to Members opposite. [*Desk thumping*]

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I wonder whether I could move that we should suspend for 20 minutes to see what the Opposition is complaining about and we could have a discussion and see how far we get. Is that all right?

Mr. Speaker: If that is the wish of the House, the sitting will be suspended for 20 minutes. We will return at 6.15 p.m.

5.57 p.m.: *Sitting suspended.*

6.33 p.m.: *Sitting resumed.*

The Minister of Labour and Co-operatives (Hon. Harry Partap): Mr. Speaker, allow me to thank hon. Members opposite and on this side of the honourable House for participating and commenting on the Bill. We, on this side, have valued the contribution of our Friends opposite, in shaping a Bill that will ensure the intentions of the policy of protection at the workplace. While I admit that the Bill is comprehensive, covering 100 clauses, I really never expected the debate to be so wide-ranging and encompassing, in terms of matters completely, sometimes, outside of the realm of safety and health in the workplace.

However, I will want to simply answer some of the queries from the other side. One of the matters raised by the Member for Diego Martin East relates to the powers of the inspector. He was saying that these powers are too wide-ranging and can amount to being in terms of many police powers. I simply want to remind him that—enshrined already in the Factories Ordinance of 1948, at section 62—all the powers given to the inspectors under the 1948 Ordinance are now transferred to the inspectors in this Bill. His concern had been that the industrial establishments, some are very small and some large, and so I think that at some stage we are going to make some adjustment when we come to that.

Mr. Speaker, even the Minimum Wages Act which was passed in 1976, by those opposite, protected employees who gave the information. There was a concern that if you divulge information to the inspector, the employees can be victimized. We are saying, no, it would not and that, in itself, is under the Minimum Wages Act as well. The Minimum Wages Act also give inspectors power to enter property. So that is not a new thing, there is precedent for this and, in any case, it is already in the Factories Ordinance, 51 years ago.

We will address the question of the inspectors if there is the manpower to administrate the Bill. This matter is going to be dealt with by the authority; the authority is going to be walking the Bill through, in terms of putting things in place, so that the matter would be addressed at the appropriate time.

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Much time was spent by the Member for Diego Martin East on Part III, particularly section 15 that deals with the right of employees to refuse to work where safety or health is in danger. I do not know, obviously, the entire section was not read, and perhaps this is why there is a concern. What the Member for Diego Martin East should have done was to read those clauses in conjunction with the Industrial Relations Act and the ILO Conventions, and perhaps he could have read the Caricom model legislation in relation to health and safety.

Part III really puts some orderliness in the right of workers to refuse to work, because that right is already in the Industrial Relations Act (IRA) and, of course, this Act, as you know, was passed in 1972; some time now.

6.40 p.m.

At present, under the Industrial Relations Act, workers can withdraw themselves from a building or a place of work if, in their opinion, it is not safe—health and safety-wise and they have no obligation to tell a soul about the reasons for vacating the workplace. That is what they enjoy at present. They can withdraw themselves and that is not industrial action. They can remain outside as long as they want because there is no procedure to get them back inside.

What we are doing in Part III really is that we have outlined some of the procedures and if you go through them you will see that there are procedures set whereby the workers will have to get back in to work, and according to Part III it does not exceed more than 72 hours except there is a real danger in the building.

So that workers cannot simply say—and I take the example from the Member for Diego Martin East—“Look the ceiling going to drop on me!” They cannot do that. They could do that under the present legislation. Under this one they can do it but then, within 72 hours, the chief inspector is going to intervene and he would determine through discussion—[*Crosstalk*] you have to correct it, of course, but he would determine if this is really going to be a hazard and if not then he would order them back to work. [*Interruption*]

Dr. Rowley: I thank the Minister for giving way. So he would order them back to work after 72 hours. What if the problem is not correctable within a short space of time, namely 72 hours?

Hon. H. Partap: If it is a frivolous kind of thing; if there is really a problem the chief inspector is going to say, “Well, this cannot be done in 72 hours” and he would determine that workers cannot go back into the workplace until it is corrected. The Bill provides for that. If you read Part III you will see it. So if there is a real danger the inspector can order them not to enter the place.

Dr. Rowley: I thank the Member for giving way. What if the nature of the complaint, grievance or suspicion is such that it requires more than 72 hours to determine that it is not frivolous? Who is this inspector who would be so all-encompassing in knowledge that he can determine, within 72 hours whatever happens that it is or is not so? Suppose he requires tests to confirm his suspicion and those tests might require a period of gestation? What if he has to run a culture? My friend from Barataria/San Juan may know. Suppose the person claims that “I am exposed to some carcass of some kind”, which requires the growth of a culture of some kind. So what is this 72 hours that he would determine things?

Hon. H. Partap: You are correct, the inspector is going to get the advice and so forth and tend to whatever it is. The worker cannot withdraw himself for frivolous reasons. *[Interruption]* Within 72 hours the inspector after he examines and brings in his people and so forth—but he must act immediately. The point I am making is that under the present legislation workers can simply go out on the other side of the road, beat their pans and so forth and say they are not going in! They are under no obligation to tell the employer why they are outside there. *[Desk thumping]* *[Crosstalk]*

The Member for Diego Martin East made the point. He said that a worker can come in and say I cannot sit on this chair because of so and so.

Dr. Rowley: Maybe I am misunderstanding clause 18(2):

“The inspector shall, following investigation, decide whether the machine, plant, device or thing or the workplace or part thereof is likely to endanger the employee or another person and shall give his decision in writing within seventy-two hours to the employer...”

My understanding of this is that he has to conduct the investigation, determine the situation and then respond within 72 hours. What if in determining what is going on there, to determine the nature of the person's complaint, to determine whether it is frivolous or not, he requires—as we gave the example, the growth of a culture to determine the quality of the air—you do not understand clause 18(2), Minister.

Hon. H. Partap: I really do not see any difference between what you are saying and what I am saying. *[Crosstalk]*

Dr. Rowley: Therein lies my problem.

Hon. H. Partap: You are just putting it in a different way. I think that we should take a closer look and you would see. The point I am making is—

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[*Interruption*] Let me continue because we want to move on. What I am trying to do—[*Interruption*]

Dr. Rowley: With all due respect, there is no point in moving on if we do not understand what we are moving over. Clause 18(2) says what the Minister shall do following the investigation. We are not saying the same thing! You have said that the maximum time the place could be disrupted for is 72 hours—

Hon. H. Partap: I never said it was a maximum. [*Crosstalk*] What I am saying is that within 72 hours we can have some kind of intervention.

Hon. Members: No!

Hon. H. Partap: I never said anything about maximum. Do not put words in my mouth. This Part III provides a procedure, whereas under the IRA at present there is no procedure. A worker can go out there, go on the other side, beat drums and so forth, and he or she has no obligation to tell the employer why he or she is outside there. [*Desk thumping*] Here they have too, according to this Bill. Let us move on.

Once that is done, we on this side feel that through Part III we have put some order into the system. The Member for Diego Martin East has told us that we are not fair to workers. He said that he is advocating fairness but with what we have put there I think it is fair, that is, not anti-people as he was suggesting.

Mr. Speaker, I have dealt with Part III. The question of industrial establishments, I think we are going to make some adjustment on that so I am not going to comment on it. I just want to make the point, and the Member for Diego Martin East had said it, I want to correct the impression if even for the records that the deliberations of the Joint Select Committee, the comments made both by the Member for Diego Martin East and the Member for Toco/Manzanilla, I have them here, these were all addressed in the Bill before you.

Mr. Imbert: That is not so!

Hon. H. Partap: I am saying that they have been addressed. In fact, every single item raised in the Joint Select Committee has been reflected in the Bill before you. So, perhaps, he did not read the Bill, and I suggest that he reads it. I will provide him with the synopsis of the contributions that both he and the Member for Toco/Manzanilla made so he would see we covered them.

There were areas, especially from the Joint Select Committee, that they asked for but they are saying it in terms that they were not aware if the drafting was done according to some previous Act, for example, the Insecticides and Pesticides

Act, I think the name is the Chemical Act, but it was done. The other one was in terms of the Coroner's Act; that was also covered. I assure both the Members for Diego Martin East and Toco/Manzanilla that we had incorporated their comments in the Bill.

I want to make reference to the suggestion—I cannot remember who made it—that we are overloading the Industrial Court. I do not think so. The court, as you know, was established under the PNM's administration and the whole idea, the philosophy, as I understand it, is that there was a recognition of the importance of the special position and industrial relations was taking place. We all recognized that matters of industrial relations must go in a special area competent to deal with it. It was not in the Magistrates' Court or the High Court and that was a good thing that the PNM did. We are just following through with it as well to ensure that the Industrial Court will take up matters in relation to industrial matters and, if it is necessary, at the appropriate time I am sure that if we need more manpower, in terms of the Industrial Court, I am sure this will be addressed.

At present, any infringement of matters relating to the Maternity Benefits Act go to the Industrial Court. Very soon we are coming to Parliament to have any infringement of the Minimum Wages Act to also go to the Industrial Court, because these infringements which are basically in relation to workers are being tied up in the court and sometimes they are dismissed because of certain conditions. We will strengthen the Industrial Court if there is need for it as we walk the Bill through.

We have dealt with the collective agreements. There is a provision that is going to be made, it was raised by the Member for Arouca North and we are going to address it at the appropriate time. He said in his contribution that the collective agreement has some of these things. I want to tell him that only 30 per cent of the workforce is really covered by collective agreements, so you have 70 per cent of the working population exposed, therefore, we feel that this Bill is going to assist in that direction.

Mr. Narine: What are you going to do about it?

Hon. H. Partap: Mr. Speaker, these are the points I want to make and I beg to move, Sir.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

6.55 p.m.

Mr. Speaker: Do all the Members of the Opposition have copies of the amendments?

Mr. Imbert: *[Inaudible]*

Hon. Member: We are not hearing you.

Mr. Imbert: The Opposition had indicated to the Government that before we go into committee stage there should be a deferment of the discussion of the clause by clause assessment of the Bill. We have a difficulty going into committee stage at this point in time because there are serious areas of differences and we feel it should be deferred for a period so it can be studied.

We are prepared to co-operate with the Government with this, but we have a difficulty in going into committee stage now.

Mr. Maharaj: Mr. Chairman, since the Member for Diego Martin East has raised what was discussed, I indicated to the Opposition that there are certain areas which they have raised and I do not have a problem, but in the committee stage, if we cannot complete those areas, we would consider having them adjourned for another day, but I indicated to the Opposition that this Bill has a long history and the Opposition has had sufficient time to study the Bill.

It went through a select committee in which the Opposition was represented and there are many clauses of the Bill which are not controversial. They have indicated certain areas of which I took note. There are seven areas of the Bill of which we have taken note. We have gone through them and indicated that there are certain amendments which we would put forward and see how it goes at the committee stage.

Mr. Imbert: Our position is very clear. We think we should come back to this. We are prepared to co-operate with the Government and we have a problem going into committee stage.

Mr. Maharaj: I should mention, Mr. Chairman, that there have been no amendments filed by the Opposition; none.

Mr. Imbert: Precisely. Because we need time for this. So we have a difficulty in participating in the committee stage.

Mr. Speaker: All right, we will just go as far as we can.

Mr. Imbert: You all want to go, then go ahead.

Clauses 1 to 3 ordered to stand part of the Bill.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, in the light of what the Opposition proposed to us in conference a short while ago with respect to clause 4, the meaning of the phrase “industrial establishment” in the Bill which means a factory, shop, office, place of work or other premises, but does not include the words “premises occupied for residential purposes only.” The Government has accepted what the Opposition has stated and redrafted an amendment to comply with the Opposition’s request so that there will be a guarantee that these establishments be exempted and can be considered by the Parliament and pursuant to that I would like to amend clause 4 in the following terms. In the definition of the words “industrial establishment”:

“Insert after the word ‘only’, the following words: ‘or establishments exempted by Order, made by the Minister, subject to an affirmative resolution of Parliament.’”

So the first definition would read as follows:

“‘Industrial establishment’ means a factory, shop, office, place of work or other premises but does not include premises occupied for residential purposes only or establishments exempted by Order, made by the Minister, subject to an affirmative resolution of Parliament.”

“4A. Insert in the appropriate alphabetical position the following definition of ‘agency’;

‘agency’ means the Occupational Safety and Health Agency established under section 69”.

B. In the definition of “Authority” delete the words “65” and substitute the words “64”.

C. Delete the definition of “Chief Inspector” and substitute the following new definition:

‘Chief Inspector’ means the person appointed as such under section 70(1)”.

D. Delete the definition of “Commission”.

E. Delete the definition of “inspector” and substitute the following new definition:

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“inspector” means the person designated as such under section 70(1)(a).

- F. Delete paragraph (a) of the definition of “premises” and substitute the following new paragraph:

“(a) any vehicle, vessel, aircraft or hovercraft”.

Question put and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clauses 5 and 6 ordered to stand part of the Bill.

Clause 7.

Question proposed, That clause 7 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 7 be amended as follows:

- “A. Renumber subsections (2), (3) and (4) as (1), (2) and (3) respectively, delete subsection (1) and insert as subsection (7) of section 6.
- B. Delete the word ‘thereby’ wherever it occurs in subsection (2) and substitute in the first place where it occurs the words ‘by his actions’”.

Question put and agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Clauses 8 and 9 ordered to stand part of the Bill.

Clause 10.

Question proposed, That clause 10 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 10 be amended in terms of the circulated draft as follows:

Delete subclauses (2) and (3) and substitute the following new subclauses:

- (2) An employee who contravenes subsection (1) commits a health and safety offence and is liable on the determination of the Industrial Court to a fine of five thousand dollars.
- (3) An employee who wilfully and without reasonable cause does anything likely to endanger himself or another at work commits a health and safety offence and is liable on the determination of the Industrial Court to a fine of ten thousand dollars.
- (4) Notwithstanding subsections (2) and (3) an employer may discipline, in the customary manner, an employee who breaches the safety provisions of this Act.”

Question put and agreed to.

Clause 10, as amended, ordered to stand part of the Bill.

Clauses 11 to 14 ordered to stand part of the Bill.

Clause 15.

Question proposed, That clause 15 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I would like to put on the record that the Opposition has raised some concerns about clause 15. An examination was made of the Industrial Relations Act and what is here in clause 15 is nothing that the worker does not have and, therefore, clause 15 confirms what the present law is, with respect to the rights of the worker to refuse to work. I would not move the amendment, I just want to put it on record.

Question put and agreed to.

Clause 15 ordered to stand part of the Bill.

7.10 p.m.

Clauses 16 and 17 ordered to stand part of the Bill.

Clause 18.

Question proposed, That clause 18 stand part of the Bill.

Mr. Maharaj: Would you give me one minute? Mr. Chairman, may we come back to clause 18 while they draft the required amendment?

Mr. Chairman: We will return to clause 18 and revisit that.

Clause 18 deferred.

Clauses 19 to 34 ordered to stand part of the Bill.

Mr. Chairman: Hon. Members, notwithstanding that you are not participating actively in this, you cannot so conduct yourself that it becomes impossible for others. Thank you.

Clause 35.

Question proposed, That clause 35 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move the following amendment:

“Delete the word ‘twelve’ and substitute the word ‘fourteen’”

Question put and agreed to.

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Clause 35, as amended, ordered to stand part of the Bill.

Clauses 36 to 52 ordered to stand part of the Bill.

Clause 53.

Question proposed, That clause 53 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, in respect to clause 53 can you stand it down a bit?

Clause 53 deferred.

Clauses 54 to 64 ordered to stand part of the Bill.

Clause 65.

Question proposed, That clause 65 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 65 be amended as follows:

“A. Delete paragraph (c) of clause (1) and substitute the following new paragraph:

‘(c) The Executive Director of the Agency created under Part XIII of this Act;’

B. Insert after clause (2) the following new subclauses:

‘(3) Subject to this Part, the Authority may—

(a) appoint such employees as it considers necessary for the performance of its functions;

(b) fix qualifications and terms and conditions of service for employees, save that salaries in excess of one hundred and fifty thousand dollars per annum shall be subject to the Minister approval;

(c) engage persons having suitable qualifications and experience as consultants on such terms and conditions as are approved by the Minister.”

Question put and agreed to.

Clause 65, as amended, ordered to stand part of the Bill.

Clauses 66 to 68 ordered to stand part of the Bill.

Clause 69.

Question proposed. That clause 69 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 69 be amended as follows:

“Delete paragraph (d) of subclause (2) and substitute the following new paragraph:

‘(d) such persons who, in the opinion of the Authority, have the necessary training, qualifications and expertise to assist in the effective management and delivering of the services of the Agency’.

Insert after subclause (6) the following new subclause:

‘(7) The heads of the units referred to in subsection (3) shall be, *ex officio*, members of the Agency’.

Question put and agreed to.

Clause 69 ordered to stand part of the Bill.

Clause 70.

Question proposed. That clause 70 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 70 be amended as follows:

“Renumber subclauses (1) and (2) as (2) and (3) respectively, and insert a new subclauses (1) as follows:

‘(1) The Minister may, on the advice of the Authority, appoint a suitably qualified person as Chief Inspector’.

Question put and agreed to.

Clause 70, as amended, ordered to stand part of the Bill.

Clause 71 ordered to stand part of the Bill.

Clause 72.

Question proposed. That clause 72 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, in respect of clause 72, may I move an amendment? Delete in clause 72(1)(a) the words “at any time” in the second line, and substitute instead “at all reasonable times, by day and night.”

7.20 p.m.

So it should read:

“...to enter, inspect, take photographs of and examine at all reasonable times, by day and night, either alone or together with such other person...”

May I say, those words are taken from the existing Factories Act, section 62.

Question put and agreed to.

Clause 72, as amended, ordered to stand part of the Bill.

Clauses 73 to 100 ordered to stand part of the Bill.

Clause 18 recommitted.

Question again proposed, That clause 18 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 18(1) be amended by inserting after the word, "investigate", the following words:

“Within seven days from the time of the refusal an Inspector shall investigate...”

Mr. Chairman: No, that is not—they have “the refusal” after that.

Mr. Maharaj: “...an Inspector shall investigate within seven days from the time of”. It already has “the refusal”. [*Interruption*] I made a mistake, Mr. Chairman. It is to insert after the word, “work”, the words, “within seven days from the time of the refusal”.

Mr. Chairman: Is it “within...from” or “within...of”?

Mr. Maharaj: So it should read:

“An Inspector shall investigate the refusal to work within seven days of the time of the refusal in the presence of...”

Question put and agreed to.

Clause 18, as amended, ordered to stand part of the Bill.

Clause 53 recommitted.

Question again proposed, That clause 53 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, we looked at that and I am sorry to have troubled you with that but we do not need to amend it.

Clause 53 ordered to stand part of the Bill.

Mr. Maharaj: Mr. Chairman, before you go on, can I ask you to revisit clause 4?

Clause 4 recommitted.

Question again proposed, That clause 4 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 4 be amended by changing the definition of “young person” on page 5 of the Bill, by deleting the word, “fourteen”, and substituting the word, “seventeen”; also in respect of the definition of “child” in that same clause on page 2.

Question put and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

New clause 69A.

Mr. Maharaj: Mr. Chairman, I propose a new clause 69 which reads as follows:

- “Transfers
- 69A. (1) An officer in the public service may, with the approval of the appropriate Service Commission consent to be appointed on transfer to the service of the Authority or the Agency upon such terms and conditions as are acceptable to him or his trade union and the Authority.
- (2) The officer referred to in subsection (1) shall, upon transfer, have preserved his superannuation and pension rights accruing at the time of transfer.”

New clause 69A read the first time.

Question proposed, That the new clause be read a second time.

Question put and agreed to.

Question proposed, That the new clause be added to the Bill.

Question put and agreed to.

New clause 69A added to the Bill.

New clause 97A.

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Mr. Maharaj: Mr. Chairman, I propose a new clause 97A which reads as follows:

“Determination of
safety and health
offences

97A. All offences referred to as
safety and health offences in this Act
shall be determined by the Industrial
Court.”

New clause 97A read the first time.

Question proposed, That new clause 97A be read a second time.

Question put and agreed to.

Question proposed, That the new clause be added to the Bill.

Question put and agreed to.

New clause 97A added to the Bill.

New clause 97B.

Mr. Maharaj: Mr. Chairman, I propose a new clause 97B which reads as follows:

“Time limit

97B. All proceedings under this Act
shall be initiated no more than two years
after the cause of action has arisen.”

New clause 97B read the first time.

Question proposed, That the new clause be read a second time.

Question put and agreed to.

Question proposed, That the new clause be added to the Bill.

Question put and agreed to.

New clause 97B added to the Bill.

7.35 p.m.

Schedules 1 and 2 ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

Question put and agreed to, That the Bill be reported to the House.

House resumed.

Bill reported, with amendment.

Question put, That the Bill be now read the third time.

The House divided: Ayes 17 Noes 0

AYES

Maharaj, Hon. R. L.

Persad-Bissessar, Hon. K.

Lasse, Dr. The Hon. V.

Griffith, Dr. The Hon. R.

Sudama, Hon. T.

Maraj, Hon. R.

Rafeeq, Dr. The Hon. H.

Assam, Hon. M.

Job, Dr. The Hon. M.

Khan, Dr. F.

Nanan, Dr. The Hon. A.

Partap, Hon. H.

Mohammed, Dr. The Hon. R.

Singh, Hon. D.

Ramsaran, Hon. M.

Sharma, C.

Ali, R.

The following Members abstained: K. Rowley; C. Imbert; J. Narine; E. Hart; E. James; H. Bereaux; M. Joseph; F. Hinds; E. Williams; P. Nicholson.

Mr. Speaker: Hon. Members, just for the record, I will indicate that the Bill will not be read a third time, having regard to the fact that it requires a special majority.

REGISTRATION OF CLUBS (AMDT.) REGULATIONS

The Minister of Trade & Industry and Consumer Affairs (Hon. Mervyn Assam): Mr. Speaker, I beg to move the following Motion standing in my name:

Registration of Clubs
[HON. M. ASSAM]

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Whereas it is provided in section 22(1) of the Registration of Clubs Act that the Minister may, subject to affirmative resolution of Parliament, make regulations *inter alia* for prescribing the fees payable upon application for registration of a club:

And whereas the Minister has made the Registration of Clubs (Amdt.) Regulations, 1999 on the 19th day of July 1999:

And whereas it is expedient to confirm the said Regulations:

Be it resolved:

That the Registration of Clubs (Amdt.) Regulations, 1999 be confirmed.

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy Speaker, the Motion which is before this honourable House is made pursuant to section 22(1) of the Registration of Clubs Act, Chap. 21:01.

The amendment which is before this House seeks to simplify the basis on which proprietary clubs pay registration fees and, at the same time, increase these fees to bring them more in line with current fees payable by other similar organizations.

At present, the registration fee paid by a proprietary club, if it is located in Port of Spain or within 10 kilometres of the boundaries of Port of Spain, is structured based on the number of members in the club. There are at present five classes of fees. Where the membership does not exceed 100, the fee is \$375; where the membership exceeds 100 but does not exceed 250, the fee is \$750; and so forth, with fees ranging from \$375, \$750, \$1,500 or \$1,800 depending on membership up to a maximum of \$2,250 where membership exceeds 750 persons.

Where the club is situated elsewhere than in Port of Spain or within 10 kilometres of the boundaries of Port of Spain, the fee payable is still determined by membership, but only one-half of the relevant fee is payable. It should be noted that proprietary clubs do not include members' clubs but refer to any club other than a members' club.

These fee increases are aimed at curing a specific mischief, the present practice—

Mr. Bereaux: No new taxes.

Hon. M. Assam: I am learning from you.

PROCEDURAL MOTION

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Deputy Speaker, I must thank the Member for giving way for a procedural motion that I have to move.

Procedural Motion

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Mr. Deputy Speaker, I beg to move that the House continue to sit, notwithstanding the provisions of the Standing Orders in relation to time and that it continue to sit until the termination of this Motion and the Motions on the Adjournment.

Question put and agreed to.

REGISTRATION OF CLUBS (AMDT.) REGULATIONS

Hon. M. Assam: Mr. Deputy Speaker, as I was saying, these fee increases are aimed at curing a specific mischief, that is, the present practice of club shopping, that is where owners of clubs shop around for the smallest license fee payable under the legislation.

In 1998, the Ministry of Finance noted that the revenue was being lost as a number of holders of special restaurant licenses under the Liquor Licence Act, Chap. 84:01, were closing down business and reopening as members' clubs. At the time, the cost of registration of a members' club was cheaper, being \$300 per annum as opposed to between \$3,375 and \$4,500 for a special restaurant license. So you can see the big disparity in the two and the way they attempted to evade these taxes by shopping around.

Mr. Breaux: Why did you not do it in the budget?

Hon. M. Assam: I am not the Minister of Finance.

As a result of the loss in revenue, it was decided to increase the license fees for members' clubs which was at the time increased from \$300 to \$1,500. However, this resulted in clubs registered as members' clubs closing down—another device that was used—and reopening as proprietary clubs which often paid smaller license fees depending on the size of membership and location.

Mr. Breaux: We understand that. Just answer the question.

Hon. M. Assam: I am glad the Member for La Brea understands so that he will have no difficulty with the Motion.

Mr. Breaux: No difficulty at all.

Hon. M. Assam: Because of this practice of club owners shopping around for the smallest license fee, it is proposed via these regulations that the license fees paid by proprietary clubs be increased. This will help to standardize license fees payable under legislation, for a special restaurant license or to register as a proprietary club. When there is not such a great difference in the various license fees payable, depending on the type of organization, that should go some way towards discouraging owners shopping around for the best fees.

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An opportunity is also taken to simplify the fee structure for such proprietary clubs. Instead of five different classes for fees, there are only now three classes. The fee structure also depends less on the size of the membership. Now, once the membership exceeds 100 persons, the relevant fee is payable depending on the location of the club.

Mr. Deputy Speaker, I beg to move that the Registration of Clubs (Amdt.) Regulations, 1999 be affirmed.

Question proposed.

[MR. SPEAKER *in the Chair*]

Dr. Keith Rowley (*Diego Martin West*): Mr. Speaker, I just want to raise a couple of concerns, because I heard what the Minister said about the justification for this development and I am wondering whether, in fact, having not been able to extract the relevant taxes from people who are operating under a certain name, how would one verify their membership since the new rates are also applicable and vary, depending on membership.

The person or persons who would shop around, changing their status from one type of business to another, to find the cheapest category of taxes, could easily under-report the number of their membership, because the intention is to pay the smallest volume of taxes under a prorated system.

7.50 p.m.

I am wondering what confidence the minister has that, for example, the \$1,800 that will be charged to persons outside Port of Spain and San Fernando would not be made to apply to a club that is doing more business but is under-reporting its membership. I am also wondering whether it is fair—before those persons who had moved around and in reaction to that—the Government has now brought this increase or what one might call a levelling or a raising of the taxes. There might have been people who were conforming to the regulations: having proprietary clubs and paying a lower fee. Has the Government raised the fees across the board to catch the ones who had shopped around and now penalizing those persons who were *bona fide* proprietary operators, but who did not move around and are now faced with that increased tax because of the Government's effort to chase the smart men, if you understand what I am saying?

Secondly, in an attempt to chase the smart men who have been moving around, trying to evade the taxes, what about those persons who conduct profitable gambling under the guise of a proprietary club, given that the proprietary club is

allowed to do certain things? I think it is common and widespread knowledge in this country that many of these operations do more than they are, strictly speaking, allowed to do. The term “proprietary club” is a euphemism for a casino more or less. Is the Minister aware that there are people conducting casino-type businesses under the heading of proprietary club? If that is so and the Government is aware of that, how does this address that situation? Are we not operating in a cloud of hypocrisy where the Government knows what is going on—*[Interruption]*

Miss Nicholson: They are wicked!

Dr. K. Rowley:—but we, somehow, are unable to treat with the real problem? This attempt is but a simple palliative knowing, in fact that we have not treated with the problem. In fact, the only people who might have been penalized by this might have been those proprietary clubs where—because of the nature of their location, their business, or the integrity of their management—they had been operating as we expect the proprietary clubs to operate. Unfortunately, now they are the victims of a situation beyond their control. The Government is trying to chase the smart people so they do what we are doing here right now—they will have to pay. The people who are not conforming—gambling, doing whatever they are doing and making a lot of money—the Government somehow has not been able to come up with an honest non-hypocritical position to say: “Listen, this is what we are going to do because we do not accept that; or if we accept that; this is the tax you will have to pay.”

It reminded me of an approach by Government in the past where it was like a tacit acceptance that we could not get taxes from a certain kind of business because they do not report the truth. Therefore, the Government will bargain with them and charge them a particular figure of their choice. Taxpayers have a problem with that. It indicates either a certain amount of hypocrisy or impotence on the part of the Government. That is not very comforting.

It bothers me about how the Government sees its role. If I may digress while staying on the point, if that is possible, Mr. Speaker, the whole question of when the Government sees something that is wrong or something that requires governmental action, is the Government prepared to be forthright? Take, for example, the situation with Tobago where we have, laid in this House, a particular report and for those of us who took the time to read the report or even to read the newspapers, it is crying out for some action by the Government.

Miss Nicholson: Immediately!

Dr. K. Rowley: The preparer of the report—the Government Auditor, the highest auditor of the Government—the Auditor General, sought to put in capital

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letters that immediate action is required. I am not sure that I, as a Member of Parliament, can say to anybody who asks me: what is the Government doing about the situation in Tobago with respect to the handling of public funds? *[Interruption]* My good friend, the Member for Tobago East, is asking me what to do. Mr. Speaker, I find myself in a very difficult position. When the Minister for Tobago Affairs is asking me what I am going to do about it, I am—he is asking me what am I going to do about it. That is the point I am making. Is there some dereliction of duty here or the Government pretending not to appreciate how serious the problem is?

Mr. Speaker, we are talking about just chasing a few smart men, or a few enterprising businessmen, who might have made a shift legally from one status in name to another, to collect \$2,000. But, somebody has given away \$12 million on the signature of a public servant who is an accounting officer of a major agency of the state. As far as I know, the accounting officer in Tobago is the chief administrator, like the permanent secretary is the accounting officer in a ministry and the Clerk is the accounting officer in this Parliament.

I have seen some documents published in the newspapers with the signature of accounting officer which has resulted in the apparent loss of significant sums of money, not picayune sums, if I may use the term, which is taken from my friend, the Member for St. Joseph. What we will be collecting is peanuts. How is it that the Government is able to find time to change legislation, to chase a few people who have been trying to dodge a few thousand dollars in taxes? The Government is aware that it has a responsibility to the people of Tobago whose moneys for their salaries and wages have been lost. That is what the Auditor General has said to us: that the salaries and wages, apparently, have been lost in that transaction and until we treat with an issue of a significant overdraft of approximately \$30 million which the Tobago House of Assembly is carrying—in the words of the Auditor General, the officers of the Assembly have mortgaged the Assembly and until that is dealt with, the wages and salaries of the employees in Tobago, in the future, will continue to be a problem. The Government—no action, no statement, nobody knows!

How is the Government discharging its responsibilities to the people of Tobago? What are the public servants in Tobago to do at the end of the month: this month or next month if the same thing happens again? But here we are, taking steps to tie the noose, dot the i's and cross the t's, to try to either recover or to prevent a thousand dollars from going away. What are we doing here? I do not want to think that this is the policy.

It appears as though the larger the sum wasted or lost, the less the Government's interest is. [*Desk thumping*] We pretend to be concerned about government revenues when we are dealing with peanuts. We embark on a programme to build an airport for \$400 million, it is now \$900 million and nobody in the Government seems to be concerned about that. We go to buy rice, we lose \$30 million and we do not even have an investigation to find out who was responsible for that. We are prepared to give away \$52 million to Maritime, it gets stopped in the Parliament. The Government said: "No, we can make it \$59 million", \$7 million more than the previous sum and that does not bother the Government. But tonight we are being told: "Let us treat with serious matters to try to collect \$2,000 from some clubs which may have 100 members." Good as it is, because all government revenues are important—do not get me wrong. I am not playing down the importance of the revenues here, because this \$2,000 could buy medicine for the hospital, could buy chalk, could buy gasoline for Government business or whatever it might be; it is important—if you are saying that this is important, all I am asking my colleagues on the other side: why are you not treating with the other matters which are so much more valuable? [*Desk thumping*]

8.00 p.m.

I want to say something to the Government as I wind up this brief intervention. If you do not act on the report of the Auditor General, you will be sending a signal to all and sundry in this country that Trinidad and Tobago is ungovernable. [*Desk thumping*] Understand that? Because if the people would have read in the newspapers, all that we have read in the last few weeks, and such sums are involved, and the nature and manner in which those sums were taken out of this country is not challenged and people are not made to account, then one would have to ask: why are we surprised that the criminals can believe that they could do what they want in the streets and to us as they please? Because they are of the belief that you could do what you want, and there is nobody with the authority, moral or otherwise, to act.

I am saying, Mr. Speaker, while we support this measure, I also have a problem with hypocrisy in governmental action and that is, sometimes the way the Government does business forces people knowingly—the Government knows that people are being forced to be less than forthright and truthful, and still the system virtually demands that you do certain things.

Take, for example, the issue of car loans. The Government is obligated to providing car loans to members of the public service, including parliamentarians. They have this system where if you are to dispose of a vehicle in order to buy

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another vehicle, the system that operates is that you have to buy the car to get the loan, and most persons cannot do that. It usually requires disposing of the older vehicle to get whatever it is and you are supposed to report how much you got on the last vehicle and, in so doing, you find that people are consistently having to under-report the proceeds of the sale and everybody knows that, it is an open secret, but you are required to do it so that the paperwork can proceed. I am saying, that is not right, because if we continue to do that, this is the kind of thing that tells people that the Government does not have the moral authority to press forward itself when it says that we should do right things as against wrong things. So it is simple.

Dr. Job: Mr. Speaker, with your permission, the implication of the Member for Diego Martin West is concerned with the car loans “racket”, people under-report proceeds of sale to get the process going.

Dr. K. Rowley: I am not implying any racket.

Dr. Job: No, no, I said “quote”. All right. So you did not say it was a racket, but you did imply that people, because of the circumstances, under-report, which is not really speaking the truth and, therefore, you are engaging in some kind of shady thing. Is there an explanation why the last Government did not deal with that?

Dr. K. Rowley: Yes, the explanation is that the Government that preceded the last one did not do it either.

So, Mr. Speaker, I want to end by summarizing for the Government that while it is good to collect these small amounts of revenues, I hope that they are not penalizing people who have complied as expected in the beginning. I would really like to hear from the Minister if, in fact, that is likely to happen: persons who complied with what we expect proprietary clubs to be, if they are, in fact, being made to pay higher taxes now because this higher tax regime is an attempt by the Government to catch those who would try to evade the tax. Because if that is so, it would be quite unfortunate for those persons who did comply. Also, to let the Government know that there are many areas where large sums of moneys are being mishandled and misdirected.

Mr. Speaker, I have here in my possession right now, just to demonstrate to you what I am talking about, that as we are spending 8 o'clock here now trying to collect a few dollars. Let me read something into the record for you, Mr. Speaker. You will understand, because in the Ministry of Local Government there is a big hole in there where hundreds of thousands, and millions of dollars are being assisted out of the Government Treasury into the pockets of favoured persons on

the instructions of the Minister. I want to read into the record a particular letter. *[Interruption]* The source? I am the source! You want the signature? It is dated August—*[Interruption]* Do not get so nervous.

Mr. Speaker: Order, please.

Dr. K. Rowley: Thank you, Mr. Speaker. As soon as I mention Chaguanas Borough Corporation and the behaviour of local government, he gets jittery.

Mr. Speaker, it is dated August 18, 1998; it is addressed to the Chief Executive Officer, Chaguanas Borough Corporation and it is signed by an officer who identifies himself as an officer of the Chaguanas Borough Corporation. The letter reads like this.

“Sir,

On Tuesday 29th June 1998 I received instructions from the then County Superintendent...to report to Ramsaran Street...to receive Hot Asphalt Mix. I then asked who would certify the weight at the Plant. The County Superintendent said he did not want any one there. I did not receive a copy of the Invoice Order.

On the morning of Wednesday 30th June 1998, I reported as instructed and was told by the Road Officer II that this was an open order for any amount. I asked about the Checker at the Plant and he then told me that was not necessary. Material was received on June 30th 1998 and 1st July 1998. I also spoke to the Road Officer III and he said he has no authority on this project. The material received was 2,833 tonnes.

Since I was instructed to receive material I obeyed such instructions and sign slips, but I was unable to verify weights of trucks as no one was there to verify and certify weights at the Plant and to make Cartage Receipts. I am willing to prepare Cartage Receipt if a competent authority would evaluate the quantum of mix on the Ground...

Although I worked during my lunchtime and after work and submitted paysheets I was not paid. Also the only time I saw the Invoice Order was with the claim where the Invoice Order stated 1,849 tonnes and the claim 2,833 tonnes.”

Signed by the officer, Chaguanas Borough Corporation.

So Mr. Speaker, while we are here tonight trying to recover revenue of a few thousand dollars, in the Chaguanas Borough Corporation this letter shows—

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[*Crosstalk*] Mr. Speaker, you understand what is happening? I am talking here about serious misappropriation of public funds and the Members on the other side are making a joke about it. One thousand tonnes of material more!

Mr. Speaker: Order, please.

Dr. K. Rowley: I am going to lay the letter in the *Hansard*. I am not going to call the officer's name. It is signed by an officer, Mr. Speaker.

Mr. Speaker: Hon. Members, surely, that is an elected Member of the House. He is entitled to put forward views. He is talking on an issue. We are dealing with issues and what he is saying could be relevant. Surely, let him do it. The attitude is not to shout him down and ignore him. It is a serious issue, perhaps, that all of us must take note of.

At this stage, I am told that dinner is ready. The sitting is suspended for half an hour.

8.11 p.m.: *Sitting suspended.*

8.45 p.m.: *Sitting resumed.*

Dr. K. Rowley: Mr. Speaker, before we took that little refreshment break, I was just about to wind up. I had made the points I wanted to make on this matter and I sincerely hope that the Government will take seriously the points that I have made. I do not know if the Minister would be in a position to give us some indication as to what we are to expect with respect to the specific request of the Auditor General: that we take immediate action with respect to the Tobago problem. I do not know whether this period of inactivity is facilitating the loss of certain vital bits of information, which might cause us not to be able to recover certain assets which might have gone astray. So I would like to hear from the Government, as early as possible, what action is being taken with respect to the protection of much larger sums of money than the ones we are dealing with here.

Thank you, Mr. Speaker. The floor is yours, Member for Nariva.

Mr. Hedwige Bereaux (*La Brea*): Mr. Speaker, I want to make a very brief contribution in respect of this Motion involving the increase for the Registration of Clubs Act.

Whereas it is provided in section 22(2) of the Registration of Clubs Act that the Minister may, subject to affirmative resolution of Parliament, make regulations *inter alia* for prescribing the fees payable upon application for registration of a club.

And Whereas the Minister has made the Registration of Clubs (Amdt.) Regulations, 1999 on the 19th day of July, 1999.

And Whereas it is expedient to confirm the said Regulations:

Be it Resolved:

That the Registration of Clubs (Amdt.) Regulations, 1999 be confirmed.

Mr. Speaker, the hon. Minister of Trade and Industry who has lost the Ministry of Tourism to the more brilliant Member for Tabaquite, has brought here a Motion which, in effect, increases the sum of money to be paid by clubs each year. He has given a reason for it and the reason is that some people are escaping: various club owners are moving from special restaurant licence and are opening clubs. As a result of that, he sees it fit to raise the license fees or should I say to bring them more in line, more on a regional basis, as opposed to membership size.

I was going to ask him, but in a way he said it—this is not a revenue neutral measure. It means that the Government will raise some revenue as a result. It is said that if you know the truth and you stand idly by and allow another person to state a mistruth, you are yourself guilty of not having spoken the truth. Additionally, the definition of conspiracy, is when two or more persons get together and agree to do an illegal act, or a legal act by illegal means. I am not in any way charging that the hon. Minister is doing an illegal act—because now he is doing the proper act here; he is coming to raise these fees legally by bringing it to Parliament in the proper way—nor am I even saying that he is doing it by illegal means. It will escape you [*Interruption*] Member for Arima, because I am talking at a certain level which you could never rise to, having regard to your behaviour, so let us not get to—The hon. Member may be taller than I am—I do not think he is—but he definitely does not have the moral fibre to come when I am speaking to my good Friend, the Member for St. Joseph for whom I have great respect. [*Laughter*]

Mr. Speaker, I have so much respect for the Member of Parliament for St. Joseph—and I know his calibre—but I am really disappointed in him today; to allow himself to be used in the manner in which he is being used. I know his sense of loyalty and his being a member of the team would cause him to do it. He feels it is his job.

However, we in this honourable House are elected, and it is sad when an elected Member of this honourable House, of that fibre, having sat at the feet of some brilliant teachers at St. Mary's College and elsewhere, would allow himself

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to be so misused, as I see it, by another man who has come as a visitor to this honourable House. I do not want to insult him or anybody, but he was appointed to come here and mislead this honourable House in no other forum, at no other time, but at the time of the national budget of Trinidad and Tobago. I have been trying to get the budget speech. I have sent for it but it is on its way.

Nonetheless, he made a big brouhaha, hullabaloo, in this honourable House and he indicated the hallmark of the budget statement in this honourable House—no increase in taxes. That is why I asked first. I wanted to make sure that this measure was revenue neutral. Just looking at it I realized that it is not revenue neutral. As a result of that he is guilty of supporting a blatant untruth to the people of Trinidad and Tobago, doing it through the back door, as it were—sleight of hand, trickery.

Mr. Speaker, I want to read the conclusion of the National Budget. This is what the Minister of Finance said:

“I have again used every available means to ease the squeeze on the poor and on the otherwise very vulnerable in the society.

I have imposed no new taxes and I have increased no taxes.

I have neither increased Value Added Tax, nor Import Duties, nor Excise Duties nor Licences, nor Fees.”

This is what the budget said.

Mr. Speaker: Hon. Member, I just want you to proceed a little further. You ought not to try to put the Speaker off when he is making a point to a Member. You used the word “trickery” just now, which I deemed unparliamentary. You accused a Minister, from another place at that, and that cannot be committed to stand. I wanted to see whether you were justifying it, but I would simply draw to your notice that what has been laid here relates to July 19, 1999. It is signed by the Minister. Okay?

Mr. H. Bereaux: I am hearing you, Mr. Speaker, I said “subterfuge”, and I would tell you why I said it. They moved to put it in July, knowing full well, obviously, that he would come in September, a little later in the year, and say, “I have raised no new taxes.

8.55 p.m.

I have put in no new taxes”. *[Interruption]* Mr. Speaker, I really would appreciate very much if you would speak to the hon. Member for Arima—and I

use the word advisedly but, nonetheless I must use it—to stop annoying and trying to obstruct me while I am making my contribution because if he continues I will continue to speak here right on through my full time.

Dr. Griffith: In that case, I apologize and I would stop. [*Crosstalk*]

Mr. H. Breaux: Mr. Speaker, I am glad for your correction. As you would note, I read July 19, and that is why I went into that great explanation about subterfuge, truth and so forth because I wanted to point out that in order to put himself in a position to say to the national community that there were no new taxes, he did this in July knowing after the budget we will come. It was skilfully done by the hon. Attorney General at 9 o'clock in the night to talk on this measure. [*Desk thumping*]

Now, the hon. Member for St. Joseph, a man who is known to speak the truth—and I would not normally try to tell him that he is not speaking the truth, so he knows that we would not normally attack the Member for St. Joseph like that—but unfortunately the subterfuge—and I say it—did not work. They have said no new taxes, no new licences or fees and, yet, Mr. Speaker, they have come—[*Crosstalk*—we see them here increasing fees and licences. They keep wondering why the people of this country do not believe whatever they say. I have been shocked to hear even supporters of this Government when you tell them about corruption on that side they say, “All yuh tief too!” They do not defend them. [*Laughter*]

It is bad enough to have me who, in adversarial politics is against them, to tell them that and to point out the areas and their attitudes and their behaviour, to have me do that, but when their own supporters turn around and instead of defending them the only defence they can use, the only counter is, “You all tief too.” When even in all the errors they make you ask, even themselves, they are so convinced that they are not operating properly, any time you complain about something they say, “Was it not there in the PNM time?” “O’Halloran!” I am surprised, but look at the other point.

They have come again—and I understand in a bill, which will come shortly, they will seek to raise the fees for horse racing. Again, this is the Government which came to this country, to people of this country and said in the budget presentation—let me read it again—[*Interruption*]

Mr. Sudama: There is a Standing Order against tedious repetition.

Mr. H. Breaux: If there is a Standing Order against tedious repetition, there should also be one against constantly been fired. You were fired from Shell, you

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were fired from the Barclays Bank, you were fired as Minister of Planning and Development and, shortly, you will be fired from being Minister of Agriculture!

Mr. Narine: And he was fired from the National Alliance for Reconstruction.
[*Crosstalk*]

Mr. H. Béréau: Mr. Speaker, will you please deal with him. [*Interruption*]
No, I would not.

[*Words Expunged*]

Mr. Speaker: No, at this stage it is really degenerating to levels which are absolutely unacceptable. I think it is very unfortunate the crosstalk as between yourself and Members of the Government Benches, which resulted in that type of thing. Please, let us keep the standards high.

Mr. H. Béréau: Mr. Speaker, when I was appealing for your assistance I was not getting it, but I will not bother with him any more. I will speak to you.

Mr. Speaker: You are entitled to be protected, I thought that Minister Dr. Griffith virtually gave an undertaking that he would desist.

Mr. H. Béréau: But it was Mr. Sudama who did differently, the Member for Oropouche.

Mr. Maharaj: Mr. Speaker, can I ask, in the light of your ruling, that the words be expunged? [*Laughter*]

[*Words Expunged*]

Mr. Speaker: Of course, that is expunged.

Mr. H. Béréau: Mr. Speaker, I have no desire for that to stay in the *Hansard*.

Mr. Speaker: Order please!

Mr. H. Béréau: What I want to stay on the *Hansard* is the fact that the Minister of Finance came to this honourable House and indicated that there would be no new taxes and that the Minister of Trade and Industry, an elected Member of this House, has so allowed himself to be used to come surreptitiously to bring forward new taxes. That is what I want *Hansard* to record. Once this Government behaves like that it could never get the respect of the population. It will take us on this side to bring back the respect that this country and the Government of Trinidad and Tobago deserve.

Thank you. [*Crosstalk*]

Mr. Speaker: Order please!

The Minister of Trade and Industry (Hon. Mervyn Assam): Thank you, Mr. Speaker, I did not think this very simple Motion would have provoked so much discussion and, indeed, so much heat and angst. But I suppose because of the lateness of the evening, I have relegated this to a certain amount of fatigue.

I was quite surprised that my distinguished friend, the Member for La Brea, whom I have known for many years when we were members of the Catholic Youth Organization as young men, and someone for whom I have some respect, would come to this honourable House and accuse me of surreptitiously raising taxes and conspiring with some other Minister in this Government to do so, notwithstanding what he has read in the budget statement.

The fact is that this was gazetted as Legal Notice No. 146 on August 17, 1999, signed and dated by the Minister of Finance on July 19, 1999 and the budget statement was read on October 8, 1999. [*Crosstalk*]

Mr. Speaker: Order please.

Hon. M. Assam: I am quite surprised that he would come today and make such a statement. So the budget statement, which said there were no increases in taxes, licence fees and so forth, is correct and there is absolutely no conspiracy. The Member for St. Joseph is not assisting anyone to deceive any Member opposite in respect of what the budget statement has quite clearly enunciated. So that is not correct.

Secondly, Mr. Speaker, in respect of some of the matters raised by the Member for Diego Martin West, I did not know how they related to this Motion before us because he spoke about so many matters in respect of areas that he has repeatedly brought before this honorable House. I do not know why he persists. A man of his intelligence and distinguished scholarship. persists in bringing these matters over and over. I do not know why. I thought I had said that the reason this was done was to simplify the fee structure.

The second thing is, it was very difficult for the Government to ascertain the numerical membership of any of these clubs. I am sure he understands the philosophy behind taxation. When you are trying to impose a tax you must look at the cost of administration, the convenience of administration and how it can be applied in a very neutral and even-handed way. All these sorts of things are the criteria you use in imposing a tax. He knows that; he has been in the Parliament, I believe, since 1986, that is 13 years now, and he has gone through many budget exercises both in Opposition and in Government. So he knows these things.

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What we are trying to do is, those who were trying to avoid or evade—whatever the correct word is—taxes, by shopping around, moving from restaurant licence to this or the other licence, is to pin them down in a simplified exercise of a uniform taxation based, not so much on membership, as you would see, as hitherto was the original order where it was \$300, \$500, \$750, but the location now is the critical criterion that would be used for imposition of the tax. That is all it is.

Dr. Rowley: I thank the Member for giving way. Would anybody who was not shopping around be exposed to an increased tax under the new arrangement? That is what I was trying to find out.

9.10 p.m.

Hon. M. Assam: The Member also knows that when you are applying a tax, you do not have exceptions to a tax unless, of course, it is like VAT where you zero rate something or you exempt something, but once you apply a tax, it is applied across the board. So even if you were a person conforming to the law, you will be caught in the net like anyone else who was attempting to avoid or evade the tax. That is the nature of taxation. Except you specifically zero rate or exempt something from the tax, everybody is caught in the net. Sometimes the virtuous is penalized for the vice-ridden individual. It happens sometimes and that is the nature of taxation.

The next point which I want to raise is that the Member wanted to bring in, quite surreptitiously, an argument about casinos and so forth. In the budget statement of 1997, the Minister of Finance did make a statement about casinos and he said the Government was doing some research with respect to a policy on casinos. In that very budget, if you go back and research it, you would see he imposed a fee on certain types of tables, in certain types of clubs and, therefore, if you had—I am not a gambler so I do not have all the technical terms—a table on which you played baccarat, it would attract a certain fee. If you had a table on which you played Russian roulette, it would attract a certain fee in these private clubs. It is probably quite true that some of these private clubs have expanded their gaming among themselves and some of them seem to resemble—I want to use my words very advisedly—the activities that you would have in casino-type arrangements, but there is no law in this country that permits the operation of casinos and the Government is still doing the research looking at all the implications, the experiences of different countries that have tried casinos. In Canada, casinos are completely operated by Government. In some countries they are operated by the private sector, some in hotels, some stand alone. We are

looking at all the factors and we may very well come up with some kind of conclusion before long, that we should go in one direction or in another direction, but it is all I can say to date.

The Member tried to bring up the question of the Tobago House of Assembly. I am not in a position to answer at this point how soon what has taken place there in accordance with the report of the Auditor General and the recommendations he has made would be realized, but I am reasonably sure that we have a responsible Attorney General, and I am reasonably sure that the Minister of Finance will act under the Audit and Exchequer ordinance as dictated by the Auditor General to deal with the situation. I am reasonably sure about that, but I cannot say whether it would be next week, at the end of the month, or in early December. I do not know. I do not have that information. I said that the Attorney General is a responsible Minister, and the Minister of Finance is bound to follow the Audit and Exchequer Ordinance, and he must act upon the report of the Auditor General. That is all I can say.

I hope I have clarified some of the concerns and the issues raised by the Member for Diego Martin West and also to clarify the point made by the Member for La Brea in terms of the correctness of what is contained in the budget statement: no increase in any taxes, or license fees or anything because this is dated July 19, and gazetted on August 17, 1999.

With these few remarks, I beg to move.

Question put and agreed to.

Resolved:

That the Registration of Clubs (Amdt.) Regulations, 1999 be confirmed.

ADJOURNMENT

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that this House do now adjourn to Friday, November 19, 1999 at 10.30 a.m. As agreed and as was indicated previously, the matters on the agenda for tomorrow would be Bills Nos. 2, 3, 4 and 5 under "Second Reading". So that there will be no errors: a Bill to amend the Gambling and Betting Act; a Bill to amend the Trinidad and Tobago Racing Authority Act; a Bill to amend the Betting Levy Board Act; and a Bill to provide for the establishment and operation of the National Racing Commission and for matters connected therewith, will be dealt with.

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Mr. Speaker: Hon. Members, before I put the question on the adjournment of the House, leave has been granted to the Member for Tunapuna and the Member for Arouca North to raise certain matters which were deferred. We would now have the first of these by the Member for Tunapuna: the Delay in the opening of the School at the St. Mary's Home.

**St. Mary's Home Tacarigua
(School)**

Mr. Edward Hart (*Tunapuna*): Mr. Speaker, thank you very much for giving me the opportunity to raise a matter of grave concern which reads: "The delay in the opening of the school at the St. Mary's Home, Tacarigua." I see that the response is to be given by the Minister of Social and Community Development and Minister of Sport and Youth Affairs. I really thought the response would have been coming from the new Minister of Education because I have been hearing her lately on the television speaking about what is happening in education now. One would have felt that the Government over there has now started their term of office with all the grandiose plans and so forth.

However, Mr. Speaker, the St. Mary's Children's Home is an institution of long-standing. My information is that it was established some time in 1852 and at that time it started with 12 East Indian children and there was a stigma attached to it, I believe, because it was named the "Tacarigua Coolie Orphan Home". From that time afterwards, we had some name changes, so it is now the St. Mary's Children's Home, but some people still attach a stigma to orphans who graduate from there. Some of them do not get the respect that they deserve, neither does the institution at times.

Mr. Speaker, last year, 1998, in the month of March, work commenced on the building of a primary school to house 240 students and in the month of May there was an opening ceremony to which I was invited. The then Minister of Education, Member of Parliament for Tabaquite, was there along with the Minister of Works and Transport and a representative from the Rainbow Construction firm. It was said at that time that the school would be completed in six months' time. We are speaking about May last year, we are in November, coming to the conclusion of the year and all this time the children are there—the senior students if I could term them that—in the culture hall huddled together trying to do their lessons and the infants and nursery are under the senior boys dormitory. They are experiencing numerous problems: overcrowding, the place is not properly ventilated, there is poor

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lighting, inadequate storage facilities, no filing accommodation and when the rain falls and the wind blows in, the children have to be scurrying for shelter.

Mr. Speaker, not one word has been communicated to the St. Mary's Children's Home as regards what is happening with the opening of the school. I kept monitoring the situation and the building was completed a couple months ago. They got electricity and there were some problems with water. I do not know why there should be a problem with water. The school is partly furnished with desks, tables, chairs and so forth. The library is still empty, the computer room is empty and these children, as I say, are grappling with their work, the teachers are demotivated working under these conditions for this length of time; it is now 20 months. I think during that time, more damage than good has been done to these poor orphans and I ask why.

I do not know how this Government has its priorities. If they want to do things quickly, they could. There was an example with the Miss Universe show where they converted the old hangar in record time and had it ready for the show. In one day we saw a road and fence go up in Mucurapo near the Jamaat al Muslimeen. We saw the paving of the Savannah; they did not want the soldiers to march in the mud and they paved it. However, all this time the children are struggling and languishing there under unsatisfactory conditions.

The St. Mary's Children's Home over the years has produced many outstanding sons and daughters of this country. Sel Duncan was one of the products of the home and he has brought joy to thousands in the dance hall. We had Althea Luces, Hazel Taylor who captained the Trinidad Netball team when they were in their glory. We had the deceased—who died a month or two ago—Lance Lougheed, the principal of the Diego Martin Senior Comprehensive School; Johnny De Peiza and so many others who passed through the school. Yes, and my friend from Arima is adding: "And a parliamentarian." That is a good thing. He seems not to be able to keep quiet when people on this side are speaking. *[Laughter]*

Mr. Speaker, we really feel it for the orphans there and nobody is telling us when this school will be opened. The condition is bad and I feel it is unfair to the orphans and I am calling on the relevant Minister although I see the response is coming from the Minister of Social Development and Minister of Sport and Youth Affairs. I am humbly asking to open the school now in the interest of the children.

I sit here, and await a response.

The Minister of Social and Community Development and Minister of Sport and Youth Affairs (Hon. Manohar Ramsaran): Mr. Speaker, I thank the hon. Member for raising this matter because the answer would show you that the

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school is about to be opened. My colleague, the Member of Parliament for Tunapuna, from time to time would approach me to seek assistance, or make requests regarding matters in the constituency he represents.

Recently, he telephoned me to have some electricity facility at Tacarigua and I responded immediately. Just about two weeks ago, he approached me concerning the death of one of his friends and I immediately assisted him in arranging that funeral.

Mr. Speaker, I am sure you would remember that during the budget speech he mentioned the fact that he was the vice-captain of the Caribbean Parliamentarian Cricket Team. Do you remember how he swelled his chest with pride and boasted how he advised me? More importantly, he was well pleased that I accepted.

I mention these examples to highlight the fact that I always co-operate with the Member, always willing to assist. Why now, in a very simple matter, he filed this matter on the adjournment? I feel certain that he is desperate to put on record that he achieved something during this term in Parliament.

Mr. Speaker, given his performance so far, I am not sure whether he wishes to impress his constituents or his Political Leader who, as usual, is not here. Anyway, his intervention might be too late. Again, I would put on record what has happened and would also join him with the history of the school.

The history of the St. Mary's Children Anglican School dates back to 1857 when the St. Mary's Children's Home then known as "The Coolie Orphan Asylum" was established. A Scotsman, Mr. William H. Burnley, proprietor of the Orange Grove Estate prompted by reports from his attorney and the resident Anglican missionary on the plight of the orphaned children of indentured East Indian immigrants, constructed a building to house these children. The administration of this facility since that time has been the responsibility of the Anglican Church and the Government meets the financial requirements of the home along with the other three children's institutions.

Mr. Speaker, the original asylum has been changed from orphanage to Orphanage Home to its present designation of Children's Home. Orphans no longer constitute a significant percentage of the residents. In fact, any child under the age of 12 years needing care and protection may find a home at St. Mary's. In keeping with the legislation governing children's homes, the residents are required to leave the St. Mary's Children's Home at age 16. Consequently, the school at the St. Mary's Children's Home caters for the educational needs of the residents in the age groups of the nursery and primary school levels.

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Mr. Speaker, by concordat between the Ministry of Education and the Anglican Board funding was sourced for the construction of this new school which will accommodate 240 students. Construction actually commenced in March, 1998. My colleague, the then Minister of Education, Minister Dr. Adesh Nanan, the Minister of Works and Transport, the Member of Parliament for Tunapuna and myself were there to turn the sod to start the construction. The facility which comprises three building wings, in addition to the toilet facilities, is now 100 per cent complete, inclusive of external works. The school is designed to provide a learning environment, which includes specialist areas to facilitate efficient and effective curriculum delivery.

Mr. Speaker, I just want to quickly say that the construction, as I said before it started in March 1998. The school construction is now completed. The delay in opening the school is caused by non-receipt of permanent WASA connection to the school. The Ministry of Works and Transport made application for this service to WASA. WASA responded to the application in October, 1999, requesting a percolation test to be conducted in the sewer system. The percolation test was conducted between November 6—8, 1999 and the sewer system was approved.

Mr. Speaker, as you know, we have recent stories coming out of Tunapuna, where cesspits are overflowing and certain schools have to be closed. So, I want to assure you that this was done by this Government, so when we open our schools in the future, nobody would have to close schools because of bad sewer system. We are making sure that this happens.

Mr. Speaker, in pursuit of early completion of this facility, a permanent supply of electricity and water tanks have been installed. Basic furnishings have also been delivered to the schools. As I mentioned before, we are ready to open the school.

Mr. Hart: You would not have to put your car across the gate.

Hon. M. Ramsaran: I want to take this opportunity to reply to what the hon. Member said about the school at Warrenville. There was this story on TV 6, and I stated categorically, on today's *Trinidad Guardian* and yesterday's *Panorama* news that the report on TV 6 was totally false and misleading. As a matter of fact, those who looked at TV 6 would see, where the Tunapuna representative got it from. When they started to talk to me, my only two words that they reported were "nonsense, that's nonsense" and they switched off. And yet, they had a people meter question on that topic and they went on the talk. The *Trinidad Guardian*

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copied its story from that TV 6 report and splashed a headline on the next day's newspaper.

Mr. Speaker, I am bringing it to your attention and I categorically deny that newscast and it was raised on the other side as a crosstalk. I assure this House that I took an oath to serve this country conscientiously and I will continue to do that. I thought I would mention this briefly in passing. I would like to assure the hon. Member that the St. Mary's Home would be opened. I want to thank the Member for Tunapuna.

Mr. Hart: Could the Minister tell me what is the date of the opening?

Hon. M. Ramsaran: Mr. Speaker, I have been informed that upon completion of the school, the Ministry of Education would hand over the keys to the Anglican Board who would in turn schedule the formal opening of the new building.

Mr. Speaker, as I mentioned earlier, the Member brought this matter to the House so as to claim some cheap political points. I am sure after listening to the reply, the Member, on behalf of this party in Government, should sincerely apologize to the children of the St. Mary's Children's Home and congratulate and thank us for the care we always show for our people, especially our children.

Mr. Speaker, just before I take my seat, I would like to put on record that school was condemned since 1980, and they did nothing about it. *[Interruption]* It took this Government in 1998 to start construction of that school.

Mr. Speaker, I thank you and good night. *[Desk thumping]*

Tunapuna Police Station (Deplorable Condition of)

Mr. Edward Hart (*Tunapuna*): Mr. Speaker, I rise once again to raise a matter of the deplorable condition that exists at the Tunapuna Police Station.

Mr. Maharaj: Mr. Speaker, I think, I forgot to mention to the Member that the Minister of National Security would not be here this evening—

Mr. Hart: Again?

Mr. Maharaj: —and if that motion could be put for tomorrow.

Motion, by leave, deferred.

D'Abadie Government School (Delay in Opening)

Mr. Jarrette Narine: (*Arouca North*): Mr. Speaker, *[Interruption]* you wanted that job but you did not get. For Christ's sake, stay quiet.

Dr. Griffith: I cannot keep quiet.

Mr. J. Narine: Mr. Speaker, thank you very much for giving me the opportunity at this point in time, to raise a very important matter to the people of D'Abadie area, in that, the D'Abadie Government School had a long history of problems over the years. A new school was built and opened in 1994, after years of asking for a new school in D'Abadie, since that school was over 100 years old at the cost of \$2.892 million. Today, a gas station costs more than \$7 million, so you would imagine in 1994, what was the cost of the D'Abadie Government School to house almost 800 students, money very well spent.

Mr. Speaker, problems started at the end of 1995 because everyone here would understand that it is difficult to maintain schools. There must always be a maintenance team at schools, especially, large schools that carry a population like the D'Abadie Government School. At that time, there were many questions here in Parliament and Motions on the adjournment. The Ministry of Works and Transport came in at the end of 1995 and tried to correct the problems. There is a high water table at that area in D'Abadie. We all know that the Ministry of Works and Transport tried to alleviate that problem, and in 1996 not long after, it started back again and it went on and on.

Mr. Speaker, the problem at D'Abadie Government School, up to last year, was not properly rectified in a way that it will not reoccur. So we had the problem coming back on earlier this year. The Parent Teachers' Association, teachers and everyone in D'Abadie Government Primary School tried to stay on as long as possible. The year before that they had to share with the Maloney Government Primary School and it was not easy for the children there. After those two years of disruption, they found that the percentage of students taking the common entrance fell.

I would like to go through what happened this year and the present situation at the school, so that something would be done urgently. The school was closed some time in May this year, and on Thursday, June 10, 1999 after being closed for a month, the school was reopened.

9.35 p.m.

The principal wrote the Permanent Secretary in the Ministry of Education on June 18, 1999 re the problems of itching eyes, nose and lips, asking that the Environmental Management Agency conduct further tests from June 21, 1999. The Parent Teachers' Association and the parents wrote the Ministry of Education on July 2, 1999.

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On July 26, 1999—and I have copies of all those letters here, Mr. Speaker, but I know I have only a certain time to put my matter forward—Dr. Anton Cumberbatch, the County Medical Officer of Health stationed at Arima, wrote Mr. Dave Mc Intosh of the Environmental Management Agency stating that he had the WASA report dated June 21, 1999 which stated that the sewer system does not conform to the legal requirements of the Trinidad and Tobago Bureau of Standards—suddenly they realized that where the sewer system was located did not come up to the requirements of the Bureau of Standards—and that the sewer system should be relocated and that the Ministry of Education must take immediate action or face legal consequences. Now, that was on June 21, 1999, that they were saying this.

On August 17, 1999 the PTA again wrote the Minister and did not receive a reply up to the time when this matter was raised. The Member of Parliament for Arouca North—because during that period when we were not at Parliament and I did not have the opportunity to raise this matter on the adjournment or ask any questions, when we came to Parliament we came directly into the budget debate and after that we were off for another couple weeks. The first opportunity that I got to put this matter on the adjournment was last week. To date, I have not received a reply. Maybe it is because there was a changing of Ministers. I am not too much concerned about that.

I did ask the question here of the former Minister of Education, about the position with the D'Abadie Government School, and I have it recorded here. It was on Monday, September 6, 1999 when we had a parliamentary sitting. I would not like to say what he told me on that day. I would not want to put that on the record because I have been a Member of Parliament for the last nine years and I am very serious when I represent the people of Arouca North, those persons who put me here in Parliament to represent them. [*Desk thumping*] When I come here I do not “make skylark” with people. We were in government for four years and I am certain that is not the way a Minister should answer a Member of Parliament, whether in private or in public. So that I would try to stay away from that.

Last year the same problems occurred and the Minister gave out contracts, he had answered those questions and so forth. I do not know, but maybe the contractors were not asked to sign a contract of liability or give a certain warranty period, say six months, and before six months the sewer system started to act up again. So you had that difficulty. The Parent Teachers' Association had no other choice but to hold demonstrations. This Member of Parliament does not go out and encourage demonstrations. I was not there on any of these occasions when

they had their demonstrations; you understand. [*Interruption*] We are not talking about the Arima Boys Government School. We will get to that at some point in time, you know. So that was the situation where they had that problem.

Mr. Speaker, the children at D'Abadie Government School are now housed with the Arima Boys Government School. Mind you, it is the Arima Boys Government School. D'Abadie is a mixed school. The last time they were housed in a mixed school in Maloney they had no problem. With the Boys Government School in Arima, obviously the toilet systems will be different in that the Boys' school has one toilet system for the boys. There is a different make-up of those systems because they have urinals and toilets whereas in a mixed school there are two different sets of toilets where the girls will have their privacy and so forth. So housing them at Arima Boys Government School is not the best situation but we would want our children to be educated.

There is another problem there. The D'Abadie Government School children attend the second shift in the afternoon period but they are not allowed to enter the school compound unless the boys attending the first shift have completely left the school compound. Now, a number of us here are fully aware of where the Arima Boys Government School is. There is very little area there, if rain is falling, for children to shelter or anything like that. I, myself, approached the priest at the Anglican school asking him if the children could use the garage on the compound and when the school was cleared that they could go across to that area. So that you have that problem.

On my last check with the principal of that school he told me about 100 children could not afford to go to Arima to attend school. So you have about 100 out of the 750-odd children not attending school from D'Abadie at the present time. There is another set of children who have to walk from D'Abadie, Mr. Speaker, and D'Abadie is about two to three miles away, according to where you walk. If you walk on the main road, maybe it is less than three miles, or if you go up on the Priority Bus Route it might be a little longer because you have to go all the way up Railway Street.

Now, my investigations yesterday revealed—and I am pleased that the new Minister is taking an interest in getting this school back on stream, because six months ago they had been saying that the toilet system needed to be moved to a new location. Then they were promised that they would have to share with Arima but by January of next year the D'Abadie school will be reopened. That was promised to the principal, the teachers and everybody who attended the meetings there. [*Interruption*] This is why they moved you, you know, I mean.

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Mr. Speaker, the problem is that while they have accepted the fact that the school will be reopened in January, the parents are concerned. You should see the dilapidated condition of that school. Over the last six months grass has grown higher than me, and nothing is being done. I am speaking about the flower pots in front of the school, you know. The grass is higher than five feet. So I say, Mr. Speaker—*[Interruption]* Why do you not stay quiet? The situation is that the Parent Teachers' Association, the principal and the teachers of that school are eagerly awaiting the start of something so that they will be assured of that school opening in January. We are coming to the end of November and soon it will be only one more month before that school should be opened.

I was happy to hear that yesterday afternoon—it was reported to me this morning—there was a task force meeting at the school compound and that representatives from WASA and all the other areas were available. *[Interruption]* Well, it does not matter. I am very much aware of what is taking place in my constituency and people call me at home and indicate to me what the situation is. I do not even look for any invitation to go to any of their cocktail parties and all that. I do not attend.

The point is that, you know the D'Abadie Government School, Mr. Speaker, and from the gate on the north side of that school, the D'Abadie recreation ground is situated. They are saying that there are no lands available to rectify the system. I say that on the north side on the recreation ground, at one point in time in the 1980s when the school had to increase their intake, we placed an annex to the school on that area which housed—*[Interruption]* The People's National Movement in 1983 placed that annex in the school. You do not know D'Abadie. You never left Railway Road. You just went across from where you were living to the cemetery and back, in the morning especially, to throw the—you know what I mean. So that, Mr. Speaker, there are lands on the north side of the school that can be used for that.

There is also a river or a ravine—not a large river but a ravine—flowing on the western side of the D'Abadie recreation ground which, if the water table is high, a rubble drain can be used, or a herring-bone soakaway, to take the water down to that end. Mr. Lalla, who was a former principal of that school, has a whole report. He made it available to the school. The present principal, Mr. Spring, has the report. There are ways and means to get this matter rectified immediately and take away that problem of the children attending school in Arima. All I hope is that the Minister will say tonight when the school will be reopened and when work will be started to correct this situation. There is a large

school there that can hold over 800 children and it cannot be left there with nothing being done for a simple sewer problem.

Thank you very much, Mr. Speaker, and I hope for a good reply. [*Desk thumping*]

The Minister of Education (Hon. Kamla Persad-Bissessar): Mr. Speaker, I thank the hon. Member for raising this matter. I want to indicate that we on this side certainly share his concern with respect to children being placed in another school and all the other woes about which he told us tonight. I think we all share that concern and we would be moving as fast as we can to deal with this matter.

However, Mr. Speaker, this was a matter that, since 1993, should never have happened. It should never have happened in 1993 and it should never have happened in 1994 because the very standard that the hon. Member is talking about—this school was constructed in March, 1993. [*Interruption*]

Mr. Narine: So there was a sewer problem when it was under construction.

Hon. K. Persad-Bissessar: Practical completion was granted in August 1994; the defects liability period was 1994 to February 1995 and hand-over to the client was November 9, 1994. The original contract sum which the Member quoted was correct, \$2.8 million plus, but the final cost was more than that, it was doubled—\$4 million or \$4.5 million approximately. [*Interruption*]

Now, what had happened—[*Interruption*—and the hon. Member—[*Interruption*]

Mr. Speaker: Order please, order please! Order!

Hon. K. Persad-Bissessar: The hon. Member talks about the letter from the County Medical Officer of Health which stated that this sewer system should be moved and it does not conform to standards. Well then, Mr. Speaker, if that was so it means that those who built this school in 1993—and that was the same PNM government he talked about building annex—built it there and built it in breach of the standards. This is what he is admitting by saying that the distance is in breach of the standards set and the legal requirements.

So you see, Mr. Speaker, sometimes a bit of learning can take us in the wrong direction because the report from the County Medical Officer of Health which says the sewer system is too close, that it should be 30 metres, was based on a WASA report. That WASA report dated May 21, 1999 noted that the recommended setback of 30 metres for the plant, a treatment plant, as stipulated by the Bureau of Standards, has not been met. When we look at it further, Mr. Speaker, we see that the code, first of all, is not a compulsory code. That is not so crucial.

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What is important is that the code cited is applicable to individual housing units or institutions where the number of users does not exceed 20. Further, the code is not intended to change responsibility for approval or the functions of the local authorities and the code that is applicable, which is the important one, provides that a minimum distance of disposal system from any habitable building shall be 2.5 metres unless approved by the Authority. But what happened in 1994 is that, even though it breached all the standards, the system was, in fact, approved, both in the design and the construction stages. So, again, it was under their watch.

9.50 p.m.

Be that as it may, and wherever the blame lies, I would like to say that under the former Minister of Education, work was done there on several occasions. The WASA officials—and all the records are here as saying, very clearly, that nothing is wrong; it is not malfunctioning. The Environmental Management Agency goes in and says nothing is wrong; everything is fine. So, all the technical reports which were obtained by the hon. Minister were pointing to the fact that there was nothing wrong with this system, yet there was an adamant stand taken, and it may be for other reasons—those are physical and personal reasons in terms of the distance of the sewer system. Or, perhaps the hon. Member had planted in the heads of the persons there that they had breached a standard, the thing should be 30 metres away. Whatever the reason is, from the Environmental Management Agency and from WASA, they are saying there is nothing wrong with this system.

But, the hon. Minister held meetings in September of this year and, at those meetings, TTUTA was there, the Parent Teachers' Association was there, the Minister of Education was there, WASA was there and so forth. That is when the decision was taken to move the students and send them to the Arima Boys' Government Primary School and for the Minister of Education, with everybody else, to see what could be done.

Since then, the Ministry put on the Maintenance, Training and Security Company Limited (MTS) to investigate and see what could be done. That was the report I had when the matter was brought to our attention. MTS had gone in there and they were saying, first of all, that there was no land on the compound itself to relocate the sewer system. The report that the hon. Member mentioned from Mr. Lalla, the former principal, was, in fact, passed to me by my colleague, the Member for Arima, and I have gone through that report.

The proposal being made by the former principal is that we should take the sewer line—imagine at 10.00 o'clock in the night we are dealing with sewer

lines—from the school and send it to the treatment plant, the WASA sewerage system in Arima. But, it is not feasible because it is too long; it is too far away and the cost is tremendous. When I found that out, I asked the team to go in—and there was no disrespect whatsoever in not inviting the hon. Member. I heard the comment about invitations. I, myself, did not attend.

Mr. Narine: I have no problem with that.

Hon. K. Persad-Bissessar: What we had done in order to expedite the matter, I asked the technical team to go in to see what was the problem, if it could be sent to the WASA sewerage system as was one suggestion made; or, if there was another piece of land somewhere that could be made available. So, they went in. They are looking at it. There is a piece of land there. It may well be that we will have to ask the hon. Member to assist us in talking to the local government corporation for us to utilize another piece of land, where we can have the disposal system there.

Mr. Sudama: Jerry Narace. [*Laughter*]

Hon. K. Persad-Bissessar: Yes, of course, Mr. Jerry Narace. I am sure that the Member for Arouca North can assist us. So that we are looking at those. It is unfortunate that I will not give to the hon. Member, a date when we will open it, because I cannot in all fairness do that at this point in time. So that the technical people are looking at it. If you have any further suggestions—I thank you for the suggestion about the piece of land. You said there was an annex and so forth. We will look at that, but I cannot give you—

Mr. Narine: Thank you very much, Madam Minister. Mr. Speaker, through you, I would like to inform the Minister that if she could visit that school, I would make myself available and probably other technical people in the area. The PTA is willing to even do a self-help project, so that—

Mr. Speaker: Is this not—

Mr. Narine: Are we not going to wait to find out?

Hon. K. Persad-Bissessar: Mr. Speaker, I am saying that the technical people have gone in. We have heard the Member's suggestions. I thank him for the invitation but, quite frankly, technically, at this time, I would not be able to tell if the sewer should run left to right. I really cannot say. I prefer to let the technical people look at it. They will give us suggestions to see what can be done.

Mr. Narine: The sewer line is in Arima.

Hon. K. Persad-Bissessar: Mr. Speaker, we are not sending any sewer line to Arima. The Member is misunderstanding. We are saying there are lands adjacent,

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or about 100 yards away; they are looking at that; we are looking to see what is the cost. So that we are looking at the matter and I will keep the Member informed. Certainly, if he wishes, when the technical team is visiting again, I would ask them to make sure that the hon. Member is invited.

I thank you, Mr. Speaker.

Mr. Maharaj: Mr. Speaker, before you move the vote for the Motion on the Adjournment, may I indicate that there are two short bills in addition to what I mentioned: a Bill to amend the Limitation of Certain Actions Act, 1997, and a Bill to amend the Criminal Procedure Act. So, we propose to take those two matters in addition to the ones I mentioned and, depending on what happens with that, we may not have to sit on Monday.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 9.57 p.m.