

*Paper Laid**Monday, May 14, 2001***HOUSE OF REPRESENTATIVES***Monday, May 14, 2001*

The House met at 1.30 p.m.

**PRAYERS**[MR. SPEAKER *in the Chair*]**PAPER LAID**

The Certificate of Environmental Clearance Rules, 2001. [*The Minister of the Environment (Dr. The Hon. Adesh Nanan)*]

**ORAL ANSWERS TO QUESTIONS**

**Mr. Speaker:** I see that the Member for Diego Martin West is still not ready. I will take question No. 13 from the Member for Diego Martin East. I will come back to the Member for Diego Martin West.

**The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I merely want to indicate that the Government is unable to answer question No. 7 today. It will need a further week because of the information which it needs.

**Dr. Rowley:** One understands that the Government had 21 days' notice and one week's extension. I really must object to the Government's attitude in not answering this particular question. It is a simple question. Has the government awarded or not awarded the contract? What is the problem?

*Question put.**The House divided:       Ayes 18       Noes 10*

AYES

Maharaj, Hon. R. L.

Panday, Hon. B.

Assam, Hon. M.

Persad-Bissessar, Hon. K.

Humphrey, Hon. J.

John, Hon. C.

Sudama, Hon. T.

Maraj, Hon. R.

Baksh, Hon. S.  
Panday, S.  
Singh, Hon. G.  
Peters, Hon. W.  
Nanan, Dr. The Hon. A.  
Partap, Hon. H.  
Ramsaran, Hon. M.  
Khan, Dr. The Hon. F.  
Chaitan, Hon. W.  
Sharma, Hon. C.

NOES

Imbert, C.  
Rowley, Dr. K.  
Narine, J.  
Joseph, M.  
Hinds, F.  
Callendar, S.  
Rahael, J.  
Beckles, P.  
Achong, L.  
Moore, N.

*Question agreed to.*

*The following question stood on the Order Paper in the name of Dr. Keith Rowley (Diego Martin West):*

**Airport Terminal Building  
(Maintenance contract)**

7. (a) Has the Government or any of its agencies entered into a maintenance contract with any person or company for the supply of such services to be carried out on the recently constructed airport terminal building?

- (b) If the answer to (a) is in the affirmative, could the Minister:
- (i) identify the company which received the contract;
  - (ii) state the total sum of the contract and the period covered;
  - (iii) explain the process used to select the company or person and the date on which the contract was entered into?

*Question, by leave, deferred.*

**National Road-Paving Exercise  
(Revised Budget)**

**13. Mr. Colm Imbert** (*Diego Martin East*) asked the Minister of Infrastructure Development and Local Government

- (a) Would the Minister state the original August 2000 budget for the national road-paving exercise now in progress?
- (b) Would the Minister state the revised budget, as of March 2001?
- (c) Would the Minister explain why the budget has increased?

**The Minister of Infrastructure Development and Local Government (Hon. Carlos John):** Mr. Speaker, the original budget as at August 2000, for the Government's National Road Enhancement Programme was \$200 million. That was the first budget approved by Cabinet. At that time, we had approached each Member of Parliament to submit a list of five roads in his or her constituency for paving. At that time, our objective was for 180 roads. As we started the programme we increased the budget to \$800 million. That was done precisely because when we understood the programme, we found the quagmire in which we were placed.

We had a Member of this Parliament who was then Minister of Works and Transport between 1991–1995 and was asleep on the job. He did absolutely nothing. Some people say that he was asleep. I think that they are treating him kindly. I think that he was dead on the job. Absolutely no performance! We had to upgrade and accelerate the programme. To date, we have done 1,645 projects or 1,300 kilometres of road. That is one Mr. Imbert. [*Interruption*]

**Mr. Speaker:** Members, let us have some order, please. The Member for St. Joseph is trying to respond to the question. Members for Diego Martin West and East, when you sit and make those outbursts two things happen. I cannot follow what he is saying. You are distracting the reporter and also the Minister. I plead with you to remain silent in your seats as he responds to the question.

**Hon. C. John:** [*Interruption*] Mr. Speaker, I thought you had just said there should be no interruption.

Between 1991–1995, when the then Minister of Works and Transport was in office, 100 roads were paved. That was in a four-year period. That was 25 roads per year, or two roads per month, or half a road per week. That is what was done in his time. To date we have done 1,645 roads in 10 months. That would mean that by the end of our second consecutive term in government, we would have done close to 10,000 roads. I just thought that I should put that in *Hansard*.

The budget was increased mainly due to the unanticipated and dilapidated state of the national road network which we found when we came into office. You will appreciate that my predecessor in the ministry, the Member of Parliament for San Fernando West, encountered a 15-year backlog of road maintenance when he came into government the first time. This money is very well spent. It is ongoing and there for all to see. This level of performance is unmatched and unbridled in the history of Trinidad and Tobago.

**1.40 p.m.**

**Road-Paving Work  
(Poor Workmanship)**

**14. Mr. Colm Imbert** (*Diego Martin East*) asked the Minister of Infrastructure Development and Local Government:

Would the Minister state:

- (a) What steps he is taking to correct poor workmanship in road-paving work being carried out by his Ministry or other agencies on behalf of his Ministry, including problems with inadequate compaction, rough surfaces and the use of sub-standard materials by contractors?
- (b) why road-paving work is being done on roads where there is a history of leaking water mains and old and encrusted water supply pipelines, without first repairing or replacing these water lines?

**The Minister of Infrastructure Development and Local Government (Hon. Carlos John):** Mr. Speaker, in response to question No. 14 posed by the Member of Parliament for Diego Martin East—I am not sure how long he will be the Member of Parliament for that constituency—I am not aware, as Minister responsible for Infrastructure Development and Local Government, of any poor workmanship in the road paving exercise in progress. We adhere to standard procedures regarding mix and bitumen and we also ensure that the contractors

have their own labs where they conduct their tests. In the event that there are workmanship or quality control problems, as identified by my quality control officers in the Ministry, we immediately take action. We have the work done over at the contractors' expense and we withhold the retention fee until it is completed.

I am perfectly satisfied with the work being done and the quality control is also measured by Cariri and Geotech to ensure that there is an independent assessment and that the taxpayers are getting value for money. The road paving works that are planned sometimes coincide with the works conducted by WASA. We did not put WASA under the Ministry of Infrastructure by guess or *vaille que vaille*. It was done so that the infrastructure development and local government requirements and programmes could be harnessed and coordinated. If we pave a road today, we cannot determine whether the pipe would burst in the next 24 hours, so those are isolated cases and we will address them as they come up. However, I assure this honourable House that at every step of the way, as we are about to undertake a road paving project, we consult WASA to ensure that their development programme for pipe laying is in sync with the Ministry of Infrastructure Development and Local Government.

**Environmental Management Agency  
(Oil Spills)**

**17. Mr. Fitzgerald Hinds** (*Laventille East/Morvant*) asked the Minister of the Environment:

Could the Minister state:

- (a) whether the Environmental Management Agency (EMA) has investigated and designated categories of circumstances involving accidental spills or other releases of pollutants, or hazardous substances which present risk in accordance with the dictates of S61(1) of the Environmental Management Act, 1995:
- (b) If the answer to (a) is negative, would the Minister indicate exactly why the EMA has not complied with this aspect of law?
- (c) If the answer to (a) is affirmative, would the Minister say whether ammonia is one of the substances so designated?
- (d) (i) If the answer to (c) is in the affirmative, would the Minister state whether any person or persons in charge of ammonia at the Point Lisas Industrial Development Estate or the management at PLIPDECO notified the EMA of any ammonia spill on January 01, 2001?

- (ii) If so, would the Minister give a brief description of the release or spill of ammonia at the Point Lisas Estate on the date as at (d)(i); and
- (iii) Would the hon. Minister give an assessment of the damage or risk to human health and describe the response measures taken in respect of the spill at (d)(i) above?

**The Minister of the Environment (Dr. The Hon. Adesh Nanan):** Mr. Speaker, the EMA has investigated over 242 circumstances involving accidental spills and release of pollutants.

In 1997 five cases were reported and successfully resolved. In September, 1997, a report was made concerning the presence of noxious gases in the atmosphere at Pointe-a-Pierre. This report was investigated by the EMA in collaboration with Petrotrin which conducted air sampling. The results of this sampling were used to resolve the matter. Also reported in this month was a fish kill observed at Goodridge Bay, Point Lisas. This matter was also investigated and the cause was determined to be the result of dumping of fish by a trawler. The area was subsequently cleaned.

In October of that same year, the EMA was notified of an oil spill along the Ortoire River at the Mafeking Bridge. As part of the remediation action, the oil was recovered and the riverbank cleaned. Another incident recorded in that month was the abandonment of four barrels with unknown content at Carli Bay Road, Point Lisas. These barrels were appropriately disposed of and the site remediated by Kaizen Environmental Services (Trinidad) Limited. A report of a ruptured natural gas line was made in November 1997. The EMA liaised with Petrotrin on this report and the line was repaired.

In 1998, 15 reports were received and resolved by the EMA. Of these 15 reports, 11 were related to oil spills and four to gaseous emissions. Most of those incidents can be considered minor and resulted from the leakage of lines, which were subsequently repaired. However, there were five incidents that posed a greater threat to the surrounding environment. In March 1998, a fuel oil and diesel spill was reported along the waterfront, west of CARIDOC which was the result of an overturned CARIDOC tank. This matter was investigated and the affected area successfully remediated in May of that year.

In September of the same year a report of spillage of approximately 65 barrels of crude oil into a mangrove at Icacos Field was received. This report was investigated and the area remediated with 57 barrels of oil being recovered. Another oil spill of 100 gallons of mineral oil at the Bechtel operating site at the Atlantic LNG Plant in Point Fortin was reported in October 1998. The cause of this incident was determined as a faulty drain valve. The spill was contained and cleared by the Environmental Resources Management Limited.

In December 1998, 190 barrels of oil were reportedly spilled into the environment at Goudram Field at Guayaguayare. Clean up activities were initiated and the remediation of the site completed. In 1999, 34 environmental incidents were reported to the EMA which were subsequently resolved. Thirty-two of these cases were as a result of the spillage of oil into the environment. These spills emanated from leaking oil lines that were quickly repaired.

In February 1999, approximately 6,560 barrels of oil were spilled into the environment from a ruptured pipeline at Thick Village, Fyzabad. Bioremediation of the area was initiated and successfully completed in November 1999. In August 1999 a spillage of 60 barrels of oil was reported in Point Fortin. These incidents were investigated by the EMA and clean up activities were executed.

In October of that same year, four reports of oil spills were received. These included an oil spillage of 200 barrels from an overflowing bulk tank in north Palo Seco; 150 barrels from a crude oil line leak in Moruga West; 150 barrels of crude oil from a Barrackpore Tank Farm and 250 barrels of crude oil from a leaking crude oil pipeline traversing from Los Bajos to Forest Reserve. These incidents were all thoroughly investigated and the appropriate repairs and remediation were implemented. Also reported in that same month was the emission of PVC resin powder released during failure of a production silo coupling in Century Drive, Macoya. The site was visited and air samples were collected and analyzed and the appropriate action taken.

In 2000, 79 cases were reported to the EMA that were successfully resolved. Seventy-six of these were related to oil spills. The following details are larger spills. In February of this year a report of spillage of 50 barrels of oil from a leaking oil trunk line from Forest Reserve to Pointe-a-Pierre was received.

A report was made in July that a spill of approximately 50 barrels of oil occurred at Guapo. This spill was the result of a corroded flow line. In that same

month, another report of a spill of 100 barrels of oil at Navet Field was received. Then in August a spill of 115 barrels of oil was reported in Barrackpore. These spills were all investigated and the majority of oil was successfully recovered with little damage to the surrounding environment.

The remaining cases included a bush fire in March which caused damage to a well-head and pumping unit in Parrylands. The EMA investigated this report in collaboration with the Fire Service and the fire was successfully extinguished, and damage to the well-head and pumping units was assessed. In July 2000, a diesel fuel leak occurred on a broken half-inch fitting on a diesel tank in Galeota spilling approximately four barrels of fuel. This leak was subsequently repaired and fuel recovered.

In September 2000, Mariners Haven Barge was damaged during a salvage operation due to a freak storm. During this accident an unknown quantity of oil was spilled over approximately two miles of shoreline between Port of Spain and Chaguaramas. The barge was subsequently repaired and the spill satisfactorily cleaned.

A report of a strong sulphurous odour emanating from the ground in Rio Claro was received in November 2000. This report was investigated, and it was determined by the Fire Service that the incident was as a result of electrical short circuits of wires in buried pipelines.

**1.50 p.m.**

In 2001, there has been a total of 35 successfully resolved cases to date. Of this figure, 30 reports were associated with oil spills. In January, an oil spill of 135 barrels of oil was reported in north Palo Seco, while a spill of approximately 50 barrels was reported in March 2001. All instances of oil spills were investigated with most of the oil being recovered and the site successfully remediated.

The remaining cases that were also investigated by the Environmental Management Agency included spillage of approximately 6,000 gallons of aviation fuel that occurred during a transfer between tanks at Piarco International Airport in March 2001. The spill was contained, all of the spilt fuel recovered and the site thoroughly cleaned.

In April 2001, there were two natural gas leaks from gas lines at Beharry Trace, Barrackpore and Esperanza, respectfully. The damaged lines were clamped and repaired and the affected areas remediated.



Another report made this month was a block in a sewer line in Morvant, resulting in spillage of sewage and oil on to the roadway. Clean up was executed in collaboration with WASA and the Fire Services.

Mr. Speaker, based on these investigations and other research, the EMA has drafted, in accordance with section 61(1), a list of designated categories of circumstances involving accidental spills or other releases of pollutants or hazardous substances which present a risk to human health and the environment. These designated categories will be submitted for public comment in accordance with section 28 of the Environmental Management Act, 2000.

In reply to part (b), the draft list of designated categories prepared by the EMA has not yet been submitted for public comment in accordance with section 28 of the Environmental Management Act because the EMA has been focusing on the drafting of rules, orders and regulations to address the continuing releases of air and water pollutants, noise pollution, environmentally sensitive species, environmentally sensitive areas, the Certificate of Clearance and the Certificate of Clearance Designated Activities Order; legislation which had to be given priority in accordance with the urgent environmental issues of the country. The draft list will be submitted for public comment by September 2001.

In reply to (c), ammonia is identified on the draft designated categories of circumstances involving accidental spills.

In reply to (d)(i), the company responsible for the spill of ammonia on January 1, 2001, voluntarily notified the EMA on January 4, 2001.

In reply to (d)(ii), on the basis of the information reported, the release of ammonia gas occurred on January 1, 2001 during the start up of the urea plant on that morning, following a shut down the previous day. The release was reportedly due to the malfunctioning of a release valve resulting in gaseous ammonia being emitted.

In reply to (d)(iii), the EMA was informed that the plant was shut down as soon as the incident was detected. The release valve was replaced as a response measure. There was no reported damage to the plant, but 20 workers from the neighbouring Ispat plant and PLIPDECO Port reported feelings of discomfort. Members of the Safety, Health and Environment Department of the company responsible for the spill responded immediately to these complaints and ensured that medical evaluation was provided in a timely manner. The workers were taken to the Augustus Long Hospital at Pointe-a-Pierre where six were kept overnight for observation.

As a routine follow-up measure, an investigative team was formed to conduct an inquiry into the incident. Following their findings a final report was submitted to the EMA, PLIPDECO and the Ministry of Energy and Energy Industries. The EMA has reviewed the report and is satisfied with the corrective measures being pursued.

Thank you, Mr. Speaker,

**Mr. Hinds:** Will the hon. Minister tell this House why the company would have reported a serious ammonia spill on January 1, only on January 4—three days later? Does the Minister consider that timely and appropriate?

**Dr. The Hon. A. Nanan:** Mr. Speaker, I gave the answer as it was reported to me by the EMA. In terms of timely transmission of information, I am sure that the Member is aware of the reporting mechanism. I give him the assurance that we consider all spills, whether gaseous emissions or oil spills, extremely important. That is why we are bringing legislation to Parliament so frequently, as he would have seen on the Supplementary Order Paper today.

**Voting of Eligible Persons  
(State's Penal Institutions)**

**18. Mr. Fitzgerald Hinds** (*Morvant/Laventille*) asked the hon. Prime Minister and Minister of National Security:

- (a) Would the Minister kindly indicate whether arrangements were in fact made within the State's penal institutions to permit categories of persons who were incarcerated, but eligible to vote in the last General Election, to do so?
- (b) If the answer is affirmative, could the Minister state whether such eligible persons at (a) in fact voted?
- (c) If the answer is negative, could the Minister indicate the reasons why this important constitutional, legal and moral right was denied to those who were so eligible?

**The Prime Minister and Minister of National Security (Hon. Basdeo Panday):** Mr. Speaker, the answer is as follows.

As far as the law is concerned, the Representation of the People Act, Chap. 2:01 of the laws of Trinidad and Tobago provides, in section 15(1), that:

“No person is qualified to be or to remain registered as an elector who—

- (b) is under sentence of death imposed on him by a Court in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a Court or substituted by competent authority for some other sentence imposed on him by such a Court or is under such a sentence of death or imprisonment the execution of which has been suspended;”
- (c) is disqualified for registration as an elector by virtue of any law in force in Trinidad and Tobago by reason of his having been convicted of any offence relating to elections.”

In effect, therefore, the law debars prisoners from becoming or remaining eligible to vote when they are on death row or serving sentences of 12 months or more, or on remand awaiting appeal against sentences of 12 months and above.

Prisoners on remand awaiting trial and/or sentencing and those serving sentences of less than 12 months, provided that they are entitled to vote in accordance with the elections rules set out in the law, may be eligible to be treated as special electors under election rule 59(j)(ii), which states that an elector is eligible to be treated as a special elector if he is a prisoner within the meaning of the expression of section 2 of the Prisons Act.

The Prisons Act defines the prisoner as “every inmate of any prison detained therein under sentence or conviction for any offence or under committal or remand pending trial or investigation on a charge of any offence.”

Under rule 62, subrule (1) of the elections rules, an application to be treated as a special elector must be made between the date of the publication of the election notice and the third day after Nomination Day to the Returning Officer of the electoral district where the applicant is registered as an elector. No such application was received from any eligible prisoner.

In the context of the foregoing, this honourable House is advised that:

- (a) no arrangements were made within the State's penal institutions to permit categories of persons who were incarcerated but eligible to vote in the last general election to do so;

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- (b) the Elections and Boundaries Commission did not provide the wherewithal for eligible prisoners to vote;
- (c) no official request from any eligible inmate of a penal institution to exercise his or her right was received for consideration.

**2.00 p.m.**

**Mr. Speaker:** Hon. Member for St. Joseph, question No. 12 by the Member for Diego Martin East is for written answer. Has the answer been provided?

**The Minister of Infrastructure Development and Local Government (Hon. Carlos John):** Yes, Mr. Speaker, the answer to the proposed question No. 12 has been provided to the Clerk of the House for circulation.

**WRITTEN ANSWER TO QUESTION**

**Water Contracts Award  
(Details of)**

*The following question was asked by Mr. Colm Imbert (Diego Martin East):*

- 12.** Would the Minister of Infrastructure Development and Local Government give details of all contracts awarded in the water sector by the Ministry of Public Utilities, the Ministry of Infrastructure, WASA, or any other State Agency, Authority or Corporation for construction work and/or supply and installation of plant and equipment, including pipelines, storage reservoirs and water treatment facilities, in excess of \$1 million for the years 1996, 1997, 1998, 1999, 2000 and 2001 to date, including the nature of the work, the names of the contractors, the location of the work, the amount of the contracts, and the date of the awards?

*Vide end of sitting for written answer.*

**OCCUPATIONAL SAFETY AND HEALTH BILL**

*Order for second reading read.*

**The Minister of Labour, Manpower Planning and Industrial Relations (Hon. Harry Partap):** Thank you, Mr. Speaker, I beg to move,

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

Mr. Speaker, before I begin my presentation, allow me to thank the hon. Prime Minister for his expert advice and guidance in shaping this Bill. Allow me, also, to record my appreciation for the invaluable assistance of the hon. Attorney

General and Minister of Legal Affairs during the presentation of the Bill.  
[*Interruption*]

**Mr. Speaker:** Order! Order, please.

**Hon. H. Partap:** I must also express my thanks to the legal counsel in the Ministry of Labour, Manpower Planning and Industrial Relations, as well as the legal luminaries in the Office of the Chief Parliamentary Counsel and the Law Commission for the many hours spent in shaping and reshaping the Bill into the final product that I am privileged to present to this House today. [*Interruption*]

**Mr. Speaker:** May I appeal to the hon. Leader of the Opposition, in his capacity as Leader of the Opposition to ask his Members, as best as possible in this sitting to allow the Members on the other side to make their inputs. I am again appealing to you. Failing to get control of the House, there are measures available to the Speaker to impose. I would rather not do that, so I am appealing to you, hon. Leader of the Opposition, to contain your Members. I am appealing to you!

Please carry on Minister Partap.

**Hon. H. Partap:** Thank you, Mr. Speaker. As I was saying, this has been a great challenge and a rewarding experience for all of us who have been involved in bringing this legislation to the stage at which it is today. This Bill is well known in places of work by the short title: The Occupational Safety and Health Bill, 2001. You may recall, Mr. Speaker, that this is the third attempt by this Government to introduce occupational safety and health legislation in this Parliament.

In August 1997, this Bill had its second reading in the last session of Parliament and during that debate Members of the Opposition requested that it be referred to a Joint Select Committee of Parliament for consideration. We agreed and the Bill was considered by a Joint Select Committee and came back to the House on November 18, 1999. However, the revised Bill failed to get the support of my Friends opposite, even though we responded to all their verbal concerns, and even though the Bill went through the process of scrutiny by the Joint Select Committee. I must state, for the record, that during the committee stage 18 months ago, seven points raised by Members of the Opposition were answered by us. Unfortunately, the Opposition Members chose to vote against provisions to protect the safety and health of workers.

Mr. Speaker, as I pilot this Bill again today, let me make an appeal to my friends on the opposite Benches to disregard, for a moment, all political

*Occupational Safety and Health Bill*  
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considerations and join the Government in putting on the statute books legislation that would protect workers and employers alike, as they go about their daily business. Mr. Speaker, chances are that Caroni (1975) Limited workers Randolph Sooknanan and Hansraj Boodoo may have been alive today if Parts II, IV and XI of the Occupational Safety and Health Bill had become law in 1997. I base this on the final report of the committee commissioned to investigate the fatal accidents at the Usine Ste. Madeline Sugar Factory on April 03, 2001. The committee found that there were, I quote, “shortcomings in the maintenance and operational procedures at the factory”.

Mr. Speaker, the new legislation captures state-run agencies and enterprises in terms of meeting safety and health standards. This new legislation does that. These state agencies and enterprises will not be exempted. The fact that the legislation binds the State means that the onus will be on these enterprises to have sound safety and health standards at all times. By delaying passage of this Bill, Members opposite are telling the fourscore and seven widows and their children, who lost loved ones due to industrial accidents since 1990, that safety and health matters in the workplace are not high on their priority.

Mr. Speaker, by delaying passage of this important piece of legislation, Members opposite would be telling the workers of this country that they must continue working under safety and health laws that offer them no protection at all. I warn Members opposite to be careful of the signal they send to the working population by the way they vote on this Bill today.

It goes without saying that this Bill is long overdue in a country that is becoming the industrialized Mecca of the Caribbean under this Government. It is a bit surprising to me that everybody seems to recognize this except the Opposition People’s National Movement. I trust that the hon. Member for Point Fortin, who was himself a former judge at the Industrial Court, would convey to his colleagues on that side, the importance of this legislation. I count on him to properly advise his colleagues to support this Bill.

Mr. Speaker, I have no doubt at all that employers and employees alike understand the importance of this Bill. This is demonstrated by the two pieces of correspondence I have received and which I would like to read into the record. The first is an excerpt from a report at a breakfast meeting of members of the Safety Council of Trinidad and Tobago, held last year. They are important stakeholders in the industrial sector. The report is dated May 08, 2000.

At that meeting, the Occupational Safety and Health Bill, which failed to get the support of the Opposition in November 1999, was discussed. The Safety Council wrote, and I quote:

“The meeting acknowledged that the draft Bill is a sound piece of legislation, which does provide for adequate protection of personnel in industrial establishments. Given the rapid pace of industrialization in Trinidad and Tobago today, the Council recognizes the importance of an appropriate safe culture at work, driven by a relevant legislative framework.”

**2.10 p.m.**

The report continues, and I quote:

“We urge Parliamentarians on both sides to ensure the return and passage of the Bill through both Houses.”

That was the plea from the National Safety Council of Trinidad and Tobago and the Member for San Fernando East asked what form. Here is what the safety council said.

“The meeting acknowledged that the draft Bill is a sound piece of legislation, which does provide adequate protection of personnel in industrial establishments.”

I answered your question. Mr. Speaker, that was the plea coming from the National Safety Council of Trinidad and Tobago. I hope that Members opposite were listening. The Government is doing its part again for the third time. Is the Opposition listening?

Mr. Speaker, the second piece of correspondence came from the Steel Workers Union of Trinidad and Tobago, (SWUTT), following the refusal of the Opposition to support the legislation in November 1999. I quote from the Steel Workers' press release dated November 24, 1999:

“The above named union is highly annoyed about the outcome of the Occupational Safety and Health legislation to the extent that it is calling on all workers and concerned citizens to raise their voices and to view this as a deliberate attack on the life and limb of workers in this country.”

The union's statement continued:

“All workers need is protection from unscrupulous employers, and for employees to be able to return home safely every day without fear of loss of life or limb as they carry out their productive work for the economy of their country.”

That is the union's statement.

Mr. Speaker, the basic philosophy that informs this Bill hinges on the measures to protect the safety and health not only of workers in the workplace but also employers and the general public who may be in, or in the vicinity of, the workplace. This Bill is designed to put in place a basic protection framework to make the workplace safe. It conforms to the International Labour Organization's Convention No. 155 concerning occupational safety and health and the working environment. It also conforms to the Caribbean draft labour legislation on safety in the workplace. This is part of the Charter of Civil Society for the Caribbean Community. This Bill is also in line with the standards on decent work defined by the ILO Director General.

Before I guide hon. Members through the 15 Parts, 100 clauses and two Schedules of this Bill, let me once again put in perspective the various attempts by three different administrations to shape legislation that would protect workers and employers in the work environment. As you are aware, Mr. Speaker, this Bill has been in the making for 28 years. Surely, this Bill could easily be a candidate for the *Guinness Book of Records* since it must have been the longest gestation for any piece of social legislation in a civilized society. [*Desk thumping*]

Mr. Speaker, this Bill would repeal three existing and very outdated laws. They are: the Factories Ordinance; the Employment of Women (Night Work) Act, and the Gas Cylinders (Use, Conveyance and Storage) Act. However, all the Regulations, Orders and other statutory instruments made under the Factories Ordinance will remain in force until amended. Provision is made for this in clauses 99 and 100 of the new Bill. I must point out, Mr. Speaker, that the Factories Ordinance was passed by a Colonial Legislature in 1948. That was 53 years ago.

At that time there was no Point Lisas, there was no LNG and there was no steel mill. At that time the energy and industrial sectors were confined and struggling and the manufacturing sector was just beginning to develop. There was no Galeota and no oil and gas platforms on the southern and eastern seaboard. The Factories Ordinance reflected the time it was enacted. In fact, the Factories Ordinance covered workers only in factories. I want to repeat that: the Factories Ordinance of 1948, under which we are still labouring, covers workers in factories only. That is, only those in factory buildings were covered, and, even so, Mr. Speaker, the Factories Ordinance took no notice of workers in the same factory building, specifically those who were performing clerical and other functions. So they were not covered. It was as if those workers did not exist.



Sad to say, Mr. Speaker, the situation continues to exist even today because the Factories Ordinance is the law at present as far as occupational safety and health is concerned. Not all workers are covered by the Factories Ordinance and I will not stop saying so. I will keep on repeating this, that not all workers are covered under the Factories Ordinance. It is limited and it is inadequate. This new revised Bill will address this anomaly because every worker is covered.

Mr. Speaker, it was never intended that workers in this country, at the start of the 21st Century, should continue to be denied legislative protection in the workplace or that they be governed by safety and health rules developed 53 years ago before the advent of our industrial environment. So, Mr. Speaker, a PNM administration made an attempt in 1973 to modernize the ordinance. It requested—and I will tell you what happened—that a United Nations Development Programme, (UNDP) expert, review the 1948 Factories Ordinance and prepare the first draft of a Bill to protect the safety and health of workers in the workplace.

That first draft was taken to Parliament in 1975. It, however, lapsed. That draft was further amended in 1979 but no action was taken to seek parliamentary discussion. The 1979 draft was again amended by the PNM administration to become the 1984 draft. That too never reached Parliament. Mr. Speaker, the 1984 draft was again amended to produce a 1991 version. This draft was introduced in Parliament by the National Alliance for Reconstruction government but it lapsed again when that government demitted office in 1991. It took another three years for the then PNM administration to even look at occupational safety and health. So that in 1994 a fifth version was produced. That version was sent to the Legislative Review Committee and it remained there until the PNM left office in 1995. This brings us to 1996 when the United National Congress government, led by the distinguished Member for Couva North and Prime Minister, introduced a sixth version of the Bill.

Mr. Speaker, the 1996 version of the Bill was subjected to intense scrutiny at four public consultations, one technical symposium and several bilateral meetings with interest groups, including the Employers Consultative Association, the Trinidad and Tobago Chamber of Industry and Commerce and the National Trade Union Centre. So that, in August 1997 when we were convinced that the Bill was thoroughly discussed with all stakeholders and the general public, it was taken to Parliament. During that parliamentary discussion, a call was made by the Opposition for the Bill to be referred to a joint select committee for consideration.

The joint select committee made several changes which gave rise to a seventh version of the Bill. Mr. Speaker, it was this seventh version of the Bill that was again introduced in Parliament in November 1999 and failed to get the support of the Opposition. The Opposition refused to support the Bill on seven grounds but a closer examination of the concerns of the Opposition reduced the objections to six, that is, we reduced it to six. I will now outline these concerns for your benefit and that of the House, Mr. Speaker.

The Opposition argued that the definition of “industrial establishments” in clause 4 was too broad and could create hardships for cottage-type industries and enterprises. The Opposition was also concerned about the fact that the Bill covered all workers in the country. Our response was that the Bill does cover all workers and that we believe that all workers were entitled to protection under the law. Further, we pointed out, that provision was lifted from earlier drafts of the Bill under the PNM, so that it was nothing new. Furthermore, Mr. Speaker, this provision is in line with standards adopted by the ILO and the Caricom draft legislation on safety of workers in the workplace. However, we agreed to amend the definition of “industrial establishments” in clause 4 to allow the Minister to exempt certain establishments by an order which will be subject to an affirmative resolution of Parliament and, Mr. Speaker, I will move this amendment at the appropriate time.

The Opposition also objected to Part III, clause 15 of the Bill, which gave workers the right to remove themselves from any area of the workplace in which their lives or limbs are threatened. In other words, Mr. Speaker, the Opposition objected to this section which gave workers the right to refuse to work if there was a threat to life or limb due to unsafe conditions. We pointed out that this was not a new right given to workers. Indeed, workers already enjoyed this right under the Industrial Relations Act, Chap. 88:01. I must also point out that this right is also enshrined in Article 13 of the ILO Convention No. 155 and Trinidad and Tobago is a member of the ILO. As I pointed out already, this right is enshrined in the definition of Industrial Action in the IRA. The definition gives a detailed explanation of those actions which constitute industrial action.

The definition gives two exemptions. The first speaks of a failure to commence work in any agricultural undertaking where there has been a delay in concluding arrangements for size and nature of a task.

**2.25 p.m.**

The second, and this is the one that we are concerned with, states and I quote:

“A failure to commence work or a refusal to continue working by reason of the fact that unusual circumstances have arisen which are hazardous or injurious to health or life.”

So, the right to refuse work is already there. They enjoy that right. It is quite clear that workers already enjoy the right to refuse work in circumstances where their life and limb are threatened. However, while the IRA did not view this kind of move by workers as industrial action, it did not put in place a mechanism to treat with an abuse arising from that right to refuse work.

Mr. Speaker, the Bill now before this honourable House seeks to put a mechanism in place to safeguard against any abuse of this provision by workers. Part III of the Bill provides for the immediate intervention of management and the chief inspector. I want to point out that the chief inspector is a creature of the proposed Occupational Safety and Health Authority.

Under the IRA there is no time frame that limits such refusal to work and no procedure for intervention. As a result, there is no urgency on the part of aggrieved workers to indicate to management the source of danger that led to a refusal to work. I like to tell the story that what could happen there is that the workers can see a problem, they can come out of the building, they can go and sit on the other side of the road and they can stay for as long as they want. That is under the IRA now. They have no compulsion, or no obligation to inform the management why they are there. So, this Bill proposes procedures that will guard against the abuses. [*Interruption*] I think the Member should read the IRA provision.

**Mr. Manning:** Mr. Speaker, I thank the hon. Minister for giving way. If the Minister is saying that there are certain things that offend the IRA that need correcting, why not amend the IRA rather than seek to introduce those matters in a Bill of this nature?

**Hon. H. Partap:** I do not think we will be able to cover all the matters under this Bill by changing the IRA. If you look at the provisions of this Bill you will see. It may be one, perhaps this one.

**Mr. Manning:** Whatever offence is related to the IRA—the suggestion is that we amend the IRA to deal with that rather than seek to put it under this Bill. If there is something that offends some other piece of legislation, we amend that, but that this new legislation deals specifically with a particular area.

**Hon. H. Partap:** With due respect to the Leader of the Opposition, if you read this Bill through, you will understand where we are coming from. I am sure you will agree that this Bill is very comprehensive in its nature for the protection of workers in the workplace. I am sure you will agree with me.

Mr. Speaker, the Opposition questioned the powers given to inspectors in Part XIII, clause 72(1) to enter premises. We pointed out that the powers in this Bill given to inspectors to enter premises had been lifted from section 62 of the existing Factories Ordinance. That is the ordinance now enforced in this country. Therefore, inspectors already have the power to enter premises. I must point out, Mr. Speaker, that since 1948, inspectors had the power to enter premises during the course of their investigations, and as far as I am aware, there is no recorded evidence of a single report of abuse of that power.

Our research has shown that inspectors performing duties under occupational safety and health laws in Commonwealth jurisdictions do not require a warrant to enter premises. Mr. Speaker, the Opposition questioned the definition of a young person in the Bill. The Bill had proposed that young persons be defined as under 14 years of age. The Opposition recommended that it be under 17 years of age. We have accepted that recommendation and I shall move the amendment to clause 4 at the appropriate time.

Mr. Speaker, the Opposition argued that terms and conditions in existing industrial agreements that were superior to those proposed in the Bill be saved so that workers would not lose out on benefits. This was agreed to. We agreed to that and that would be reflected in an amendment that will be moved at the appropriate time.

**Mr. Beraux:** Why did you not put it in this Bill? [*Interruption*]

**Hon. H. Partap:** It is not the same old Bill. If you look at the Bill properly you cannot say so. No. I am afraid I do not agree with you. Clearly you did not read the Bill. You didn't read the Bill before you. [*Interruption*]

Member for Arouca North, no, it is not the same Bill, and I am telling you that you did not read the Bill. If you go to the Bill you will see it is not the same bill. There are a few that were left out and we are going to make the amendments at the appropriate time. It is not that the Bill is going to go without the amendments. Shall I continue?

The Opposition made two additional observations. They argued that the Bill should make provision for the payment of compensation to persons affected by

operations managed or owned by the State. They also requested that the Bill make provision to prevent state agencies and local government bodies from entering into agreements with organizations or firms to establish plans whose operation would adversely affect a community's environment.

In both cases, Mr. Speaker, Government took the position that these matters would be better addressed in the proposed Employment Injury Benefits Bill and the existing Environmental Management Act. I want to make the point that we are looking at labour legislation in a holistic way, so that while this Bill seeks to prevent accidents, the Employment Injury Benefits Bill will be providing compensation in the event that there are any indiscretions. *[Interruption]* If you listen to what I am saying, I think you will understand.

Mr. Speaker, Part I of the Bill distinguishes employers from occupiers and seeks to impose appropriate duties on an employer in relation to his employees and on an occupier in relation to persons in the industrial establishment whether or not such persons are employed by the occupier. Mr. Speaker, Part II of the Bill provides for general duties of the employers to their employees, of employers and self-employed persons to persons other than their employees, and of occupiers to persons in and in the vicinity of their industrial establishment.

The Bill also puts a responsibility on manufacturers and suppliers of equipment installed in industrial establishments. Clause 6 puts the onus on employers to provide employees with information on hazardous substances in the workplace and it also deals with working conditions of pregnant employees in the workplace.

I have already dealt with Part III concerning the right of employees to refuse work, but let me point to clause 18 where I will move an amendment to have an inspector investigate a refusal to work, within seven days from the time of the refusal.

Part IV provides safety provisions for employees including young persons.

Part V deals with fire safety measures, and these are clear-cut. While Part VI addresses health requirements at the workplace. We have amended clause 35(3) to allow the international norm for work space of 14 feet from the floor.

Part VII makes provision for improved measures for the welfare of workers. Part VIII outlines the procedures for the notification and investigation of accidents and occupational diseases. Part IX provides for the employment of young persons. There is a requirement for a medical examination and fitness certificate before a young person can be employed for a period over three months.

Part X provides for special applications and extensions while Part XI deals with special provisions in respect of factories, building operations and works of engineering construction.

Part XII makes provision for the establishment of the Occupational Safety and Health Authority that will administer the Occupational Safety and Health Bill. Clause 65 was amended to include the Executive Director of Occupational Safety and Health Authority (OSHA) as a member of the authority.

Part XIII, Mr. Speaker, sets up the administrative machinery for the OSHA. Clause 72(1)(a) will be amended to allow inspectors to enter premises—and it was mentioned across there a while ago—at all reasonable times, by day or night, instead of at any time.

Part XIV deals with offences, penalties and legal proceedings. It is important to note that clause 97(a) provides for all safety and health offences to be determined by the Industrial Court. And at clause 97(b) an aggrieved person will have up to two years to report a violation under this Act.

Part XV deals with miscellaneous matters. Schedule 1 deals with an expanded list of occupational diseases, while Schedule 2 outlines the rules governing the Occupational Safety and Health Authority.

**Mr. Bereaux:** Would the Minister give way before he ends, please? You said that all breaches of this Act will be dealt with by the Industrial Court but, I am seeing here in 83, he commits an offence and he is liable to be dealt with in accordance with the provisions of the Summary Courts Act. Could you explain that, please?

**Hon. H. Partap:** Mr. Speaker, we will address that if there is a comment at committee stage. [*Laughter*] But, I also want to refer the Member to clause 97.

**Mr. Bereaux:** I have looked at that. That is why.

**Hon. H. Partap:** If there is an anomaly, we will deal with that at the committee stage. [*Interruption*] It is not the same old Bill. Mr. Speaker, I have given the House a brief history of the long struggle in providing a piece of legislation that should transform the workplace into a safety and health haven. It has taken 28 long years and eight versions. I have answered the concerns of the Opposition; the Bill is now ready. I again appeal to the Members opposite to join with us in the passage of this Bill. If you do, you will be saying yes to one of the most progressive pieces of legislation on our statute books.

**Mr. Bereaux:** Before the Minister finishes, could he please indicate to me, for the benefit of this honourable House, the philosophy which guides the

introduction of this Bill? I will tell you why. This Bill is a penal bill and I want you to give us the philosophy behind it, because it sounds well, but there are criminal acts that workers will be charged with under this, and I want you to explain those things.

**Hon. H. Partap:** Mr. Speaker, I do not know if the Member for La Brea was listening.

**Mr. Bereaux:** I was listening very carefully.

**Hon. H. Partap:** But I did, in fact, outline to you, Sir, and to this House, the philosophy underpinning our labour legislation in relation to safety. I shall read it again. It says, Mr. Speaker:

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

Mr. Speaker, I beg to move.

*Question proposed.*

**2.40 p.m.**

**Mr. Colm Imbert** (*Diego Martin East*): Mr. Speaker, we have had a demonstration of the typical laziness of the Member for Nariva. He indicated that he would go through this Bill and tell us what it is all about, during his presentation. After he got two, three little heckle, he sat. I will now go through the Bill. I will do what the Minister has failed to do. There are some issues that I need to put in the public record.

On the last occasion, the Government failed to have any consultation whatsoever with the Opposition. This is quite interesting for a bill requiring a special majority, without which, we cannot pass the Bill. This means that without the support of the Opposition you cannot pass the Bill. So one would expect any government, including an allegedly labour Government—although it is really in the hands of the parasitic oligarchy—[*Interruption*]—a government for sale—[*Laughter*] to want to pass this legislation.

I recall when as Minister of Works and Transport, in response to a public outcry, there was need to amend the legislation dealing with public transportation. We required amendments to legislation to ban music in maxi-taxis, but it required a special majority. I remembered the position I adopted was to telephone the Member for Couva North, who was the then Leader of the Opposition, invite him

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[MR. IMBERT]

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to a meeting at my office and ask him for his support in passing this Bill with a special majority. We had quite a fruitful meeting.

I outlined my position. The then Leader of the Opposition outlined his position; we reached consensus on a common ground, and we were able to pass that Bill banning music in maxi-taxis, requiring a special majority, with the support of the then Opposition. That was, according to them, a trivial matter. I have heard one of their spokesmen refer to that as a trivial matter. Look how important this is, but this arrogant Government decides that it would not engage in any form of consultation with the Opposition. Instead it engaged in a propaganda campaign, telling the trade unions all sorts of nonsense, that it changed this clause and that clause.

As a matter of fact, we had a meeting this morning with elements of the Government. I think I would mischievously call it a UNC party group, better known as the National Trade Union Centre (NATUC). I am being mischievous. We had quite a good meeting with them at which they submitted a memorandum to us where they indicated that amendments had been agreed. The Minister has now confessed that he has not circulated any amendments. The Opposition is completely unaware of what these amendments are, but he is telling the trade union movement that these things have been agreed to and changed in the Bill. No changes have been made to this Bill; none. It is a falsehood, and it is symptomatic and typical of that Minister; he is just downright lazy.

Let me deal with some of the issues here. On the last occasion he alleges that one of the issues we had was that the definition of "industrial establishment" was too broad and, therefore, it should be narrowed. He alleges that this could be dealt with by regulations. I have looked at this Bill in the back at Schedule I and I note that there is a list of 38 occupational diseases starting with pneumoconiosis, chemical pneumonitis, brochopulmonary diseases, diseases caused by beryllium, benzene and so on; 38 occupational diseases.

The Minister has had 18 months, since this legislation was last in this Parliament to deal with these issues! "Yuh" going to tell me that you had over a year to come up with some sort of policy framework on the industrial establishments that would be exempted from this legislation, and you do not have the decency, courtesy, energy or whatever his problem is, to table in this Parliament for our consideration, the categories of industrial establishments that would not be subject to this Bill? Pure laziness, arrogance and contempt for this Parliament!



On the last occasion they knew that when you have a Bill with a special majority and you fail to get your special majority, you cannot bring that bill back to the Parliament under six months. They knew that; they did not want this Bill to be passed. You see, Mr. Speaker, their financiers and supporters, big business some of them, did not want this Bill to “pass”, so they deliberately did not have any dialogue with us; deliberately forced the Bill to fail with their inflexible and dictatorial posture, knowing it would fail, knowing it would lapse, knowing it could not come back and knowing that a general election was in the offing.

Well, I think on this occasion it is going to be a little different. I want to say at the outset that having met with NATUC this morning and having agreed to exchange correspondence with them, they would give us some information which they say they gave to the Government, we would give them a summary of our various positions, because we are not going to allow the Government to summarize our positions. This is a most incomplete and dishonest summary of the concerns raised by the Opposition on the last occasion. So we would prepare a summary and submit it to NATUC and, they have promised in turn, to give us memorandum dealing with their detailed concerns relating to occupational health and safety legislation.

I also want to say that it is the intention of the Opposition to consult with those majority trade unions, those large trade unions that are not associated with NATUC at this time, such as the Public Services Association, the Communication Workers’ Union and the Oilfield Workers’ Trade Union, because as a responsible Opposition we must ensure that whatever we pass in this House—because we are going to pass this Bill; once the Government is not arrogant and once it does not try to railroad defective legislation through this House, we are going to pass this Bill. I want to make that commitment to this Parliament today.

We intend to have dialogue with the trade unions and we intend to come to some form of consensus with all the social partners regarding this very important piece of legislation. We are going to do what the Government did not do. [*Desk thumping*] This is what they did not do.

We discovered in our meeting with NATUC this morning, that there were many areas—in answer to a question coming from one of our members, whether they were comfortable with this Bill—in which they said that not all of the matters they wanted incorporated into this Bill were taken up by the Government. They did say that they felt the Bill was a good starting point, but they also said that there were several areas of concern which were not dealt with by the Government.

As far as I am concerned, that is just because of the laziness of the Minister, who has not even read the Bill, who does not even have the courtesy dealing with a Bill with 120 clauses, to present it clause by clause to this Parliament. The underlying philosophy; what exists at present; what it is intended to achieve; what is the change between what is on the books right now and what he wants to propose to us and what would happen when this Bill is put in place. He did not have the courtesy to do that.

Instead he comes here and misleads this Parliament and tells us, for example, that the authority given to inspectors is lifted from the Factories Ordinance. He is simply not speaking the truth. I have the Factories Ordinance right here and in it inspectors are dealt with under the administration section, Part 11, from clauses 62—64; just three clauses in the Factories Ordinance dealing with inspectors.

When you look at what is happening you understand the Machiavellian intent of this Government, because in the Factories Ordinance, for example, an inspector shall have power to enter, inspect and examine at all reasonable times by day and night, a factory. I would like the Minister to tell me why he left that out of the Bill on the last two occasions. [*Interruption*] Not now; you spoke already. I am not giving way; no. [*Crosstalk*] I had enough of you man! I would like the Minister at the appropriate occasion to tell me why he left out the words “all reasonable times”. I say it is deliberate.

Then there is another matter where the inspector will have a police officer accompanying him, and listen to what it says: that he has the power to take with him a constable if he has reasonable cause to apprehend any serious obstruction in the execution of his duty. Well that makes sense! That is the existing legislation. So it says that if you want to break and enter a man's premises and you want to take the police with you, you must have reasonable cause to believe that the owner or occupier of the business is going to obstruct you. You cannot just come down there with the tactical unit, on law-abiding people just like that. It makes sense.

I would like the Minister to say why he has changed the provisions in the Factories Ordinance and why he has not been honest with this Parliament, and instead of saying that he lifted it, giving the impression that it was verbatim, that it was exactly the same and it was not. There are just three clauses. There are about 33 sections in this legislation dealing with inspectors, so the Minister has been fundamentally dishonest to this Parliament.

We were told by NATUC this morning that the age provision will be changed to 17 years; it is not in the Bill. The Minister tells us, “Oh, that will be in the

amendments,” but it is not in the Bill. [*Crosstalk*] I sincerely hope that now that there is no general election around and the Government does not have to “gallery”, that it will allow proper and meaningful dialogue to take place with all the social partners so that we can pass this legislation.

Now, let me deal with some of the issues. The Minister alleges that there were only seven areas to which we objected. That is simply untrue. What happened was that we spoke for hours on every single clause of the Bill and when they started to carry on and say, “Oh we will campaign against you,” and so forth, we met in the committee room and we said, “Okay, we will forego, for the time being, our objections to 110 clauses and we will focus specifically on seven items.” That is how the seven items came up. It did not mean that the other things were not important. We were trying to compromise. We said, “We want you to deal with these seven items,” and they refused. They refused, so the Bill lapsed; it is as simple as that.

Let me go through, again, some of the issues. We object to the non-inclusion of a schedule defining what is an industrial establishment in this Bill. You have had 18 months to do it and, as I said, you have put 38 occupational diseases in here, surely you can come up with four or five categories of industrial establishments to be subject to this Bill and a few categories that would not be subject to this Bill.

We are not going to allow a Minister to come under the guise of a simple majority, to pass regulations in this House, where he could just use his simple majority and railroad a bill through Parliament to do what he could not do in the Parliament with a special majority, because we know what you are up to. This Bill defines an industrial establishment, a factory, as a place where two people are working. So that a shop or a parlour will be an industrial establishment.

You know, Mr. Speaker, it is so interesting. When you go through the Bill in terms of the provisions to deal with fire, for example, the section dealing with fire is close to the section dealing with health and welfare. It says that this section applies only to industrial establishments in which the aggregate number of persons employed in a building exceeds 20. “Is different people do this Bill or what?” “Different Ministers of Labour?” Were you sleeping? Why do you have clause 26 which says that it only applies to industrial establishments when the aggregate exceeds 20, but in the rest of the Bill it could be two, three, four, five, six or seven?

That is called “Partapian logic”. He could have saved a lot of “ol’ talk” if he had just said that the entire Bill does not apply to establishments with numbers of

employees less than 20. He could have saved a lot of talk and debate for the last two years, but you would not tell NATUC that; you would not tell the trade unions that; you would not tell the National Safety Council that. You were misleading them about the dishonesty, the treachery that emanates from that side.

**Mr. Manning:** “And Carlos you sat there and agreed to that?”

**2.55 p.m.**

**Mr. C. Imbert:** We expect some meaningful dialogue and debate on this matter. We on this side are prepared to be very reasonable. As a matter of fact, I was very happy to meet with that UNC party group this morning. I met some of them for the first time. They are nice “fellas”. We had some good discussions and I am hoping we can meet with them again so that we can come up with some serious changes to this legislation.

This whole question about refusal to work—again, the Minister in his address confessed to his dishonesty; because he says in existing legislation it talks about unusual circumstances; where workers can refuse to work if there are unusual circumstances. He spoke about something to do with agriculture. “Unusual circumstances” makes sense; if there is some danger or threat to workers; an unusual circumstance. I can see where a worker can reasonably refuse to work if something is extraordinarily unusual but the way this legislation is worded, if there is a speck of dirt on the floor—I would not expect the Minister to understand because he does not read and he cannot read—a worker can shut down the place and refuse to work because the place is dirty, in his opinion; and an inspector has to come and submit a report 72 hours later.

All he had to do was come with an intelligent qualification for the circumstances under which workers can take this kind of action and we would have agreed; but no, everything is “gallery” and “mamaguy” because the Minister is just a puppet. He has no trade union experience; he has no trade union knowledge; he is not a practitioner; he is not a former jurist like our Member of Parliament he is not a former trade union leader like the Member for Couva North. He does not know anything about it. He is just a puppet, so he just does what his master tells him to do.

We will be tabling amendments to these clauses. We will see who is reasonable and who is unreasonable. We would table all of the necessary qualifications to deal with these clauses that would give adequate protection to both parties. We will send our amendments to the trade union movement, both the Government boys and the other side. We will send to everybody. We will send them so that they will see that we are being reasonable in our objections.

As I told them this morning, on the last occasion when we debated this matter, the Government had a press conference and they punished me in the papers and the TV for two days. But I am not taking on that because we are going to have dialogue with the OWTU; we are going to talk to the PSA; we are going to talk to the NUGFW; we are going to talk to the Bank and General Workers Trade Union; then we would come up with amendments which we would send to them and then we would arrive at consensus. This is what they should have done if they really care about trade unions in this country; and if they really want to have the legislation passed.

Let us look at some other issues. I saw where an industrial establishment, which is a parlour, with two employees—a husband and wife—must have a water cooler. Do you know how much for a water cooler? About \$10,000. And the water cooler must be located 20 feet away from the washroom and so on, in a 14-foot parlour. If there is water. Can you imagine in this day and age, water for none! which is what is going on in Trinidad and Tobago. We have 17 days' water supply. There is no water, but you must have a watercooler and a sufficient supply of cool, wholesome drinking water. So you must have water for 24 hours but you are not getting any from WASA nor the Minister of voter padding, but the employers must have a storage tank in a 14-foot parlour for the two workers. It is a joke just like the Minister is a joke. And you must have a lunchroom and an ambulance; separate wash rooms; place for workers to change their clothes. Two people in a shop, you know! It does not make any sense and this is what we told them on the last occasion.

But they are not telling Cabrera and the others that; they just come to “gallery” and “mamaguy” and make people believe that we on this side do not want to have this legislation passed. There is no politics in this legislation; there are no political points in this legislation. It is important for the people of Trinidad and Tobago.

Another thing that I find interesting is that where this Bill deals with construction, there is a complete overlapping with the regional corporations and the building inspectors. This new Land and Planning Bill—I wonder if he still has responsibility for that? They have taken away everything from the Member for St. Augustine. I am not sure if he still has responsibility for the Planning Bill.

In that Bill there are a number of building inspectors who will have wide powers to deal with construction and safety matters on site; and in this Bill it is the same thing. Which is more relevant? The building inspector or the Partap inspector? It does not make any sense.

The definition of a “workplace” could be a residential property; a little two bedroom house could be defined, under this legislation, as a place of work; a little flat house could be brought into the ambit of this legislation and subjected to all of these things, like water cooler, ambulance, washroom, separate bathrooms for men and women and so on. It does not make any sense. There is no other legislation currently before this Parliament, tabled by this Government—no, he is not a Johnny-come-lately, this is his sixth year.

The other problem I have with this Bill, at page 61, clause 66 (2) states:

“It shall be the duty of the Authority—

(a) to give effect to any directions given to it by the Minister;”

**3.05 p.m.**

Now we have already had this issue raised in the Telecommunications Authority, where the Minister eventually back-tracked and said that he would give general broad policy; and so it should be. Things as important as telecommunications and so on, you give general policy guidelines. Why in this Bill does the Authority have to do what the Minister says? Everything the Minister tells it to do, the Authority has to do. Is that an independent institution? It is not! It is a political arm of the Government to terrorize their political opponents, and this is something we want out of this Bill.

The Minister can give general policy guidelines to the Occupational Authority and they carry out their functions; not that the Minister could call them and say, “All right, I want you to shut down so and so place because the owners are PNM.” Or it could be somebody who is contesting deputy leadership of the UNC, and depending on which camp the Minister is in, he could call up and say, “shut down so and so law office because they do not have a cooler, and they do not have an ambulance, and they do not have a fire escape, so close down Daltons”, or something like that. You cannot have this kind of thing.

So I am asking the Minister to be serious; be sensible. You have heard my colleague from La Brea talk about the fact that this is a penal bill and that it speaks from one side of its mouth about the Industrial Court, and then out of the other side of its mouth about the summary court, and so on. There is tremendous confusion in this Bill.

I am, therefore, not going to be very long. I have essentially said what I had to say. We are going to submit detailed written memoranda to the trade union movement; we are going to have a discussion with the Safety Council; we are

going to talk to the Employers' Consultative Association; we are going to talk to everybody, which is what they should have done. Lazy! And when we are finished with our dialogue, we will come back to this Parliament; submit amendments which would have been the result of proper communication with the social partners in Trinidad and Tobago; and pass a proper Occupational Safety and Health Bill.

I thank you, Mr. Speaker. [*Desk thumping*]

**Dr. Keith Rowley** (*Diego Martin West*): Mr. Speaker, I had not intended to contribute directly in this debate since my colleague from Diego Martin East has reflected, quite accurately, our position on this side for the second time around, but I think I must take issue with a comment made by the Minister of Labour, Manpower Planning and Industrial Relations, because this Government seems to not recognize what is serious, what is not serious, what its responsibility is and what "ol' talk" is.

This afternoon, in presenting this Bill, a failed item from a previous session of Parliament, the Minister is playing smart with foolishness and is insulting the intelligence of the population. When the Minister comes here and says, quite callously, seeking to exploit the pain and the suffering of the families of those two people who lost their lives so tragically at Caroni (1975) Limited—a Minister of Government comes into the Parliament, a Government that is responsible for a state enterprise where two of our nationals lost their lives because the state enterprise did not see it fit to spend money on buying the proper steel valves and used mild steel valves. The report is there to show where the company has failed to follow basic engineering standards, basic inspection standards. This Minister of Labour has been in office for five years; this is his sixth year, and instead of taking responsibility for what happened at Caroni (1975) Limited, while he was not personally responsible, as the country's Minister of Labour and his Government's responsibility for Caroni (1975) Limited, he comes here this afternoon and seeks to insult the intelligence of the people of Trinidad and Tobago. To add pain and more suffering to people in Trinidad who lost their loved ones—because Caroni (1975) Limited, according to the report published in the newspaper, according to the comments of the union which is supposed to support these same people—he comes here and says that the reason those two unfortunate gentlemen lost their lives was because the PNM did not support the Bill that was so defective in the last session of Parliament.

What absolute utter rot and insensitivity! I reject that assertion totally and the Minister must apologize to the House and the members of those families. [*Desk*

*thumping*] The politicians on the other side must understand that there is a level beneath which they must not sink. In situations like these, how could a Minister of Government in Trinidad and Tobago, seeing his Government being accused, as I have them, of spending money at Caroni (1975) Limited in the worst possible way—it was that Minister who sat there and voted in defence of his previous colleague who saw tens of thousands of dollars being spent in contracts being given to board members without the authority of the board, and when the matter was raised here in the Parliament and the Minister was made to account, all of them voted in his defence. In the meantime, the mild steel valve was failing. In the meantime, the lives were at risk. Workers were being made to work in front of hot valves and hot pipes, uninspected, and when the valve eventually fails and kills people, they come to the Parliament and seek to get political mileage out of that tragedy.

Every one of them should be guilty, because if after five years they could not fix a valve in Caroni (1975) Limited, they cannot fix anything in Trinidad and Tobago but themselves. Because all they have done so far is to fix themselves. Many of them come into government living nowhere like “Miss Howard cat”; they are millionaires today. Many of them who came into government, did not have a pair of shoes on their feet, but today they are “star boys”. They have a pettifogging election in their nondescript party, but they are spending millions of dollars on television and nobody is asking where that money is coming from. When public accountability is raised in this House, they make a joke of it.

Caroni (1975) Limited—in 1997, the company was producing 80,000 tonnes of sugar, down from 125,000 tonnes of sugar; millions of dollars lost, but you cannot repair a valve to save the workers’ lives. It is not because they did not know; it is because they did not care. Now that people are dead, they have the unmitigated gall to come here and put the blame on the People’s National Movement. I reject it out of hand and I am saying the Government is responsible and it is negligent. At the end of the day—you mark my words—the same people that he named this evening and sought to get political mileage from—I have seen the report, and the report accuses the state company of gross negligence, failing basic engineering standards after five years of their term—those people are going to sue Caroni (1975) Limited, and Caroni (1975) Limited is now liable to them.

Whatever compensation has to be paid would not come from the PNM; it is the taxpayers of Trinidad and Tobago who will have to pay for their negligence under their watch, because they oversaw a situation where it was more important to spend money at Caroni (1975) Limited to enrich their friends than to spend money on basic maintenance.



How come under previous governments people were not being killed because of the absence of basic maintenance? Under their watch, they take credit for all kinds of things they have nothing to do with, but they are in office for five years and a company that they allowed to spend millions of dollars in the most unproductive way, people's lives are at risk, and they come here today, in a matter of this nature, trying to score political points off tragedy. They are vultures! Absolute vultures! [*Desk thumping*] It is a disgraceful expression of the worst kind of political behaviour.

I always ask my friend from Naparima: Why do you tolerate these people? Why? That is not you at all! I know what you stand for, and one of these days you and I are going to walk on the same side of the road. They are not your friends! Do you support that? People are dead; families are grieving; compensation is due; and the company is there with a record of spending umpteen millions of dollars on second-hand parts, paying first-hand prices. The Dhanpur Mill, up to now it cannot work. I presume when that kills somebody, they will say it is the PNM too!

The workers are afraid to work in Caroni (1975) Limited, and rather than treat with that, as Minister of Labour, Manpower Planning and Industrial Relations—recently they were in the news: Caroni (1975) Limited workers, through their spokesmen were saying, “We are afraid to go into the factory to work because at numerous points in the factory the situation is such that we can have a repeat of that tragedy.”

### **3.15 p.m.**

There was not a word from the Minister responsible—the Minister of Labour, Manpower Development and Industrial Relations—who pretends and opens his speech by saying that this Bill is meant to do something about protecting workers' rights. What about the workers at Caroni (1975) Limited who are facing the steam pipes, right now? How do we know that under their watch in their sixth year, there is not another valve made of mild steel against all engineering rules and standards?

We talk about passing this volume, the law according to Hon. Partap. The bottom line is the violation and deaths in breach of the existing laws. If he is concerned about the workers as he pretends to be, then he has work to do to ensure that the State's company for which he is responsible at this point in time, conforms to the existing laws and not try to take credit for passing bad laws, and in so doing insult us in this Parliament. We will not stand for that.

The record will show that we have warned them time and time again, but their conduct is not a credit to the people of Trinidad and Tobago. This afternoon, the Minister of Labour, Manpower Development and Industrial Relations has disgraced the office of parliamentarian and that of minister of the Government of Trinidad and Tobago. He must apologize.

Thank you.

**Mr. Hedwige Bereaux** (*La Brea*): Mr. Speaker, when the Member for Nariva, the hon. Minister spoke, I asked him what was the principle and philosophy behind this piece of legislation. He told me it was to take care of the health and safety of workers. I just want to correct him. There is a reason for this kind of legislation which departs from the way previous legislation of this nature had been done. In this particular legislation, rather than just protecting workers from machines, it is intended to make both employers and employees responsible for their own safety. It says that safety begins with you and your safety begins with you.

There are many of the general duties under this Bill which are already part of the civil law of this country. We have criminal law and civil law. For instance, the general duties of an employer are to take proper care of the persons employed by him; to take proper care that gases emanating from his premises do not interfere or cause damage to other people; to ensure the structures do not interfere or damage other persons and that he sets up a proper system of work in order to prevent damage to persons coming onto his property and persons who are likely to work there. They are already contained in the common law of this country. Instead of thinking that common means improper, I mean the law that we inherited from England which came into being in 1066, after the Norman Conquest and, has become a part of the law of this country by judicial precedent.

Quite recently, I was in a similar position where a young man who was working for a company got his leg cut off. All I did was to slap a writ on the owner of the industrial establishment and they paid handsomely. I itemized all these responsibilities which the employer has towards the employee and those coming on his premises. In terms of the civil law the rights are already there.

As the hon. Member for Diego Martin West said, those persons who got damaged at Caroni (1975) Limited would be suing and would be successful because the employer was wrong and had failed in its duty of care to its employee. Let us be quite clear about that. This Bill seeks to make criminal certain actions of the employer which are already civil wrongs. It seeks to make criminals. That is what I am talking about. It does not only make criminal, acts of

the employer with respect to its worker and other persons who are likely to come on the premises, but it also makes criminal certain acts of the employee with respect to other employees and persons coming on the premises and the general public.

I am saying that because, more likely than not, an employer is a corporation or legal person and not necessarily a natural person. A legal person or corporation can only act through intermediaries, meaning members of the board or senior management. When we are dealing with criminal matters, who would go to jail if we are talking about a serious criminal matter? This particular situation has come up on more than one occasion.

Quite recently, in England there was need to send a director to jail for gross negligence, where it was proven that he had connived with certain persons who were involved in breaches of the Health, Safety and Work Act, 1974, in England. The general duties are copied, more or less, from that Act. There are certain significant differences. I will deal with them shortly. There is the duty of an employee to another employee and a duty not to interfere with safety provisions set up by the employer.

### **3.25p.m.**

I am going to give some examples. There is also a duty on the employee to take such care, as he must, in order to protect himself. And we know in the construction industry there are workers who do not use their safety belts. In construction they do not use their hard hats. In engineering there are workers who, sometimes, because they find that things are difficult or easier to do in one way, they take off the guard. I want everybody in Trinidad and Tobago to know and to face the fact that if a worker takes off the guard and another worker got damaged, they could go to jail. The worker takes off the guard, but the employer or the senior man who sees that happening—this Act is not clear that he could go to jail too! I do not care what they say about the Industrial Court, it is a summary offence. Summary offence means Magistrates' Court and from a Magistrates' Court, you could go to jail. I wanted to deal with that in particular.

Mr. Speaker, for the purpose of that, I want to look at clause 83: Offences, Penalties and Legal Proceedings.

- “(1) Notwithstanding anything contained in this Act, but subject to subsection (2), where a person contravenes a provision of this Act or any regulation made thereunder or fails to comply with any prohibition, restriction, instruction or directive issued under this Act or any such regulation—

- (a) he commits an offence and is liable to be dealt with in accordance with the provisions of the Summary Courts Act; or
- (b) an aggrieved person...”

That means, if you are the worker and you commit an offence under the Act, you could go before the magistrate and there is no jury to listen to you there. The magistrate is a lawyer, he reads the law, he sees what has happened. The poor worker may not have proper representation, he goes before the magistrate and the magistrate has to deal with him. I go to court off and on. I have stopped going so often because I am really—[*Interruption*] That may be possible. I cannot get any brief neither do I have \$240,000 to pay for 24,000 people to pad the voters list. [*Desk thumping*] I am more a politician now than—so let us not get into that. You do not know why you are voting for him, so do not blame me. You cannot answer. The hon. Attorney General has called on you to come to Chaguanas. My relatives in Chaguanas are still waiting for you to come and tell them why you are supporting Carlos.

The Hon. Member for St. Joseph is new in this House. He interferes with me.

**Mr. Speaker:** Hon. Member, you are so experienced in this House, why are you allowing the new Member to distract you? You were going so well. Please continue. Forget the asides.

**Mr. H. Béréaux:** Mr. Speaker, I take your direction but I wanted him to get a taste of what happens when he interferes with me. I have no rancour against him, no rancour towards him at all. It continues:

- “(b) an aggrieved person may apply to the Industrial Court for redress and the Industrial Court may make an award in favour of the aggrieved person and impose any penalty, other than a term of imprisonment...”

They try to soften it. The Member for Nariva and the Minister ducked out from the first provision that would send one to jail and came with the question of an award from the Industrial Court “other than a term of imprisonment”. That is important. You have to deal with that.

I just want to deal with some of the general provisions. The one I want to deal with in particular is the general provision in respect of emissions. The clause states:

- “(1) The occupier of every industrial establishment shall be under a duty to take steps to protect the safety and health of the public in the vicinity of his industrial establishment as laid down by the Environmental Management

Authority from dangers created by the operation or processes carried on therein, and shall take special care to ensure that plant and equipment used therein are of such integrity and that such adequate safety systems exist as to prevent the occurrence of fugitive emissions.”

Mr. Speaker, there is a principle in the civil law which says:

“A person who brings onto his premises and keeps thereon anything which, if it escapes, is likely to cause damage is responsible for the entire consequences of its escape.”

But when you are in industry, in this so-called worker-friendly law, once you show that you have taken adequate safety measures you have no problem. Adequate safety measures exist, you have no problems and since we are doing it, it is always good to refer to where it shows how disgraceful they are. And I go to the Health and Safety Act 1974 in England, and there are certain amendments. I was not locally trained so I know the law in England too. No disregard to the learned gentlemen elsewhere. This is what it says about emissions.

“General duty of persons in control of certain premises in a relation to harmful emissions into atmosphere”.

This is the law of England at section 5.

“(I) It shall be the duty of the person having control of any premises of a class prescribed for the purposes of section I(I)(d) to use the best practicable means for preventing the emission into the atmosphere from the premises of noxious or offensive substances and for rendering harmless and inoffensive such substances as may be so emitted.”

Mr. Speaker, I am showing that “best practicable means” is the best means possible. But they soften it to say once you show you have good systems, okay. I will tell you why this Government refuses to do it. This Government, has under its control the worst polluters of the atmosphere: the rivers, the lands and the air in this country.

Let me start with Caroni. I live in Palmiste. I was better off when I was living in Palo Seco. My home is regularly invaded and the homes of everybody else. That is why the Member for Couva North would not go back there to live. He knows that. Do you know why? Soot and everything else coming from Caroni. If they should pass this Act in the same form as was done in England, they would have a problem; and Caroni has a problem. Furthermore, the Ciperu River stinks unnecessarily, polluted—Caroni again. And all Caroni will say and can say, with

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the Bill in this form if it is passed, is “We have tried adequate systems for fugitive emissions.”

**3.35 p.m.**

There is a definition of it:

“‘fugitive emissions’ means any gas, vapour or liquid which escapes unintentionally from any part of a plant or machinery;”

The emissions going into the Ciperio River and coming into my living room is a constant thing. Everybody knows it. That is why they do not want the harsher penalty.

The next one is Petrotrin and Pointe-a-Pierre. The Marabella River—no fish. There never were fish and now we get a chance to pass legislation to deal with that, they are telling me to put this piece of legislation and telling me about not voting. Once the measure is in this legislation to correct that and to make them pay, I will support it. We want legislation. We want good legislation, and we want legislation that deals with the real problems in this country. It could be to deal with him—he is the real problem—but I will exclude him for the time being. If we are dealing with industry, that is what we need. I know it.

Steps were taken to upgrade the refinery, so once it is upgraded they can say they did all they could. They “bad spent” \$165 million; gave the man he fired—and all his companies—money to do nothing or very little.

I want to deal with the emissions from Pointe-a-Pierre. I want to see legislation dealing with it. They may tell me that it is difficult to deal with it now and that they need some time. Well, if they need time, let us give them a schedule so that they can reach the necessary standard sometime in the future.

Mr. Speaker, when I was a student in England, in 1969, I remember there were no fish in the Thames because of pollution. They took a decision around that time and now anyone can fish in the Thames. So we are not thinking only about this generation, but about future generations. If we are to put a standard to take care of anything in any Occupational Health and Safety Act, do not come with this “ol’ talk” about who did what when and who did not do it. Let us do it properly now. *[Interruption]* No. I do not have time with you or for you. Do not disturb me! *[Interruption]* All right, I will take it easy.

I am very sorry, Mr. Speaker, if I appear to have been boisterous to the Member for Tabaquite, but when he is talking about the oil industry, he is talking about me, my people and their suffering. So let him give me a chance.

Before I was interrupted, I was dealing with Petrotrin. I now deal with the land-based operations of Petrotrin—its Exploration and Production Division. Mr. Speaker, you heard earlier today, in an answer to a question, the hon. Member for Tabaquite and Minister of the Environment read out a litany of attacks on the environment by the oil companies. This particular oil company is losing 100 barrels here and 50 barrels there. He then tried, somehow or the other, maybe as a result of tuition from the hon. Member for St. Joseph, to make it look as though that was success. Let me tell him, I do not know how they manage it, but these gentlemen are very resourceful.

I want to see something dealing with those emissions. The Erin River has no fish. The 40-foot channel has no fish. People can catch nothing there simply because of oil pollution. Something has to be done. We have to put things in place. *[Interruption]* If the hon. Member for Tabaquite wants to speak he can come after me. I am dealing with serious matters.

There were acres of lands that have been made unproductive because of improper drilling, exploration and production practices. If someone goes to Beach Camp about 200 yards from the junction on that Palo Seco Beach Road, he will see that area controlled by PCO. What is it now? That oil company owned by Clico—Primera. *[Interruption]* Well it did not start with Clico, but it is perpetuated by them. I try to be honest about these things. If one goes through gate 16, on the right-hand side of the road, the whole area is polluted. Now they are telling me we are not dealing with that. We are not dealing with a fund. We are not dealing with that damage.

I come to the unkindest cut of all, in respect of Parrylands. On three occasions I made representations in this Parliament on behalf of the people of Parrylands. Children were incapacitated for a certain period because of noxious fumes coming from the operations of Petrotrin in Parrylands. I went so far as to complain to the Inter-American Development Bank. When they realized what was happening, they stopped Petrotrin's steam flood operations in the Parrylands area. They moved the children for a while.

Parrylands is a little village in the constituency of Point Fortin. There is a small school. At that time there were 187 children there, with teachers. The school is in the centre of some housing and because of the fumes coming from the steam generator and the steam flood area, young people and teachers in the school became nauseated and on several occasions the school was closed.

I know about it because when I worked in the oil company, I was instrumental in relocating families from the Seereelal Trace steam flood area to a place

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elsewhere. It was recognized that there were emissions which were destructive to people's health. In one case, a gentleman, whose name I will not call, indicated that he was made impotent. [*Interruption*]

Mr. Speaker, after having fathered four lovely children, I do not really have to do any more. I do not have to multiply and replenish the earth anymore.

One particular family had to be moved. They wanted to be moved far away. We have that situation there. As a matter of fact, they have not heard about it yet. The end of it is not true because CAREC did some studies on the children and we may soon have to go to court.

**3.45 p.m.**

Look at what has happened, Mr. Speaker, they have moved the school and they have the children in different areas. They have separated them all over the place and have closed down the steam flood. Do you know that they have now come back, surreptitiously, like a thief in the night and have opened back the steam flood? Mr. Speaker, they have moved the children, who are living in Parrylands and when they go to school in Guapo, in Forest Reserve or in Salazar Trace, what happens? They have to come home in the night to smell that same H<sub>2</sub>S. You see the problem about this Government is its duplicity and the manner in which they are contradictory. I will tell you why. On the one hand, they come here purporting to be interested in workers—and I am not saying they may not be, to some extent, insofar as their votes—and when they get damaged they blame somebody else. On the other hand, they destroy or they permit the same children, of the same workers to be destroyed; damage their future; blight their future and you know what they would end up saying, send them to a model school because they cannot learn. The reason, Mr. Speaker, is not model school because they cannot learn; they are damaging the brains of those children.

I am saying that we have to look at this legislation line by line. We have to correct the inadequacies and we have to correct the anomalies of this legislation. It is like motherhood, Mr. Speaker, nobody, and when I say, nobody, I mean nobody in his or her right mind in this era, could say that he or she is truly opposed to a bill to provide for legislation, “an Act respecting the safety, health and welfare of persons at work.” Nobody! We realize that with respect to industrial accidents and accidents on the job that it is not only the person who suffers. Mr. Speaker, let me get to that. When you have an industrial accident and somebody is damaged, it is not one person who gets damaged at all. Even if one person dies, a number of other things happen. The loss is not quantified by that



person's loss. That person is dead, his family has a problem, we may try somehow to compensate such a family by money and so on, but then you have the other thing—they say you strike the shepherd and disperse the sheep—all the other workers who were involved with him would be traumatized. You know sometimes when your finger gets damaged there is an old saying, "the finger gets coward" all the other workers would be apprehensive approaching those same tasks, even if the worker who was killed, or who was seriously injured was in breach of regulations. The loss to the economy, the loss to the country, in respect of the death of one worker is not circumscribed by that worker's immediate family. No, not at all, Mr. Speaker, it is a larger loss than that because you have to turn around and train somebody to fit into that worker's place. It is, therefore, a serious thing.

I am saying that this Government needs to take steps to correct this legislation to put the legislation in proper perspective and let us work on it. It is a difficult piece of legislation. It will take a while but we have to work on it and to remove—I tend to agree, it is the only thing the hon. Minister has ever said that is said sensibly—partisanship from this work.

Mr. Speaker, let me go a little further. He spoke about inspectors and I think that particular question of the inspector is covered in clause 72(1). It says:

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

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

It means that once the inspector believes that the premises are industrial premises, to which this Bill applies, he could—I just paused to recognize the hon. Minister whom I have not seen before.

Mr. Speaker, I was saying that once the inspector believes that he has reasonable cause to believe that the premises, are premises to which this Bill applies, the inspector could enter. You know they keep telling us all the time how we copy what England has and that is just what they did with this Bill and do not tell me no, because I was on this committee and I saw those people who were working on it referring to the English Act and that is why I went back to it.

Mr. Speaker, listen to what it says in this Act and I quote from section 20:

- "(1) Subject to the provisions of section 19 and this section, an inspector may, for the purpose of carrying into effect any of the relevant statutory provisions within the field of responsibility of the enforcing authority which appointed him, exercise the powers set out in subsection (2) below.
- (2) The powers of an inspector referred to in the preceding subsection are the following, namely—
- (a) at any reasonable time (or, in a situation which in his opinion is or may be dangerous, at any time) to enter any premises which he has reason to believe it is necessary for him to enter for the purpose mentioned in the subsection (1) above;"

**3.55 p.m.**

Then it says:

"...take with him a constable if he has reasonable cause to apprehend any serious obstruction in the execution of his duty;"

Now, I recall, Mr. Speaker, while we were dealing with certain parts of this Bill, that the question of reasonableness and going in—not just barging in on people—came up, and we pointed out the provisions of the Constitution which enshrined the right to property and to be protected in respect of that. Yet, lo and behold, they come here trying to encourage or to coerce us into committing a legal indiscretion in respect of this part of the Bill. I am saying, if the inspector—if you want to go onto people's premises, do not—you know the law in respect of that, and since the law is quite clear in respect of that, we have to mirror this in the legislation.

I want the hon. Members on the other side to have some respect for the Constitution. If the Constitution states—well, really, Mr. Speaker, I may be asking too much of them, you know. When I think about the hon. Attorney General who burnt the Constitution and so on, I get worried. Well, he was not Attorney General then but, notwithstanding, those who fail to remember history are doomed to repeat its errors. So I must remember what he did, you know. So, Mr. Speaker, there must—there is good reason why, in respect of certain legislation the law provides. The law provides the Constitution, that those Bills must be passed in a certain way.

The reason behind it has to be that the matters with which they are dealing are of such importance to the national community that you want comments from as

wide a spectrum of persons as possible and you want the legislators who represent a number of the parties to think about it in the same way. That is why they decided that this has to be passed by a special majority and I do not want anybody to try to change that. I want them to respect what the law says must be done, not just like bringing it here and saying, “If you do not agree we will tell the people, we will go to the trade union.” No. That is not the way. Mr. Speaker, the hon. Minister indicated that he had certain amendments to bring. I am concerned that none of these amendments have reached us—have reached me—and I want to speak on them. My speech cannot be completed unless I have those amendments but, for the time being, I will continue.

There is a part of this Bill that refers to welfare: the welfare of persons at work. In order to establish duplicity on the part of this Government, shamelessness on the part of the Minister of Labour, I want to draw something to his attention and to the attention of this honourable House. This morning before coming here, I was called to Santa Flora where a number of persons, led by the OWTU, were demonstrating and they were demonstrating for two reasons. One, they were saying that Petrotrin was trying to retrench the employees of the Petrotrin Sports Club in Palo Seco. Mr. Speaker, you know, I do not want to break any of the rules of relevance in respect of this House.

It is relevant because we are talking about welfare of workers in this Bill and the welfare of workers. It is a welfare provision of the oil companies from the time of TPD, BP, Trinidad Tesoro, Trintopec and now Petrotrin—well, not Petrotrin. They have a different agenda. It has been a provision that they provide clubs, Mr. Speaker, for their employees. Petrotrin has two clubs in Pointe-a-Pierre. It has the Palo Seco sporting club, well known because there is a first-class velodrome there and it has produced a number of top sportsmen—footballers, Hasely Crawford, whom this Government tried to mamaguy but gave him something.

**Mr. John:** Who you all neglected and we looked after.

**Mr. Speaker:** The speaking time of the hon. Member has expired.

*Motion made,* That the hon. Member’s speaking time be extended by 30 minutes. [*Mr. C. Imbert*]

*Question put and agreed to.*

**Mr. H. Breaux:** I thank you, Mr. Speaker, and I thank hon. Members for extending my time. As I was saying, the Palo Seco sporting club, the Palo Seco

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velodrome and the lands—the sporting facilities there—have the distinction of being the place where Hasely Crawford won his first medal and he went on to win a gold medal at the Olympics for Trinidad and Tobago and the hon. Member for St. Joseph is, once again, in the breach. He has jumped into the breach saying we neglected him. No. It was a different philosophy. If you choose to change the philosophy now and to deal with him, I agree with what you are doing, but do not mamaguy him. That is all.

Mr. Speaker, what I am saying is, part of the reason that the new Petrotrin, the high price of oil notwithstanding, the price of oil being at least 331/3 per cent higher—and in some cases more than that—than it has been for a long time, profits being made, money being used to support the campaign in respect of advertisements of certain people, and certain parties, yet they have come around to saying they are going to rationalize the clubs and they are going to keep three clubs. Hear what they are doing, Mr. Speaker. They are going to keep the Beach Camp club. That is inside Beach Camp where few people could go. If you want to go you are going to have to travel. They are going to keep the Forest Reserve club, again inside Forest Reserve, to which you have to travel to get there or you must have a vehicle, and some people say that that club too will disappear once the magnate from Clico takes over the Forest Reserve oilfield, but I do not know that yet.

That is what people are saying. I have no proper information in respect of that but you can rest assured that when I get that information at any time, I will share it with this honourable House. So, Mr. Speaker, you have that. I think they are going to keep the club in Penal. That area has plenty people around there so, I agree, keep it; but Mr. Speaker, they want to close it down. They want to close down the club in Palo Seco, put people out of work and, above all, damage a sporting facility that was built there through blood, sweat and tears and kept like that.

How can you—how can this Government in one breath spend \$487 million to put down four stadia in different parts of the country—and I am not going to go through and call the places where these stadia have been put down. The reason I am not going to do that is, I believe that if a government wants to put down stadia, they should try and spread it around. However, in one breath—*[Interruption]* You know, Mr. Speaker, the hon. Member for Oropouche is disturbing me a little, not badly, but I take pity on him. I really take pity on him. You could tell me anything you want. You are a failure. You know, Mr. Speaker, he was in Shell, he “get fired”. He was in Barclays, he got fired.

**Mr. Speaker:** I know you are dealing with the welfare of the workers and you are trying to show relevance through the sporting with the welfare, but I really think you are beginning to sail away now, so could you come back to the Bill, please.

**Mr. H. Breaux:** I will, Mr. Speaker, I will. I will, Mr. Speaker. There is no relevance in that. It is just that I was disturbed and I thought I would deal with him. It is not relevant.

As I was saying, Mr. Speaker, you have a situation where the Government is spending money all over the country building sporting facilities and the same Government is moving in a manner—the company is controlled by this Government. When I say controlled I mean it in the clearest and purest sense because when a certain chairman, Donald Baldeosingh, did not jump in accordance with what the Cabinet felt, or did not jump in the manner they wanted him to jump, they moved him and put in one of their supporters who was supposed to be the campaign manager for the Member for Ortoire/Mayaro or, should I say—well, I do not want to say that. *[Interruption]* No, I was going to say something, but I do not want—the Member for Ortoire/Mayaro, Pariag, they made him the chairman. All he and Jagai are doing, Mr. Speaker, is trying to destroy everything in the constituency of La Brea. They want to close down the Palo Seco sporting club and the Palo Seco velodrome. How could they do that?

Now, I was in the meeting this morning and I listened to them. I did not have very much to say in the meeting itself, although I did give an interview to the television station but I am telling you, Mr. Speaker, and through you I am telling Petrotrin and Jagai, that the talk I am hearing down there is not nice. One particular gentleman told me that I should come here and tell you all that “they still know how to use hacksaw blade”. I do not know what he means by that but I am telling you that. I tell you that, Mr. Speaker, so that you and the Government will know what is likely to happen down there. So, Mr. Speaker, when we talk about welfare in this Bill, I believe that the Government is not serious in their protestations about welfare. They are just trying to pull wool over the workers’ eyes.

#### **4.10 p.m.**

Mr. Speaker, we have the question of authority. This is the authority that will be responsible for—I beg your pardon. I am trying to get the relevant section here. The Occupational Health and Safety Authority. It says here, at clause 64:

“There is hereby established an authority to be known as ‘The Occupational Safety and Health Authority’ (hereinafter referred to as ‘the Authority’).”

From the number of members making up the authority, it seems as though that authority would have 15 members: the Chairman appointed by the Minister, a Deputy Chairman appointed by the Minister, Executive Director, and then you have representatives of the Ministry of Occupational Safety and Health, a representative of the ministry responsible for health, and a representative of the ministry responsible for energy industries.

I cannot understand the presence of the energy industries person. Perhaps it is only for making sure that some of the provisions which the energy industries do not like, will not be implemented. You see, Mr. Speaker, they say nine other members appointed by the Minister in accordance with subsection (2), and what subsection (2) says is that before the Minister appoints, two of them consult with organizations representing employers as he considers appropriate; two will consult with organizations representing employees as he considers appropriate; and five others will consult with other people. So, the Minister will appoint six and he will appoint nine after consultation.

Mr. Speaker, I believe that that particular authority is unduly weighted in favour of the ministries. In all other legislation that I have examined, the way in which that is done, they would have a chairman appointed by the Minister; two or three persons from labour, well, employees; two or three persons from employers; and two or three, as the case may be, from other entities, because, in fact, Mr. Speaker, what is intended to happen in such authority is to have a tripartite authority, equal, Mr. Speaker, where they advise on policy. Then, that group controls or appoints other persons to implement the Act the way the Chief Inspector would do it, Mr. Speaker.

So, you see, we are dealing here—I know Ministers like to have power. That is why they came into politics in the first instance, some of them, but when you are dealing with highly technical—I hope I am not in any way attacking the Member for Barataria/San Juan. If it would appear to be so, it was not intended to be so.

I know that they like the power, but, Mr. Speaker, when one is dealing with highly technical things like these, one wants to give the technocrats a little leeway so that they could point the Government in the proper direction. Of course, Mr. Speaker, there is always a fallback whereby it is said, and I know that as I said in another jurisdiction, what happens where you have the health and safety committee or commission, you have these various persons who are really more or less technocrats and independent persons.

**Mr. Partap:** What subclause is that?

**Mr. H. Breaux:** Which one?

**Mr. Partap:** Subclause 65(1).

**Mr. H. Breaux:** I have read that. As I was saying, Mr. Speaker, you have these persons who will advise the Minister and it does not completely—their position does not completely tie the hands of the Minister to act, but the Minister, when he is about to act or when he proposes to act or do anything under the Act, what he is supposed to do is to refer what he is going to do to the commission or authority for their advice. So, even if he goes ahead and does what he wants to do, he must refer that back to the committee for their advice. That is one area I would like to touch.

Then, coming back to the question of inspectors, the way it appears to me from this Act is that the inspector under this Act is a plenipotentiary—goes anywhere, does anything—and I would want to see, Mr. Speaker, maybe some situation where the power of an inspector is circumscribed to the extent that he must operate within an area as defined by his letters of appointment so that we do not have people jumping up and down and overlapping work, and so forth.

In order to deal with the question of overlapping—which, although it appears here that the regional corporation and the Occupational Safety and Health Authority and the people at the land commission will have overlap—that is not an impossible situation. It just has to be properly managed and it could be managed from here, because recognition could be taken in this Bill of the fact that there are other agencies that are also responsible for implementation of health, safety and welfare.

In that case, there are inspectors too. There are health inspectors and they are not going to disappear, and if the health inspector realizes that something is going wrong health-wise or comes upon something which is wrong health-wise in an industrial establishment, he is not going to walk away and say, “This is an industrial establishment, so I am not going to deal with it.” No, he will deal with it. So, if we know that and we know those things are likely to happen—

**Mr. Partap:** Clause 69.

**Mr. H. Breaux:** What is there in clause 69?

**Mr. Partap:** Exactly what you are saying.

**Mr. H. Breaux:** Well, let me see it. I stand corrected if that is the case. It says:

- “(1) There is hereby established the Occupational Safety and Health Agency...
- (3) The Agency shall direct the operations of the following technical units to give effect to the policy of Authority:
  - (a) The Factory Inspectorate...”

This is not what I was saying, Mr. Speaker. With all due respect, he is saying here, and I take it, because we are dealing with this, it says at clause 69(3):

“The Agency shall direct the operations of the following technical units to give effect to the policy of the Authority:

- (a) the Factory Inspectorate;
- (b) the Petroleum Inspectorate;
- (c) the Shops and Offices Unit;
- (d) the Quarries Unit;
- (e) the Occupational and Hygiene Unit; and
- (f) any other units deemed necessary by the Authority.”

But you see, it is not directing it. They have got to segregate it and point out what they could deal with, because how could they, in this Act—what portion of this Act, even if what they say purports to be correct—what portion of this Act repeals that element and brings those various departments under the health and safety operation? None. All right, but we will deal with it.

Mr. Speaker, I was just pointing out that there is need to bring together all these various bodies which exercise and control properties and deal with health and safety. I just want to go back and touch on the general duties and responsibilities of workers. You see, this particular area of the Bill is very frightening. Take for instance, when they were speaking about the responsibility of the worker, of the employee who can be charged with a criminal offence. It is at clause 83.

Now, Mr. Speaker, it is said in order to have a criminal offence you have to have mens rea which is a guilty mind, and you must have the actus reus. But, at times, it is very difficult to know whether the mens rea exists and where it exists. Take, for instance, you have a company.



**Mr. Sudama:** In the mind.

**Mr. H. Bereaux:** Yes, the guilty mind: mens rea. Some of us have guilty minds all the time. So, it is difficult to know.

**Mr. Sudama:** Some of us do not even have a mind.

**Mr. H. Bereaux:** Especially newcomers. People with plenty money.

**Mr. Sudama:** If the constituents of La Brea listen to you, they will figure you have none.

**Mr. H. Bereaux:** Mr. Speaker, I am going to ignore the Member for Oropouche because I know he has a serious problem: to have been upstaged by the hon. Member for Couva South and then to be reduced to the “Minister of caraili and bodi” [*Laughter*] he does have a little problem. I have to withdraw it. “Minister of caraili and bodi” has to leave a bitter taste in the mouth.

As I was saying, Mr. Speaker, dealing more importantly with this matter. We are talking about an offence.

“Where an offence under this Act or regulations made thereunder...”

And I am referring to section 83(3):

“...is proved to have been committed with the consent, connivance or acquiescence of, or to have been facilitated by neglect on the part of a director, manager, secretary or other officer of a company, such director, manager, secretary or other officer, as well as the company, is liable to be proceeded against for the commission of the offence.”

**4.25 p.m.**

Mr. Speaker, the Bill also says:

“84(1) Where an employer, occupier...is convicted of an offence under this Act, the Court may, in addition to or instead of imposing a penalty, order him within the time specified in the order, to take such steps as may be specified for remedying the matters in respect of which the offence occurred...”

You see, Mr. Speaker, as I was saying before, there is a general duty in the Act of one worker not to do something to interfere with the safety operations that are set down by the employer. It is only where they could prove that a manager, a director or some senior official of the company knows or connives with this

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particular worker in order to do something to contravene a provision of the Act. That is the only time they deal with the director.

The facts are that the worker will be there doing something which the Act prohibits, but that same thing makes money for the company; that same thing causes the company to improve production, and it is very difficult to pinpoint that employer, that manager or director. So it boils down to the question all along, that the worker will be penalized.

I want to go to clause 17, Mr. Speaker.

**Mr. Speaker:** Let me just remind the Member that he has three minutes left.

**Mr. H. Béréaux:** I would like to have more time.

**Mr. Speaker:** Well, you have three minutes.

**Mr. H. Béréaux:** I would like to have more time, but having regard to the fact that I am the person explaining this Bill a little more than the hon. Minister, I feel you should give me the Minister's time. [*Desk thumping*] I really "ain't" get a chance. I need time. [*Laughter*] If I only had time. [*Laughter*] [*Crosstalk*] I was just jesting, as they would say. [*Interruption*] You "doh" understand where power lies in your own party. [*Laughter*]

**Mr. Sudama:** We will see in September where it lies in yours.

**Mr. H. Béréaux:** "Well, doh worry wid that." I am totally without ambition in respect of anything. [*Crosstalk*] Mr. Speaker, clause 17 talks about refusal to work:

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

I am not so sure that the provisions of this clause do not take away from the employee certain superior rights which the employee has under the Industrial Relations Act.

Under the Industrial Relations Act the employee can just decide, for good reason, of course, that he cannot work because of certain health conditions and he is entitled to it. Under this Bill an inspector is open to come in there and say,

"Yes, yuh could work, go ahead," and he could be in breach of a provision of the Act and be subjected to a criminal charge under the Summary Courts Act.

I thank you, Mr. Speaker.

**Mr. Speaker:** We will now suspend for tea. We will be back at 5 o'clock. This House is now suspended until 5 o'clock.

**4.30 p.m.:** *Sitting suspended.*

**5.07 p.m.:** *Sitting resumed.*

#### 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 Friday, May 18, 2001 at 1.30 p.m.

We shall continue this debate and we shall also do Bill No 3, a Bill to amend the Immigration (Caribbean Community Skilled Nationals) Act, 1996.

We have three motions on the adjournment but, by discussion, we have agreed to do the hon. Member for Arima's motion to which the Minister of Transport would respond.

**Mr. Speaker:** Before I move the motion for the adjournment, the Member for Arima has a motion on the adjournment. The removal of the rural transport service on the North Coast, particularly as it relates to the areas of Blanchisseuse, La Filette, Mon La Croix, Brasso Seco and Paria.

#### **Rural Transportation (Removal of)**

**Miss Penelope Beckles (Arima):** Mr. Speaker, let me take this opportunity to welcome the hon. Minister of Transport to this honourable House.

Mr. Speaker, this motion is a very important one as it affects the issue of transportation to very important parts of Trinidad and Tobago and part of my constituency where the rural system is absolutely important. As a matter of fact, that is the major method by which persons from that area commute to different parts of Trinidad and Tobago.

On January 12, 2001, at about the time that this Parliament was beginning its first session after the general elections and just about the time I was being sworn in, an accident occurred in Blanchisseuse in the area of Avocat Village. A young woman by the name of Charno Maharaj was killed. She was 34 years of age. She

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was actually journeying to Arima to purchase groceries when the tyre of the PTSC bus blew and she was killed. Several of the 19 other persons travelling in that bus were injured. She was thrown out of the vehicle, and as fate would have it, had it not been for a tree, almost everyone in that bus would have lost their lives.

During that parliamentary session, a newspaper reporter, Mr. Mills from the *Trinidad Express*, passed me a note informing me of that very unfortunate incident. I journeyed to Blanchisseuse and saw where that bus had gone off the road and realized that it was pure fate that all those persons survived, since going across the Northern Range, we are talking about thousands of feet that bus would have actually plunged.

After the death of Charno Maharaj, the rural transport service in that area was immediately removed. We are now entering five months and there is no resumption of that bus service. Whilst it would have cost most of the persons \$6 to leave Blanchisseuse and surrounding areas to travel to Arima, if they are fortunate, a private car would cost \$40 or \$50. Sometimes in order to get to Arima, depending on where the person is living, he would have to go all the way to Port of Spain and travel back to Arima. Whereas if he had the transport service, he would have avoided that cost.

So we have the situation with the service being removed, where most of the students who live in those areas, have no transport. Some of them stay by relatives in Port of Spain, Arima and other environs, in order to ensure that they get to school. In some instances, persons are not able to get to work on time; and some stay by relatives in different areas. Therefore, this transportation service is absolutely necessary and important for the people in that district, particularly for villagers of Paria and Brasso Seco, who have to come out of those districts in order to get other transportation into Arima.

I was informed that two of the communities wrote to PTSC and were informed that because of the condition of the roads in those areas, they have not resumed the bus transport service. I do not know if that is so.

Mr. Speaker, you would recall that we both attended a function in Blanchisseuse, the Culinary Skills Competition, which was hosted by Tidco, Angostura and Maggi Cubes. At that function, I asked the representative of Tidco to use his office to see whether or not the roads could be repaired. I imagine that the Minister of Transport would also be liaising with the Minister of Infrastructure to see whether some of the roads in those outlying districts can be repaired. If that is the reason for the bus transport not being operational, then that matter can be dealt with.

**5.15 p.m.**

It was extremely painful, not just the issue of attending the funeral, but I must mention the fact that PTSC only offered the sum of \$5,000 to the family for the burial of that person, and I do not think there could be any doubt as to the question of liability. When persons are extremely poor, you know what it is like to get a burial for \$5,000. I would hope that the Minister could look into that issue. The young lady who died was the sole breadwinner of the family, therefore, until such time as the matter is settled, of course, they have to survive in whatever way they can.

The areas of which I speak, as you know, there is the Asa Wright Nature Centre and you have some of the most beautiful waterfalls in Trinidad and Tobago in the North Coast. Our rainforest is there, and it is probably the last surviving of our special natural vegetation that has not been interfered with. Tourists pay as much as \$300 to come from Port of Spain to go to those districts. It also means that if you have the transportation system, what would happen is that we would also encourage many other tourists and, certainly, many Trinidadians who have never journeyed to that part of Trinidad. I know that there are many people who have never been to Paria, Brasso Seco and those areas, and may not know that our best anthuriums and best flowers actually come from that part of Trinidad and Tobago.

It is with that in mind that I also urge the Minister to have this matter rectified as soon as possible. As a matter of fact, land in that area is now becoming beyond the reach of the average citizen, if only because it is considered to be one of the most beautiful parts of Trinidad. Now they are purchasing land there; the cost is very exorbitant, and some of the hotels and other structures are being constructed in that area. As a matter of fact, I know that there is a dispute even in the neighbouring constituency of my friend, the Member for St. Ann's East: the issue of construction of a very large hotel in Las Cuevas.

Be that as it may, the real issue is: How do we solve the problem of the rural transportation service? Whilst I know this is not exclusive to the constituency of Arima, that is the area that I represent and that is the area that I am concerned with, and I am hoping that I would be able to give the residents in those areas the assurance that something is being done and it is being dealt with urgently.

Certainly, whilst I have dealt with those areas—because that is where the rural transportation system initially existed—there is also the area of the heights of Aripo, which is the continuation, really, of that part of the Northern Range where

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there previously was not a rural transportation service, but which I will also ask the Minister, certainly, to consider when the service resumes—I am hoping that she would say to me that the service will be resuming shortly—that that area would also be considered.

Finally, as you know, there is the construction of the Blanchisseuse Secondary School in La Filette and that school should have been completed in September. I have been told that it should be completed soon. Children attending that school will come, in some instances, from as far as Arima, Paria, and all those outlying districts, and if they do not have a rural transportation service, they will not be able to attend those schools.

With no further ado, I am urging the Minister, as fast as is possible, to have the rural transportation. If not rural transportation, have some form of transportation to alleviate what is a real hardship for the persons living in that district. Let us say in instances where somebody is pregnant and needs to come all the way to the Arima hospital, save and except if you have a family member or a friend who is willing to bring you to Arima, it is just impossible for you to get any form of transportation. I await the response of the Minister.

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

**The Minister of Transport (Sen. The Hon. Jearlean John):** Mr. Speaker, I wish to thank this honourable House, especially the Member for Arima for her very warm welcome. More importantly, it is very, very gratifying to hear a Member from the other side admit that rural transport is so critical to rural communities, including those she mentioned lying along the Arima/Blanchisseuse Road.

Just to reiterate, following an accident on the Arima/Blanchisseuse route on January 12, 2001, which involved a rural transport bus, the board of the Public Transport Service Corporation decided to suspend the service on this route. This is a particularly challenging route, largely because of the dangerous landslides which impact negatively on the road conditions. The difficult terrain also contributes to the premature failure of components and a high rate of spare parts consumption. In the circumstances, routes such as Port of Spain/Blanchisseuse, Arima/Blanchisseuse, Arima/Brasso Seco, Paria et cetera, were suspended until rehabilitative works are carried out on the Arima/Blanchisseuse Road.

The Ministry of Infrastructure Development and Local Government has given the assurance that the matter is attracting their urgent attention and negotiations for the compulsory acquisition of land along the Arima/Blanchisseuse Road—because there needs to be a diversion in the road—are currently being finalized.

The Ministry of Infrastructure Development and Local Government has also completed a full report on all the rehabilitative works needed to be done on the Arima/Blanchisseuse Road and these works are expected to cost in the vicinity of \$7 million. It is being done in phases. Some works have already been completed, with a number of bridges repaired and some widened. These works should be completed by the end of 2001.

The Member for Arima indicated the importance of transport in rural areas and we all agree that citizens of Trinidad and Tobago need to have the ability to obtain transport at all times, both from the State and private sector. The temporary stoppage of the transport is to make certain that we do not compromise safety of the PTSC employees or, indeed, of our passengers. I will ensure that PTSC makes some arrangements to ensure that the school children are taken to school. I will raise that with them immediately, this afternoon, and additionally I will undertake to ensure that PTSC honours its commitment to the family who suffered the bereavement.

I thank you, Mr. Speaker. [*Desk thumping*]

**Mr. Speaker:** As agreed by both sides, the other two Motions will be taken at the next sitting on Friday, May 18, 2001.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 5.24 p.m.*

#### WRITTEN ANSWER TO QUESTION

#### **Water Contracts Award (Details of)**

*The following question was asked by Mr. Colm Imbert (Diego Martin East):*

- 13.** Would the Minister of Infrastructure Development and Local Government give details of all contracts awarded in the water sector by the Ministry of Public Utilities, the Ministry of Infrastructure, WASA, or any other State Agency, Authority or Corporation for construction work and/or supply and installation of plant and equipment, including pipelines, storage reservoirs and water treatment facilities, in excess of \$1 million for the years 1996, 1997, 1998, 1999, 2000 and 2001 to date, including the nature of the work, the names of the contractors, the location of the work, the amount of the contracts, and the date of the awards?

Written Answer to Question

Monday, May 14, 2001

**WATER AND SEWERAGE AUTHORITY  
PURCHASING & STORES DEPARTMENT  
CONTRACTS AWARDED BY WASA IN EXCESS OF \$ 1 M FOR THE YEAR 1995 - 2000**

WTC NO	DESCRIPTION	CONTRACTORS	JOB LOCATION	DATE OF AWARD	VALUE OF CONTRACT	NATURE OF WORK INVOLVED
6/96	Supply & Installation of Hydrological Equipment for W.R.A.	H.S.Q Technology/ Caribbean	W.R.A	29.11.1996	\$9,892,782.00	Supply & Installation of Hydrological Equipment for W.R.A.
50/97	Procurement of works for the Drilling & Equipping of Wells.	East Coast Drilling	Arima # 8 & 9, Freeport	15. 12 1997	\$5,133,343.00	Procurement of works for the Drilling & Equipping of Wells.
		Southern Exploration co.	Todds Rd, Penal Cameron, & Carlsen Field 18 & 19			
27/97	Rehabilitation of Las Lomas Water Treatment Plant.	Hafeez Karamath & Tilbury Douglas Const.	Las Lomas	26.08.1997	\$1,253,615.00	Rehabilitation of Las Lomas Water Treatment Plant.
8/98	Supply & Delivery of Leakage Control.	Water & Oilwell Serv.	Throughout	09.04.1998	US\$232,276.20	Supply & Delivery of Leakage Control Equipment Valve Box locator, Mains Tracers, Tapping Machines.
67/97	Independent Engineering Auditor to provide Audit Review and Advisory Services for South Water Project	Macviro Consultants Inc. & Errol Clarke Associates Ltd.	South Water Project	22.06.1998	\$3,838,377.00	Independent Engineering Auditor to provide Audit Review and Advisory Services for South Water Project.
46/98	Supply of Pipes & Fittings Priority Pipeline Projects 1999.	HOECO	Construction Projects	21.04.99	\$116,442.85	Supply & Delivery of Pipes & Fittings for Priority Pipeline Project 1999.
		W. H. Scott			\$1,857,542.85	
		Continental Ind. Supply			\$871,940.48	
5/99	Groundwater assessment & Well development	Lennox Petroleum	Tobago	20.09.99	\$1,563,800.00	Groundwater assessment & Well development programme to



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**WATER AND SEWERAGE AUTHORITY  
PURCHASING & STORES DEPARTMENT  
CONTRACTS AWARDED BY WASA IN EXCESS OF \$ 1 M FOR THE YEAR 1995 - 2000**

WTC NO	DESCRIPTION	CONTRACTORS	JOB LOCATION	DATE OF AWARD	VALUE OF CONTRACT	NATURE OF WORK INVOLVED
	Programme to obtain an additional 2M Gallons of water/day in Tobago.					obtain an additional supply of 2M Imperial Gallons of water/day in Tobago.
13/99	Construction Services for the La Fillette Water Supply Project	Super Industrial Services	La Fillette	02.06.99	\$1,272,479.44	Provision of Construction Services for the La Fillette water supply project — Civil Works Construction.
19/99	Design & Construction of Beetham Force Main.	Prest-T-Con	Beetham W.W.T.P.	28.07.99	\$8,168,820.00	Provision of Design & Construction Services for the Beetham Force Main (Beetham Waste Water Treatment Plant).
58/99	Design, Supply and Installation of Water Treatment Plants for Tobago Water Supply Project.	N.H. International	Hillsborough	15.12.99	\$10,299,570.40	Provision of Services for the Design, Supply & Installation of Water Treatment Plants for the Tobago Water Supply Project.
		GE.M./U.E.M Inc. Ltd.	Richmond		\$7,607,033.87	
		T'dad Oilfield Supplies	Courland		\$8,543,704.67	
59/99	Pipes & Fittings for Moruga Road To Trinity Dam.	Petroquip Indust. Corp.	North Water Project	15.12.99	\$1,068,249.00	Supply & Delivery of Pipes & Fittings for the Moruga Rd. to Trinity Dam North Water Project.
NA	Design, Secure and Manage the Construction and Completion of the South Water Project.	Trinidad and Tobago Water Services Limited	South Water Project	30.07.1999	\$643,000,000.00	Design, Secure and Manage the Construction and Completion of the South Water Project.

Written Answer to Question

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**WATER AND SEWERAGE AUTHORITY  
PURCHASING & STORES DEPARTMENT  
CONTRACTS AWARDED BY WASA IN EXCESS OF \$ 1 M FOR THE YEAR 1995 - 2000**

WTC NO	DESCRIPTION	CONTRACTORS	JOB LOCATION	DATE OF AWARD	VALUE OF CONTRACT	NATURE OF WORK INVOLVED
54/99	Consultancy Services for the construction of Beetham Waste Water Treatment Plant.	Reid Crowder Internat. & Alpha Engineering	Beetham W.W.T.P.	17.01.2000	\$1,772,500.00	Provision of Consultancy Services for the Construction of Beetham Wastewater Treatment Plant.
66/99	Mechanical/Electrical Installation for the Moruga Water Supply, Trinity Project.	Dynamics Co. Ltd.	Moruga	23.02.2000	\$2,042,310.00	Provision of Mechanical and Electrical Installation for the Moruga Water Supply, Trinity Project.
67/99	Consultancy Services for the Construction Supervision of Water Treatment Plants, Tobago.	Alpha Engineering	Tobago	17.01.2000	\$1,530,800.00	Provision of Consultancy Services for the Construction Supervision of Water Treatment Plants in Tobago.
69/99	Construction and Rehabilitation of WSSRP Service Reservoirs, North Water Project.	N.H. International	Pepper Hill	17.04.2000	\$9,741,201.74	Construction and Rehabilitation of WSSRP Service Reservoirs, North Water Project.
		N.H. International	Laventille & Pt. Cumana		\$14,997,882.07	
		L. John Williams	Mt.Hope & St.Augustine		\$8,671,212.76	
70/99	Rehabilitation/Reconstruction of Water Treatment Plants for the North Water Project.	Hafeez Karamath	Maraval	04.06.2000	\$9,133,315.42	Rehabilitation/Reconstruction of Water Treatment Plants for the North Water Project.
		Weldfab	Carlsen Field		\$9,100,000.00	
		United Engineering	Freeport		\$7,941,150.00	
		Process Component	North Oropouche		\$12,682,396.03	
		G.E.M./U.E. Inc.	Hollis		\$14,296,291.15	

Written Answer to Question

Monday, May 14, 2001

**WATER AND SEWERAGE AUTHORITY  
PURCHASING & STORES DEPARTMENT  
CONTRACTS AWARDED BY WASA IN EXCESS OF \$ 1 M FOR THE YEAR 1995 - 2000**

WTC NO	DESCRIPTION	CONTRACTORS	JOB LOCATION	DATE OF AWARD	VALUE OF CONTRACT	NATURE OF WORK INVOLVED
71/99	Procurement of Management Contractor, North Water Project.	Brown & Roots Ltd.	North Water Project	14.04.2000	\$7,341,997.50	Management & Supervision of Contracts Awarded to contractors for the North Water Project.
72/99	Procurement of Material for Priority Pipeline Project North Water Project.	HOECO	North Water Project	18.02.2000	\$773,954.61	Supply & Delivery of Pipes & Fittings for the Priority Pipelines, North Water Project.
		Tricon			\$4,902,223.41	
		Pont A Musson			\$2,057,702.63	
73/99	Procurement of Materials for North Water Project, Water & Sewerage Rehabilitation Project (WSSRP) Pipelines.	Pont A Musson	North Water Project	18.02.2000	\$9,339,413.13	Supply & Delivery of Pipes & Fittings for North Water Project, Water & Sewerage Rehabilitation Project (WSSRP) Pipelines.
5/2000	Rehabilitation and Construction of WSSRP Booster Pumping Stations - 1 NWP 5104.	Engineering Agencies	Valsayn H'lift & Booster	15.05.2000	\$4,821,600.00	Rehabilitation and Construction of WSSRP Booster Pumping Stations - 1NWP 5104.
		NSK Maintenance	El Socorro H'Lift & Booster		\$3,541,278.00	
		Engineering Agencies	Tabaquite & Malgretoute		\$4,816,778.00	
		NSK Maintenance	N' Oropouche & Arouca		\$5,066,352.00	
10/2000	Installation of WSSRP Transmission and Distribution Mains - Freeport System.	L. John Williams	Freeport	15.09.2000	\$6,223,553.04	Installation of WSSRP Transmission & Distribution Mains - Freeport System.

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WTC NO	DESCRIPTION	CONTRACTORS	JOB LOCATION	DATE OF AWARD	VALUE OF CONTRACT	NATURE OF WORK INVOLVED
17/2000	Supply & Delivery of Pipes & Fittings for the Development Programme Pipelines, special Programme & Priority Pipelines, North Water Project.	Bi Water Ind.	North Water Project	07.08.2000	\$7,272,396.01	Supply & Delivery of Pipes & Fittings for the Development Programme Pipelines, special Programme & Priority Pipelines, North Water Project.
		HOECO			\$443,263.30	
		Tricon			\$2,408,115.96	
		Petroquip			\$37,964.30	
/2000	Groundwater assessment & Well development Programme for Trinidad.	Lennox Petroleum	Trinidad	18.08.2000	\$61,456,494.00	Groundwater assessment & Well development programme for Trinidad - Part I (Hydrological Survey) & Part II (Success Basis Well Development).
/2000	Installation of WSSRP Transmission and Distribution Mains North Oropouche & El Socorro System.	General Earth Movers	North Water Project	19.07.2000	\$5,587,350.00	Installation of WSSRP Transmission and Distribution Mains North Oropouche & El Socorro System.
/2000	Installation of WSSRP Transmission and Distribution Mains Navet System.	Home Construction	North Water Project	19.07.2000	\$7,937,465.80	Installation of WSSRP Transmission and Distribution Mains Navet System.