

*Leave of Absence**Friday, March 31, 2000***HOUSE OF REPRESENTATIVES***Friday, March 31, 2000*

The House met at 1.30 p.m.

PRAYERS[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Mr. Speaker: Hon. Members, I wish to advise that I have received communication from some Members of this honorable House who have asked to be excused from today's sitting; they are: the Member for Point Fortin; the Member for San Fernando East and the Member for Port Spain North/St. Ann's West. The leave of absence which they seek is granted.

**MISS BERYL MC BURNIE
(DEATH)**

Mr. Speaker: Hon. Members, I ask the House to take note of the passing of someone who has given very distinguished service to this country and who has been known as the "Grand Lady of Dance" in this country. I think that hon. Members may wish to express condolences on the passing of this very distinguished lady, who has made such a contribution to this country.

The Minister of Social and Community Development and the Minister of Sport and Youth Affairs (Hon. Manohar Ramsaran): Mr. Speaker, the nation has lost a cultural icon in the person of Miss Beryl Mc Burnie who died on Thursday, March 30, 2000, at the age of 86. Popularly known as the "Great Lady of Dance" she was awarded this country's highest national honour, the Trinity Cross, in 1989.

Beryl was well known for her charm, zeal and enthusiasm for the arts, her selflessness and concern for all whose paths she crossed. Born in Woodbrook, Port of Spain, to a musical family, Beryl, a trained teacher, exhibited creative abilities in her involvement in cultural presentations.

Giving way to her strong, creative and cultural passions, our great lady of dance in the 1930's journeyed to the United States of America where she enrolled at the Columbia University in New York City and received training in modern dance, painting, drama and theatre. While in the USA she thrilled American audiences with Caribbean dance and was given the stage name "La Belle Rosette" after the then famous Colombian, Carmen Miranda.

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Miss Mc Burnie returned to Trinidad and Tobago in 1946 and immediately captivated local hearts with the presentation “A Trip to the Tropics”. In her zeal for academic excellence in the arts, Beryl pursued research expeditions to a number of countries including Brazil, Suriname, Cuba, Guyana and Cayenne, which served to enrich her on the dance tradition of this country.

She gave classes at Tranquillity Government School and in her parents’ own backyard. In so doing, she actively contributed to the development of many of our well-known cultural personalities. In her quest for a home for the Performing Arts Centre in Trinidad, Miss Mc Burnie in 1948 converted her home to a theatre, the Little Carib Theatre, and restricted her living accommodation to a bed in the corner of the building.

The Minister of Social and Community Development became aware of Miss Mc Burnie’s physical incapacity in 1996 and Cabinet subsequently gave approval for the provision of financial support for our “Great Lady of Dance”. Assistance provided by the state to Miss Mc Burnie included:

- (1) a monthly subvention of \$2,500 to assist with her upkeep, which was disbursed up to March 2000;
- (2) a grant which met all her expenses associated with refurbishing of her home at Panka Street, St. James.

In light of the sterling contribution of Miss Beryl Mc Burnie has made to the development of culture in Trinidad and Tobago, Government, through my ministry, has agreed to provide financial assistance to the family and friends to help cover funeral expenses. It is also proposed that the Government participate in a cultural tribute to Miss McBurnie following the funeral.

Thank you.

Mr. Edward Hart (*Tunapuna*): Mr. Speaker, we on this side join with the Government in mourning the loss of one of our great daughters of this land. Miss Mc Burnie was known to all as “the Great Lady of Dance” and was well respected both at home and abroad. She made a very sterling contribution. She was always there for our art-form, and not only limited it to the dance but was also interest in Shango, the steelband movement and all that we had to offer, where art is concerned.

We will all miss her very much, especially coming closely on the heels of the late Lord Kitchener. We hope that other youngsters would try to emulate the feats of these great sons and daughters who have passed on and gone to the great beyond. We will all miss her very much and will remember the great contribution that she has made towards dance, especially, in this country. Thank you.

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Mr. Speaker: Hon. Members, I think it is the playwright Shakespeare who wrote that “the evil that men do lives after them and the good is often interred with their bones”. If that is so, it is quite clear that in the case of Beryl Mc Burnie, certainly judging from things that have already been said since her passing and judging by what has been said on both sides of the House, all the good that she did is certainly not being interred with her bones. That, perhaps, is an extremely good thing.

Of course, when the name Beryl Mc Burnie is mentioned, one immediately thinks “Little Carib”, a cultural strain in the country and of so many people who have been positively influenced by the capacity and talent of Miss McBurnie. Indeed, it is very difficult to think of that name without conjuring up images of the late Edric Connor and Pearl Connor with whom she had quite a relationship and, of course, even the late Chief Justice, Sir Hugh Wooding who was one of the patrons of the Little Carib Theatre and of the great supporters of Beryl Mc Burnie throughout the very difficult and rough years.

I will accordingly ask the Clerk of the House to direct a suitable letter to the next of kin of Beryl Mc Burnie, who has given so much, expressing the condolences of the entire House on her passing.

PAPERS LAID

1. Report of the Auditor General on the accounts of the Institute of Marine Affairs for the year ended December 31, 1998. [*The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj)*]

To be referred to the Public Accounts Committee.

2. Audited annual financial statements of Trinidad and Tobago National Petroleum Company Limited (NP) for the year ended December 31, 1999. [*Hon. R. L. Maharaj*]

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

Mr. Speaker: There is a supplemental Order Paper. [*Interruption*]

3. The Community Service Regulations, 2000. [*The Minister of Social and Community Development and Minister of Sport and Youth Affairs (Hon. Manohar Ramsaran)*]
4. The Twelfth Annual Report of the Integrity Commission of the Republic of Trinidad and Tobago for the year 1999. [*The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj)*]

5. Performance Review of the National Energy Skills Centre—1999 [*The Minister of Energy and Energy Industries (Hon. R. L. Maharaj)*]

Mr. Speaker: I am told that there is a second supplemental Order Paper which is coming that may have papers on it. I would suggest that the House return to this topic of “Papers” at a later stage in the proceedings. [*Interruption*]

6. The securities Industry (Amendment) By-Laws, 2000. (*Hon. R. L. Maharaj*)

ORAL ANSWERS TO QUESTIONS

Fifa Youth Championship—Stadia (Government’s Interest)

- 34. Mr. Martin Joseph** (*St. Ann’s East*) asked the Minister of Social and Community Development and Minister of Sport and Youth Affairs:

With respect to the four (4) new Stadia for the 2001 FIFA World Youth Championship, will the Minister indicate precisely how the Government’s interest is being secured during the construction phase of the project?

The Minister of Social and Community Development and Minister of Sport and Youth Affairs (Hon. Manohar Ramsaran): Mr. Speaker, the Project Management Unit of the Ministry of Finance, Planning and Development has oversight responsibility on behalf of the Government in respect of the construction of stadia for the 2001 FIFA World Youth Championship. That unit will monitor the project and interface with the project and construction managers as may be necessary, from time to time, on the basis of information derived from monthly status reports during the construction phase of the project.

FIFA Youth Championship—Stadia (Financial Details)

- 35. Mr. Martin Joseph** asked the Minister of Social and Community Development and Minister of Sport and Youth Affairs:

- (a) With respect to the four (4) new Stadia for the 2001 FIFA World Cup Youth Football Championship currently under construction, will the Minister state the financial obligation to be met by FIFA, pursuant to Cabinet’s decision to engage FIFA as project managers for the construction phase of the project?
- (b) Will the Minister provide an estimate of Government’s savings, as a consequence of this contractual arrangement?

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- (c) Further, will the Minister list the names of the FIFA personnel charged with the responsibility of project managing the construction of the four (4) Stadia on behalf of the Government of Trinidad and Tobago, and state the project management experience of each person listed?

The Minister of Social and Community Development and Minister of Sport and Youth Affairs (Hon. Manohar Ramsaran): Mr. Speaker, FIFA is not project manager for the 2001 stadia project. Cabinet's agreement that FIFA be appointed project manager for the construction of the four stadia for the 2001 FIFA World Cup Youth Football Championship was rescinded in December 1999.

1.45 p.m.

Cabinet agreed that instead of the proposal, that the consortium of Royal Merchant Bank and Finance Company Limited, Guardian Life of the Caribbean Limited and Barbados Mutual Life Assurance Society referred to as RGM Limited and CONCACAF be appointed as joint developers' project managers for the project. It is noted that the National Football Stadium Company, the Special Purpose Company incorporated as a wholly owned subsidiary of RGM Limited will own and execute the project.

RGM Limited, by standardizing a number of components of the designs and inclusive of the provision of athletic tracks, has estimated the project to be Option A \$424,928,867 VAT inclusive, and Option B, \$369,503,450 VAT exclusive as compared with the previous costing of approximately \$431,874,000. There will be a savings of an estimated \$7 million on the VAT inclusive option. However, Government has selected a VAT exclusive option since it avoids the situation whereby Government would be borrowing its own revenue for 15 years at a cost of 12.25 per cent per annum thereby accruing additional savings.

As indicated in the response to part (a) of the question, FIFA is not responsible for project managing the construction of the four stadia on behalf of Government, therefore, the question regarding the names of FIFA personnel charged with the responsibility for same is not relevant.

Mr. M. Joseph: Mr. Speaker, a supplemental. Mr. Minister, you indicated that the Central Tenders Board had absolutely nothing to do with respect to the award of these agreements and that Government acting under section 75(1) of the Constitution decided to undertake these. Which agency then decided which of the options were the most suitable?

Hon. M. Ramsaran: When did I say that, Mr. Speaker? I cannot remember saying that.

Dr. Rowley: Mr. Speaker, could the Minister assist us by identifying the differentiation between FIFA and CONCACAF that his Government recognizes in this matter?

Hon. M. Ramsaran: FIFA is the world body and CONCACAF is the regional body which is affiliated to FIFA.

Dr. Rowley: Is it that CONCACAF which is affiliated to FIFA is, in fact, the project manager?

Hon. M. Ramsaran: I said that.

Dr. Rowley: I am asking is it that CONCACAF that is affiliated as a part of FIFA which is the project manager with RGM?

Hon. M. Ramsaran: There is one CONCACAF, and that is the CONCACAF mentioned.

Dr. Rowley: Is the Minister aware that a company was registered locally in Trinidad and Tobago last year September with local directors called CONCACAF? Is he also aware that it is that locally registered company which has nothing to do with FIFA that is in fact your project manager?

Hon. M. Ramsaran: I am not aware, but I can check.

Dr. Rowley: Mr. Speaker, I want to get this clear. Is the Minister saying that he is unaware that the company which the Government has contracted to spend \$400,000,000 is a locally registered company with local directors?

Hon. M. Ramsaran: I am not aware when it was registered. I thought CONCACAF was—as far as I know, CONCACAF is CONCACAF.

Dr. Rowley: Mr. Speaker, is the Minister aware that public funds are being managed by a CONCACAF which is not the one he has described as an extension of FIFA, but in fact a locally registered company?

Hon. M. Ramsaran: I will check on this, Mr. Speaker.

**Abbe Poujade/ Haig Streets
(Pipe laying)**

44. Dr. Keith Rowley (*Diego Martin West*) asked the Minister of Local Government:

- (a) Would the Minister state under whose authority was Abbe Poujade Street and Haig Street in Carenage dug up to facilitate a pipe laying project in 1999?
- (b) Would the Minister further state:

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- (i) When was this project approved?
- (ii) When did work commence and when will it be completed?
- (iii) Has any person or group of persons received any payment for having worked on this project? If so, would he name these persons/groups and state the date and the amount of payment in each case?

The Minister of Local Government (Hon. Dhanraj Singh): Mr. Speaker, the Self-Help Commission authorized the project for the Abbe Poujade Street and Haig Street, and the Diego Martin Regional Corporation supported the project with inputs from the Water and Sewerage Authority (WASA).

The project was approved by the Self-Help Commission in April 1999, work commenced in June 1999 and is scheduled to be completed May 2000. Payment has been made by the Diego Martin Regional Corporation during the tenure of the project to labourers under the Unemployment Relief Programme (URP) at URP rates as well as three contractors employed, namely Amalgamated Sanitation \$100,000; Chandlers, \$7,075; Harry Persad & Sons, \$90,000.

Dr. Rowley: Mr. Speaker a supplemental. Those payments, as mentioned by the Minister having been made by the Diego Martin Regional Corporation, were they approved by the corporation?

Hon. D. Singh: Mr. Speaker, as it stands all payments have to be approved by the corporations because all moneys are released to the corporations.

**Abbe Poujade/Haig Streets
(Reinstatement Cost)**

45. Dr. Keith Rowley (*Diego Martin West*) asked the Minister of Local Government:

- (a) Would the Minister state how much is the estimated cost of reinstating the Abbe Poujade Street and Haig Street in Carenage?
- (b) Would he state when will the reinstatement be done and from what source will the funding be obtained?
- (c) Would the Minister indicate the total overall cost of the project, including the cost of the pumping station?

The Minister of Local Government (Hon. Dhanraj Singh): Mr. Speaker, this question is related to Question No. 44. It concerns the Abbe Poujade Street and Haig Street water project.

The estimated cost of reinstating the Abbe Poujade Street and Haig Street in Carenage is approximately \$135,000. The reinstatement of the road will commence on April 16, 2000 and should be completed by May 2000. The funding for this exercise will be provided by the Self-Help Commission.

The overall cost of the project, including the cost of the pumping station, is approximately \$2.3 million. Of this amount, the Self-Help Commission is responsible for the booster pump station and other materials which are estimated to cost approximately \$1,635,000.

Dr. Rowley: Mr. Speaker, is the Minister aware of any approval by the Self-Help Commission for a project of the scale of \$2.3 million in this location?

Hon. D. Singh: Mr. Speaker, this information was provided to us by the Diego Martin Regional Corporation. What is coming out here, is not \$2.3 million. The Self-Help Commission is responsible for the booster pump station and other material which is approximately \$1.6 million.

Dr. Rowley: Is the Minister aware of any approval by the Self-Help Commission for a pumping station for a water facility in the order of \$1.3 million?

Hon. D. Singh: Mr. Speaker, this information was provided to me by the Diego Martin Regional Corporation. I do not have any details from the Self-Help Commission as to the exact amount that is being provided, but I think the Member of Parliament for that area, the Member for Diego Martin West, should welcome the booster pump station no matter who is funding it. *[Desk thumping]*

Dr. Rowley: Mr. Speaker, my final question to the Minister. Is the Minister aware that this is the same project that he initiated in the run-up to the July 1999 election and on which no work has been done subsequent to that election?

Hon. D. Singh: Mr. Speaker, the community group in the Diego Martin area is responsible for this project. The Ministry of Local Government gets involved in projects when the self-help group, or the community group request assistance from the corporation. The Ministry of Local Government did not initiate any project.

National Energy Skills Centre Programme Moneys collected

46. Dr. Keith Rowley (*Diego Martin West*) asked the Minister of Energy and Energy Industries:

- (a) Would the Minister state how much money has been collected to date under the National Energy Skills Centre (NESC) Programme?

- (b) Would the Minister indicate the legal authority under which these funds are solicited and collected?
- (c) Would he detail expenditure incurred as at March 01, 2000 for which these funds were utilized?
- (d) Would the Minister state who is the accounting officer for these funds and advise whether the management of these funds is subject to the provisions of the Exchequer and Audit Act and the scrutiny of the Auditor General?

The Minister of Energy and Energy Industries (Hon. Finbar Gangar): Mr. Speaker, over the period November 1997 to March 2000, the total financial contributions to the National Energy Skills Centre (NESC) amounted to TT \$62.9 million. These capital contributions have been secured from the following sources:

Atlantic LNG	-	US \$8,000,000
Trinidad and Tobago Methanol Company Limited	-	US \$1,300,000
Caribbean Ispat Limited	-	US 25,000
Cliffs and Associates Limited	-	US 25,000
Phoenix Park Gas Processors Limited	-	US 10,000
PCS Nitrogen	-	TT 315,000
Public Sector Investment Programme (PSIP)	-	TT 3,853,169

In addition, donations have been negotiated as follows:

Atlantic LNG	-	US 250,000 per year
Trinidad and Tobago Methanol Company Limited	-	US 130,000 per year
National Training Foundation	-	US 158,000
Oiltanking Houston Inc.	-	US 10,000
Honeywell	-	US 406,007 (equipment)

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Noel-Whessoe Limited	-	US	25,000 (equipment)
Schlumberger Trinidad Limited	-	US	6,000 (equipment)
Bechtel Corporation	-	US	28,000 (equipment)
Venture Production Limited	-	TT	4,000
Petroquip	-	TT	19,779 (equipment)
Trinidad Cement Limited	-	TT	15,000
Caribbean Ispat Limited	-	TT	3,000,000

The following commitments of support have also been made as a result of recent negotiations. These funds have not yet been received by NESC.

Atlantic LNG Trains 2 and 3 expansion	-	US	5,000,000 capital plus US \$150,000 per year for 20 years
Caribbean Nitrogen Company	-	US	2,000,000 capital contribution

The National Energy Skills Centre was incorporated under the Companies Act July 15, 1995 pursuant to a requirement of the project agreement between the Government of Trinidad and Tobago and Atlantic LNG Company of Trinidad and Tobago for the Train 1 LNG Plant at Point Fortin.

NESC is the company established to receive and act as trustee for the funds committed by Atlantic LNG for the funding and development of a skills development centre for the purpose of developing skilled labour consistent with the industrial needs of Trinidad and Tobago. NESC is registered as a non-profit company and has no authorized share capital. Its undertakings which are pursued without pecuniary gain to its members are restricted to, *inter alia*;

1. the promotion and advancement of the education of the public in skills and technology requisite to the needs and development of the industrial sector in Trinidad and Tobago;
2. the establishment of centres for activities in furtherance of (1) above.

NESC is governed by a Board of Governors comprising:

A President—Minister of Energy and Energy Industries or his nominee when such person is the President

Permanent Secretary, Ministry of Energy and Energy Industries

Representative of the National Gas Company

Representative of Atlantic LNG

Eight persons elected from among the membership.

The current Board of Governors comprises:

The Minister of Energy and Energy Industries as President

Mr. Andrew Jupiter, Permanent Secretary, Ministry of Energy and Energy Industries

Mr. Steve Ferguson, Chairman, National Gas Company

Mr. Gerald Peereboom, President, Atlantic LNG

Mr. John Andrews, Representative of the Minister of Energy and Energy Industries

Mr. Angus Khan, Director, Petrotrin

Mr. John Duty, Executive Vice-President, Bechtel Corporation

Mr. Nazir Khan, Director, Trinidad Development, PCS Nitrogen Limited

Mr. Ray von Bitter, Vice-President/General Manager, Cliffs and Associated Limited

Mr. Rampersad Motilal, Chief Executive Officer, Trinidad and Tobago Methanol Company Limited.

Contributions to NESC are applied towards its undertakings. The Ministry of Energy and Energy Industries requests contributions from foreign investors in energy-based industries as part of the consideration for approving investments in Trinidad and Tobago. The policy underlying requires foreign investors to contribute to the promotion of education and advancement of training in skills and technology consistent with the industrial needs of the Republic of Trinidad and Tobago. The contributions are held in trust for the promotion of the undertakings of NESC.

The Ministry of Energy and Energy Industries, representing the interests of the Government of the Republic of Trinidad and Tobago, negotiates contributions to NESC as a component of project agreements with foreign investors, and gas supply contracts between the National Gas Company of Trinidad and Tobago Limited.

2.00 p.m.

Mr. Speaker, capital contributions to the National Energy Skills Centre are held in a Trust Fund and deployed in the development of skills and technology centres. The management of the fund is controlled by financial policies established by the Board, and interest is utilized to support the training activities of the centres. Annual contributions and donations are used to defray operating expenditure.

As at March 01, 2000, the status of the capital contributions for the NESC was as follows:

Total capital contributions	TT \$62,902,169
Capital Expenditure incurred for	TT \$17,207,098
Technology Centres	
Amount retained in NESC Trust Fund	TT \$47,120,955
NESC Recurrent Expenditure 1997	TT \$ 83,484
1998	TT \$ 9,687,836
1998	TT \$12,752,841
January/February 2000	TT \$ 1,724,996

The National Energy Skills Centre has also been generating revenue through investment income, training fees and consultancy services to supplement its income stream and to contribute towards the cost of operating expenses.

The day-to-day management of the NESC funds is done by the management of the NESC—Messrs. Dave Bhajan, Chief Executive Officer, and Selwyn Sylvester, (BSC., ACCA, CA), Finance and Administration Manager, being the responsible officers. Management of NESC funds is reviewed on an ongoing basis by the NESC Board of Governors who meet monthly. There are strict guidelines established by the Board for investment and use of NESC funds.

The National Energy Skills Centre accounts are audited annually by Ernst and Young, the external auditors. Audited accounts for 1997 and 1998 have already been presented to Parliament, and are available for scrutiny by the Attorney General. In 1999 audit exercise is expected to begin during the month of March 2000.

The National Energy Skills Centre 1999 Performance Review is being presented to Parliament this month. It has been laid in Parliament today. This report provides full details of the activities of NESC during 1999.

The National Energy Skills Centre 1999 Performance Review was presented to Parliament last year. Over the past two years NESC has produced more than 1,100 graduates from its skills training programmes. In addition, approximately 560 professionals from industry participated in specialized courses and seminars for continuous upgrading; and so far 7,500 persons graduated from NESC's National Computer Literacy Programme.

Projections for NESC training during the year 2000 are as follows:

900 graduates of the skills training programmes;

800 participants in continuous professional upgrading courses;

20,000 persons in Computer Literacy.

Dr. Rowley: Mr. Speaker, I would just like to ask the Minister. Given the substantial funds involved and the nature by which these funds are arrived at, and given the role of the Minister, in interfacing with the donors and potential donors, could you not see some potential for their parents or actual conflict with respect to the Minister being Chairman of this pool of funds as trustee?

Hon. F. Gangar: Mr. Speaker, I do not see the potential for conflicts. The Board of Directors which is made up of representatives of the private sector and the state enterprise sector have virtually requested the Minister to be a President of this organization. I, personally, find it very onerous and I would have no problem in relinquishing it, except that the general feeling is, at this point in time, with the growth of the organization the Minister should be the President. I do not see a conflict of interest, to answer the question directly.

Dr. Rowley: Mr. Speaker, given that the Minister has told Parliament today that these funds are obtained as part of the requirement for doing business with the Government of Trinidad and Tobago in the energy sector, I would like to ask the Minister, when the requests are made to these companies, are there any consequences for not complying?

Further, companies that contribute substantial sums, are they in a more favourable position, *vis a vis* the Government, than companies that choose not to participate? Is there any consideration in that nature?

Hon. F. Gangar: Mr. Speaker, in all cases the quantum of donation is part of the project agreements which the Government signs with the investors in Trinidad and Tobago, so it is part of an agreement with them.

Miss Nicholson: Mr. Speaker, a supplementary question. I want to find out from the Minister, seeing that in Tobago you already had the Signal Hill Technical Vocational Wing, why did the Government not see it fit to implement the National Energy Skills Centre Programme—the first one for Tobago at that station? It is readymade; just to put in equipment and the lecturers or whoever.

Hon. F. Gangar: Mr. Speaker, we have tried to convince the Tobago House of Assembly that that is the correct approach, as the representative for Tobago West is saying, but what is happening is that the Tobago House of Assembly—who, I understand, is responsible for education in Tobago—is insisting that these NESC centres not be appended to the Senior Comprehensive Schools because of possible conflict between the attendees at the NESC centres and the schoolchildren. They are afraid of contamination, and we have not been able to convince them to go along that route.

Miss Nicholson: Mr. Speaker, is the Minister aware that the Central Government is responsible for education in Trinidad and Tobago, as so clearly articulated by the hon. Attorney General some two weeks ago?

Hon. F. Gangar: Mr. Speaker, I, personally, am trying my best to convince the Tobago House of Assembly about this approach. I do not know as to really who is responsible for education.

FINANCIAL (MISCELLANEOUS PROVISIONS) BILL

Bill to amend certain legislation of a fiscal nature and to provide for related matters. [*The Minister of Finance, Planning and Development*]; read the first time.

CENSUS ORDER, 2000

The Minister of Finance, Planning and Development (Hon. Ganga Singh): Mr. Speaker, I beg to move the following Motion standing in my name:

Whereas it is provided by Section 5 of the Statistics Act, Chap. 19:02 that the Minister may make an Order directing that a census be taken in Trinidad and Tobago or any part thereof, of any class of inhabitants thereof:

And Whereas the Minister has made an Order that a census be taken of the inhabitants thereof with respect to both population and housing in Trinidad and Tobago between the 2nd day of May, 2000 and the 9th day of June, 2000:

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And Whereas it is also provided by Section 5 that an Order so made shall be subject to affirmative resolution of Parliament:

And Whereas the Minister has on this 24th day of March, 2000 made the Census Order, 2000:

And Whereas it is expedient that the Order now be affirmed:

Be it Resolved that the Census Order, 2000 be affirmed.

2.10 p.m.

Mr. Speaker, the Census Order Bill is a necessary aspect of the management of the state of Trinidad and Tobago. If I may provide a little background in order that Members of this House be properly and sufficiently informed, Cabinet, by Minute No. 2682 of October 29, 1998, accepted proposals for the conduct of the 2000 population housing census of Trinidad and Tobago. The census will be conducted, as indicated in the Motion, during May 2 to June 9, 2000 throughout Trinidad and Tobago.

The population and housing census is carried out every 10 years by the Central Statistical Office in keeping with the national practice. It is an important instrument for gathering detailed information at the national, regional and local levels on socio-economic indicators and demographic conditions and patterns. In accordance with section 5 of the Statistics Act, Chap. 19:02, it is necessary to obtain the approval of the House of Parliament to undertake this census. We want to ensure the authority of the Director of Statistics to take any census in Trinidad and Tobago. Accordingly, these annual population and housing censuses have been carried out in the past on a regular basis since 1844.

Mr. Speaker, the census is indeed a major exercise involving a complete count of all households in Trinidad and Tobago and the principal objective is to provide benchmark socio-demographic and economic data at the smallest spatial unit of enumeration. The expected output from this project would provide data on, one, the size and structure of the population by age, sex, ethnicity, religion, education and training as well as information on the economic activity of the household population 15 years and over. Secondly, internal and international migration; thirdly, quantification of the population by type of disability, chronic illness and utilization of medical facilities.

Fourthly, it will provide information on the type of transport utilized by the economically active population and persons registered and/or attending

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educational institutions. Fifthly, information will be provided on the marital and union status of the female population 14 years and over. Sixthly, it will provide information on gross income of the population 15 years and over. Seventh, information will be provided on time spent on unpaid household and other activities for persons 15 years and over. Eighth, information will be provided on crimes committed against the household population by type of crime and action initiated.

Ninth, we will be provided with information on quantity, quality, age, tenancy, and utility of the housing stock including data on water supply, toilet facilities, lighting, fuel and household facilities available. Tenth, the information, Mr. Speaker, from the census will provide sampling frames for the conduct of agricultural and industrial censuses as well as the formulation of appropriate sampling designs for the collection of socio-economic and demographic data during intercensal years.

What kind of institutional and technical arrangements have been made? To ensure the efficient planning and execution of the census, a national advisory committee and a technical advisory committee have been established. These committees are chaired by the Director of Statistics. Further to this, a temporary census planning unit staffed by statistical, mapping and computer personnel has been set up within the Central Statistical Office to undertake the detailed day-to-day activities associated with the census.

The responsibilities of the national advisory committee are, one, to ensure that the inquiries of key interest groups in the society are adequately represented in the planning of the census questionnaire; two, to promote public awareness and participation in the exercise and, three, to provide advice to the census officer on the regulations that may need to be developed to facilitate the execution of the census as well as all other pertinent non-technical areas.

The responsibilities of the technical advisory committee are to assist the Director of Statistics on all technical matters relating to the planning and implementation of the census, to ensure that the census questionnaire is designed to meet Government's needs for the benchmark statistics and for various planning purposes. The role of the technical committee is to also assist with the design and development of the census questionnaire and all other related activities, and to ensure that the execution of the census is carried out at the highest possible level of competence.

The membership of the technical advisory committee comprise the Director of Statistics; the Director, Socio-economics and Research Division, Ministry of

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Planning and Development; the Chief Census and Survey Officer, CSO; the Senior Statistician, Population, Central Statistical Office; a representative of the Ministry of Housing and Settlements; a representative of the Ministry of Social and Community Development; a representative of the Ministry of Culture and Gender Affairs; a representative of the Ministry of Public Utilities; a representative of the Ministry of Energy and Energy Industries; a representative of the Ministry of Labour and Co-operatives; a representative of the Ministry of Agriculture, Land and Marine Resources; a representative of the Ministry of Education; a representative of the Tobago House of Assembly; a Government Member of the House of Representatives; a Member of the Opposition of the House of Representatives and a representative of the Public Relations Association of Trinidad and Tobago. Mr. Speaker, the representatives of the Ministry of Education, the Tobago House of Assembly and the House are on the National Advisory Committee. So, Mr. Speaker, what you have is invaluable inputs coming from both these committees.

What are the accomplishments to date? As part of the preparatory process for conducting the census, the following activities have been undertaken:

- (a) the development and review of the census questionnaire and related census documents to be used in the execution of the census;
- (b) the preparation of a publicity plan by the Census Planning Unit and the Central Statistical Office, Internal Census Steering Committee;
- (c) the execution of a pilot survey; and
- (d) the development of a post enumerative strategy and census evaluation proposal.

For the purposes of enumerating the population during the 2000 round of the population housing census, Trinidad and Tobago is to be divided into five enumeration zones incorporating the administrative regional corporations and municipalities which are further subdivided into communities and enumeration districts. The enumeration zones are as follows:

- A. the north/north-west enumeration zone, including the city of Port of Spain, the Diego Martin Regional Corporation and the San Juan/Laventille Regional Corporation;
- B. the north-east—St. George, north-eastern St. Andrew, St. David and south-east Nariva/Mayaro, incorporating the Tunapuna/Piarco Regional

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- Corporation, the borough of Arima, the Sangre Grande Regional Corporation and the Mayaro/Rio Claro Regional Corporation;
- C. the central enumeration zone incorporating the borough of Chaguanas and the Couva/Tabaquite/Talparo Regional Corporation;
 - D. the south-west enumeration zone incorporating the Point Fortin Borough Corporation, the city of San Fernando, the Princes Town Regional Corporation, the Siparia Regional Corporation, and the Penal/Debe Regional Corporation; and
 - E. the Tobago enumeration zone.

Mr. Speaker, the organization of Trinidad and Tobago into enumeration zones will facilitate the orderly conduct and management of the census enumeration in undertaking of the following activities. Firstly, the training of the census staff; secondly the recruitment of field supervisors, field editors and enumerators; thirdly the conduct of the field exercise; fourthly, the editing of questionnaires and data processing; and, fifthly, the dissemination of census results. Each zone is constituted on the basis of existing administrative regional and municipal corporations and their constituent communities and enumeration districts. These zones follow the regional corporation demarcation: regions, Mr. Speaker, grouped together based on the fact that they are contiguous and hence allow for the most efficient allocation of resources for supervisory control and co-ordination of census activities.

For each enumeration district comprising a sub area within an enumeration zone, the following types of information are to be considered in order to facilitate the efficient allocation of enumeration personnel for census enumeration:

- A. the number of buildings, dwelling units and households;
- B. the number of institutions;
- C. the population size and density;
- D. the topography and other geographical and social features which are likely to affect or to promote the conduct of field work; and
- E. any other relevant features, characteristics of the area, that is, recent residential, industrial or commercial development or changes in land use.

Mr. Speaker, what is the mechanism that will be used to recruit the enumerators, field supervisors and field staff? By Cabinet Minute No. 2862 of

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October 28, 1998, Cabinet agreed that 2,630 enumerators, 450 field supervisors and 250 field editors be recruited for one month to collect the census information, over some 3,330 persons. The enumerators will be recruited with the assistance of the Ministry of Labour and Co-operatives via a special registration exercise at different venues throughout Trinidad and Tobago. The field supervisors will be recruited from Government ministries and departments, including public servants and teachers.

These persons have years of experience in the public service environment and a good record in supervision and management. This will minimize the cost of training and ensure a high level of efficiency. In addition, personnel in this category utilize statistics in carrying out their functions and some may have experience in census. The field editors will be recruited from the public sector and the list of trained enumerators. Personnel in this category will be expected to have a thorough knowledge of the census questionnaire and will be trained to evaluate and report on the status of completed questionnaires submitted by enumerators.

All categories of staff will be required to take an oath of confidentiality regarding information collected in the census. The mechanism also would provide for the proclamation of the Census Order, subject to the affirmative resolution of this honourable House. It would provide for the publication of the notice in the *Gazette* and daily newspapers with information on the places where copies of the draft regulations may be obtained. These copies will be available at the CSO, all regional corporations and the Tobago House of Assembly. The questionnaire listing is contained, Mr. Speaker, in the draft regulations. The public is to be given not less than 28 days within which to make any objections.

2.25 p.m.

Time runs from the date of the publication of the notice in the *Trinidad and Tobago Gazette* and any time after three days from the expiration of the time limit, the Minister of Finance shall consider any such objections and then proceed to make the Regulations, with or without amendment.

Having detailed the necessity for this Census, having recognized that it is all part of the process of governance and having established that it is done on a 10-year cycle since 1844, I beg to move.

Question proposed.

Mr. Martin Joseph (*St. Ann's East*): Mr. Speaker, I rise to participate in debate on this Motion with respect to the Census Order, 2000 being affirmed.

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I listened attentively to the Minister as he tabled this Motion indicating—and we are in agreement—that every 10 years it is necessary for a census to be conducted, that the last census was conducted in 1990 and that the information we get from the census is critical to good governance. It is important because of the various types of information provided to the Government. We find it passing strange on this side, as we enter into 2000, that an approach to the conduct of the census, in our opinion, needed to be brought to this Parliament perhaps at an earlier stage than it is being brought now.

Now, the Minister indicated that all sorts of preparatory work has been conducted, that there is a National Advisory Board and there is a Technical Advisory Committee responsible for ensuring that the manner in which a census should be conducted, it is conducted, and that there is a cross-section of representatives on those various committees. Like I said, we find it passing strange that it is at this stage in the census implementation that this Motion is brought to this House. Mr. Speaker, that is the first thing. We find it strange that it is now being brought to this House at this particular point in time.

But, more importantly, it is being brought, as a matter of course, that says that we are not supposed to either be involved or interfere with the conduct of the census because this is something that is done in the normal scheme of things, and it is the responsibility of the Director of Census to conduct this census.

Mr. Speaker, the Minister indicated that the information collected is important for good governance. There are two major agencies in this country that collect information; one is the Central Statistical Office that collects certain kinds of demographic data and the information that has been put out in the public domain—you know, Mr. Speaker, I must make a comment.

As a Member of Parliament, as someone who is charged with the responsibility of making laws, I was taken aback when I opened my mailbox and here is the Census Order—in the mailbox—before the Parliament. I think it is in keeping with the manner in which this Government has been conducting its affairs; so much so that when the Motion was introduced in another place, the Government was sent packing because, people in that place felt they were being disregarded, they were being treated with contempt and they were being disrespected because there was supposed to have been a basic thing which I will come to just now, the whole question of the questionnaire and the nature of the information.

The Minister indicated, and correctly so, that basically what the census attempts to do is determine how many people reside in Trinidad and Tobago;

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precisely where they reside at the time when the census is being conducted; their demographic characteristics. He went through quickly, reading the demographic characteristics. We do not have it. The only variables that we know of, is on the basis of this little flyer that has been handed out which says in part:

“What questions will be asked?”

- The characteristics of the population such as household relationships, age, sex, religion, ethnic origin, marital status.
- Migration—internal and international.
- Educational attainment and training.
- Economic activity—employment and unemployment.
- Incidence of disability and crime.
- Housing.”

Okay. So these are the variables of the information which is going to be gathered.

Mr. Speaker, we have no idea as to how these questions are going to be asked; whether or not it is likely to be offensive or non-offensive. How is the information going to be collated, so that at the end of the day it is provided in a certain way? As the Minister said, it will improve good governance. I will come back to the issue of good governance later on in my contribution.

So that we are none the wiser in terms of the questions. Not only so, as we move into the year 2000, countries all over the world realize that the manner in which information is now asked and collated is critical to how it is used. I think it is important to us, as lawmakers, who, at the end of the day, are being told that that information will help us improve governance of the country, that we must have an input.

We are not saying that we have no confidence in the Technical Advisory Committee or the National Advisory Board, but I am saying that, clearly, a copy of the questionnaire ought to be provided to us. But, more importantly, not just the questionnaire but the objectives of the census. What kind of operational strategies are going to be used?

For example, I heard nothing said about: What is the basic enumeration strategy? Is it going to be mail out/mail back? Will TT Post deliver questionnaires to every household unit with street name and house number, or light pole number?

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Because that is an option. Is it a mail out/mail back? Is it an update or leave—meaning, will census enumerators deliver questionnaires to housing units without street names and house numbers to be mailed back, and correct and update the address lists and maps for any additions or errors? Or, is it going to be a list enumerate? Will each enumerator visit every single household in Trinidad and Tobago?

At the last count of the last census in 1990, the mid-year results, we were supposed to have some 1.2 million people. Are they going to go, sit and conduct an interview with every single person in Trinidad and Tobago and fill out the information? What is the strategy that has not been brought to us here?

This is 2000, Mr. Speaker. We have advanced technologies in a whole host of areas. We are none the wiser with respect to what is going to happen. Because, Mr. Speaker, a census is important in terms of the extent of its completeness. How accurate is the information? Let me quote from the United States, the leaders with respect to census-taking now. With your permission, Mr. Speaker, the document is from the U.S. Census Bureau:

“OBJECTIVES OF CENSUS 2000 OPERATIONAL PLAN

The goal of every census is to be the best census ever. So it is with Census 2000. The Census 2000 operational plan contains strategies to improve the completeness of the census that were identified using the following objectives:

- Make unprecedented efforts to count every household and person—from simpler, user-friendly forms to the better design of census operations
- Maintain an open process that diverse groups and interests can understand and support
- Minimize the differential undercount of racial and ethnic groups
- Minimize the overall net undercount
- Avoid erroneous enumerations to the greatest extent possible
- Achieve maximum accuracy in the most cost-effective way possible.”

Mr. Speaker, we ask: What is the extent of the accuracy of the census information? And this is critical because I made the point earlier on that we have two major agencies that collect information in Trinidad and Tobago—the Central Statistical Office and the Elections and Boundaries Commission. The Elections and Boundaries Commission collects information that deals strictly with persons

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18 and over who are registered to vote, whereas, like I said, the Central Statistical Office is responsible for collecting its information on every single person resident in Trinidad and Tobago.

At this stage in our history, we do not have harmonizing of the information. Do you know, Mr. Speaker, that in some instances, the EBC and the CSO do not even speak to each other? When I say “speak to each other”, I mean speak to each other in terms of the information, and I will tell you why.

Over the last 10 years, the CSO is saying that the population has been growing at a rate of 6 per 1,000 minus births, deaths and net out migration. The EBC is saying that the electorate is growing at 60 per 1000 since 1995 and there is no way of harmonizing that information. You see, Mr. Speaker, in some jurisdictions, it is the census information that determines the whole question about boundaries; it determines the whole question of the increase, in not just the population, but that helps to indicate the increase in the number of potential voters. We may reach the point where it may be necessary for us to harmonize that kind of information.

Now, some people may say, “Okay. A census is held once every 10 years and every 10 years, it might be two. Why the space for us to be looking at our boundaries? Perhaps it may be necessary to provide a certain amount of order, or we may look, perhaps, at the mid-year statistics. But, clearly, and one has to be careful in terms of what one is saying because I do not want it to be said that I am criticizing the EBC, or I am criticizing the CSO. All I am saying, Mr. Speaker, is that it seems to me that the time has come, or it is coming soon, for the whole question of the harmonizing of that information to be necessary. I will tell you why also.

Mr. Speaker, as representatives of the people—36 of us representing 1.3 million people—none of us in this Parliament can accurately say how many people live in our constituencies. None of us can say that. What we can say is that on the basis of the last set of information the EBC provided, we have 23,000 registered voters; 25,000 registered voters, *et cetera*. But, we do not know what our constituency looks like. Do I represent 60,000 people, so many male and female, so many of school age? We do not know.

Why that is so, Mr. Speaker, as you are well aware, the EBC collects its information on the basis of enumeration districts. Enumeration districts make up wards; then wards make up counties. The EBC collects its information by polling divisions; then polling divisions make up the constituencies. If I, as the Member

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for St. Ann's East, want to get information about what my constituency looks like, there is no way of doing that. You now have to cut the boundaries, take the enumeration district boundaries and try to fit them into constituency boundaries with overlapping here, there and the other.

2.40 p.m.

In a country like ours, Mr. Speaker, we need to move past that. When I talk about the harmonizing, it seems to me that there is need for the harmonizing of the information that is being collected; with some kind of cross referencing or cross checking between the Elections and Boundaries Commission and the Central Statistical Office (CSO).

Mr. Speaker, it seems to me that this is the level of the discussion that needs to be taking place here and not so much that the minister comes and says: "The National Advisory Board is doing this. The Technical Advisory Committee is doing this and the census is supposed to be done in the year." We do not have any questionnaires. We have no idea in terms of how the information is going to be used, *et cetera* and the whole question of the methodology that is going to be used in terms of the census. The Minister made some comments with respect to personnel and staffing.

Mr. Speaker, in preparing for this debate I decided to look to see the amount of funds that Government has allocated for this census. Remember the Minister said earlier on that the census takes place every 10 years. In preparing I was wondering—I was saying: "Listen nah, the fact that information has come to us so late, is it that the Government was not sure that they would have been around to conduct this census, and that is the reason why the necessary measures and preplanning did not take place?"

I am looking here at the *Draft Estimates*. I come to page 116 under the heading:

Sub-head/Item/sub-Item Description	1998/1999 Estimates	1998/1999 Revised Estimates	1999/2000 Estimates	Increase
	\$	\$	\$	\$
007 Central Statistical Office				
01 Salaries and COLA	10,5000	10,690,000	11,800,000	1,110,000

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Are these funds the current expenditure for salaries of existing staff, and to what extent some of these moneys are supposed to be used in terms of the preparation for the census? I come to the expenditure for the financial year—

Mr. Speaker: Order please.

Mr. M. Joseph: 1999—2000. I looked at the Central Statistical Office (CSO) and there are categories: the Director of Statistics, Administrative Officer and all the various clerical establishments, there is the technical staff, Senior Statistician et cetera

In 1998/1999 the establishment was 554. In 1999/2000 it was 578. The question is whether or not the expertise necessary to conduct a 2000-year census resides here and to what extent? It would be interesting to note what is the current staffing of the CSO now. I remember reading recently about CSO's staff dissatisfied with respect to—I think they were understaffed. I recall seeing them, I think, protesting. I recall seeing them complaining about the extent of the ability to do the work. I guess that manifested itself in the worst way.

I recall that an international agency questioning the reliability of the CSO's information. Again I have to be careful because I do not want it to be said that I am casting aspersions about the CSO. I think in the June *Country Report* of the International Monetary Fund 1999 some concerns were raised about the reliability or the credibility of the CSO's information. I think also in a budget debate, the Minister of Finance brought certain unemployment statistics that he said he got from CSO. The Central Statistical Office (CSO) then put out a release saying that the two set of statistics are the same but one has to—some kind of a crazy explanation concerning the reliability of the information coming from the CSO. As a result, I am asking the extent to which the funding for staff in the CSO is sufficient for the CSO to discharge its responsibility in the way in which it is supposed to be discharged.

Mr. Speaker, I looked at the third and final document that indicates the Government's funding for CSO. Page 36 of the *Draft Estimates of Development Programme* states:

Sub-head/Item/sub-Item Description	1998/1999 Estimates \$	1999 Actual Estimates \$	1999/2000 Estimates \$
General Public Services			
Central Statistical Office	\$1.5million	\$1.027 million	\$15,200,000

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It says here, Mr. Speaker:

“2000 census preparatory work”

I heard the Minister talk about all the preparation. What is it going to cost to do the census? If the \$15.2million, as listed here—I am quoting from the Government document: *Draft Estimates of Development Programme*. In terms of the Central Statistical Office, 2000 census, preparatory work, the sum of \$15.2million is allocated. Re-engineering of the trade statistic system, \$100,000; Child Indicators Monitoring System, \$100,000. I need some clarification. Is it that it is \$15.2million that it is going to cost for the conduct of this census? Or is the \$15.2million, as it states here, preparatory work? If this is preparatory work, what is it going to cost in terms of the conduct of the census?

The Minister said: “We are going to hire 3,300 persons and we are going to recruit them from the various areas.” Mr. Speaker, we are concerned with the recruitment process. It is going to be a very challenging exercise. Given the way how this Government has been behaving in the last four and one half years, I want to know how it is going to recruit. Is it that it is going to send party hacks? Is it that it is going to say: “Hey”—remember what they talked about in contracts? We saw that. Mr. Speaker, when we raise these concerns, we are raising these concerns as a result of how this Government has behaved to date. I want to know how are they going to go about recruiting. I heard the Minister said that they are going to recruit 2,600 and they are going to train so many field enumerators *et cetera*.

Remember, Mr. Speaker, I said earlier on, the importance of this census is the extent of the completeness and the accuracy of the information. Mr. Speaker, we are hoping—and one cannot put anything past this Government. Granted that it is an election year and our alarm bells and antennas are going up because I heard this Prime Minister say that they will win at all cost. He said that they will win at all cost—[*Interruption*]

Miss Nicholson: Dey better win!

Mr. M. Joseph: Do you follow? Mr. Speaker, we have seen the use of government institutions as a vehicle to accomplish that.

Mr. Speaker, I want to make another point before I forget it. I was saying that we have these two agencies responsible for the collection of data. For all practical purposes, one agency is supposed to be independent. It is independent but, however, it has to rely on the Government for the receipt of its funding. But it is

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independent. Mr. Speaker, the CSO is a department of the Ministry of Finance, Planning and Development. It is a department; there is no independence. Now people would say that it has been a department from ever since it has been in existence, but we have never had a Government like this before. The question about being concerned—like I said, we have examples of the World Bank. We have examples of the Minister coming here and getting bogus sets of information. Chances are to what extent would they cause these public officials to compromise the accuracy and the completeness of the conduct of this census. Mr. Speaker, there are checks and balances which we could be able to use with respect to ensuring that the question about the accuracy and the completeness of this census is adhered to.

2.50 p.m.

Mr. Speaker, these are some of the concerns that we have on this side, as it relates to the conduct of this Census 2000. We are not against the conduct of the census, let that be made abundantly clear; a census has to be done every 10 years. What we are saying is that, clearly, as we go into a new century, there is the whole question about information gathering, technology and the extent to which we are using technology.

For example, on the question of operations that were clerically done in 1990, to what extent are they automated in 2000? If every 10 years we are going to be conducting a census, there is the question about how advanced and what kind of technologies we can utilize to enhance the information. Those on that other side when they respond to some of the concerns raised here they get up and say, “It eh have nutten to respond to.”

Now, Mr. Speaker, I have asked about the enumeration strategy. I have asked whether it is going to be mail out/mail back; is it going to be update/leave; or is it going to be one in which it is going to be list/enumerate or a combination of the three. I hope that we are going to get some response as far as that is concerned. The question of funding of the census; the question about the questionnaire, so that we can see how these questions are being asked and whether or not the questions are offensive; the question of recruitment and the policies that the Government is going to put in place to ensure that the most suitable persons are recruited in order to conduct this exercise.

At our level, I think the time has come for us to look at the question of harmonizing of the information coming from the Central Statistical Office (CSO) and the Elections and Boundaries Commission, so that the CSO information can

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assist us in terms of our representative function, because as we move into 2000 more demands are being made of us as representatives. If it is that we are to respond adequately to those demands we have got to have statistics. We have got to know who it is we represent, what they look like, so that we can make adequate representation on their behalf.

I thank you.

The Minister of Public Utilities (Hon. Ganga Singh): Mr. Speaker, I noted the concerns of the hon. Member for St. Ann's East and those concerns that he expressed with respect to whether it is a mail in/mail out system.

When you look at the integrity of this process, this is a process that is going on, as I indicated, every 10 years; it has not changed. I want to remind the hon. Member of the composition of the various committees. [*Crosstalk*]

Mr. Speaker: Order please!

Hon. G. Singh: There is a measure of paranoia setting in by Members opposite. When the information is collected in the year of the census—and if one were to use the benchmark of 1990—that information came out only in 1995—1997, so it takes quite a period for the collation, the way the Central Statistical Office operates, for that information to be processed. So I want to assure them that the paranoia which has set in is not based on any kind of empirical data.

The methodology that they have used would be the same as that used previously. There will be the field operators going on a house-to-house basis. Some 450,000 households during this period of May 2—June 9, 2000 would be visited throughout Trinidad and Tobago. It has been done this way and it will be done that way. The independence of the Central Statistical Office in the conduct of this exercise is unquestionable. There is the supervisory oversight of the various committees. [*Interruption*]

Miss Nicholson: I want to ask something. I want some clarification, please. Thank you. Mr. Minister of Finance are you saying that if we had a system in 1960, that would be the same system in the year 2000, no modernization, no use of the technological changes? I want some clarity on that. So if they took five, or six years to deal with the data, are you saying that it is the same five or six years that they are going to use now? I would be very happy to know if that is the level of our CSO and their operation.

Hon. G. Singh: Mr. Speaker, just for purposes of clarification, I want to once more read into the record that this exercise is informed by a technical committee

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and a national advisory committee. The composition of the Technical Advisory Committee is: the Director of Statistics, Director Socio-economic Research; the Chief Census and Survey Officer; the Senior Statistician Population; a representative of the Ministry of Housing and Settlements; the Ministry of Social and Community Development; the Ministry of Culture and Gender Affairs; the Ministry of Public Utilities; the Ministry of Energy and Energy Industries; the Ministry of Labour and Co-operatives; the Ministry of Agriculture, Land and Marine Resources; the Town and Country Planning Division; the Lands and Surveys Division; the Ministry of Legal Affairs; the Director Institute of Social and Economic Research and a representative of the United Nations Economic Commission for Latin America and the Caribbean. That is the Technical Advisory Committee. These are the people represented at that level of the governmental system.

Drawn from the population we have: the Director of Statistics; the Permanent Secretary in the Ministry of Planning and Development; a representative of the Ministry of Education; the Tobago House of Assembly; a Government Member of the House of Representatives; a Member of the Opposition; a representative of the Public Relations Association of Trinidad and Tobago; the Village Councils Association; the Parent-Teacher Association; the Network of Non-governmental Organizations; the Trinidad and Tobago Chamber of Industry and Commerce; the Inter-Religious Organization; the National Trade Union Centre of Trinidad and Tobago and the Regional Census Coordinator.

Mr. Speaker, this national advisory body is drawn from all the represented organizations of the country. This mechanism that is before you is what the technical team and the national advisory team have produced. This is what you have the consensus on and this is what will ensure the integrity of the process.

Mr. Joseph: I thank the Minister for giving way. Can he indicate whether or not the enumeration strategy is the same one that was used before and is the technology the same that was used in 1990?

Hon. G. Singh: Mr. Speaker—[*Interruption*]—[*Crosstalk*]

Hon. Members: If you do not know, say so.

Hon. G. Singh: Mr. Speaker, there is no replacement for the house-to-house contact. There is no replacement for that verification. You will have the necessary technology in terms of the compilation and processing of the data; that is where the technology is, but you cannot replace the house-to-house contact; that has to

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be done as a matter of course. So I do not know why the hon. Member is talking about the infusion of technology.

Miss Nicholson: We are not questioning that.

Hon. G. Singh: Maybe in the future when we get online, when throughout the country we are online, we would be able to update the census on that basis, but that is years ahead. [*Laughter*] I do not know if the hon. Member is suggesting the Orwellian kind of approach where we have the technology overlooking you like “Big Brother”. I do not know if that is their infusion of technology into the system but, certainly, there is no replacement for the warm body house-to-house contact of the field enumerators with the households in this country. Mr. Speaker, that is the approach.

The hon. Member dealt with the question of recruitment of personnel. The Ministry of Labour and Co-operatives has labour exchanges throughout this country in which people who are unemployed get registered, and that is where the recruitment process will take place. It is a widespread approach to recruitment. It is a process in which we utilize the labour exchanges. I wonder in previous administrations, how did they, in fact, recruit? There was no intermediary. There was the recommendations, perhaps, of the hon. Members, because I saw a Member of the—[*Interruption*]

Mr. Imbert: The NAR did the last one; your party. [*Laughter*]

Hon. G. Singh: I know that the NAR did the last one. The enumerators would be recruited through the Ministry of Labour and Co-operatives’ labour exchanges. The field supervisors will be selected from the Public Service; from teachers and the Teaching Service. We will recruit personnel who participated previously.

The hon. Member for St. Ann’s East spoke about the issue of the sharing of information between the Central Statistical Office and the Elections and Boundaries Commission. As you are aware, the Elections and Boundaries Commission is a constitutional and independent body and it decides on its own mechanisms in order to ensure the integrity of the election process. Whether or not they seek to access the information of the CSO is a matter for the constitutionally independent Election and Boundaries Commission.

I do not know if it is the policy of those on that side to contaminate the Elections and Boundaries Commission. We have no intention whatsoever of

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contaminating the EBC, so I do not see the merit in that. I can see the merit in leaving the Elections and Boundaries Commission as an independent body.

With these few words, I beg to move. [*Interruption*]

Question put and agreed to.

Census Order affirmed.

CUSTOMS DUTY EXEMPTION

The Minister of Trade & Industry and Minister Consumer Affairs (Hon. Mervyn Assam): I beg to move,

Whereas it is provided by section 56(1)(a) of the Customs Act, Chap. 78:01, that the House of Representatives may from time to time by resolution provide that any class of goods specified in the resolution, shall be exempt from import duties of customs if such goods are imported or entered for use by any person for any purpose specified in the resolution during any period to be fixed by the Minister in each particular case, not being a period terminating later than the date prescribed in the resolution as the last day on which such exemption shall be operative, and subject to such conditions as the Minister may impose—
[*Interruption*]

Mr. Speaker: May I please ask Members, if you want to carry on conversations at levels which are so loud that I hear it, please go behind the Chair, outside or something of the sort.

Be it resolved that the House of Representatives exempt from import duties of customs the class of goods specified in the First Column of the under-mentioned Schedule, thereto being goods imported or entered for use for the respective purposes specified in the Second Column for the period prescribed in the Third Column, but this resolution shall cease to have effect in respect of any class of goods specified in the First Column that is manufactured in Trinidad and Tobago.

Question proposed.

First Column	Second Column	Third Column
Class of goods	Purpose(s) for which goods are to be used	Period of Exemption
Equipment material and supplies	Imported for use in off-shore petroleum exploration and production operations	From January 1 st , 2000 31 st December, 2001

3.05 p.m.

Hon. Mervyn Assam: Mr. Speaker, I seek the approval of the House of Representatives to have this resolution under the Customs Act, Chap. 78:01 passed. The resolution provides for the continuation of exemption on import duties of customs and certain goods, namely equipment, materials and supplies imported or entered specifically for use in offshore petroleum exploration and production operations as related to item 1 of 4 of the Third Schedule for the common external tariff. This exemption is an incentive for the further development of the sector.

Mr. Speaker, the energy sector, notwithstanding the need for the diversification of the economy, still plays a pivotal role in the economic development of the country. The incentives that have been identified in the resolution will serve to enhance oil operations in the marine sector which continues to play significant potential in the development of our energy resources. It should be recognized that the level of oil production on land is not as prolific as in earlier times, although more recently, there has been an improvement given the incentives which have been offered to producers. The incentives for marine operations by seeking to increase markedly, profitability levels in this sector will therefore be instrumental in ensuring that the country has a total level of petroleum production that would facilitate a meaningful contribution to the development of the national economy.

The resolution passed in the House of Representatives on March 13, 1970 and amended by resolution on December 1, 1972 authorizing the Minister of Trade & Industry and Consumer Affairs to grant concessions on the payment of import duty to the offshore petroleum exploration and production operations expired on December 31, 1999.

Mr. Speaker, consequent on the expiration of this resolution in December, 1999, Cabinet agreed that:

- (a) in accordance with the provisions of section 56 of the Customs Act, Chap. 78:01, a resolution shall be introduced into Parliament for the continuation of conditional duty exemption to offshore petroleum exploration and production operators for a period of two years with effect from January 1, 2000.
- (b) The grant of the duty concession should include contractors under the production sharing contracts, the benefits of the exemption under the resolution be subject to the undermentioned conditions.

- (i) the said goods be directly, necessarily and exclusively required for use in petroleum and production operations by the explorations and productions licensee and the PSC contractor;
- (ii) the licensee and the PSC contractor supply the Ministry of Energy and Energy Industries before the anticipated date of arrival of the said goods with the full description of the goods being imported;
- (iii) the goods be certified by the Ministry of Energy and Energy Industries as being necessary for use in offshore petroleum exploration and production operations in Trinidad and Tobago; and
- (iv) in the opinion of the Comptroller of Customs and Excise, the said goods or reasonable substitutes thereof are not available from local manufacturers.

Mr. Speaker, this resolution provides exemption for a two-year period as I said earlier from January 1, 2000—December 31, 2001. During this period, a review would be undertaken by the Ministry of Trade & Industry and Consumer Affairs to determine the most feasible approach in dealing with the grant of conditional duty exemption to the offshore exploration and production sector.

Mr. Speaker I beg to move.

Question proposed.

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, it appears that we have two acting Ministers of Finance in the House today in the personae of the Member for Caroni East and the Member for St. Joseph, and once again the Member for Oropouche who was demoted sometime earlier is not allowed to hold the portfolio of Minister of Finance.

Mr. Maharaj: What is the relevance of that?

Mr. C. Imbert: It is very relevant because we hear all sorts of stories about what is going on in this Cabinet about pushing and shoving and kicking and physical assault. We see it in the newspapers all the time. Who slap who and so forth, and one wonders if the Member for Oropouche is not allowed to assume the portfolio because of all this kicking, slapping and beating, about which we are hearing .

The point is, that once again, we are getting information from the UNC that is like a bikini. It is what is concealed that is more interesting than what is revealed, and the Minister speaks for about five minutes about continuing an Order that has

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been in place since 1972—1999 exempting from import duties equipment material and supplies imported for use in the offshore petroleum exploration and production operations and he gives no rationale for the continuation of the Order. None whatsoever.

I have to take this back to the LNG Agreement. I do not even know if it was signed. We are not sure. We hear about the signing of this infamous LNG contract, then we hear it is a draft, then we hear it was delayed; then we hear they have to put Sen. Gillette to act as Prime Minister because it is only he could bring to closure the Atlantic LNG expansion agreement; then we hear the Minister of Finance say: No, no, the agreement has not yet been signed, we are fine-tuning it, and maybe a month from now we will sign it.

What is interesting, Mr. Speaker, is that while all that carrying on was taking place, while heads of state boards in the energy sector were going public and demanding that the Atlantic LNG expansion agreement not be pursued, and the Minister publicly rebuking the chairman of NP, the chairman of National Gas Corporation etcetera, there were articles appearing in the newspapers that the Prime Minister is distancing himself from the three investors, Ish, Brian, and Steve. While all that is going on, the LNG promoters indicated that for the second and third Trains they did not require any tax exemptions.

The first LNG contract had tax holidays but the second one did not require any tax exemptions. This was stated publicly by the promoters of the LNG expansion project and yet we are debating this Motion today which is a trade off. It cannot be for new wells, because it takes at least three to five years after one starts exploration—that is the norm—to put a well into production to produce the kinds of liquids that will be produced for the LNG project, and this has to be for existing operators. One wonders whether Amoco is being given a continuation of tax exemptions so that the price of natural gas to the LNG project, or whatever it is, could be known.

[MR. DEPUTY SPEAKER *in the Chair*]

This is a completely tied up matter, and as I said, it is a bikini presentation from the Minister because there is all sorts of racketeering taking place in the energy sector. My colleague from Diego Martin West asked the question: What is going on with this National Energy Skills Centre which is financed by the very companies who will benefit from this Order; Atlantic LNG, Trinidad and Tobago Methanol, Petrotrin, and Phoenix Park? I took a look at this Order which we got today. Listen to the centres. Naked discrimination! Point Lisas, Point Fortin, Ste.

Madeleine, Erin, Couva, Mayaro. Those are the centres. Then there are two in Tunapuna, which they have targeted as a seat which they believe they can win by just flushing money through that constituency, but out of eight centres, six are in South Trinidad in constituencies now represented by the UNC, and the other two are in a constituency that is under attack by the UNC. They are doing all kinds of things in the Tunapuna area in an effort to buy that seat.

When I look at the things that are being done with the money that is being demanded from companies in the energy sector that would benefit from this exemption of import duty, it is very interesting.

3.20 p.m.

They have a course in building construction and technology but where are they doing this building construction and technology course? In Couva, Erin, St. Madeleine, Point Lisas and so forth. If you read this document it is a testimony to naked discrimination. I understand they have a fund of \$60 million which they have collected from companies in the energy sector for this programme. And I understand they have selectively chosen their own constituencies to slush this money through—put computers, buildings and so forth. I understand that very few of the 15 PNM Members on this side—I do not know about Tobago, I cannot speak for Tobago—have been told about this money that is available for computerization and training of persons in our constituencies.

I can certainly say I have received no communication on this matter; neither has the Member for St. Ann's/East; neither has the Member for Diego Martin West. The Member for Diego Martin Central has not received any information, but we know that there is a slush fund in the UNC constituencies which they have created for this National Energy Skills Centre headed by the Minister, of course. My colleague from Diego Martin West asked him why was it necessary for the Minister of Energy and Energy Industries to be the President of this skills programme? Of course he said, "well, it is necessary and they believe that it should be headed by me." That is what he said essentially.

So there is a politician taking \$60 million in a slush fund and distributing it in UNC constituencies and marginal seats. That is what they are doing. Sixty-two million dollars election fund, and those energy sector companies, those oil companies that are going to get this continuation of this exemption are being forced to pay this money. When you go by them they say, look, they want \$1 million from you, \$2 million from you and \$3 million from you. I understand they collected \$62 million and are now distributing it to their sycophants. I mean if the

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Member for Oropouche was still writing his nonsense on the newspapers, he would have had a field day. When you look at the composition of the programme and so forth, it is a joke! It is an absolute joke! It is naked discrimination and distribution of money that has been forced out of energy sector companies and is now being slushed through a slush fund into their constituencies. Absolutely ridiculous!

That is why I say we need to find out from the Minister why was it necessary to extend this exemption? Why? What was it all about? Are they going to be selective? I noticed that it is only those companies that qualify and so forth, who will be entitled to this exemption. There is a lot of politicking, a lot of pulling and tugging going on in this election year, as people jockey to milk the Treasury as much as they possibly can, because they know that at the end of this year they are going out. They know that. So that there is a lot going on here, Mr. Deputy Speaker, that we do not know about, and it is simply not good enough for a Minister to come in Parliament and say that this thing was in existence from 1972 to 1999. No overview whatsoever as to what has occurred in the petroleum sector between 1972 and 1999. No overview whatsoever! No justification whatsoever!

What about other taxes? For example, value added tax. Why exempt import duty and not Value Added Tax? It is the most threadbare presentation that I have heard on something that involves millions and millions of dollars, Mr. Deputy Speaker? No policy! Where does this fit in to our National Energy policy, for example? Why is it going to 2001? Why is it not extended for another five or 10 years? The petroleum sector is necessarily a sector that has a long-term view of things. Sometimes you could be in exploration for eight years before you strike oil or you strike a productive gas field and so forth. I simply do not understand this administration. What this tells me in the short time-frame—the 2000 and 2001—is that it is going to be used now for leverage. They are going to use this now as a bargaining chip to extract money from companies in the petroleum sector, to be used for their election campaign. That is what is going to happen. That is what this is all about. That is why there is such a short time period.

The other thing that one must look at, is whereas one could understand exemptions for exploration you have to look closely at whether you want exemptions for production. What makes the petroleum sector so important that other sectors do not get this type of exemption for production equipment? There is no explanation from the Minister either; it is just that this was here from 1972 to 1999 and we are continuing it for the next two years, and he done with that! Really, he may just be acting or whatever it is; he may be sitting in for the

Minister of Finance—I do not know what is going on, but he has to come better than that. But anything this administration is involved in is some kind of deal going on.

The confusion that took place where the Cabinet directed that the National Gas Corporation enter into this agreement for the LNG expansion and so on, where there is the Chairman of the Board of the National Gas Corporation defying a Cabinet decision. Then you hear the Cabinet is splitting into camps; the Member for St. Augustine on one side, the Minister of Finance on the other side and a next set of them in the middle. Mr. Deputy Speaker, there is a lot going on in this election year. *[Interruption]* I know you would not know anything about it because you are not in the Cabinet, and I know that you do not kick and shove anybody. *[Laughter]* Mr. Deputy Speaker, there is so much going on behind the scenes. You hear them; you hear the nonsense coming out of their mouths. They would not live up to reality.

They do not recognize what they are doing to this country. They are destabilizing this country. There is the Attorney General in his private war with the Chief Justice and the Judiciary; the Prime Minister fighting with the President. They come with distractions all the time to take our focus away from these important matters. *[Interruption]* I understand that we are going to have another official funeral soon. Yet, another distraction. It is going to be an official funeral everyday now. That is what I understand. *[Interruption]* I understand so. This is what I am told. A distraction every five minutes.

When they had the signing of the contract for the desalination plant they gone and pave the savannah so that the whole country—*[Interruption]* Mr. Deputy Speaker, they are laughing because “they know is true.” When they were signing that infamous desalination contract they sent their partner to pave the savannah. So that the whole country got caught up in whether they should pave or not pave, asphalt or grass—and they signed the desalination contract. They are not easy. *[Laughter]*

When they had to sign the LNG thing they put Sen. Gillette as Prime Minister. *[Laughter]* So the whole country was talking about whether an un-elected person should be a Prime Minister or not. He just come; he had no experience; he is not a Member of the party and they had editorials and columnists talking about it for two weeks, and they sign the LNG contract while all of that was going on.

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3.30 p.m.

So it was confusion in the country for two weeks and while the Prime Minister was squaring off with the media, they signed the InnCogen contract. Now, of course, there is this commission of inquiry into the Judiciary, a long-term distraction for about six months, Mr. Deputy Speaker. So, for about six months we will be hearing about the hearings, you know, and the presentations before. [Interruption] In any event we will have this commission of inquiry into the Judiciary. Every month, as the Government feels that the temperature is going down, the Attorney General will get up and drop a next lash on the Chief Justice so you will have that right up in the public domain again; so we are going through this whole election year with confusion.

You know, I have looked at this UNC administration and they are masters at distraction and destabilization. I wonder what is next. I wonder if a state of emergency is next. [Interruption] I wonder, I wonder, I wonder, because if the UNC decides that things are not going their way, that is the real trump card to pull, a state of emergency. I heard that they are thinking about it with regard to the nurses, you know. [Interruption] This is my information, that they are thinking about it. [Interruption] That is what I am told. So we shall see, Mr. Deputy Speaker.

So I hope that, rather than giving us his mid-Atlantic brogue, the Minister of Trade & Industry and Consumer Affairs will deal with the issues that I have raised. I want an explanation. We on this side require an explanation as to why this Order has been extended for such a short period. Why for two years when the gestation of matters in the petroleum sector is a 5 to 15-year span? [Interruption] On what basis will an exemption be given? Does this have anything to do with the LNG project? Will this exemption exempt any operator—it is a specific question—any petroleum producer that is involved in the LNG project in selling goods and services, or whatever it is, gas? In fact, will Amoco benefit from this?

We wish to know; and we wish to know, is this part of the trade-off? Is it that when they had this confusion about the term in the contract that would have bound future governments by having them renegotiate the contracts or extensions to the contract in accordance with a particular form, and then we heard that was modified or deleted and so on, is this the *quid pro quo*? Was this given back, this exemption from import duties on materials?

So I would ask the Minister, please, spare us from your mid-Atlantic brogue and your personal insults, at which you are so good, and tell us exactly what is

Government's policy with regard to the petroleum sector. Why are you doing this thing for two years? Who are the targeted producers? What is the reason? Tell us why you think it is necessary, Mr. Deputy Speaker, so that at least the national community will be apprised of what is really going on in the petroleum sector. I thank you, Mr. Deputy Speaker. [*Desk thumping*]

Mr. Kenneth Valley (*Diego Martin Central*): Mr. Deputy Speaker, I simply have, really, one major concern. I want to endorse the concerns expressed by my colleague from Diego Martin East. First of all, when one looks at the time period for the exemptions and the resolution lapses at the end of 2001, one has to ask, really, are we making provision only for Trains 2 and 3 of the LNG project or are we continuing a system which was in place up to the end of 1999, extending it in an area that is important for the economy as a whole?

That, obviously, is the first concern. Too often we see matters come to the Parliament simply to benefit one or two persons. I mean, we had that situation with the Tourism Development Bill where we spent, I think, three sittings debating legislation for the benefit of one project. I think we need to look at the overall economy and consider the importance of the energy sector and also consider carefully what we are doing. The other issue, of course, is the situation, touched on by my colleague, with respect to the value added tax.

Mr. Deputy Speaker, value added tax legislation provides for the imposition of tax on the entry of goods imported into Trinidad and Tobago. Now, here we are talking about providing an exemption from customs duties and so on for equipment, material and supplies coming into Trinidad and Tobago. It is a fact, because in the energy sector since most of what is produced is exported, then one is going to get a refund of VAT. However, Mr. Deputy Speaker, if you had experiences with the value added tax division of the Ministry of Finance, you would know that, as long as a refund cheque exceeds \$10,000, that division uses the Act to the hilt.

Under the value added tax legislation, the Government does not pay interest on refunds during the first six months. Only if funds are outstanding for six months or longer would interest on the refund be triggered. Therefore, over the last four years the Government has been using refunds as a cash flow for itself. In other words, there are many companies in Trinidad and Tobago entitled to large refunds which are sitting at the value added tax office and they just cannot get those refunds.

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What this means is that the Government is really putting these companies under pressure because, really, the opportunity cost is financing from the commercial banks at overdraft interest rates which are exceedingly high because the Government is attempting to protect foreign exchange by maintaining a high interest rate policy. Then you follow the argument where, although now that oil prices are high and we are earning more and more foreign exchange and reserves are climbing, the market is starved for foreign exchange, the Government continues to build reserves. So that you have a system in Trinidad and Tobago where the business community is faced unduly with high interest rates and the Government is compounding the problem by penalizing companies by holding their VAT refunds.

Now, if we take a look at the overall economy, then it appears to me that the Government would see that this type of policy is self-defeating. I think that, given the resolution before the House, this is an appropriate point to ask whether—and I know the legislation provides for it. I have looked to see whether the energy sector is exempt or zero rated. It is not, but I know that there is a provision where, if a certain percentage of one's product is exported—I think it is 80 or 85 per cent—then that company may be exempt. I say that in the same way we see the wisdom in exempting these companies from customs duty, it seems to me that since, in any case, they are going to get a refund of the VAT because of the nature of their operations, we should also make provision for exempting them from the payment of VAT; and it goes across the board.

More importantly, Mr. Deputy Speaker, I would ask, well, one of the two acting Ministers of Finance, to ensure that VAT refunds are paid in a timely manner and that this system of holding VAT refunds over \$10,000 for at least six months be discontinued immediately because, obviously, it is not doing the economy any good. As you put pressure on businesses, the same minimum wage about which we will be talking in a few minutes would come under pressure because it means that you are putting businesses under pressure and, coupled with minimum wage and so on, then it means businesses would have to take certain decisions. We need to look at the whole. We are living in the system and we need to understand that if we do something here, there would be repercussions in other parts of the system.

I make the point also, Mr. Deputy Speaker, not for the first time but at least the second time in this House, that again one of the two acting Ministers of Finance should really have some type of consultation with the Central Bank and ask the Central Bank to review that policy of hoarding, as it were, foreign

exchange while starving the market. I mean, I think it was about two weeks ago I went to purchase US \$2,200 and they told me I had to wait a day, at a time when our reserves of foreign exchange are growing. That is so because Government—the Central Bank—has taken a position as a major earner of foreign exchange because the Government is a major earner of foreign exchange because of their tax take from the oil sector. As the oil prices increase and they are taking more in terms of taxation in US dollars, that excess is lodged at the Central Bank. If they fail to make their excess available to the market then, obviously, we are going to have difficulties. We would have shortages of foreign exchange, we are going to have high interest rates, all of which would really penalize the business community.

So that, I thought I would make those points to the Government. I say, if you see the wisdom in exempting these companies from customs duties and so on, yes they would get back their VAT, but you should do something with respect to the VAT because there is a time lag. When you are talking about equipment and so on in that sector, you are talking about equipment worth, really, millions of dollars, so that the 15 per cent VAT on that would be substantial. As a general point, the Government should have the VAT office give their refunds in a timely manner, Mr. Deputy Speaker. I thank you. [*Desk thumping*]

The Minister of Trade & Industry and Consumer Affairs (Hon. Mervyn Assam): Mr. Deputy Speaker, I thought the Member for Diego Martin Central was quite sensible in his presentation, for which I would thank him. He made some very interesting points, although he somewhat contradicted the position of the Member for Diego Martin East. Whereas the Member for Diego Martin East was saying to the House that we were giving away all of these benefits to an industry that does not need it, because they have been getting the exemptions since 1972, the Member for Diego Martin Central was saying we should give them more by exempting them from VAT. So I do not know what is the philosophical position in terms of the economic policy of the People's National Movement with respect to the oil sector and, in particular, the exploration and production side of it.

3.45 p.m.

It is something that could be looked at. I certainly will not dismiss the Member for Diego Martin Central—although I want to correct him and the record—I am not the Acting Minister of Finance. I said in my introduction that I was moving a Motion in the name of the Minister of Finance. I am neither the

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Minister, nor the Acting Minister of Finance. I wanted to correct the Member for Diego Martin Central and the *Hansard* record. But, certainly, it is something that is worthy of being discussed and recommended to the substantive Minister.

I could not agree more, having come from the private sector, having to interface with all the manufacturers and exporters, particularly exporters and particularly small business persons, the delay in the refund of VAT is something of a great hardship to them. Again, I do it and I would do it again in asking my colleague how we can remove some of the bottlenecks with respect to the refund of VAT, because it is critical.

Mr. Valley: It is not a bottleneck; it is a policy.

Hon. M. Assam: I do not know if it is a policy, but I think it is critical that business persons should not have to incur that opportunity cost of using a bank overdraft to finance their working capital because they have not been in receipt of their legitimate VAT refund. I agree with it. I do not think it is a policy on the part of the Government at all. I think it could be a number of areas that need to be looked at in order to ensure a more timely refund of VAT.

Mr. Valley: It is a policy of the Ministry of Finance.

Hon. M. Assam: Again, I think he made a good point with respect to the discussions with the Central Bank, although I believe the Central Bank enjoys a certain amount of independence in terms of its conduct of monetary policy and foreign exchange management.

[MR. SPEAKER *in the Chair*]

I think it is the preserve and purview of the Central Bank, but it is something that, certainly, the Ministry of Finance could discuss with the Central Bank in terms of how we can attempt to ease some of the foreign exchange shortages—if you want to call it that—because the Member said that he went for a couple thousand US dollars and he had to wait a day and if he has to wait a day, perhaps other people have to wait also and, therefore, it is something that is worthy to be discussed between the Minister of Finance and the Central Bank, how they can assist in removing some of the deficiencies in the system. So, I have no difficulty with most of the points that the Member for Diego Martin Central made this afternoon.

But, you know, the Member for Diego Martin East said that I insult people. Could you imagine that?

Mr. Imbert: You do not!

Hon. M. Assam: He is the greatest master of insult in this House and we were discussing oil, whereas the Member for Diego Martin East was talking about sleaze. I do not know what is the relationship between oil production and oil exploration and sleaze. He went all over the place talking about sleaze when my Motion was about exempting of customs duties on equipment related to oil production and oil exploration. I do not understand it, quite honestly.

He said I did not give a rationale. I thought I had given a rationale. I said quite clearly the importance of the energy sector to the economy of Trinidad and Tobago. I went on to say that because of the declining production of oil on land, we wanted to give some kind of boost, some kind of incentive to those operators who were exploring the marine resources in order to supplement the declining fortunes of on-land production.

Mr. Imbert: I thank the Minister for giving way. Could he, in that case, just elaborate on why they have put a provision for only two years?

Hon. M. Assam: But I am coming to that. Why are you so—

Hon. Member: Premature.

Hon. M. Assam: Not only premature.

Hon. Member: Polite.

Hon. M. Assam: Not polite. Why is he so anxious? Do not be too anxious. I am coming to that.

I am saying that is the rationale. We are using the energy sector in order to diversify the rest of the economy and, therefore, you have to continue to provide the energy sector with the required incentives so that the revenues you enjoy from the energy sector, you can deploy them in other sectors of the economy for further economic diversification and employment generation. I thought that was a very logical thing that I said but, apparently, the Member for Diego Martin East was either asleep or, in his own inimitable style, wanted to use the occasion to play to the gallery.

Why are we doing it for only two years? I said very clearly in my presentation that the Ministry of Trade & Industry would be undertaking a review during this period to determine whether this two years should be extended or not. I made it very clear in my presentation. That is the reason. We give it to them for two years and during that period, the Ministry will review the whole thing and if we need to

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discontinue it, we will. If we need to come back to the Parliament for an affirmative resolution to extend it further, we will also do that.

So I do not understand why there is this debate about the length of time. Why should we come here and, as he said, “Why do we not give them five or 10 years?” Why should we come to the Parliament and give a concession for five or 10 years when we do not know what the fortunes of the oil industry will be in three, five or ten years?

Mr. Valley: Mr. Speaker, I find what the Minister is saying rather interesting. I thought that with the whole concept of globalization, what we were saying in Trinidad and Tobago is that we were going to have zero rate on duty for the manufacturing sector, as well as the energy sector, on equipment coming in, so that we can put them on a level playing field with companies operating in the United States or wherever the equipment is manufactured. Otherwise, if you were to put a customs duty on the manufacturing or on the energy sector, then you are putting them behind the eighth ball in terms of competing with other companies in North America and so forth, which do not have to pay those duties.

Hon. M. Assam: In fact, Mr. Speaker, the kinds of incentives that investors in the energy sector received from governments from the time the energy sector has been in existence, are far superior to those incentives for the people who invest in the manufacturing sector. That is a fact.

In fact, I have just been reviewing these incentives and I have taken a note to the Cabinet with respect to “incentiveising” the whole area of manufacturing, particularly in those areas that we call “enterprise zones” where there is what is called “lagging development”. We are going to be doing something about it, but you cannot leap, in one moment, from one position to another without looking at the effects it will have on other aspects of the economy. So, you have to do what you call a kind of an equilibrating act in order that one will not have a too superior advantage over the other, which it already has.

More than that, it is not only the companies involved in oil production and oil exploration which will benefit, it is all the small business persons in the oil services sector who will benefit. I had the opportunity of delivering the feature address at the annual meeting of the Southern Chamber on Wednesday evening, two days ago, and many of the members of that sector were present. They were very unhappy that the Order had lapsed. I told them on that occasion that I was coming to the Parliament today to have the Order reaffirmed and they were quite happy because they, too, will benefit and they, too, have been affected because of

the lapse of the Order. It is not only the big companies; it is the small operator, the small businessman, the people in the service sector, the stockist, all of them will benefit.

So it is unfair to come to this Parliament and say, "Like the Tourism Development Bill, only one operator" [*Interruption*] which is not true, therefore, in similar vein, because of this Motion, only Amoco will benefit. It is quite untrue. You must not try to mislead the Parliament and, by extension, the national community, with that kind of erroneous and convoluted thinking. It is unfair.

Then to say that I insult. A master of insult. He started his contribution with insult. If he spoke for 20 minutes, 15 out of the 20 minutes was all insult. [*Interruption*] He spent probably five minutes on the Motion itself. Mr. Speaker, I do not know if we will improve.

What makes the petroleum sector so important? Could you imagine the Member for Diego Martin East making a statement asking such a question? I do not know if it was rhetorical [*Interruption*] or not, or if it was meant to be cynical. [*Interruption*]

Mr. Speaker: I appeal to the Member for Diego Martin East. You made your contribution. Even when I was out the Chamber, I was hearing you. But it is not really right for you to be giving him word for word and I am picking it up. It is provocative, I feel. Please continue.

Hon. M. Assam: I mean, how could a responsible Member of Parliament ask such a question in such an important debate? What makes the petroleum sector so important? A sector that is almost exclusively responsible for the economic development of this country over the last 50 years, and more recently because of our almost shift from oil to gas. And he asks: What makes the petroleum sector so important in this country? I am amazed at these questions. I do not know how to answer them. I just do not know how to respond.

Then he talks about election year. What is the point of talking about election year when everybody knows that the year 2000 is an election year, as if it is some secret, as if we are going to pull it out of some bag, one night or one morning and say, "This is election year." He talked about "official funeral". Are you planning your own funeral? He is not going to get an official one, but he talked about "official funeral". I do not know if he is planning his own funeral, but he would not get one.

Dr. Mohammed: He is not an official.

Hon. M. Assam: You would not get an official funeral.

Mr. Imbert: No?

Hon. M. Assam: No. You would not.

Then he talks about racketeering in the energy sector. I find it so unfair that Members come in here and make all kinds of sweeping generalizations and statements, impugning the integrity and character of people. There is so much racketeering in the energy sector. I wonder if they know what they are talking about, if they realize the implication of the words they are using. I often wonder. If there is racketeering in the energy sector and this pronouncement is made by a Member of this Parliament, do they not know that the authorities in the United States or wherever these companies come from, could start investigating them for all kinds of things because they may think that the Member for Diego Martin East is an honest, upright, responsible person and would not make irresponsible statements. You cannot afford to make statements like that.

It is like saying, "We do not want foreigners in this country" as was said on another occasion, when it is the very foreigners' direct foreign investment that has this country's economy moving. You do not want foreigners, but you want their investment. All kinds of contradiction from Members on the opposite side, and I believe they should think out their positions before they come to the Parliament and not behave in a manner that will subject them to the rebuke of good thinking persons in this society, particularly young people. They are listening to you. Young people are listening to them and they are laughing at them. You are totally irresponsible and they are not going to put their lives in your hands come whenever the election is. I am telling you, because you are totally irresponsible. You have to demonstrate a capacity for responsibility and leadership for people to trust you and to make you the governors of this country once more. I was hoping that people like the Member for Diego Martin West and the Member for Diego Martin Central, would lead the way from time to time as indeed, the Member for Diego Martin Central led the way in a very responsible but brief presentation on this Motion this afternoon.

Mr. Speaker, I think I have responded to the questions, the concerns and so forth, and I hope that I have laid to rest some of the mischief that was presented to us this afternoon by the Member for Diego Martin East.

Mr. Speaker, I beg to move.

Question put and agreed to.

Resolved:

That the House of Representatives exempt from import duties of customs the class of goods specified in the First Column of the under-mentioned Schedule, thereto being goods imported or entered for use for the respective purposes specified in the Second Column for the period prescribed in the Third Column, but this resolution shall cease to have effect in respect of any class of goods specified in the First Column that is manufactured in Trinidad and Tobago.

SCHEDULE

First Column	Second Column	Third Column
Class of goods	Purpose(s) for which <i>goods are to be used</i>	Period of Exemption
Equipment material and supplies	Imported for use in off-shore petroleum exploration and production operations	From January 1 st , 2000 31 st December, 2001.

MINIMUM WAGES (AMDT.) BILL

Order for second reading read.

The Minister of Labour and Co-operatives (Hon. Harry Partap): Mr. Speaker, I welcome the opportunity to present this Bill which has as its short title: "The Minimum Wages (Amdt.) Bill, 1999" for the consideration of Members of this honourable House.

Mr. Speaker, you would remember that the United National Congress (UNC) Government introduced, for the first time in this country, a national minimum wage of \$7 an hour. In monitoring the impact of this important step in support of workers in the lowest rung of the economic ladder, it became evident that unless certain amendments were made to the parent Act, the intended beneficiaries of the national minimum wage would be cheated.

The national minimum wage was based on a philosophy of establishing a basic floor level of wage that would apply to all low-skilled, non-skilled, low-paid workers in a wage band between \$7.00 an hour and \$10.50 an hour. These workers are normally not covered by a collective industrial agreement or a negotiated contract. These workers are invariably not members of trade unions and are outside the coverage of the Industrial Court. Indeed we are speaking about, roughly, 70 per cent of the labour-force that is not unionized. This basic

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floor provides these workers with a minimum wage that is slightly above the poverty line. I know that many believe that the basic floor should be higher than \$7 an hour, but it is a major thrust forward, considering that prior to the introduction of the national minimum wage, low-skilled workers were paid between \$2.50 and \$4.50 an hour. If that was not bad, Mr. Speaker, we have evidence where such workers had to labour between 10 and 14 hours a day. This was the situation prior to the introduction of a national minimum wage of \$7 an hour, just two years ago.

Government is justifiably proud, today, that we were able to improve the wage of low-skilled, non-skilled workers by the introduction of the national minimum wage. We are proud of the achievement, Mr. Speaker, because for the first time, poor people are benefiting from the prosperity brought about by prudent management of the national economy.

Mr. Speaker, I alluded earlier to instances where some employers are cheating on their employees by denying them the legal minimum wage. The Labour Inspectorate of the Ministry of Labour and Co-operatives has been receiving complaints that employers are using novel approaches to deny workers their lawful due. Reports reaching the ministry are that some employees are being pressured into signing records that show they receive the correct national minimum wage when, in fact, they do not. We treat these complaints seriously. Our labour inspectors cannot deal with such circumstances where they have found that most of the workers who make formal and informal complaints about not receiving the correct minimum wage are the same ones who sign for receiving correct wages. Understandably, these workers are not at all prepared to stand up against an employer who violates their right to a decent wage for fear of victimization or even dismissal.

As a result, Mr. Speaker, the labour inspector cannot execute his obligation under the law and prosecute offending employers who treat their workers in this way because, really, they have nothing to answer if the employee signs for receiving the correct wage when, in fact, he or she did not receive it. This is the plight of our low-paid, low-wage workers.

There are two avenues in the Act that can assist in reducing this type of dishonesty on the part of some employers. For example, clause 4 proposes to amend section 21, to allow an authorized officer expanded power of inspection that requires an employer, or other persons authorized by the employer, to permit the interview of workers in respect of whom a Minimum Wage Order applies. At present, that is not possible under the Act. Workers can use this opportunity

now—that we are giving them with the amendment—to make a complaint at this point. However, if the employee is reluctant, he or she should be aware that section 22(c) of the Act would prohibit an employer from dismissing, suspending or otherwise adversely affecting the employment of a worker, because of that worker's allegations of non-compliance with a Minimum Wage Order by the employer.

An employer who is found to contravene this provision can face a penalty of \$20,000. That is the new penalty. I cannot over emphasize the point, Mr. Speaker, that the law protects all workers covered by the Minimum Wages Act against arbitrary dismissal or victimization, on account of their complaining about the noncompliance of any Minimum Wage Order.

Mr. Speaker, we at the Ministry of Labour and Co-operatives have been grappling with the problem, and with the input of the social partners through the Minimum Wages Board, we have come up with the proposed amendments which will assist in improving the enforcement of the Minimum Wages Act.

The main thrust of this Bill before this honourable House is a transfer of jurisdiction in respect of matters arising under the Minimum Wages Act from the Magistrates' Court to the Industrial Court. This would mean that offences under the Act would be akin to industrial relations offences, subject to the trade dispute procedure in Part V of the Industrial Relations Act Chap. 88:01. In other words; a breach of the Minimum Wages Order could be deemed a trade dispute which is reportable to the Minister of Labour and Co-operatives by, either the worker, the recognized majority union, or a union of which the worker is a member. There are three avenues that the worker can use to report the matter.

Mr. Speaker, the transferring of jurisdiction of matters arising under the Act from the Magistrates' Court to the Industrial Court represents a major shift in policy. That is, minimum wages offences would have been decriminalized and custodial sentences on employers removed, but there would be an increase in fines.

4.10 p.m.

It is not that we are soft on erring employers; it is not so. In fact, the Minimum Wages Act in its present form facilitates a soft approach to violations, because of the many loopholes in the current law which erring employers are exploiting to its fullest to the disadvantage of the workers.

Mr. Speaker, industrial relations are moving away from the confrontational to the consensual approach, which emphasizes greater dialogue and negotiations. In

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this new environment where we are dialoging rather than confronting it may be inappropriate to impose custodial sentences upon an employer for contravention of the Act. Indeed, it was not the intention of the Act to destroy the livelihood of employers and workers by imposing custodial sentences. The purpose of the Act is really to ensure a minimum rate of pay for workers, not to destroy business or entrepreneurial initiatives.

The amendment, therefore, will include the removal of imprisonment for breaches and introduce instead stiffer monetary penalties for employers who breach the provisions of an order. The changes in the fine to reflect the seriousness of the offences, in the context of the change of jurisdiction, are outlined in clauses 7, 8, 9, 10 and 11 of the Bill before this House. It is proposed that these clauses will amend sections 23, 24, 25, and 26 of the present Minimum Wages Act.

Mr. Speaker, another important consideration in shifting jurisdiction in relation to offences under the Act from the Magistrates' Court to the Industrial Court, was the fact that aggrieved workers were not able to beat the statute of limitation imposed by the Summary Courts Act Chap. 4:20. As you are aware, because violations under the present Minimum Wages Act are subject to the summary jurisdiction of the Magistrates' Court, the execution of such offences is governed by section 33(2) of the Summary Courts Act, Chap. 4:20.

Mr. Speaker, section 33(2) of the Summary Courts Act Chap. 4:20 states:

“In every case where no time is specially limited for making a complaint for a summary offence in the Act relating to such offence, the complaint shall be made within six months from the time when the matter of the complaint arose, and not after.”

The Labour Inspectorate at the Ministry of Labour and Co-operatives has been powerless to take action against erring employers due to this time limitation. Offending employers have escaped their responsibility because the violations of the Act are often statute-barred mainly because complaints, very often, do not reach the Minister within the six-month period stipulated by the Summary Courts Act.

Mr. Speaker, in the proposed amendment at clause 6 which amends section 22 of the parent Act, the worker, the recognized majority trade union or any union of which the worker is a member can complain to the Minister. The Minister responsible for labour matters will be empowered to utilize his discretion under section 51(3) of the Industrial Relations Act to extend the time within which a

matter may be reported. This would allow for more effective investigation and, if necessary, prosecution of breaches.

The proposed amendments at clause 6 which amend section 22, provides at section 2(1)(b) that individual workers and trade unions are empowered to pursue matters related to breaches under the Minimum Wages Act. Furthermore, we believe that by giving individual workers the right to initiate their own actions, employers are more likely to comply with the law. What we are saying is that the worker or the union can report the matter.

Mr. Speaker, the amendments proposed would address the special problems of domestic and household workers who are not deemed to be workers under the Industrial Relations Act. It should be noted that it is only under the Minimum Wages Act that domestic and household workers are deemed workers. At present, any worker covered by the Minimum Wages Order, including domestic workers, can make a complaint regarding any breach of the Order to the Labour Inspectorate Unit of the Ministry of Labour and Co-operatives which is entrusted with the enforcement powers under the Minimum Wages Act.

If the matter is not corrected, the Ministry initiates procedures for prosecution in the Magistrates' Court where it is determined. That is what obtains at present. However, the amendments proposed at clause 6 which would amend section 22 of the Minimum Wages Act would allow not only the domestic worker to lodge a complaint, but also empowers a recognized union or a union of which the worker is a member, to do so as well. If the matter is not resolved it will be deemed a trade dispute subject to the Trade Dispute Procedure under Part V of the Industrial Relations Act.

We had discussions with all the social partners in relation to this matter, including the national union that represents domestic workers. Miss Clothil Walcott has been—*[Interruption]*

Miss Nicholson: I want to know if you have included institutions like the hotels and so forth in your situation, because they are even worse than the people who employ persons at their homes? From the time they recognize that workers are going to be unionized they just dispatch the whole block of workers. Could you tell me what you are doing about that situation?

Hon. H. Partap: Thank you, Member for Tobago West. In fact, this is what the amendments will do; they will now empower the labour inspectors to go into these areas. They will not be able to dismiss people. The amendments that we have now will assist us in monitoring and enforcing the Minimum Wages Act.

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I wish to draw the attention of Members of this honourable House to amendments made to the Bill in another place. In clause 3 which is section 2 of the Minimum Wages Acts we are deleting the word “judge” and substituting the word “court”, where court means the Industrial Court established under the Industrial Relations Act. We are also deleting section 22(a) and 22(b)(3) and substituting a new text. In both cases, the text clarifies the procedure to be adopted when a breach of the Order is reported to the Minister.

In the other place, clause 9 which amended section 25 of the parent Act was deleted and substituted by the new text in a new section 25(1) amended at clause 9. Provision is made for the Industrial Court to compel an employer who is guilty of paying a worker less than the statutory minimum wage, a sum equal in amount to the difference between the amount actually paid and the statutory minimum at compound interest to be determined by the court; this is the amendment. The court is also empowered to award damages, as it thinks fit; this is a new aspect of the amendment to that section.

I had indicated earlier in my contribution that the Labour Inspectorate Division of the Ministry of Labour and Co-operatives is authorized and entrusted with the enforcement responsibility under the Minimum Wages Act. The division has started a countrywide campaign to make officers available in various communities to assist in issues relating to minimum wage maternity protection benefits or matters relating to terms and conditions under the Act.

We have established Labour Inspectorate desks at regional offices of the Ministry of Labour and Co-operatives and Inland Revenue offices, where workers can go, from time to time, to discuss their problems. This programme was started last December and areas served include Port of Spain, San Fernando, Princes Town, Mayaro, Tunapuna, Arima, Couva, Sangre Grande, Rio Claro, Chaguanas, Point Fortin and Siparia. Our advisory services are available to both workers and employers

Mr. Speaker, I must thank our labour inspectors for offering this service. I hope that workers who have problems will come to the venues in the various areas and seek the advice we offer. We have advertised the venue, date and time for the benefit of the public. We hope that we would not now be hearing the complaints that workers do not know where to turn for assistance in matters of minimum wage and maternity protection breaches; they have a place to which they can turn.

Miss Nicholson: In listening to you a while ago, I did not hear the word “Tobago”. Are you dealing with Trinidad and Tobago or are you just dealing with Trinidad? Is Tobago here?

Hon. H. Partap: Thank you again. Tobago will be making their own arrangements in terms of the Tobago House of Assembly.

Mr. Narine: Is the law not for them? [*Crosstalk*]

Miss Nicholson: Mr. Minister, you are here from week to week and you have been hearing the discourse by your Attorney General; all the discussions. The Attorney General says that the Tobago of Assembly does not have devolution powers. What they have is improved administration and that the Central Government is in charge of all the institutions in Trinidad and Tobago.

You are the Minister and, therefore, you are in charge, of just what you are talking about here, in Trinidad and Tobago! You cannot tell us what you are saying or else nobody will be addressing that! Tobago is not independent! The country is a unitary state of Trinidad and Tobago. You are the Minister and if the Assembly is not listening to you, set up your thing in Tobago, because you are in charge, that is what your Attorney General says. Up to week before I had a heated debate here with him and he said that the Minister is in charge. So you cannot come here and tell me that the Tobago House of Assembly is going to do something else. The law is for Trinidad and Tobago! [*Desk thumping*] You will have to work out your business with Tobago and put; it has to be in this Bill.

Hon. H. Partap: Thank you Member for Tobago West. I want to assure you that the Ministry is, indeed, monitoring the situation in Tobago. You will note that there is a union in Tobago, the President is Mr. Hudlin and he had been very vocal as well. We have been monitoring the situation in Tobago and, in fact, we have sent some of our officers from Trinidad and they go from time to time to Tobago to assist the Tobago House of Assembly; so an effort is being made. [*Interruption*]

Miss Nicholson: It cannot be hearsay. You are dealing with the Bill, the law. Why are we here? What is our business here? Is Tobago independent? You cannot just tell me what is happening in all the different regions in Trinidad and I do not hear what is happening in Tobago. And you tell me word of mouth that the Tobago House of Assembly is—you are running things, that is what the Attorney General said.

4.25 p.m.

The Attorney General said that clause 75(1) of the Constitution says that the Cabinet is in charge of Trinidad and Tobago when we were discussing the Tourism (No. 2) Bill two weeks ago. I questioned him, and he held his ground

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and, therefore, I am going to hold my ground. You all have to improve. [*Desk thumping*]

Hon. H. Partap: As I said, we are monitoring the situation across there, we have officers who go to Tobago. There is a very vibrant union in Tobago which has been taking up the case of these low wage workers and the law covers all.

Mr. Speaker, these amendments to the Minimum Wages Act are important if the national minimum wage is to continue to make an impact on the lives of our low-paid low-skilled, non-skilled workers in this country of ours. As a Government, we have a responsibility to provide protective cover under the law for the vulnerable members of the workforce and the Minimum Wages Act is one such mechanism. The Act is in need of amendments to make it work in the interest of those it was intended to serve and, therefore, I urge the Opposition to support this Bill, and I commend it to Members of this House.

Mr. Speaker, I beg to move.

Question proposed.

Mr. Speaker: I recognize the Member for Arouca North. I would point out to you that you have just about one minute. If you care to start now and break in one minute and return at 5.00 p.m., I think it may disturb your rhythm. I recognize you, but I suggest that the House would take the tea break at this point for half an hour. The Sitting is suspended until 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. Jarrette Narine (Arouca North): Mr. Speaker, firstly, I would like to apologize to you, for I saw the mace being removed just before tea and I really thought that you had left the House and made a comment to the Member for Nariva. I certainly will not try to use unparliamentary language such as gutter politics or anything like that. I assure you that my apology is because I saw the mace down and I did not see whether you had left the Chamber, as a matter of fact.

Thank you very much, Mr. Speaker, for allowing me the privilege to speak on this amendment to the Minimum Wage Act, Chap. 88.04 referred to as the Minimum Wages Bill. Two years ago we came to this Parliament with a Minimum Wages Bill and, certainly, the Minister of Labour and Co-operatives took two years to apologize to the Members on this side. For you would

remember, in that debate, we had made all the points that would have affected that Minimum Wages Bill, hence the reason for the Minister coming today in Parliament to bring amendments. *[Interruption]*

Mr. Partap: Mr. Speaker, I thank the hon. Member for giving way. We are speaking about the Minimum Wages Act which was put into effect since 1976. That is what we are talking about today. What the hon. Member is speaking about is the Order—and that was two or three years ago as the case may be. We are talking about the Minimum Wages Act that was introduced in this honourable House in 1976. We are amending the Act. Thank you.

Mr. J. Narine: Mr. Speaker, I certainly will not give way to the Minister any time in my debate from here on. What I was saying is that two years ago when we discussed the minimum wage in this Parliament, Members on the Opposition Benches were making points that he should have considered then and produced a proper document in order to benefit workers of this country. We were saying at that time that there was already a backlog in the magistracy, and that to put these matters into the Magistrates' Court would have created a further backlog and that workers would not have enjoyed their rights to have their matters heard as early as possible. As a matter of fact, I understand that matters which went to the Magistrates' Court within that two years most of them have not been remedied up to this point in time.

We also have that problem with the Industrial Court. There is a backlog in the Industrial Court on industrial matters, and now that you have this Act which is stating that matters would now go to the Industrial Court, then I would like to find out, first of all, what we were asking then: whether the Minister has approached Cabinet to increase his labour force so that he would have more labour officers; those officers who visit the work site; those officers who get reports from workers in this country that they have been victimized and they are not being paid the minimum wage, so that they can have their matters heard immediately.

Another matter that I would like to deal with and we dealt with it at that time, and that is, to go to the Industrial Court you need a union. As a matter of fact, at this present time if someone approaches the Ministry of Labour and Co-operatives with a matter, they are sent to the trade union movement and the trade union movement back-dates their entry into the union and that is how they get their matters heard in the Industrial Court. I will tell you something, Mr. Speaker, it is a fact and it is known by the workers that when the trade union movement has to take that initiative, to take that worker's plight and problems to the Industrial

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Court, they have to pay a lot of money in fees so as to get representation in the Industrial Court.

We are talking about workers with a minimum wage of \$7.00 per hour. How are they going to afford these charges? I do not know. And then I understand that there is favouritism within the unions, in that, labour supervisors send these people to certain unions and according to how the matter turns out, there is a percentage rebate for them in this.

So that we are dealing with a very delicate situation here where workers in this country, certainly, would leave the matter undone, because they do not have the money to go to the trade union movement and pay that backlog of fees so that they will be given a retroactive entry into the union so as to take their matters to the Industrial Court.

It is very serious when the Minister stands here today and brings legislation that we spoke about two years ago. Because the first thing that we would have to understand here is that the Ministry has failed miserably and the Minister has failed miserably in bringing that Minimum Wages Bill to Parliament. Because what had happened at that time is that the already overworked staff was now going to have additional work and he could not have said then, and he did not say today, whether they had recruited more persons in his ministry to do so.

Also the delays; at that time we told him that the employers have found and will find novel ways to deal with this situation. He alluded to that fact today that the employers have found novel approaches to deal with these situations. What we were pointing out at that time and what has happened is that the employers reduced the working hours of workers. Instead of giving them \$7.00 an hour for eight hours' work, they gave them a task per day. You report for employment in the morning and if I have work for you, then I employ you for that one day and I will give you a certain amount of work to do on a daily-contract basis.

So it is called task work in the daily-paid section, but one is paid a full day's pay for that.

5.10 p.m.

What they have done is reduce the hours, so that instead of paying for eight hours they may pay for six hours. So they pay \$42 a day and they give a certain amount of work to be done. This is what we know as task work. Mr. Speaker, this, then, was what we said would happen. It eventually happened. The very workers who are working with these employers, receiving \$10 an hour and receiving an

upgraded wage, were sent home as this Bill was passed two years ago and they were re-employed at \$7 an hour on contract.

At the time I spoke about “yellow dog contracts” in the United States which appeared years ago when employers thought that the trade union movement was giving them problems, so they started to prepare contracts for workers to sign. We know that right here in Trinidad when the Industrial Relations Act came in—I was a member of the trade union movement then—workers could not have gone on strike. We found a way around it and said, “Okay, we will go slow. It was not a strike. We were going slow”. We were actually on strike but they called it a go-slow.

When that was also legislated against the union then said, “We are not striking, we are not going slow but we are going to work to rule”. That was the new order of the day, we were going to work to rule. That meant that if I was a driver employed with the Government and there was a defective vehicle on the compound, I would refuse to drive it. I would sit there and get paid for it. Sometimes it would be for lack of a rear-view mirror, a park-light or a tail-light, or something like that. We know what has happened here.

The point that we were making at that time was that the Government can pass whatever legislation it wants here, there will always be somebody getting around that legislation because dealing with labour is a delicate situation. Labour is a situation where one has to know what one is doing and when there are square pegs in round holes, then you would understand what is taking place. Two years ago we were warning the Ministry, the Minister and the Government about this. It took them two years but the Minister did come today and apologize to the Opposition because we were making those points at that time. [*Desk thumping*]

We have a situation here, Mr. Speaker, where even if one goes to the court—and I read a matter last week where someone confessed to a murder and he signed that confession. If a worker goes to the workplace and I have a contract stating that he is to work today, March 31, 2000, for a certain wage and he signs that, and I am not guaranteeing him employment for tomorrow, then where is he going to take this? To what labour officer is he going to take this? He has signed this agreement to work that day for me for \$45 to complete a job, and that is the end of his employment. If I employ him for the entire week, every day I make him sign that contract, and that is happening here.

Your colleagues have been telling you about this situation and your colleagues have been telling you how people in Chaguanas in those stores work for \$100 a

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week. They work 12 hours a day, six days a week—72 hours to get \$100 a week. Yet now you have come and said that they have been making them sign for higher wages and receiving less. We told you that two years ago but you would not listen. You come here today trying to amend these measures that you brought two years ago when we were telling you that nothing was wrong with increasing the minimum wage. We are all for that.

Now that you have an excessive amount of money and the union is calling upon you to increase it to \$10 minimum, of course they know why they are asking for that, because \$10 per hour minimum is \$80 a day. So no Government worker will work for less than \$80 a day. They will have a better hand in negotiating with the Government service. When the minimum wage goes up it is better for the trade union movement. However, you have not been trained in that field. Your advisers are advising you but I do not know if you are hard of understanding. The situation is that these things happen, especially to non-unionized members and you are putting pressure on non-unionized members.

Mr. Speaker, when we look at this legislation, apart from the transfer to the Industrial Court and the many delays, if we look at terms and conditions of service in clause 5, the Minister says that the purpose of clause 5 is:

“...to amend section 22 in a similar fashion to clause 21 by broadening the investigative powers of an authorised officer whereby he is permitted to interview workers in respect of salaries and terms and conditions of service.”

Right now they are interviewing workers. Right now, when officers go to the job site, I hear from PNM people that they are targetted, that the Ministry sent them exactly to these people to find out what is taking place and if they are paying the minimum wages. What I tell you is that they have already been interviewing people so this—[*Interruption*] No, it comes like Galbaransingh and the others you have in your corner. We also have people in our corner. You are living in a world of fantasy.

You talk about these workers who sign contracts on a daily, weekly or monthly basis. They have no terms and conditions of employment because they have no union representation and they have no ongoing negotiations with any union. So, as they come in they are given a contract to sign for a week's work. There is no sick leave attached to that because, as you would know—by now you should know—when you ask for sick leave it is based on a period of employment and the number of days that one is employed, Mr. Speaker. As a matter of fact, in the Government daily-paid service one has to work for six months within the

calendar year to qualify for sick leave. In order to qualify for casual leave or emergency leave one has to work for two years. One has to be a regular worker.

This cannot happen at the lower level of employment, like with waitresses and bartenders, and I will come to that. I mean, they would not have any terms and conditions of employment, like vacation leave and all that, when they have to sign contracts. They are not unionized so they have no ongoing negotiations or no memorandum or collective agreement to work with in the first place. That is what is taking place here. You see, they talk about an election year and we would hear all sorts of things coming up such as, "We are bringing betterment for the workers."

This Minister, however, sat here for four years yet all he did was change the name of the Cipriani Labour College and allowed the Attorney General to let the Health and Safety Bill fall. We negotiated in the committee room and today he is coming back to amend an old Bill, the only one that he ever passed, when we told him two years ago that the Bill was not a good one and it would need amendment, but he never listened to us. He got up here with his arrogance and said, "If you all want, do something about it. I will go and tell the people that you all did not want people to work for \$7 an hour", and all that nonsense. So today you come here and say that you have to change that.

Mr. Speaker, apart from that he boasted about maternity leave. It is simple with maternity leave. In the Government daily-paid service one would have to be employed for two years to qualify for maternity leave. Recently, he came and said that if one is working with the employer for six months or for a year, one is entitled to maternity leave. Maternity leave is based on one's payments to the National Insurance Scheme. One would have had to make those payments per week for a period of 13 weeks.

As soon as the private employer hears that someone is pregnant, that is the end of that person's employment, obviously. That person will be sent home. It is only if one has a collective agreement and is a regular or a permanent worker that one would qualify for those benefits. Even if one is a casual worker one may not have made sufficient payments to get those maternity leave benefits. So that, we are in a situation here where, if one tells the employer or another worker in the job site says that X is pregnant, that is the end of employment because one must have benefits in order to get that leave.

They also rotate workers, Mr. Speaker. Private employers have now learnt, through this Minister, how to rotate workers. One set of workers would work this

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week, another set would work the next week and, the third week, the first set of workers who worked the first week would work. I wonder if he knows that they also give the workers a half-an-hour lunch break and that, if they leave the workplace, the sum of \$3 is deducted from their wages for that day. Those are some of the conditions under which these people are working today because they cannot trust this Government or this Minister, because nobody is going to sit in jail for six months and pay \$25,000 and all these types of things.

So that, transferring matters to the Industrial Court will not bring a prison term but a high cost for the employer and you cannot advise—and they are getting advice. Most of these large employers, Mr. Speaker, have people employed with them in an advisory capacity, legal people who have industrial relations diplomas, and they work out all these things. Through the Internet, this communication is very easy now where one can access it and see what is taking place in America, in South Africa and in Australia and then all these things are introduced here in Trinidad.

Mr. Speaker, I would like the Minister to tell us, if a worker signs a contract and comes to his Ministry to make a trade dispute, will he go against that signed contract and send that matter to the Industrial Court to lose the matter? He is only delaying the process because he is no wiser than he was when he came here four years ago.

Waitresses and bartenders, Mr. Speaker, have been saying that they used to buttress their salaries by the tips they got. So if they worked for \$40 a day, or whatever, sometimes their tips would go over \$100 a day. Sometimes they had the system at that time to pool their tips and share them, just as the West Indian cricket team does. Whosoever wins, they pool the sums and then they share the total among the team so that one player, although he is a star player, may get more money than the others but they share the sum equally. This was the practice that took place in restaurants and bars. The waiters used to pool their tips, share the total and then they had an enhanced salary to take home.

Do you know what is happening now? There is a service charge system, so that one now pays the tip in advance, unless one cares to give a further tip. So when this service charge is paid when the bill is paid—ask the Member for Pointe-a-Pierre. He knows about that well. On a Friday night he will normally do that. This service charge, when paid, is paid to the employer. There are no tips to be made and other things also take place at the work site, you understand. So they are working for a basic salary now. Most of them work for \$100 a week, Mr. Speaker, and they depended on those tips. So now that you have raised the

National Insurance and now that you have brought a minimum wage, they have gotten wiser and they have taken out many of the benefits.

I spoke about many store-workers, Mr. Speaker. What the employers are saying, Mr. Minister, is that they employ three persons in their store. I went to a store in Arima recently and the owner of the store was telling me, "Look at what is taking place here". He called one of the workers. It was 2.00 o'clock in the afternoon. He asked, "What have you sold for the day?" This is because each person is given a bill book. The young lady went to him and, since it was a very slow day, she had only sold something for \$25, I think a bodice or something. He then told me, "Yes, you want me to pay \$7 an hour but she stands there whole day with a bill book, sells only \$25 worth and I must pay \$7 an hour for eight hours". You understand?

5.25 p.m.

That is the kind of thing you have created. Whereas they used to be very lenient on their workers because they were workers to whom they had become accustomed; the workers in their employment were trusted people and they acquired a certain love for these workers over the years because of their honesty; they kept them on and gave them an enhanced payment. That is no longer taking place on the work site.

Mr. G. Singh: Are you against the money?

Mr. J. Narine: I am not, but send it up to \$10 as Mr. Guiseppi asked you to, and then you will know what would happen. [*Crosstalk*]

Mr. Speaker, I read recently that there are now many industrial relations problems in Trinidad. There are the nurses on the road. ISPAT—I had a son who worked at ISPAT and a year or more ago, he left the job because of health reasons, because you breathe in the steel in those areas. They had put in a vac-plant with US \$25 million, to pull in the steel, recycle it and so forth. The health situation there was so difficult that he just resigned the job. Today, the workers are out there saying the same thing.

The Minister has done nothing over the last four years because we have heard today that money was pumped into some project that the Government has. They put US dollars into a project, so the Minister of Labour knows he has to be hands-off.

A supplementary question was asked today concerning the same thing, whether they would be given privilege and the Minister said, "Of course not."

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But, look at the situation. This Minister called in the workers, begging them to go back to work saying that they will affect the economy of Trinidad and Tobago. He simply does not care about workers and their rights. [*Mr. Partap rises*] Are you wasting my time again? Go ahead.

Mr. Partap: I simply want to say that I never asked them just to go back out, because they destroy the economy of this country. We never did that. At the Ministry, what we do is, we negotiate and we conciliate. We do not force people to go back to work.

Mr. J. Narine: When I say you begged them, that is your method of conciliation. That is his method of negotiations. Beg them. It is a UNC Government. Why do you not all go back to work? You are affecting the economy of the country and all that. I did not say he was forcing them. I said he was begging them to go back to work for the sake of the economy, not for the sake of what is happening there.

Mr. Speaker, I talk now about the domestic servants. We know that there is a situation, and I do not live in highly residential areas like Valsayn and so forth, but there are servant quarters in some of these places and the norm, before this Minister came into office, was that the people sometimes slept in and went home on weekends—some of them came from far. They would work for a small wage but they had meals that they utilized from the people they worked with and they had quarters that they occupied during that period.

When this Minister came and talked about minimum wages, do you know what some of them did? They attached a cost to the rental of those quarters that the servants slept in, so that every week they added that to the hundred dollars rental. Then, the meals they took at the residence was also charged. So, actually, they were working for more than \$7.00 an hour but what has happened? Their take-home pay was very small because every single thing that happened there, there was a charge attached to it. If they had a friend who is a doctor and they got ill and sent them to the doctor, they said, “Okay, the bill for transporting you there to the doctor will be \$20”, and the doctor did not charge them because the person is their partner in any case, but they attached a cost to that, too.

So that when you talked about domestic workers today and you spoke to the union and all that, did they not tell you what is taking place with respect to domestic workers in this country? Are you aware of what is taking place? They found those novel approaches, as the Minister said, because they felt that \$7.00 an hour was too much to pay because these people were on call. They might have

worked for 12 hours for the day and slept on the compound and if they had a little dinner in the night and they invited friends across, the people would come and help them out and so forth, that was the approach taking place. Now that you have said to them that every hour they are on the job they have to pay them so much and so much, they must find novel approaches to get around this.

There is a situation with the RHA workers, the nurses who are on the streets for the last two weeks. The situation was yes, they needed regional health authorities. Yes, we needed workers to work with these authorities who will perform. I remember when the Maternity Hospital at Mount Hope was first opened, they had a special staff who went there. They did not transfer anybody from the Port of Spain General Hospital or the San Fernando General Hospital. They trained that staff and up to this day, they work well, because they came in there not knowing the other areas of work.

Instead of doing what you are trying to do today, you should have done it four years ago. You did not understand the approach. The Minister of Health at the time, came to Parliament, and he had that plan, but he had phases of that plan that were supposed to have been followed. What has happened now is that the workers are public servants; they do not want to go with the Regional Health Authorities. There is a whole confusion in the industrial relations department in the Ministry because the Public Services Association—and I know that when you say you will separate them, that you will dismantle the Public Services Association, but that would not happen:

Hon. Member: That is not true!

Mr. J. Narine: When you are saying that every worker should go by himself or herself, you are trying to strategize the thing and say that you will divide and rule, but that will not happen. Because the more pressure you put on workers in this country, it is the more they will unite.

One will understand that between 1986 and 1991, the National Trade Union Centre came about during that period. The whole thing was divided. There was the Labour Congress and the Council of Progressive Trade Unions and if I go into that, I could tell you who caused that. The cause of that was the Member for Couva North. He divided the labour movement. He could not get to be President of the Labour Congress, so he went down south and opened the Council of Progressive Trade Unions and when Mr. McLeod took charge of the Council of Progressive Trade Unions, he decided to mash up that, too.

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That is why there was NATUC coming together, all the trade union movements came together in 1988/1989 to form one umbrella body and there were a few unions that kept out of it, like TTUTA and others. So that trying to divide the trade union movement today, will not serve you what you are thinking in the long term because it is very factual now that everything the Government does, people look at it and scrutinize what is done. They cannot trust you.

So that when you say that everybody should go it alone, right away the President and executive of the Public Services Association understand that and they would get to the workers. The struggle is on. They will bind themselves together, and because you have no clue as to what is taking place with negotiations and so forth, you will end up in this quagmire that you are in.

Did the Minister really go to the Industrial Court to find out how long it takes a matter to come out of the Industrial Court? It takes about 10 years in some instances. It takes years. There was a situation here in Port of Spain where somebody got stabbed here in Port of Spain and they went to the security at the City Hall. The City Hall officers said, "We are not here to deal with that. Go somewhere else by the Police Headquarters to deal with that." Because of that situation, the City Corporation could not interfere with them because they belong to the Statutory Authorities Service Commission and they said that you have to tell them to investigate. An investigation was carried out. It went to the SASC. They, too, investigated. They, too, decided that okay, the workers should be disciplined; pending investigation, they are sent home on full pay. I know that long time we used to send people home on half pay. Now, workers going home on full pay.

I am thankful for that. I like workers going home on full pay, but my investigation of that proved that a similar incident took place and the security officer stayed home for 17 years and when he was about to resign, do you know what happened, Mr. Speaker? They had to reinstate him; give him his gratuity payment to go home; put in his pension and, during that 17 years, if he had missed promotion, increments and all that, he had to be given those things. That is what happened.

We had a situation here in Parliament in 1990 and 114 persons were incarcerated. What happened is, when they won their matter in the court and they had to be released after two years, there were five checkers in the Ministry of Works and Transport who were involved in that situation. When they came back for their jobs, because of the amnesty, because of the ruling of the court, we had

to re-employ them, give them promotion for the two years if they had to be promoted because of their service or seniority. They had to get it and you had to turn around and pay them for the entire two years that the state had incarcerated them. So that they got paid for the two years. They got promotion. Well, increments went by that time and cost of living went by that time. We had to reinstate the cost of living. They, too, were entitled to all the bond issues that were made over the years from when the PNM was in office in 1995 up to the present time. I think that the last issue was made recently. We know what happened at that time—a debt is a debt and it must be paid in cash. Well, we are still issuing bonds.

So that we are in a situation here where you are telling the employer that section 22C would prohibit the employer:

“No employer shall dismiss, suspend or otherwise adversely affect the employment of a worker...”

—because of that worker’s allegation of non-compliance with the Minimum Wage Order by the employer. Contravention of this provision will incur a penalty of twenty thousand dollars.

Mr. Speaker, if I report my employer and that matter has to take 10 years: Do you think that I will be on that job for that 10 years with that same employer, with those same workers? Those workers will side with the employer. I am certainly going to be victimized. Have you never heard about cases in the Industrial Court where they plant things in people’s bags, call in the police and charge them for stealing and that kind of thing?

I would rather get away from the job if I have a problem with my employer because he has the upper hand on me, and if I am going to cause him to pay \$20,000 in court in penalties and he has to employ me until that matter comes up in the Industrial Court and I have to be employed in that job for the 10 years, then Mr. Speaker, I am certainly going to be—you talk about stress? For those 10 years, that worker is going to be under extreme stress!

5.40 p.m.

If the Government is saying that he cannot victimize the worker, he cannot dismiss the worker, he cannot do this and he cannot do that, it is only making laws for paper. It is not making reality. That is not the reality as to what will happen on the job site. There is a certain bonding that one has on the job site, and workers help each other. If a worker comes today and is not so well, the other workers will take up the slack to help that worker. The Government is not taking those things

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into consideration. It is just bringing legislation. Some of these things come like dictating laws. It is a creeping dictatorship—what we are speaking about here—that one is telling the employer that a worker has done wrong, he must not be dismissed. Because the worker has gone to the Ministry and reported this matter, the first thing is that he must not be dismissed. If the worker had a contract for a week, certainly this would not work. This is only written here. It is not even worth the paper that it is written on.

As a matter of fact, if that worker had a contract, by the end of that contract, that worker is out and that worker would never be employed in that employment again, or if that person has other friends—because you know it is a fraternity. They are called "Junior Chambers" where there is a conglomeration of persons. For example Tunapuna, the businessmen in Tunapuna are together, so when they meet for their meetings and they say: "Tom, Dick and Harry, did me so and so," you do not get employment from any other person in Tunapuna. You would have to find yourself out of Tunapuna where nobody knows you, to get employment.

Mr. Hart: Yes that is how it is.

Mr. J. Narine: Mr. Speaker, I had the opportunity last Friday to be in Rio Claro. It is not only at the lowest level.

Mr. Hart: That is where they kill the man.

Mr. J. Narine: —*[Interruption]* What, Rio Bravo? That is for out there, not for here. Mr. Speaker, I received a letter. The person who wrote this letter from the Mayaro/Rio Claro Regional Corporation was even afraid to sign the name because of victimization. I am talking about a Government daily-paid worker.

Mr. Hart: "All yuh" killing people.

Mr. J. Narine: The letter was addressed to Mr. Manning. It was passed to me; it just marked PNM on it. I took it and put it in my bag. It is only today I realized that the letter was really addressed to Mr. Manning, but the envelope was opened. What this worker in Rio Claro was saying is that—*[Interruption]*

Hon. Member: That is an old story.

Mr. J. Narine: This is an old story? Oh, you know about this? If I wrote this for myself I would rather read the letter for you. Because I am certain that these names that are called here, I do not know anyone of them. The letter is saying:

"Mr. Manning,

Welcome to Rio Claro. I want to bring to your attention, the CORRUPTION existing in the Rio Claro Mayaro Regional Corporation. I was employed with

the Corporation from 1978—1993. I was laid off in 1993. I have the names of several persons (14) who have never made a day's work in the Corporation, yet they are employed on a regular basis. It is very unfair that these persons has acquired employment whilst I remain unemployed. I had spoken to the C.E.O Mr. David Jean,..."

I think is the name.

Hon. Member: You cannot even read you own handwriting boy! *[Laughter]*

Mr. J. Narine: The letter continues:

"The Chairman Mr. Vedesh Maraj, the Labour Officer Mr. Bisson..."

[Interruption]

Mr. Hart: All "yuh" laughing at serious thing.

Mr. J. Narine: I do not know all these people. I continue:

"... who all repeatedly said they cannot help. I also went to the Union (NUGFW) who refuses to help. I also went to Mr. Marcano of the Ministry of Local Gov't who is investigating the matter. I am totally fed-up with the run around. According to the C.E.O. these 14 persons are SPECIAL people. He probably knows why he said this. Talk about, CORRUPTION. Maybe because I support the P.N.M. I am being victimized?"

The names of the SPECIAL Persons

Shazam Khan	Ramsoondar Ragoobar
Ashanlal Deosaran	Deochan Ramjit
Des Harrilal	Lallo Ramlochan
Danny Allar	Noffhalie Boodoo
David Lee	Dave Ali
Anirudh Hardoo	Bahadur
Agostini Marshall	
Jammindranath Persad	
Selvon Boochoon"	

Those names are written here, I do not know them. Apparently what took place, Mr. Speaker *[Interruption]* I know these people?

Mr. Hart: Doh study them nah man.

Mr. J. Narine: I live in Arima.

Mr. Speaker, for fear that the person would not be victimized—*[Interruption]*

Mr. Hinds: Victimize? He may end up dead!

Mr. Hart: They killing people. They shooting people.

Mr. J. Narine: You know when a person has a little quarrel, that person may cuff someone, but when a person has a big quarrel, you know what happens. I am very much sorry for this worker.

It is also happening in Tunapuna. Nobody wrote me about it but when I went to Tunapuna two weeks ago—

Mr. Hart: But we know.

Mr. J. Narine: Some workers there were crying that the union got together with management, employed new persons, persons who were on the casual list were left out and persons who were regular workers were sent home. These people, an elite group of people, party members—*[Interruption]*

Mr. Hart: Special.

Mr. J. Narine: —were employed. It is not only happening in Tunapuna.

I understand that in Debe/Penal Regional Corporation, the same thing is happening.

Mr. Hart: Special people.

Mr. J. Narine: A whole set of people came in new, because the union is working hand-in-hand with the ministry and victimizing workers.

Miss Nicholson: The same thing is happening in Tobago.

Mr. J. Narine: It is happening in Tobago also.

Mr. Speaker, when the Government brings legislation here in Parliament and it is asking people to follow these pieces of legislation, they must find a way around it, because if the ministry, the Government and the Trade Union Movement are finding ways around fairness to people then I am—*[Interruption]*

Mr. Speaker: Finish the sentence.

Mr. J. Narine: I am completing my contribution, Mr. Speaker.

We cannot support these amendments based on the backlogging of the Industrial Court and the Magistrates' Court. I am saying that these areas, Mr. Speaker—*[Interruption]* I will take my time to do it.

Mr. Speaker: Hon. Members, the speaking time of the Member for Arouca North has expired.

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

Question put and agreed.

Mr. J. Narine: Mr. Speaker, what I am saying is that, because of the victimization that has taken place two years ago when the Minister came here he brought the Minimum Wages Bill and changed certain legislations. These amendments will come like what we have been saying two years ago: it simply cannot work, and employers will find some way around these pieces of legislation.

I know that the Industrial Court has three judges. I do not know if they have upgraded the system and employed more judges. I do not know if there is an increase in staff in the Ministry of Labour and Co-operatives that will deal with these problems, because we are dealing with a wider range of workers and they already have the Public Services Association and the other unions to deal with: the unions that represent the daily-paid and monthly-paid workers in this country.

5.50 p.m.

You have problems with the teaching service. When you have problems with the teaching service you have to negotiate with a union. But there are thousands of persons who are non-unionized who have to spend an excessive amount of money to get registered with a union so as to take their matter to the Industrial Court. The victimization, the yellow dog contracts and all these, will not be adhered to.

Mr. Speaker, if we are to sit and think out these legislations and get participation from the trade union movement, be it NATUC, the umbrella body, the Opposition and the Government, there must be some way that we can have legislation that will prohibit employers from giving these yellow dog contracts to people. That is where the problem is; they come in today and sign a paper and work today; they have no service, no seniority, no permanency, no regular work, nothing; they have no security of tenure on the job site. So the problem is not

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here; the problem is getting around the situation that you have created, where people now get wise and they can bring down the workers and give them two hours to do something and pay them \$14. That is what is happening. [Interruption]

That is the maximum wage, because when it was \$10 and \$12 an hour, where in the construction industry people who were masons and carpenters were working for over \$100 per day, now you can get a mason and carpenter for \$7 an hour. [Interruption] Yes, that is what is happening. [Crosstalk] Do you have a yard keeper or does Robo-cop do it for you? If Robo-cop cleans your yard then you do not have to pay him, but if you have to pay him you would only pay him \$7 an hour; I am certain. [Crosstalk] So you asking anything here does not make any sense to me. It does not make any sense.

Mr. Speaker, there is a situation in Trinidad that these laws are not going to change the conditions of work. We need to get down to serious business; we need to tell employers that it is illegal to give people yellow dog contracts, as is indicated in all the work-places that I go to. They have certain conditionalities that they have to work under, that is what you have to get rid of, not sending the matters to the Industrial Court. You have just taken it from your right hand and put it in your left hand; it does not make sense, because it is the same old Khaki pants. You have to get down to the novel approaches that you talk about, that employers use in this country to victimize workers, and that is where the problem is; not in this legislation. [Desk thumping]

The problem is that you listen in one ear, but it goes out the next ear. I am certain that you have competent persons working in the Ministry of Labour and Co-operatives who have the experience and know-how to get this done, but you are not listening to them, because on one hand you are saying you are for the workers, but on the next hand you do not want to squeeze your big shot friends; so make up your mind what you need.

Thank you, Mr. Speaker.

Mr. Hinds: Preach man, preach! [Interruption]

Mr. Hedwige Bereaux (*La Brea*): Mr. Speaker, for a moment there I thought that you were going to end the discourse in this honorable House, but it seems that the hon. Minister is a glutton for punishment so I shall definitely assist him.

Mr. Speaker, we are here today to debate the Minimum Wages (Amdt.) Bill, but this in itself is an admission by the Minister of Labour and Co-operatives that

he has failed. [*Desk thumping*] He and his Ministry have failed, and I will tell you why. It is not only that they have failed, but they have come here again to put pressure on poor people in order to assist their friends. You see, Mr. Speaker, the business people, their supporters in parts of Chaguanas, where I am from and where they pay people \$100, a number of their middle business people are the very ones who have been breaking the rules of this Act.

When they came to this Parliament with much sound and fanfare, talking about a Minimum Wage Act when they meant a Minimum Wages Order, they neglected to tell the country, in that now famous Local Government Election, that it is not this Government which had anything to do with introducing a Minimum Wages Act in Trinidad and Tobago. [*Desk thumping*] It was the People's National Movement in 1976. [*Desk thumping*] That is important.

Mr. Speaker, I cannot help but say it: I know that you know, because if I am not mistaken you may have been the Minister of Labour at that time, but, [*Desk thumping*] nonetheless, you are occupying a different and a neutral position at this time, notwithstanding the various run-ins that we have, from time to time, but that is expected. The key is that this Act—[*Interruption*]

Mr. Valley: If the Member would give way; are you saying that when the Minister said in his opening that it was the UNC which brought in a national Minimum Wage Act, he was a stranger to the truth?

Hon. Members: Yes.

Mr. H. Breaux: He is not here, so I am going to tell him what he was doing at that time, because he needs coaching, from time to time.

Mr. Speaker, the People's National Movement government introduced the Minimum Wages Act in 1976. As a result of that, you would recall, the PNM government had a certain type of majority at that time. I was not in this country, but I recall when it was introduced, because I was paying one of my frequent visits back here, at that time, and this Act has certain very important provisions.

We talk about decriminalizing the Act, but when you pay a person under the minimum wage, whatever it is, in fact, you are committing economic rape and you should be treated like the criminal you are, if you ever do it. So this question about decriminalizing the Act is only to benefit those of their friends who are businessmen and whom they know they are going to have to approach to get funds for the elections. But they could get as much money as they want, the people have already made a decision that they are going.

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Look at what the Minister is saying about his reasons for decriminalizing the Act; he does not want to charge a person and make that person a criminal because he has not paid the minimum wage. But what you find is: that is where the problem lies. How many of these persons who have not paid the minimum wage have caused other people to steal? I am not saying that they are correct to steal, but will you say here now, in this Parliament, or will you introduce an Act to say that if an employee steals from his employer, we should decriminalize that? Are we prepared in this Parliament to say that if an employee steals from his employer we should send it to the Industrial Court and not enable his employer to arrest him? Why then, when an employer steals from his employees, you say that you are going to decriminalize it and telling me that you will make the employer liable to pay \$20,000 or \$25,000?

You are not speaking to the uninitiated at all, because we all know that all sentences, all punishment, any penalty that is passed is not a minimum. There is only one minimum penalty in law in Trinidad and Tobago and that is for the crime of murder, which says that if you kill or murder you will be killed, you would be subject to the death penalty. Every other penalty is a maximum and it is left to the judge or magistrate to determine what penalty is set. So this \$20,000—how much is it—that you are talking about, is just a number. It is a number above which the judge or magistrate cannot go. So do not try to fool the people by saying that any time you do not pay up to the proper minimum wage, you will pay \$20,000. We all know that that is not true; I am telling you.

Mr. Speaker, one wonders. The hon. Minister spoke about the difficulty you find in respect of prosecuting people and as a result of the six months, which is the statutory limitation, they find it out late. If that is the case, come here and change that; make it one year; make it two years, and when you talk about non-payment and the length of time, every week or every month that they do not pay the proper wage, that is a new offence committed. So if you did not pay in January and you are investigated, found out and you continue not paying in March, April and May, it is six months not from January, but six months from May. So do not try that. Let us make it two years and in the process of making it two, three or five years, do the other thing that I have, time and again, called on you to do in this honourable House, and that is to increase the limitation period in respect of workmen's compensation payments and workmen's compensation injury. But I am going to come to that again to show what I call the ambivalence and insincerity of this Government.

We are approaching an election time. I could understand the Minister having spent four years in office and having done precious little, but being totally unable to understand even the advice which he receives from competent public servants, he now comes here and tries to amend an Act that he first claimed was theirs which turned out to be not theirs. So now that you are back here, I am going to answer the question placed to me by the hon. Member for Diego Martin Central when he said that when you claimed the ownership and authorship of this Act, you were a stranger to the truth. But I will teach you a little English; you were guilty of terminological inexactitude. [*Laughter*] That is what it was. [*Interruption*] Do not blame me if you do not understand, because it is not my fault.

6.05 p.m.

Mr. Speaker, we have this Act, and some of the people either do not understand it, or the people in the ministry do not police the Order properly. For instance, I was in court today dealing with an incident involving a domestic person who was paid \$350.00 a month. [*Interruption*] Mr. Speaker, the hon. Member for Arima is imputing immorality to me, but I know that immorality was nurtured in his brain, so I want to tell him that I am going to explain it to him.

I was in the Magistrate's Court in Siparia today—the Petty Civil Court to be exact—dealing with a matter in which a domestic servant was being paid \$350.00 a month for 8 hours' work, five days a week, 20 days for the month, and do you know what was the defence run by the lawyer on the other side for the employer? They alleged that they were paying the minimum wage, but the domestic worked only part-time. I was able to point out that if one worked only part-time, there must be some written record of the terms and conditions of service in respect of the domestic, and it must be written and done from the date the domestic started to work, and if that was not done, that in itself, amounted to a breach of the Act. The fact that it was not done amounted to a breach of the Act.

I want to tell the Minister if he provided enough people in the ministry and taught them what to do properly, some of these very fine points will assist them in administering the Act. You do not have to ask the worker what his pay is, you check on the records, and they have the ability to do so. I am saying that this Government is starting with a facade and a bluff.

The hon. Minister of Public Utilities allegedly had his home disturbed, and as a result of that, two trade unionists were arrested early morning or late night and taken to the police station. They are now facing charges for that. They went by

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him in the day, but the police went to arrest them in the morning. A Government, led by a former trade unionist who is absent here today. That is what they do. I am wondering—normally the Member for St. Joseph jumps up and says we lock up the Speaker. They arrested two trade union leaders.

Mr. Speaker, the Constitution gives people a right to join trade unions, but they arrest the trade union leaders. *[Interruption]* The same thing you did with Sumairsingh when they talked about his death, you say tell the police that, now you go hugging up his child. They come here trying to ingratiate themselves with the trade union movement again to try to tell us they are going to change this Act in order to decriminalize it. I want the people of this country to know what you are doing here is as a result of your trying to assist your friends who have been complaining to you that they want to be able to squeeze poor people and then go to the Industrial Court.

The Industrial Court is a court of record. It is an expensive court to go to. When they tried to reorganize to some extent, the sums that people could claim, they decided to allow those claims of up to \$15,000 to be in the Petty Civil Courts. You are working for \$7.00 an hour minimum wage, they might pay you \$5.00 or \$6.00. Do you know how many hours you would have to work before it could cross \$15,000? Yet you are using that and saying go to the Industrial Court with it. What you want to do is clog up the Industrial Court so the people would not be able to get their justice. No. This must be a simple thing. If you want to give the worker the opportunity to go to court, put it in the Petty Civil Court and put more magistrates, that is where it must go, because we have a Petty Civil Court for that purpose and there is no question of decriminalizing it at all. It must remain there. This Government, does not really discriminate, you know. Once you are poor, they treat you bad. Look at something.

Hon. Member: Take off your jacket again.

Mr. H. Beraux: You do not worry about my jacket. I came here today, they raised my allowances and I told them I do not want it. They have raised my allowances, but they are giving pressure—I want the country to know that you raised it—to poor people and putting it in a way where they have to go to the Industrial Court in order to get their pittance, to use the colloquial term—their *cacada*. Why should you go to the Industrial Court? If you are from Palo Seco and somebody owes \$3000 because they pay you \$6.00 an hour instead of \$7.00, are you coming to Port of Spain to collect that \$3000, and you are telling me you care about poor people? All poor people, they do not like. Reorganize the Petty

Civil Court so that you could deal with up to \$15,000, and that is a simple matter where the person walks into the Magistrate's Court every Friday and makes a simple claim. You fill it out yourself with the advice of a clerk and pay \$50.00 to do that, but no. In order to help their friends they move it to Port of Spain.

Mr. Speaker, I am trained in industrial law and I do not like to come to town except to Parliament, I love it. I do not go to the Industrial Court anymore, I prefer to stay in San Fernando, Palo Seco or Siparia. I cannot afford it, it is too costly to come to town. If I am under that kind of pressure, you could just imagine what the poor litigant—the person who is working for \$7.00 an hour whom you claim to assist by giving \$7.00 an hour—that is the person you are now saying must come to Port of Spain? You better take good advice.

I have always said that we in this Parliament went out to the people and professed to care about them, and professed to want to look after them and we must be careful that we mean what we say on the platform. Do not try to blame any public servant and tell me they advised you, they could only advise you on the mechanism by which you would carry out your policies and if this Government intended to decriminalize—they have given them the \$7.00 an hour and now they are taking it back. [*Desk thumping*] Any time you remove the criminal element in this, you tell the employers to run amok. That is what they have done and this Minister of Labour and Co-operatives has much to answer for. The tears of children are on his hands, because what he is doing is robbing poor people.

Mr. Speaker, when I went to school we had the catechism. They say there are certain sins crying to heaven for vengeance; willful murder, oppression of the poor, and depriving labourers of their wages. The Minister is involved in oppression of the poor and depriving labourers of their wages, those are the two major sins of which he must say; *mea culpa, mea culpa, mea maxima culpa*.

Mr. Speaker, we are faced with a situation in this country where the Minister is saying that the employers are learning new and using novel methods of escaping the rules and laws as set down in the Minimum Wages Act. It is for him, with a battery of advisers, to do two things: one, go on a massive education campaign of the workers and their representatives in the various community centres and so forth and if he needs help, ask me, I can do it for him. He cannot win anyhow, so I can help him as much as he wants.

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6.20 p.m.

So that you teach the people the truth. You see they went around during the local Government elections with such misstatements in respect of the Minimum Wages; they wanted to make it appear that they had brought in this new thing called Minimum Wages, but what they excluded to speak about were those portions of the other Orders that were retained by the Minimum Wages Order which they introduced.

You see there are provisions in the Domestic Workers Minimum Wages Order that were passed under a PNM and other Governments, that still apply. But they so wanted to make political capital of a \$7.00 an hour— which really was not \$7.00 an hour, because in real dollar terms the purchasing power of the \$7.00 which they gave, was less than whatever was there before. In fact, they wanted to make capital of that so the people were not properly informed about the other terms and conditions and other protections which those Orders had for them and they find themselves saying that he is not paying me, and they look at only the money.

If they had been well informed, and if they had known about it, they would not have talked about it, but pointed out to the Labour Inspector that it was not written down. You talked about part-time workers; there is a way to deal with them. Those are the things that you must inform people about. But no, you came here, and as my colleague from Arouca North said, “all you are known to have done is to change the name of the Cipriani Labour College.”

Mr. Speaker, as we are talking about minimum wage and so forth, this Government is really operating like—I almost used the word, but I am not going to use any derogatory—in the “Wild West.” In San Fernando, nurses are marching up and down doing all sorts of things. Do you know why? They are not bringing in the same principle. They offered the nurses 25 per cent if they go into the RHA, but they are going into the RHA without their terms and conditions, and the nurses—*[Interruption]* If you want to say something, get up and say it. *[Interruption]* No, if you want to say something, say it. I will deal with you after you are finished.

Hon. Partap: Mr. Speaker, I am simply saying that it is not true. The nurses are walking with their service and terms and conditions.

Mr. Béréaux: Mr. Speaker, it is said that “by thy words thou shalt be judged and by thy words thou shalt be condemned.” I said that they have not set down the terms and conditions for the nurses who have gone to the RHAs and the hon. Minister of Labour and Co-operatives gets up and tells me it is not true; they are

walking with their service. Now tell me. How illogical can we get. There should be a parliamentary jail, so when you are so illogical you would—*[Desk thumping]* No, no, no, anytime I happen to go in that parliamentary jail people like him cannot come in because it is reserved for people of a higher calibre. So any jail I go in, the Member cannot come because it is a higher calibre. If you and I were in school together, the best you could come is fifth because the first four places I would take. That is how dunce you are. Mr. Speaker, that is the point. They do not deal with things in wholes. They do not deal with it.

They offered people 25 per cent. Do you think everybody else is like the Minister? The Member for Arima and the Member for Point Fortin you could buy them out by offering them a few dollars. *[Interruption]* No! *[Laughter]* The nurses are people of integrity! If you ask me what to do, what you really need is to get—you need not only to offer them money, you need more nurses to be trained; you need better conditions in the hospitals. Take some of the money that was wasted on Miss Universe and Ringbang and use that to deal with the hospitals—but I would get back to this, Mr. Speaker.

So I am saying—and I want it to be quite clear—*[Interruption]* Yes, you could get it, when you tear off yours. *[Laughter]* I do not want it, I will give it to—*[Crosstalk]*

Mr. Speaker: Order please!

Mr. H. Bereaux: Mr. Speaker, I want it to be quite clear. I want the population to know—and I want it to be said in this honourable House—that while we, as parliamentarians, were receiving \$1100 a month for the payment of rent, telephone and electricity, we are now getting \$2700 and they are not giving the nurses—they offered the nurses 25 per cent. So I am talking it out! I want the country to know what the Government is doing. Because I am not going to be in any conspiracy with you all to treat people improperly. I am not doing it! *[Interruption]* You do not worry about no tearing it up, I am telling the country.

Mr. Narine: Tell him carry it back. *[Interruption]*

Mr. H. Bereaux: No, it is not the question of the nurses—they know, and whatever jeep and all those things—I am not getting into that here—I am dealing at this time with the attitude of this proposal in this amendment Bill for the Minimum Wages (Amdt.) Bill where this Government is saying that they want to decriminalize, meaning that they want to lessen the burden on an employer who steals from his employee. Make no bones about it! If you take my money for

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which I have worked—I have already worked for it; I am entitled to it by law. I cannot agree to accept less because the law says that where you belong to a class of people who the statute is intended to protect, the person of that class cannot agree to forego the protection of the statute. So nobody can agree to work for less than \$7.00 an hour—and to pay anybody less than that is to steal from them. This Bill is saying that when you steal from your employees it is okay, we are going to decriminalize it, so it is all right to thief from your employees. The man who employs you could steal from the man whom he is employing. But I am asking—and I want the hon. Minister and the Attorney General to answer me—is the corollary okay? Or, is the opposite okay—that every employee could steal from his employer and not face a criminal charge?

Are we saying that? Is this Government prepared to say that? On the question of the nurses—well, I would not get to that now. Let me deal with this.

6.30 p.m.

If they are telling me that is the case, I want it to be quite clear to the country what they are doing. I also want the country to know that the fine of \$20,000, it is not as if when the employer gets caught in breach of the Act he must then pay \$20,000. No way, Mr. Speaker. If one gets caught doing it, one may not pay any money at all because the case might never come up in the Industrial Court the way they are packing it. We are talking about backlog of cases. The hon. Attorney General has said that when judges do not deliver their judgments on time they should be either, in one case he said, not paid, in another case he said we should dismiss them. Well, I am not getting to that yet.

He cannot pass any law like that so I am not taking him on. When foolish talk is going on, I do not take on that. The point is, what will happen with this provision is that those cases will not reach to court because there are too many. The same backlog we are trying to prevent and to stop and to remedy, they are introducing it in the Industrial Court. So, in fact, their business appears to be to stop everything from spinning and you have to bribe to get it spinning. That is what seems to be going on. *[Interruption]* What did you say? If you think anybody in this country believes you, keep saying it. If you believe so, anything you say is right; that is the point, however, Mr. Speaker.

I say that there is a way in which this Government can handle this. They started off by making another statement to the effect that if an employer is brought to court, the money that is owed to the worker should be paid. They said further that an employee cannot be discriminated against as a result of having

brought a matter, involving the Minimum Wages Act, to the notice of the court. That is nothing new, Mr. Speaker. It is in this old 1976 Bill, 24 years old, done by the PNM, standing the test of time. It is just that they are too incompetent to administer it. Do not blame the Act, blame your incompetence.

I was saying that if it is taking time because the Ministry has not been properly staffed—although it is not the Minister's fault because he is a lightweight in the Cabinet, so I could understand that—then let us amend the law in respect of the time it will take for the limitation period in those Acts. However, we have to keep the criminal element in this Act because it is a necessary element to ensure that people carry it out and, more importantly, to have the playing field level. It is not only poor people—in fact, most poor people are more honest than some of your friends or your financial backers. I am sure of that one. So I say, let us deal with it that way. What we are doing here, Mr. Speaker, is not sending only a wrong signal, it is grossly unfair and unjust.

Now, if you want to know what I am going to do with this cheque, I am going to give it to the members of the La Brea constituency Welfare Committee so they could treat the poor well with it. Thank you, Mr. Speaker. [*Desk thumping*]

The Minister of Labour and Co-operatives (Hon. Harry Partap): [*Desk thumping*] Mr. Speaker, I want to thank the two Members on the opposite benches who have responded to this Bill. The only thing is that they really did not reply to the provisions of the Act, the amendments with which we were dealing. They skirted around in various directions, sailed far out, came in near, but they did not deal with the Bill. There is a certain amount of misinformation that both the Member for Arouca North and the Member for La Brea mentioned in this House on which I think it is my duty to put the records straight.

Under the PNM the Minimum Wages Act was passed in 1976, but the PNM has had a history of passing legislation without the intention of implementing it, and the Minimum Wages Act was one such piece of legislation. [*Desk thumping*] While it was designed to assist the poor, the underprivileged and low-paid people, it was never put into operation. I will tell you why and I will tell you what I mean by that.

What the PNM did under the Act was actually give employers a holiday so that they could put pressure upon the low-wage earners in this country. They turned a blind eye to everything. Yes, there was a \$5 minimum, that is true, but these provisions were never implemented because, if they were implemented, there would not have been workers in this country, when we came into office, working

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for \$2.50 cents an hour. That is what we met. There was a \$5 sectoral minimum, but it was not implemented.

With these sectoral minimum wages there were also terms and conditions under the Act. Yes, they were there. Do you know what happened, Mr. Speaker? When we brought the national minimum wage into being and we had to append the terms and conditions, we could not bring the national minimum wage unless we had appended the terms and conditions, and every employer in this country made noise. They said, “What, you all are putting terms and conditions”.

Members on the opposite side told us that we were negotiating terms and conditions through legislation, but that is not true at all because the terms and conditions were already attached to the minimum wage and to make it law we had to append them. The reason for that is that they never policed the minimum wage. That was one way in which they gave the employers a holiday. They gave them the authority to be brutal to workers in this country. The Member for La Brea talked about oppression of the poor. They know about oppression of the poor because that is what they exercised during their term.

Mr. Speaker, the Minimum Wages Act was passed in 1976. They were in office for 14 years after the Act was passed, 10 until the NAR came and then four when the then Prime Minister called a snap election, so they were in office for 14 years. They did nothing to tighten that, and they knew that employers were using all the loopholes. Mr. Speaker, in the public gallery this evening there were present members of the National Union of Domestic Employees. Those people, if they had the chance—and they may have the chance elsewhere—would tell you of the kind of punishment those opposite put on them. They misquoted Walcott, that poor lady. She used to try her best to make the PNM understand that they have to take care of the low-wage, low-paid, non-skilled workers in this country, yet they did nothing about that. I am sure that she will have another opportunity.

Today they come gallerying and they are playing to the public to show how they like poor people. They do not like poor people, those people opposite. They talk about helping workers but they did nothing to help workers. Mr. Speaker, they talk about contract work. The Member for Arouca North talked about contract work. You know, they received a report from Dr. Zin Henry on contract labour, which they never even opened, and, if they had put it into operation, today we would not have many problems with contract labour, but they did nothing at all in relation to it.

I notice that the Member for Arouca North mentioned something about maternity protection. You know, the Member for Arouca North, it is as if he did

not understand the Bills. He comes here Friday after Friday but apparently he does not absorb the Bills. He gave a number of instances in relation to the Maternity Protection Bill, which are completely wrong, and I think the time will come, Mr. Speaker, when perhaps we will have to tell the workers outside exactly where they stand in relation to protection. [*Desk thumping*]

The Member for Arouca North said that we are putting pressure on the non-unionized people. No. According to the amendments we are going to move—and now I really want to tell you the purpose of the amendments—we are going to empower the Industrial Court to deal with individual employees. You see, that was not there. That was never there. Now the Industrial Court will be able to deal with individual employees and I do not have to go over the argument in terms of why we are using the Industrial Court.

The Industrial Court is not set up the way the Member for La Brea and the Member for Arouca North said it is. They are talking about an Industrial Court during their term in office when the Industrial Court suffered under them. The Member for Arouca North talks about three judges. That is not true. There are 16 judges in the Industrial Court. [*Desk thumping*] I mean, you are living in the past and that is what the PNM is about. They are about the past, what happened before. So there are not three judges, there are 16 judges. We had discussions with the President of the Industrial Court and he has given his blessings to the step that we are taking.

We are moving the violation out of the Magistrates' Court where, if it even gets in there, it takes years before it is determined. Many of the workers lose because of that, but you do not care about that. So what we are doing is, if you— [*Interruption*] No, I am not giving way. [*Interruption*] We have— [*Interruption*] No, no, no. You gave, and thanks for that, but I am not giving way. [*Laughter*]

Under the Industrial Court now, the worker has an opportunity to take the matter to the court through the Ministry, through the recognized union or through a union in which the worker is a member—three opportunities. I want to set the record straight. Mr. Speaker, the workers are not going to be overwhelmed by costs, that is not true. It is going to be nominal, the nominal cost paid to the union. So there is not a big cost there. I want to disabuse the minds of the public on that, and to tell them that now they have an opportunity to take the matter to court.

Now, employees will not be able to get away. Yes, I am sorry, as I said, that the PNM is way back in time. You know, that is the party of the 1950s and 1960s so they do not know what is happening now in the 1990s and the new century.

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Labour management relations have now taken a different turn and people are not jailed for violations of labour management problems. What are they being sent to jail for? The point I am making is, we are changing the environment and that is a big step forward, Mr. Speaker—[*Interruption*] I am sorry—for industrial relations in Trinidad.

6.45 p.m.

Mr. Speaker, you have been involved in industrial relations in another incarnation and I am sure you understand what I am saying, because things have changed and things are moving on now in the world. So, we are no longer going to jail employers; what we are going to do is, the fines have become stiffer. A fine of \$20,000 is not an easy sum to pay, even for somebody who can afford. They will prefer to pay the proper wage.

I am telling you now that prior to 1998, there was a 30 per cent failure rate in terms of enforcement. Since we brought the national Minimum Wage Order which is there with us now, it has dropped to 23 per cent. I am sure that when we put these amendments in place, that failure rate is going to drop even further so that we are sure now that those people who need the protection, will be protected.

I understand the exuberance of the Member for La Brea this afternoon, because it is the first time, perhaps, that he has won a case in the Civil Court in a year. [*Laughter*] But, he used the same legislation that we shaped for him to win it. [*Interruption*] Yes. Well, I hope so. For the benefit of the particular worker because we have an interest in the worker and this supports our case, that the Member for La Brea was able to take a case to the court and he is going to get redress for the worker.

Now, Mrs. Walcott, over the years, has been taking matters, too, in her own hands, trying to see how she could get redress for the workers. Mrs. Walcott has been successful in some cases and they are helping her now. She now has the weight of the law to assist her in helping these people.

The Member for Arouca North did talk about his son working at ISPAT and breathing steel. Now, we brought the Occupational Safety and Health Bill to this House to correct that same problem. That is one of the problems we were correcting with that Bill and they voted against it. So, they want people working at ISPAT to continue to breathe steel. Well, if that is the case, we will see how it goes. How can they go and tell the workers of the country that the PNM is on their side? The PNM is not on their side and they are getting all kinds of trouble in Rio Claro North. I know.

Mr. Bereaux: Well, all yuh kill the man!

Hon. H. Partap: They were up there yesterday and people chased them from corner to corner. But, that is beside the point.

If there are problems in terms of how an employer manages his operation at the level of the factory, that is something for which we cannot legislate. That is a management problem. I think we have to leave it in the hands of the employer and they will work out their arrangements, as long as the employer pays the worker the legal minimum wage.

I want to make the point, Mr. Speaker, and it was said across there. We are not saying that the minimum wage is the maximum. We never said that. We have put in a floor and this is what you need in this country, you need a floor so that people can build on it, so that nobody is going to be working for \$2.50 an hour. We are now working with legal counsel, my advisor at the Ministry and various other Ministries, on the arrangements for the security officers, those people who work guarding places and so forth. We are now working on that; something that you all did not even think about in your time.

I just wanted to say in relation to the court—and I am not standing here in defence of the courts but I want to tell you what the facts are. Right now, at the Industrial Court, after a matter is heard, a judgment takes about 31 weeks. That is an average for a judgment to be delivered. Well, the average time really is about 31—36 weeks. Eighty per cent of the matters are concluded in two and a half years. So there is no 10-year backlog. That is not true at all. Eighty per cent of the matters are determined in a period of two and a half years, so there is no real serious backlog at the Industrial Court that is going to create problems. We have discussed it with the President of the Court and he has said he will make the necessary arrangements there to deal with these matters.

I believe, once we get the amendments in today, we will be able to enforce the minimum wage so that fewer employers will fall through the net and that will redound to the benefit of the low paid workers in this country. I should tell you about the domestic workers before I—

Mr. Valley: If the Minister will give way. I just wondered, given that he is saying that the average matter now takes two and a half years: Does he think that there will be a lengthening of that period by adding these additional matters to the Industrial Court? If so, how does he feel about one of these low paid employees waiting two and a half years or longer for judgment, especially when he has to

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continue in the employ of that person or company during the period according to the legislation?

Hon. H. Partap: Mr. Speaker, I thank the Member for Diego Martin Central. We have the assurance from the President of the Court that he will assign a judge or two to deal with these matters.

Mr. Valley: Could I hear that again?

Hon. H. Partap: You were not hearing me.

Mr. Valley: No. No. I was being disturbed.

Hon. H. Partap: Pay attention. We have the assurance of the President of the Court that he will assign a judge or two to deal with these matters specifically, so they are not going to be in the maelstrom of the whole—

Mr. Valley: Thank you very much, again. What it means is that other matters would be delayed even longer.

Hon. H. Partap: No. Not at all. I do not think that will happen. Remember, we have 16 judges at the court, not three. If we had three judges, then I would imagine that we would have some problems, but we have 16 judges.

Mr. Valley: Just one last question. So, if it is correct that by increasing the number of judges, it is going to speed up the other matters, would you advise the hon. Attorney General to provide additional judges and so forth, so that we can deal with his delays in another place.

Hon. H. Partap: Mr. Speaker, I think I have answered most of the—

Mr. Breaux: Would the Minister please give way? Minister, you did not answer. Since you are decriminalizing stealing from the worker, are you prepared to decriminalize the worker stealing from his employer?

Hon. H. Partap: That is a question of larceny. If a worker steals from his company, that is larceny. We are talking about minimum wages. You cannot compare both. They are two different things.

Hon. Member: And he is a lawyer.

Hon. H. Partap: Mr. Speaker, I have tried to correct some of the misinformation.

Mr. Speaker, I beg to move.

Question put and agreed to.

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Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Mr. Chairman: Hon. Members, could we have your attention, please.

Clauses 1 to 5 ordered to stand part of the Bill.

Clause 6.

Mr. Valley: Clause 6 dealing with new section 22B(3), states as follows:

“Upon such matter being reported to the Minister, he may, where appropriate, treat such a matter as though it were a trade dispute subject to the provisions of the Industrial Relations Act or send the matter directly to the Industrial Court.”

I am suggesting that we include a subclause (4) there to the effect that the Industrial Court would deliver judgment on this matter within a period of, I would say, three months.

We have the assurance of the Minister that two judges would be dedicated to this. We are talking about low income employees and, really, we believe these matters ought to be dealt with, with some urgency.

Mr. Chairman: No. One second. I think that what you need to do is refer to the amendments made in the Senate which are on the sheet that was circulated along with the Bill. Clause 6 there is slightly different.

Mr. Valley: Okay. You are right, Mr. Chairman.

Mr. Maharaj: Mr. Chairman, I wondered whether—in principle, we agree with the proposed amendment. It will have to be drafted carefully. I am wondering whether we could do the other clauses of the Bill or whatever it is, we adjourn the committee stage further and next week Friday, because it will have to be drafted in such a way that—

Mr. Valley: Okay.

Mr. Maharaj: But, in principle, I think it is a very good amendment and there is precedent for the Magistrates' Courts that magistrates must give their reasons within a certain time-frame, so we will have to look at it and see. If you want, we could go through the rest of it and then—

Mr. Chairman: You wanted to defer consideration of clause 6.

Mr. Maharaj: Yes.

Mr. Chairman: We agree that clause 6 is going to be deferred to be considered at a later stage.

Clause 6 deferred.

Clauses 7 to 9 ordered to stand part of the Bill.

7.00 p.m.

Clause 10.

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

Mr. Valley: Mr. Chairman, I listened to my colleague; the Member for Arouca North and, really, I am wondering if we have the amendment for three months, that would make a difference. But even so, do we really want to say that:

“An employer against whom a complaint is made cannot dismiss or suspend...”

and so on, or do we want to say "pay compensation" and have some words defining the compensation or something of the sort. Because it seems to me that, really, we might be putting the employee under stress to continue in that employ in such a circumstance.

Mr. Partap: We want to put it in a way so that we will not want to violate the Minimum Wages Act and pay them. But if he knows that he has compound interest on that difference, he may think twice before he does not pay the minimum wage.

Mr. Chairman: I think the Member for Diego Martin Central is talking about clause 10. The question of:

"(1) An employer against whom a complaint is made and who is found to be liable under section 24(1) shall not dismiss, suspend or otherwise adversely affect the worker by reason only of the fact

that—“

Mr. Partap: It is in the Act already.

Mr. Valley: I know. As you know it is the 1976 Act and we are looking at it today.

Mr. Partap: We are only substituting some words.

Mr. Valley: I understand that. I am saying let us look at it now; is that really what we want or do we want to—even if you want to leave that—provide some alternative?

Mr. Maharaj: Could you make your submission again please?

Mr. Valley: You want to give the employee some right, okay. I am saying if we can provide the mechanism for compensation as an alternative to—

Mr. Maharaj: Do you mean instead of saying that the employer cannot dismiss—is that what you are saying?

Mr. Valley: Yes.

Mr. Maharaj: I think what the Minister is saying is that he also wants to send a signal in the Act that if someone complains that the person is not complying with the Act, the employer would dismiss the person. He also wants to send that signal.

Mr. Valley: I hear you. If you say in the alternative page—I do not know—one year's income or two years' income or what have you. If you are an employer or even an employee in that situation, if you have gotten to that point where you are going to make the complaint and so on, I do not think that either party would want to continue a relationship.

Mr. Maharaj: I see here in section 10(c):

"(2) An employer who contravenes any of the provisions of subsection (1) is liable on determination by the Industrial Court to a fine of thirty thousand dollars and the Court may order the employer to pay compensation to the worker"

Would that not also cover it? It gives it also to pay compensation.

Mr. Valley: I hear what you are saying. Perhaps we should leave it. The employee, having taken that step—If I am the employee I would want to leave my employer and then claim compensation. In other words, if the employer is found liable to paying me under the minimum wage then I should be able to claim compensation. I should not sit there, wait on my employer to fine me or dismiss me only in that situation, because the employer there has the upper hand. But the employee, in such a case, if he goes to the court, he goes to the Minister and says: "This guy has been stealing from me." I think at that point the employee wants to

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leave the employ of the employer. He does not want to continue working with him. But if he wins he should be able to—over and above making up the excess he should be entitled to compensation from that employer.

Mr. Maharaj: In other words what you are saying is that it should not only be a simple offence, in that it could be an act which could cause the whole contract of employment to be terminated and the employer must pay off the employee at that time. Why do we not consider it, since we have to come back? I think the point that the hon. Member is saying is that if Mr. A is working with employer B and Mr. A makes a complaint against employer B and it turns out that that complaint is well founded, it goes to court and it had been adjudicated upon, the court may order some compensation for that act but this employee has to go and work in the same environment and would that not be possible torture and pressures. Would you not want to consider that, in that even also, the court may have the power to regard, depending on the circumstances, to put an end to it and compensate the employee as if there was an industrial wrong done to this person.

Mr. Partap: Since this is adjudicated at the Industrial Court, would they not have that kind of—*[Interruption]*

Mr. Maharaj: I do not think you have done it so. Let us look at it. I think it is important. We could defer that one.

Mr. J. Narine: On this matter, I feel we should add that the employee, based on his relationship with the employer, may want to resume work, so he should be given that choice: either to be compensated or to resume work.

Mr. Chairman: It is agreed, therefore that clause 10 would be deferred.

Clause 10 deferred.

Clause 11 ordered to stand part of the Bill.

We have clauses 6 and 10 deferred for further consideration.

Question put and agreed to, that the Bill, as amended, be reported to the House and it being agreed that there should be further consideration of clauses 6 and 10.

House resumed.

Hon H. Partap: Mr. Speaker, I wish to report that the Bill was considered in committee but it has been deferred for one week, for consideration by the House.

Question put and agreed to.

Bill, by leave, deferred.

*Adjournment**Friday, March 31, 2000***ADJOURNMENT**

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that this House do now adjourn to next Friday, April 07, 2000 at 1.30 p.m. On that day we will do the Bill that we were supposed to do today which is Bill No.2 on the Order Paper; “An Act to consolidate and revise the law and to make new provisions to facilitate the enforcement of the maintenance orders abroad.” We shall also do a very short Bill No.18, a Bill entitled; “An Act to amend the Police Complaints Authority No. 17 of 1993 and for matters incidental therewith or incidental thereto.” We will then do Bill No.16; a Bill entitled: “An Act to amend the Prison Service Act to introduce a different retirement age for prison officers and to provide for the enhancement of superannuation benefits and for related matters.” Then we shall do Bill No.17: the Regional Health Authority Bill.

I know it looks like a lot but they are really not major Bills. We will try to make up for some of the lost time.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.15 p.m.