

*Leave of Absence**Friday, March 16, 2012***HOUSE OF REPRESENTATIVES***Friday, March 16, 2012*

The House met at 1.30 p.m.

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

Mr. Deputy Speaker: Hon. Members, I have received communication on behalf of the following Members who are currently out of the country and have asked to be excused from the sitting of this House: Hon. Winston Dookeran, Member for Tunapuna, March 13—21, 2012; Hon. Anil Roberts, Member for D'Abadie/O'Meara for today, March 16, 2012; Hon. Clifton De Coteau, Member for Moruga/Tableland, during the period March 11—22, 2012; Hon. Dr. K. Rowley, Member for Diego Martin West, for the period March 11—22, 2012; Hon. Dr. A. Browne, Member for Diego Martin Central, for today, March 16, 2012. The leave which the Members seek is granted.

PAPER LAID

Administrative report of the Princes Town Regional Corporation for the period 2010-2011. [*The Minister of Local Government (Hon. Chandresh Sharma)*]

JOINT SELECT COMMITTEE REPORTS**(Presentation)**

The Minister of State in the Ministry of the People and Social Development (Hon. Dr. Lincoln Douglas): Mr. Deputy Speaker, I wish to present the following reports:

**Ministries (Group 2) and Statutory Authorities and State Enterprises
under SPORTT**

The third report of the Joint Select Committee established to enquire into and report to Parliament on Ministries (Group 2) and on the Statutory Authorities and State Enterprises falling under the purview of the Sport Company of Trinidad and Tobago (SPORTT).

**Ministries (Group 2) and Statutory Authorities and State Enterprises
under SPORTT**

The fourth report of the Joint Select Committee established to enquire into and report to Parliament on Ministries (Group 2) and on the Statutory Authorities and State Enterprises falling under the purview of the Office of Disaster Preparedness and Management.

SPECIAL SELECT COMMITTEE REPORT
The Way of Trinidad and Tobago (Inc'n) Bill
(Presentation)

The Minister of State in the Office of the Prime Minister (Hon. Dr. Lincoln Douglas): Mr. Deputy Speaker. I wish to present the third report of the Special Select Committee of the House of Representatives appointed to consider and report on a Private Bill entitled, "An Act for the Incorporation of the Way of Trinidad and Tobago and for matters incidental thereto."

ORAL ANSWERS TO QUESTIONS

Carenage Gas Station
(Details of)

38. Miss Marlene McDonald (*Port of Spain*) on behalf of Dr. Keith Rowley (*Diego Martin West*) asked the hon. Minister of Energy and Energy Affairs:

Could the Minister state:

- a) When was work completed on the upgraded/new gas station in Carenage?
- b) What was the total cost of the project?
- c) Why has the new gas station not been put into use?
- d) When will NP put this new gas station into service for the people of Carenage and the Western Peninsula?

The Minister of Energy and Energy Affairs (Sen. The Hon. Kevin Ramnarine): Thank you very much, Mr. Deputy Speaker. Question 38 on the Order Paper refers to the Minister of Energy and Energy Affairs, the answers is as follows:

- a) The construction of the National Petroleum Marketing Company Service Station located on the Western Main Road, Carenage, commenced in September 2008 and was completed in July 2009.
- b) The cost of the project was \$8,629,711.15.
- c) The service station has not been put into use because of the expiration in March 2008 of NP's lease for the property and subsequent issues as to who is the proper legal personal representative of the estate.

- d) The gas station would be opened for service as soon as National Petroleum Marketing Company (NPMC) is able to secure the use of the property at Carenage. Negotiations are ongoing and various options are being considered to open the station in the shortest time. Thank you very much, Mr. Deputy Speaker.

Miss McDonald: Mr. Deputy Speaker, to the Minister. Minister of Energy and Energy Affairs, is there any way you could assure the Member for Diego Martin West as to the time frame we are dealing with, with respect to the opening of this gas station?

Hon. K. Ramnarine: Thank you very much again, Mr. Deputy Speaker. Responding to the supplementary from the acting Leader of the Opposition, we are aware, Member for Port of Spain South, of the inconvenience being faced by the people in the north-western peninsula. I believe that is the only gas station in that area, and it has been completed for going on three years now. NP is aware of the inconvenience to people in that area. We are making every effort—the matter at heart, of course, is a legal issue and our lawyers are speaking to the lawyers for the estate of that particular parcel of land on which the service station is situated, to resolve this matter as quickly as possible. We expect that to be resolved shortly. I cannot give an exact time frame as the matters are matters before lawyers and so on. Thank you very much.

Government Credit Cards (Issuance of)

40. Miss Donna Cox (*Laventille East/Morvant*) asked the hon. Prime Minister:

Could the Prime Minister state:

- a) Whether officials of the Office of the Prime Minister have been issued with and utilize government issued credit cards?
- b) If so, can the Prime Minister provide a list of all persons and their designations?

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): The question to the hon. Prime Minister: the response to part (a), is the affirmative, yes. Mr. Deputy Speaker, over the years the Office of the Prime Minister has made available credit cards to officers of the Office of the Prime Minister to be used for official overseas trips; business of the Office of the Prime Minister.

This card is not for the sole use of the Prime Minister but for all officials of the Office of the Prime Minister travelling.

Since, 2001 our information is that this card has been in the name of former personal assistant, Mr. Mark Regis; thereafter, former personal assistant, Mr. Kurt St. Bernard and at this time advisor, Mr. Barry Padarath. It is to be used for all officers travelling from the Office of the Prime Minister, the Ministry effectively when on overseas missions. Thank you.

Miss Cox: Mr. Deputy Speaker, I asked for a list, I did not get a list. But, I wanted to know if the Minister is saying that it is only Mr. Barry Padarath from the Office of the Prime Minister has a credit card.

Hon. Dr. R. Moonilal: Mr. Deputy Speaker, there is only one credit card issued and that was in the name of Mr. Mark Regis, then that was changed to Mr. Kurt St. Bernard and currently it is advisor, Mr. Barry Padarath. There is only one card for the use of the entire Ministry, Office of the Prime Minister, for overseas travel when on missions and so on.

Mr. Imbert: Supplemental, Mr. Deputy Speaker. Could the Minister clarify whether none of the Ministers in the Office of the Prime Minister and none of the Permanent Secretaries or other officials have been issued with a credit card?

Hon. Dr. R. Moonilal: My information is that there is one credit card issued to a personal assistant or advisor and that is being used for official overseas travel.

Government Vehicles (Authorized Usage)

41. Miss Donna Cox (*Laventille East/Morvant*) asked the hon. Prime Minister:

Could the Prime Minister state:

- a) Whether government policy permits a Minister of Government/Parliamentary Secretary or their personal driver to drive a government vehicle (purchased by a Ministry)?
- b) If so whether a government Minister/Parliamentary Secretary is allowed to keep/lodge a government vehicle at their private residence?
- c) Whether public funds are used for the payment of fuel, maintenance and upkeep of any vehicle so utilized by a Minister/Parliamentary Secretary?

- d) Could the Prime Minister identify the Minister/Parliamentary Secretaries who avail themselves of Ministry vehicles for their use?

Hon. Dr. R. Moonilal: By memorandum, dated June 20, 1997, the Comptroller of Accounts instructed the Permanent Secretary, Ministry of Public Utilities that persons who are not employed by the Public Service Commission are not authorized to use government vehicles and are not covered by insurance under the Government Vehicle Insurance Fund. Those instructions were based upon legal advice which purported to interpret the Constitution, the Travelling Allowances Act, Chap. 23:50, the Motor Vehicles Insurance (Third-Party Risk) Act, Chap. 48:51 and the Minister of Finance Circular No. 5, 1995. Those instructions have since formed the policy on the non-authorization of contract staff to use government vehicles.

Accordingly, the Attorney General referred the matter to the Law Reform Commission, which, in examining the issue anew, focused its attention on the interpretation of the word, "Officer" in section 2, of the Travelling Allowances Act and the scope of public duties under Regulation 13 of the Travelling Allowance Regulations.

Applying the settled principles of statutory interpretation, the Law Reform Commission observed that the said definition is in the style of an enlarging definition. In that context it was very clear that Parliament, by providing that the word, "Officer" includes public service employees, did not intend to exclude all other persons who would fall within the ordinary meaning of the word, "Officer".

The position under the Travelling Allowance Regulations and the Motor Vehicles Third Party Risk Act is even clearer as in order to be exempt from the insurance requirement a person need only perform a public function and use vehicles exclusively for that use.

In summary, the findings of the LRC was that there was no need for legislative reform, since a proper interpretation of the applicable legislation revealed that there is no basis for continuation of the policy to exclude non-public service staff from the use of Government vehicles.

The LRC's opinion was referred to the Solicitor General who concurred with the finding that the existing law sufficiently allows for the use of government vehicles by contract officers, Ministers and their drivers.

- b) A Government Minister or Parliamentary Secretary is not allowed to keep/lodge a government vehicle at their private residence unless authorized by the Permanent Secretary as the accounting officer.

Oral Answers to Questions
[HON. DR. R. MOONILAL]

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- c) Public funds are used for the payment of fuel, maintenance and upkeep of all Ministry vehicles, utilized by a Minister or Parliament Secretary in the performance of his or her duties.

1.45 p.m.

With respect to part (d), since the year 2001, the Office of the Prime Minister, Ministers of Government, Ministries of Government and Parliamentary Secretaries have availed themselves of Ministries' vehicles, time and time again, depending on the specific Ministry, depending on the nature of the performance of their duties. There are Ministers and various departments that require extra travel throughout the terrain of Trinidad and Tobago and there are times when Ministers would use such vehicles for those duties. Thank you.

Miss Cox: Supplemental. Mr. Deputy Speaker, the Member for Oropouche East stated that the Attorney General referred the matter to the Law Review Commission. When did this take place? Is it this Attorney General?

Hon. Dr. R. Moonilal: Mr. Deputy Speaker, I do not have the exact date and time but my understanding is, it is in this current regime, the current Attorney General.

Miss McDonald: Mr. Deputy Speaker, it is just a matter of clarification here to the Member for Oropouche East. Are we saying that Ministers who are in receipt of a travel allowance from the Government are now entitled to drive a government vehicle and the fuel paid for and maintained by the Government? So, in other words then, they are getting, not only their travel allowance, but also—the question is: is this so? Are they in receipt of a government travel allowance, as well as getting this additional benefit? [*Crosstalk*] [*Hon. Dr. R. Moonilal stands*] Mr. Deputy Speaker—one second—Mr. Deputy Speaker, please protect me from the Member for Fyzabad. I am asking valid questions here that the community wants to know. Protect me from him. [*Desk thumping*]

Hon. Dr. R. Moonilal: Mr. Deputy Speaker, I will steer away from that discussion to indicate, as I said, that those vehicles are used, time and time again by a Minister, depending on the nature of the Ministry. For example, the Ministry of Food Production, Land and Marine Affairs or other Ministries that would have significant amount of fieldwork, they are used time and time again.

It is not similar to a position where a former Minister was living in a house, paid for and maintained by the State—where was it?—and still received a housing allowance.

Miss Cox: Supplemental, Mr. Deputy Speaker. We are talking about vehicles.

Hon. Dr. R. Moonilal: It is not similar. Ministers do have a travel allowance to obtain their own personal vehicle and so on. But there are Ministries of Government that require additional help because of the nature and terrain; clearly, the Ministry of Food Production, Land and Marine Affairs, the Ministry of Local Government, the Ministry of Housing and the Environment and other Ministries where Ministers are expected to embark on significant field visits.

I want to remind my friends opposite that when the Member for Diego Martin West served as the Minister of Agriculture, he did, also, time and time again, use a vehicle from the Ministry of Agriculture to conduct those field visits and whatever visits he had. That is a standing arrangement so the then Minister of Agriculture, the Member for Diego Martin West, did use the Ministry vehicle and other Ministers time and time again, they do avail themselves, depending on the Ministry and the work of that Ministry, particularly the field responsibilities and so on.

Mr. Imbert: Thank you, Mr. Deputy Speaker. Could the hon. Minister please clarify the policy clarification which has led to, I would have to say, the new policy whereby a Minister can use a government vehicle for personal use or can drive a government vehicle, in other words, not his driver or her driver driving but he or she driving; this new policy where you are now saying it is legally permissible? When did this come into effect?

Hon. Dr. R. Moonilal: As indicated, the Attorney General did have cause to refer this matter to the Law Review Commission for clarification. I do not have the exact date and time here but I can get it for you. Let me indicate, too, that it is also the policy of the Government that Ministers of Government, because of the nature of their work and certainly the time—I mean, people work 16 hours, 17 hours a day at times—the policy and the approach is that Ministers themselves should not be driving and should utilize, either their personal driver, or, in the event that that driver is tired after long hours, a driver afforded from the specific Ministry. So, Ministers of Government do not drive that way unless there are some emergency circumstances that they must drive. So that, in response to your question, this would be drivers hired by the particular Ministry.

Miss Cox: Mr. Deputy Speaker, supplemental. My question—I understand that Ministers have to use other vehicles from time to time based on the type of Ministry they are in and the terrain and so on, but my question here was not answered concerning which Ministers. I would like to know which Ministers themselves utilize this new policy. That was not answered.

Hon. Dr. R. Moonilal: Mr. Deputy Speaker, I did answer. I indicated that there are Ministries where the work, particularly their field visits and operations outside of Port of Spain, such as the Minister of Local Government, housing, agriculture, sports—they do.

But I also want to indicate to you that the very Ministers also use their personal vehicles for their personal business. So that it is time and time again as their work week, as the month permits. It is not that Ministers are using these vehicles for their exclusive use. Their exclusive use, they use personal vehicles but it will change. So that it may be that the Minister of Sport is using a vehicle today to visit sporting construction projects throughout the land and will not use it for the rest of the week. It may well be that the Minister of Housing and the Environment is visiting some site in Mayaro and is required to use a vehicle to go there with other officials of the Ministry and the Ministry also has vehicles under their purview. So it is not the case of one Minister every day of the week using vehicles like that. So, I did answer the question.

Miss Cox: Mr. Deputy Speaker, I just want to place on record that my question asked to identify the Minister or the Parliamentary Secretaries, who avail themselves of Ministry vehicles for their use. I realize that the Member for Oropouche East will not answer the question so I just want to place that on record.

Hon. Dr. R. Moonilal: I did give the names of several Ministers who are using that. If you wanted—*[Interruption]*

Miss Cox: You said some; I wanted to know which one.

Hon. Dr. R. Moonilal: Mr. Deputy Speaker, I have given the answer.

Local School Boards

(Details of)

42. Mrs. Patricia Mc Intosh (*Port of Spain North/St. Ann's West*) asked the hon. Minister of Education:

Could the Minister state how many schools have local school boards installed as at January 2012?

The Minister of Science, Technology and Tertiary Education (Sen. The Hon. Fazal Karim): Mr. Deputy Speaker, I have the honour to answer the following question in the name of my Cabinet colleague, the hon. Minister of Education, Dr. Tim Gopeesingh; answers to which are supplied by the Ministry of Education.

The Ministry of Education has, at January 2012, succeeded in obtaining nominees for the reconstitution of eight of the 23 Government Primary Local School Boards and 55 of the 84 Government Secondary Local School Boards. Nomination for membership on the Local School Board for the recently opened Biche Secondary School is in progress, and 10 of 16 Government Primary Schools selected for the establishment of local school boards have completed the nomination process.

Mr. Deputy Speaker, the Ministry of Education recognizes that it is imperative that the full complement of membership nominees be submitted to facilitate the establishment or reconstitution of all local school boards on or by May 01, 2012. Thank you.

Guidance Officers at Schools
(Details of)

43. Mrs. Patricia Mc Intosh (*Port of Spain North/St. Ann's West*) asked the hon. Minister of Education:

Could the Minister state how many schools have Guidance Officers as at January 2012?

The Minister of Science, Technology and Tertiary Education (Sen. The Hon. Fazal Karim): Thank you very much again. Mr. Deputy Speaker, these services, meaning Guidance Officers' services, are carried out by a total of 103 Guidance Officers who are assigned as follows:

- 63 government and government-assisted secondary schools currently have a resident Guidance Officer. All other secondary schools have access to a crisis intervention counselling service.
- 145 primary schools are currently serviced by 40 Guidance Officers.

The Ministry of Education recognizes the need to expand the guidance and counselling and other services that are geared to meeting the behavioural, emotional and special learning needs of students.

In this regard, the Ministry is currently pursuing the introduction of over 100 additional positions of guidance counsellor. Additional positions of school psychologist, school social worker and special educator instructor, behavioural psychologist and clinical psychologist will be introduced shortly. [*Desk thumping*]

**Information and Communication Technology (ICT) at Schools
(Details of)**

44. Mrs. Patricia Mc Intosh (*Port of Spain North/St. Ann's West*) asked the hon. Minister of Education:

Could the Minister state:

- (a) How many teachers have been trained to use Information and Communication Technology (ICT) for pedagogical purposes as at January 2012;
- (b) How many schools have been physically and electrically upgraded to use Information and Communication Technology (ICT) teaching and learning as at January 2012?

The Minister of Science, Technology and Tertiary Education (Sen. The Hon. Fazal Karim): Thank you very much, Mr. Deputy Speaker. The Ministry of Education has provided many opportunities for teachers to be trained and certified in computer and digital literacy with the goal of pedagogical utilization. According to an eConnect and Learn (eCAL) programme survey recently conducted:

- (i) Approximately 4,866 heads of department and teachers have received ICT training classified across three levels.

Level one: possesses the knowledge, skills and attitudes to interact with the technology. That is basic computer literacy.

Level two: possesses the knowledge, skills and attitudes to effectively use technology in teaching.

Level three: possesses the knowledge and skills to create ICT teaching resources or digital content.

- (ii) Approximately 1,528 heads of department and teachers were further trained in ICT infusion as part of the eConnect and Learn programme as at January 2012.

Principals indicated that the training received was categorized into basic computer and digital literacy: Introduction to computers, level one; computer literacy.

Infusion: Integrating ICT, infusion of ICT in schools' administration; ICT training for principals and vice-principals; ICT in teaching; ICT fusion training; ICT integration into the classroom; fusion ICT curriculum: Train the Trainers; Data-driven instructions; Intel Teach.

The use of ICT tools among them being web page development, educational robotics, blogs, wikis, Google, TPAC, eBEAM and multimedia in classrooms.

Mr. Deputy Speaker, approximately 40 teachers were among a group of educators who began the Commonwealth Certificate for Teacher ICT Integration in August 2011. Twenty have completed Module 1 and the others are in progress.

Training providers were categorized as follows:

- 1) In-house personnel, heads of department, ICT technicians, personnel of the ICT Division, ICT teachers;
- 2) Private personnel and institutions: UWI, UTT and USC (University of the Southern Caribbean);
- 3) National Energy Skills Centre;
- 4) National Training Agency;
- 5) The Tobago House of Assembly, Division of Education;
- 6) The Commonwealth of Learning;
- 7) UNESCO.

Teacher professional development is ongoing and opportunities will continue to be provided to improve teachers' competency in integrating education technology, more specifically, computers and digital content in their professional practice.

2.00 p.m.

Mr. Deputy Speaker, with respect to part (b) of the question: as at January 2012, in order to expand access to ICTs for pedagogical purposes outside the areas in the secondary schools, where teaching and learning are supported using ICTs, the following initiatives are either completed or are in progress:

- (a) The bandwidth at all 135 secondary schools was upgraded from two megabytes per second to five megabytes per second. The expansion of wireless connectivity at each secondary school, to facilitate access to the Internet in classroom and other areas in the schools is at initiation stage;
- (b) Electrical power requirements are being addressed as part of this project.

I am advised that all 135 public secondary schools have been rewired where;

- (c) The acquisition of laptop storage facilities and charging cabinets is also being pursued within this financial year.

Further, 339 of the 467 primary schools have been outfitted with computer labs to facilitate teaching and learning using ICTs. Forty-one of the remaining 128 primary schools were made ready to receive ICT equipment to support teaching and learning. To be classified as ready, the primary schools were equipped with furniture, air conditioning, secured doors and windows, as well as adequate electrical infrastructure. I thank you, Mr. Deputy Speaker.

Mrs. Mc Intosh: Could the hon. Minister state the duration of time for the advanced training in ICTs?

Sen. The Hon. F. Karim: Mr. Deputy Speaker, what I can tell you is, as we start the process training continues until such time as we have completed the entire cycle for all in the system. There is no specific time frame to complete, but even as people come on to the system they will continue to be trained.

Five-Member Legal Team
(Details of)

48. Miss Marlene McDonald (*Port of Spain South*) on behalf of Dr. Keith Rowley (*Diego Martin West*) asked the hon. Attorney General:

Could the Attorney General state:

- a) With respect to the five-member team of Mr. Allan Newman QC, Mr. Martin Hall, Mr. Akbar Ali, Mr. Mark Seepersad and Mr. Gerald Ramdeen (*so-called A-Team*), announced by the hon. Attorney General in August 2010, have any billings for payment been submitted or payments made to any or all of them, from any state enterprise, statutory authority or Ministry in relation to the areas of investigation announced by the hon. Attorney General;
- b) If the answer is in the affirmative, could the hon. Attorney General identify each agency involved and total quantum of payment made to each individual member of the team;
- c) State the total payment made and/or owing to the said investigators for any and all engagements under the Office of the Attorney General during the period June 01, 2010 to January 31, 2012?

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): On behalf of the hon. Attorney General, the response to question No. 48 is as follows: Mr. Allan Newman QC, Mr. Martin Hall, now deceased; Mr. Akbar Ali, Mr. Mark Seepersad; and Mr. Gerald Ramdeen have not submitted any

bills for payment to any state enterprise, statutory authority or other Ministry, in relation to the Cabinet-sanctioned probes announced by the hon. Attorney General in August 2010.

In response to part (b), no payments were made by any state enterprise, statutory authority or other Ministry to members of the team, in relation to the Cabinet-sanctioned probes. All bills relative to these probes have been submitted for payment only to the Ministry of the Attorney General.

In relation to part (c), the total payments made to the members of the team for all engagements under the Ministry of the Attorney General, during the period June 01, 2010 to January 31, 2012, are as follows:

Alec Partners, Martin Hall, \$18,290,492.48;

Gerard Ramdeen, \$1,193,090;

Mark Seepersad, \$356,666;

Mr. Allan Newman QC, \$6,422,369.09; and

Mr. Akbar Ali, AFA Law, \$3,041,609.48.

No payments are owing to the said investigators for any engagements under the Office of the Attorney General during the period June 01, 2010, to January 31, 2012.

MISCELLANEOUS PROVISIONS

(MATERNITY PROTECTION AND THE

MASTERS AND SERVANTS ORDINANCE) BILL, 2012

Order for second reading read.

The Minister of Labour and Small and Micro Enterprise Development (Hon. Errol Mc Leod): Thank you very much, Mr. Deputy Speaker. I beg to move:

That a Bill to amend the Maternity Protection Act, Chap. 45:57 and to repeal the Masters and Servants Ordinance, Chap. 22, No. 5, be now read a second time.

The Bill that is presented this afternoon treats with two separate pieces of legislation. In addition to the clauses that deal with the amendment to the Maternity Protection Act, Chap. 45:57, the last clause of this Bill, that is clause 4, provides for the repeal of the Masters and Servants Ordinance, Chap. 22, No. 5. The Miscellaneous Provisions (Maternity Protection and the Masters and Servants Ordinance) Bill, 2012 is a very short, but I might say, a very significant and most effective Bill.

Maternity Protection Bill, 2012
[HON. E. MC LEOD]

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Clause 1 of the Bill states the short title, while clause 2 speaks to the requirement for a special majority vote, as sections 4 and 5 of the Constitution are affected.

Clause 3 seeks to amend the following sections of the Maternity Protection Act:

- “(a) in section 4, by deleting the definition of ‘maternity leave’ and substituting the following definition:
 ‘maternity leave’ means the fourteen weeks leave entitlement referred to in section 7(1);
- (b) in section 7(3)(b), by deleting the word ‘thirteen’ and substituting the word ‘fourteen’ and;
- (c) in section 9(1), by deleting the word ‘thirteen’ wherever it occurs and substituting the word ‘fourteen’.”

Clause 4 repeals the Masters and Servants Ordinance. The amendment to the Maternity Protection Act, Chap. 45:57 and the repeal of the Masters and Servants Ordinance, Chap. 22, No. 5 are key components of the national labour agenda and more so the Government’s framework for sustainable development.

When we assumed office just under 22 months ago, we made a commitment to people-centred development and to placing workers at the centre of this process in our journey of building a sustainable, productive and progressive economy, where all persons can contribute.

In so doing, we acknowledged that one of the issues requiring early attention was the review of the legislative framework, particularly with respect to labour legislation in Trinidad and Tobago. We recognized the need to modernize the legislative framework to ensure that workers’ and employers’ rights and responsibilities are upheld.

Mr. Deputy Speaker, it is critical that an appropriate legislative environment is created, especially one which is able to protect the more than 570,000 persons employed at this time in Trinidad and Tobago, as well as those who will be joining the labour market in the future. This will no doubt translate into increased levels of productivity and ultimately more profitable and competitive enterprises which serve as the building blocks of competitive economies.

Government’s policy framework for sustainable development identifies certain key pieces of labour legislation to be reviewed, amended and also to be repealed. These include the amendment of the Maternity Protection Act to provide

for 14 weeks paid maternity leave, as opposed to 13 weeks, which currently obtains, in keeping with international labour standards. The international labour standard is at 14 weeks.

The repeal of the Masters and Servants Ordinance, Chap. 22, No. 5, which is considered to be an old colonial law, has also been high on our legislative agenda. Let me assure you that the presentation of this Bill demonstrates our resolve to fulfill our commitments to the people of our Republic of Trinidad and Tobago.

One of the next major pieces of labour legislation that I will be addressing in a very comprehensive manner is the Industrial Relations Act, Chap. 88:01 and I am pleased to remind this honourable House that Cabinet approved and I installed, last Friday, March 09, the Industrial Relations Advisory Committee, provided for under section 18 of the IRA.

When I contributed to the debate on the no confidence Motion brought by the Leader of the Opposition two weeks ago, I did state that the Industrial Relations Advisory Committee was about to be instituted for the first time, since the expiration of an ad hoc committee that was set up under Mr. Oswald Wilson, I think it was, and whose term of office ended in 1980. I think that my own research on the matter was somewhat deficient, in that there was a committee that was installed some time before that, the chairman of which committee still exists today. I received from him a missive that suggests that I correct the record and I move to that now.

I give acknowledgment to the fact that there was a committee which was headed by Mr. D. W. McKnight, one whom I knew well to be involved in the business of industrial relations and administration and who in fact sat as the chairman of this committee, which had provided a number of recommendations, which did not see the light of day, as enunciated here by Mr. David McKnight. I want to offer sincere apologies to Mr. McKnight and those other persons who would have performed with him on that committee, for my omitting to make mention of their existence at an earlier time.

2.15 p.m.

The work, Mr. Deputy Speaker, of this Industrial Relations Advisory Committee, which we installed last Friday—the work of this multipartite committee, will take into consideration the views of a wide cross section of stakeholders and will guide the process of legislative change in this regard.

Maternity Protection Bill, 2012
[HON. E. MC LEOD]

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Permit me to point out to this honourable House, the highly consultative and participatory approach used by this Government and my Ministry, in arriving at this juncture of amendment to the Maternity Protection Act, Chap. 45:57 and the repeal of the Masters and Servants Ordinance, Chap. 22, No. 5.

Social dialogue remains a cornerstone of the Government's approach to formulating policies and programmes and effecting legislative change. The interests advanced by employers and workers' organizations are always considered in framing labour policies. If you are going to engage in this kind of consultative process, then one might want to re-examine one's call for things to be done more hurriedly. We have been working very hard, and I make no apologies for what might appear to be a slow pace of our introducing very important and fundamental legislation to this Parliament. We do not intend to deviate from this practice but rather, we are intent on strengthening the relationships among the social partners through a more coordinated approach to social dialogue, if stakeholders and social partners will suspend old forms, just for a while, and subscribe to broad interest-bearing collaboration.

Mr. Deputy Speaker, I now turn our attention to the Bill before this honourable House. This Government believes that the family is a most critical institution of society, indeed it is that institution on which the society is built. Strong families build strong communities which are the foundation of a strong economy. We may often ask ourselves what makes a family strong, and I am not proposing to be considered an expert in this area. *[Interruption]*

Mr. Sharma: Why not? You are a father and a grandfather.

Hon. E. Mc Leod: I believe that—as the hon. Member for Fyzabad is pointing out to me—I believe that as a father and a grandfather—*[Desk thumping and interruption]*

Mr. Sharma: And a great union leader.

Hon. E. Mc Leod:—I am qualified enough to posit my view that families are as strong as the relationships which are built over time among members. *[Desk thumping]*

Mr. Sharma: “Yuh went to church Sunday or wat?”

Hon. E. Mc Leod: Therefore, we must do all in our power to develop and nurture these relationships. Family constitutes a large part of personal life for most people, and while some of us, if not most or all of us here, may be products of families characterized by mothers who worked at home, taking care of the needs of their husbands and children—*[Interruption and laughter]*

Mrs. Persad-Bissessar SC: And sisters.

Hon. Member: Sisters.

Mrs. Persad-Bissessar SC: “And yuh have sisters too.”

Hon. E. McLeod:—and sisters—[*Desk thumping*]—we know that the situation today is quite different as a consequence of economic pressures, psychological demands to develop one’s identity and certainly other factors. We are quite aware that more women are opting to enter the labour market today compared to a decade ago, evident by a steadily rising female labour force participation rate.

In the year 2000, the female labour force participation rate stood at 47 per cent, while this increased to 51.1 per cent in 2009. We have also seen, Mr. Deputy Speaker, a tremendous decline in female unemployment rates, from 15.2 per cent in 2000 to 6.3 per cent at the end of 2009. There is no denying that women’s contribution both at home and in the world of work remain very significant, and we should do all in our power to ensure that they are able to execute their roles in both spheres to the best of their abilities. However, often we find that women have to make a choice between family and work, and some may opt to withdraw temporarily or permanently for that matter from the labour force, or accept jobs which do not utilize their full productive capacities; this redounds to a reduction in the productive capacity of the economy. The Members for Port of Spain South and Port of Spain North/St. Ann’s West are agreeing with the Member for Pointe-a-Pierre; thank you.

Mr. Sharma: It might not be for that long.

Hon. E. McLeod: In this regard, greater attention has been placed worldwide on creating a supportive environment, which allows women to balance their productive and reproductive roles. According to the International Labour Organization, in just over 10 years, 80 per cent of all women in industrialized countries and 70 per cent globally, will be working outside the home throughout their childbearing years. In addition, studies have shown that companies have been able to benefit from the retention of skills that are critical to their operations by promoting work and family life balance. This has been supported by actions to improve maternity protection, including progressive increases in the period of maternity leave to which employees are entitled.

Again, while I am no expert in this area, I understand and appreciate the importance of maternity leave to mothers in assisting in the transitioning to the parental role and to children in nurturing family bonds. It is designed to give expectant mothers the

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possibility of withdrawing from work in the later stages of their pregnancy, and allowing them some time to recuperate after childbirth. It helps to ensure the non-prevention of women from exercising their fundamental right to work.

Mr. Deputy Speaker, two studies from the University of California, Berkeley, conducted in 2009, showed that pre-birth maternity leave and longer post-birth maternity leave, are associated with better health for both infants and their mothers. Prof. Sylvia Guendelman, professor of maternal and child health at the university is noted to have said:

“What we’re trying to say here is that taking maternity leave may make good health sense, as well as good economic sense.”

The professor went on to add:

“These new studies suggest that making it feasible for more working mothers to take maternity leave both before and after birth is a smart investment.”

The Government, Mr. Deputy Speaker, recognizes that there is a cost element to increasing the period of paid maternity leave given the varying sizes of enterprises, levels of profitability and the changing dynamics of the global economic and financial environment. However, the benefits to women, children, their families and enterprises in providing the entitlement to paid maternity leave, outweigh the costs in both social and economic terms.

The Maternity Protection Act, Chap 45:57, Act No. 4 of 1998 was assented to on March 11, 1998 and came into effect on April 15, 1998. This Act provides for a period of 13 weeks paid maternity leave for women—well, it could not be for men.

Hon. Member: That one would be paternity.

Hon. E. Mc Leod: At that time this provision was in keeping with the international standard of at least 12 weeks as stipulated in the ILO Convention, No. 103, Maternity Protection Convention revised in 1952. However, in the year 2000, the year following the enactment of the Maternity Protection Act in Trinidad and Tobago, at the 88th Session, the International Labour Conference of the ILO Convention No. 103 was revised by Convention No. 183, Maternity Protection Convention 2000. Article 4 of Convention No. 183 states:

“On production of a medical certificate or other appropriate certification, as determined by national law and practice, stating the presumed date of childbirth, a woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks.”

That is the measure we are proposing to put into our system in Trinidad and Tobago, Mr. Deputy Speaker. Given that there have not been amendments to the Maternity Protection Act since its coming into force, and pursuant to the consultations with employers, workers and other stakeholders in Trinidad and Tobago, it was determined that we should aspire to meet the new minimum labour standard with respect to maternity leave.

The Bill presented before this honourable House today, Mr. Deputy Speaker, addresses one aspect of maternity protection. However, I wish to add that the new maternity leave stipulation in the Bill of 14 weeks still represents a minimum flaw. I, therefore, urge workers and employers and their organizations to consider ways of exceeding this limit through the collective bargaining process. It will call for decent, respectable and respected relationships between employers and workers' organizations to so proceed.

The 2010 ILO Report on Maternity at Work has noted that 51 per cent of the 167 member states surveyed, provide a maternity leave period of at least 14 weeks, the standard established by Convention No. 183. About one-third or more accurately, 35 per cent of countries, provide 12 to 13 weeks of leave and 14 per cent of countries provide less than 12 weeks of maternity leave.

2.30 p.m.

The report further highlighted that some countries that provide higher maternity leave include the United Kingdom, the Czech Republic, Hungary, Italy, Denmark, Canada, Spain and Romania; most of them having more than 16 weeks.

It must be noted that while many developed countries offer maternity leave over 14 weeks, their benefits vary, with some receiving far less aggregate coverage than others. Trinidad and Tobago is not doing too badly in that regard. The report identifies five countries of the English-speaking Caribbean, namely Antigua and Barbuda, Grenada, Guyana, St. Lucia and, of course, Trinidad and Tobago, which, in 2010, provided 13 weeks' maternity leave.

Let me hasten to report that in modern Trinidad and Tobago there are still workers who are subjected to less than this and, in some cases, no maternity leave at all by employers who are still in the 18th Century and we have to work on that, at that.

In addition to demonstrating our commitment to promoting the health and well-being of our women and children and preserving the right of women to work in a non-discriminatory environment, the presentation of this Bill is also testimony to our commitment to decent work for all.

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Maternity benefit is an important element of maternity protection. It is a significant component of social protection. Social protection remains one of the four strategic objectives of the decent work agenda, which seeks to ensure that women and men work in conditions of freedom, security, dignity and equity where their rights are upheld.

Our goal of realizing decent work for all is aimed at promoting both inclusion and productivity by ensuring that women and men enjoy working conditions that are safe; allow adequate free time and rest; take into account family and social values; provide for adequate compensation in case of loss or reduced income; and permit access to adequate health care.

Further, the increase in the period of maternity leave which contributes to the health and well-being of mothers and their babies also contributes to their achievement of Millennium Development Goals 4 and 5 adopted by member States of the United Nations, which seek the reduction of child mortality and improvement of the health of mothers. By safeguarding women's employment and income security during and after maternity, maternity protection also contributes to the realization of Millennium Development Goal 3, promoting gender equality and women's empowerment.

With the increase in the period of maternity leave to 14 weeks, Trinidad and Tobago is well poised to become the first country in the English-speaking Caribbean to provide paid maternity leave for this period.

Mr. Deputy Speaker, this Bill is but one step forward in giving women the opportunity to build a society they can be proud of through their care giving labour of love and their productive work. I take this opportunity, therefore, almost one week after we commemorated International Women's Day, 2012, on March 08, last week, to salute all the women and mothers in our labour force for their invaluable contributions to our society. [*Desk thumping*]

One of the themes of this year's commemoration of International Women's Day, Connecting Girls, Inspiring Futures, seemed very fitting to what we are promoting in this Bill today, by laying the foundation for our women and our girls, who will grow into productive adults, to carry out their reproductive and productive roles; even continue to shape and inspire lives.

So much, for the time being, on the maternity protection amendment. I now turn to the repeal of the Masters and Servants Ordinance. [*Desk thumping*]

Mr. Deputy Speaker, I would like to turn our attention to clause 4 of the Bill which is before this honourable House and which addresses the repeal of the Masters and Servants Ordinance, Chap. 22:05.

This Ordinance came into effect on December 08, 1938. It was just about six months or so. [*Crosstalk*]

Mrs. Persad-Bissessar: You are disturbing the Minister.

Hon. E. Mc Leod: No, no. I am not disturbed at all. [*Laughter*] This Ordinance came into effect on December 08, 1938. It was designed to regulate the relationship between employers and servants during the early part of the 20th Century. History has shown that the Ordinance was heavily biased towards employers and designed to discipline and repress workers.

Miss McDonald: Servants.

Hon. E. Mc Leod: Servants. Thank you very much. When this Ordinance came into effect, Trinidad and Tobago, as we all know, was under colonial rule. It was still under colonial rule after the popular uprising of the people—that popular anti-colonial revolt of 1937. Everything does not happen in one day.

The scope of the Ordinance was very limited, only being applicable to servants, who were defined as “any mechanic, artisan, artificer”—and I feel certain there might be many of us in the Chamber who do not know the word “artificer”. “Artificer” is a skilled mechanic in the armed forces. So the mechanic, the artificer, the artisan, the handicraftsman, the “agricultural or other labourer; any household or other domestic servant, any driver or conductor of a motor vehicle, and any person employed in a drogher or other vessel.”—a drogher being a device mostly conical or funnel shaped—that is towed behind a boat or aircraft, or any such vessel; the drogher is for the purposes of reducing speed.

Employers in that Ordinance

“...include any master, mistress, foreman, attorney, agent, manager, overseer, clerk, or other person engaged in the hiring, employing, or superintending the labour or service of any servant.”

Today, we acknowledge that these definitions are very limited and not properly representative of employers and workers in our national context. Additionally, some of the other archaic provisions in the Ordinance, which have little or no application or relevance to the employment relationships which exist today, include jurisdiction, and speaks to contracts of employment. It says that contracts

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of employment would only be considered to be valid if made within the jurisdiction of Trinidad and Tobago. Contracts of employment would only be considered to be valid and binding for a period of one year. Contracts must be signed by the parties entering into the agreement and, where one of the parties entering the contract is illiterate, the contract must be executed in the presence of a Justice of the Peace.

Terms and conditions: contracts of employment must specify the general nature of employment; when the work is to be performed and what the number of hours to be worked would be. Remuneration, under section 9 of the Ordinance provides that:

“No servant’s wages, if contracted for in money may be paid in kind, or, if contracted for in kind, may be paid in money, or in any other than the stipulated kind and quality, except with the express consent of the servant...such sum not exceeding fifty dollars as the Magistrate shall consider reasonable compensation for the wrong and injury done to the servant.”

Termination of contract occurs by the effluxion of time by the mutual consent of the parties or by giving notice by the master where the servant has engaged in some form of misbehaviour. Where there is a breach of these provisions by either party, the Ordinance makes provision for penalties to be imposed by a magistrate, with the highest penalty being \$50.

Settlement of dispute with respect to wages: we have come a long way and we still do not seem to be able to sit and settle disputes with respect to wages.

Section 15 of that Ordinance requires that all complaints, differences and disputes arising between an employer and a servant, concerning any wage or allowance which may be due to the servant, shall be heard and determined by a magistrate, provided that such wages or the value of such allowances does not exceed \$100. Yes, Mr. Deputy Speaker, \$100, a glorious \$100; and that the complaint be made within six months after the wages become due.

I do not need to convince this honourable House of the need to remove this Ordinance from our books, as I am sure that we are all agreed that these provisions are outdated, if not ludicrous, in our current situation. Indeed, sometimes I find them to be obscene even.

A number of factors have affected the continued relevance, including the emergence of the trade union movement in Trinidad and Tobago, which has resulted in dramatic shifts in the employer/employee relationship. The passage of

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the Industrial Relations Act, Chap. 88:01, which, among other things, introduced a compulsory mechanism to deal with disputes arising between workers and employers by virtue of the establishment of mandatory conciliation and established the Industrial Court as a superior court of record to hear unresolved disputes.

Additionally, the definition of “worker” under the IRA, while still restrictive—and this is a matter we are addressing with urgency—is broader than the definition of “servant” in the Ordinance, thereby allowing a wider group of the working population to access redress mechanisms:

The emergence of a national labour legislation framework addresses minimum standards of employment, with the introduction of key pieces of labour legislation, including the Minimum Wages Act, Chap. 88:04; the Retrenchment and Severance Benefits Act, Chap. 88:13; the Occupational Safety and Health Act, Chap. 88:08; and the Maternity Protection Act, Chap. 45:57.

2.45 p.m.

The development of employment law as a specialized area of contract law which has resulted in an expansion of avenues for redress for employees. The active promotion of social dialogue at the enterprise and national levels which emphasizes the importance of labour management cooperation as opposed to adversarial relationships.

As a consequence, Mr. Deputy Speaker, we must do the right thing and repeal this piece of fraudulence. [*Desk thumping*] It has always bothered me that we have taken so long to reach to this point but as the saying goes, better late than never.

The Bill presented today, Mr. Deputy Speaker, represents a way of thinking which is progressive and which is developmental. It is only a continuing process of more legislative changes to be brought to this honourable House pertaining to key pieces of labour legislation which had been largely ignored by the previous administration.

This Government believes that through the process of social dialogue and the strengthening of relations among Government, employers and workers’ organizations we can achieve greater equity and equality in the workplace and promote decent work for all.

In preparing my presentation to this honourable House I was reminded of the words of Martin Luther King Jr. that, “All labor that uplifts humanity has dignity and importance and should be undertaken with painstaking excellence.” [*Desk*

thumping] I believe in taking time to be purposeful and to be excellent, Mr. Deputy Speaker. Therefore I recommend that these works be accepted by you and hon. Members of this House. Mr. Deputy Speaker, I beg to move.

Question proposed

Mrs. Patricia Mc Intosh (*Port of Spain North/St. Ann's West*): Mr. Deputy Speaker, I am privileged to make a contribution to this Bill under review in this honourable House this afternoon, the Maternity Protection Bill. This Bill purports to amend the Maternity Protection Act by increasing the maternity entitlement leave from 13 to 14 weeks, and in the second instance to repeal the Masters and Servants Ordinance, Chap. 22, No. 5.

Mr. Deputy Speaker, I shall begin with the first intent the of this Bill which is to increase the maternity entitlement leave from 13 to 14 weeks. As a woman and mother, I have a vested interest in this part of the Bill, in this amendment. The Government is proposing this amendment to align our legislation, in particular this maternity Act, with article 4 of the ILO regulations that state:

“1. On production of a medical certificate or other appropriate certification, as determined by national law and practice, stating the presumed date of childbirth, a woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks.”

And I should also like to read clause 2 of this article which says:

“2. The length of the period of leave referred to above shall be specified by each Member in a declaration accompanying its ratification of this Convention.

3. Each Member may subsequently deposit with the Director-General of the International Labour Office a further declaration extending the period of maternity leave.”

Mr. Deputy Speaker, I should also like to refer to an excerpt of an article from the Ministry of Labour and Small and Micro Enterprise Development which states that:

Trinidad and Tobago is party to a number of international labour instruments. As a member of the International Labour Organization (ILO), since 1963, Trinidad and Tobago has, to date, ratified 19 ILO conventions and is guided by the provisions of their associated recommendations. The ratification of a convention places obligations on the country to streamline its laws, policies and practices with that of the provisions of the Convention and report on its implementation periodically.

So, Mr. Deputy Speaker, what they are trying to say here is that once Governments ratify international conventions it is incumbent on them to enact domestic legislation, develop policies and implement programmes to give effect to the protocol of these Conventions. Countries come under the scrutiny of these international bodies, and are asked to report annually or from time to time submit reports as to what progress has been made in respect of the enactment of appropriate legislation and the implementation of projects and programmes that give effect to the provisions of these particular conventions. Here we are making an effort to amend this Bill, to bring it in line with what was ratified by the ILO. So, Mr. Deputy Speaker, we are proposing to increase the maternity entitlement leave from 13 to 14 weeks as specified by the ILO.

Mr. Deputy Speaker, one week in the life of a mother and a newborn baby is a lifetime. When a mother gives birth all her maternal instincts come into play: the pride she feels in having delivered her baby, a baby that she carried in her womb for nine months, the love she experiences in looking at her precious little bundle, her own flesh and blood; these sentiments are unparalleled. A mother's nurturing and protective instincts come very much in the forefront at this time. She becomes conscious that this helpless, defenceless, vulnerable little infant is dependent on her care and succouring for survival. She needs time to do this; she needs as much time as possible to succour this little infant.

Mr. Deputy Speaker, each second, each minute, each hour, each day, each week is very important to mother and her newborn baby in this succouring process. I myself have given birth to three children, so I know the importance of being able to spend as much time as possible with the precious newborn. I recall my anxiety having to resume duty in the workplace directly after the end of the three months after delivery. I vividly recall counting down the weeks, the days, and hours when I would have to leave my precious little baby and return to work to earn a living. I recall those days as though they were yesterday because I remember the pain, the suffering, the tears, and the torment of detachment when I left my newborn child with someone—no matter how qualified that one was to take care of my baby.

Babies are very delicate beings. So many things could happen to them even in the presence of the parents far less when the parents are away. A mother experiences that feeling of uncertainty and anxiety that she might return home and not find her baby alive, the child that she has carried in her womb for nine months. The point I am making is that every waking moment, every week, every day, every hour a mother could spend with her baby is a vital time, so all working mothers will really welcome this extra week.

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Mr. Deputy Speaker, Part II, section 7(2) and (3)(b) of the Maternity Protection Act, speaks to the unfortunate circumstances whereby the baby does not survive but the mother is still entitled to full maternity benefits, full leave with pay. I would like to refer to this.

- “7. (2) Where an employee has proceeded on maternity leave and the child of the employee dies at birth or within the period of the maternity leave, the employee shall be entitled to the remaining period of maternity leave with pay.
- (3) Where an employee has not proceeded on maternity leave and—
- (b) a premature birth occurs and the child dies at birth or at any time within thirteen weeks thereafter, the employee is entitled to the full or remaining period of maternity leave with pay, as the case may be.”

Mr. Deputy Speaker, I find this section a very compassionate section that allows the mother to mourn her terrible loss. [*Desk thumping*]

Hon. Member: Very nice, very nice.

Mrs. P. Mc Intosh: Mr. Deputy Speaker, in addition, I should like to refer to section 9(1) which speaks to the date of maternity leave:

“An employee is entitled to thirteen weeks maternity leave and may proceed on such leave six weeks prior to the probable date of confinement as stated in the medical certificate submitted under section 8(1)(c) or at a subsequent date at the employee’s discretion...”

Mr. Deputy Speaker, this last part is what I am very interested in. What this means, is that the expectant mother has the option of proceeding on maternity leave prior to delivery or as she sees fit. Not only six weeks earlier, but as she sees fit, at her discretion.

Mr. Deputy Speaker, in the teaching service, I have known several of my teachers to work almost until the date of delivery. This allows them to acquire as much of that 13—now to be 14—weeks as possible to nurture and succour their children. I will speak later about an extension of this time because if we should have sufficient time, as the hon. Minister indicated—we should agitate for more extended leave—a mother will be able to comfortably and psychologically take leave before and still leave sufficient leave to allow her to nurture her newborn infant.

I recall so vividly 39 years ago when I gave birth to my first child, and 31 years ago when I gave birth to my last child no such option existed. [*Crosstalk*] Expectant mothers had to proceed on maternity leave six weeks prior to the date of delivery, which meant the time that could have been spent after delivery, succouring the newborn, was drastically curtailed. This is a very good development there, and I am sure working mothers will appreciate that, that it is up to their discretion when they should go on leave.

Mr. Deputy Speaker, I should also like to refer to section 10(2), (3) and (4) of the Act which speaks to extended leave.

“10. (2) An employee who extends her absence from work for medical reasons under subsection (1) may do so for a period not exceeding 12 weeks...

(3) Subject to an employee’s right to sick or vacation leave with pay under any other written law, industrial award or collective agreement, an employee under subsection (2) shall be paid half pay for the first six weeks and no pay for the next six weeks.”

3.00 p.m.

Mr. Deputy Speaker, I understand that, even in my day we had that extended leave for medical purposes. But what we did not have, what I was not privy to, was this non-medical leave:

“An employee may postpone her return to work for non-medical reasons until a date not exceeding four weeks after the required date of return if, within ten working days, before the required date, she gives the employer written notice, stating the reason why she is unable to return to work and stating an intended date of return.”

I was not so fortunate to enjoy such a provision 40 years ago. Unless incapacitated and unless the baby was ill, mothers had to report for duty at the expiration of the 13-week maternity leave. So the four extra weeks that one can apply for and inform the employer, they are most welcome.

So we have progressed over the years, as the hon. Minister of Labour and Small and Micro Enterprise Development said, and now we are addressing legislation that is even more empathetic and accommodating to the needs of the mother and her newborn baby, and we are proposing an increase of this maternity leave from 13 to 14 weeks.

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However, I note with great concern that the Maternity Protection Act allows no special provision for multiple births. In today's world this is a serious consideration because with the use of fertility drugs women are now delivering twins, triplets, sextuplets, octuplets, and I feel that a special extended leave should be afforded to mothers who find themselves in this rather glorious, rather wonderful, but rather challenging situation, but there is not a word about that. In my perusal of the Act I saw nothing about special consideration for multiple births.

Another concern I have; the maternity Act says nothing about paternity leave. I know for a fact that in the civil service and teaching service, four days paternity leave are allowed for fathers. I am going to quote from a Cabinet Minute, Personnel Department Circular No. 4 of 1997 and No. 4 of 2001 (Civil Service)-Cabinet Minute No. 1663 of June 30, 2005 (Teachers):

“PATERNITY LEAVE

With effect from January 01, 2001, (Civil Servants) on March 01, 2005 (Teachers), a male officer shall be eligible for paternity leave of four(4) working days, at or about the time of delivery, on each occasion that his spouse gives birth:”

Mr. Deputy Speaker, we have some sort of, I would not say legislation, but official regulation about paternity leave. I think this Act, should be amended to reflect this provision, because if we are amending this Act should we not be doing this in a rather holistic manner than in just this piecemeal way? Should we not look at a section for multiple births? Should we not be looking at a section for paternity leave? I shall refer to this as I go along in respect of what is happening in other developed countries. I heard the hon. Minister name several countries which provided a very impressive package of maternity leave, but I shall refer to this when I present my information.

Mr. Deputy Speaker, including fathers in this Bill or amending this Bill to include paternity leave or some sort of leave that includes fathers, would ensure that fathers share the responsibility of nurturing the newborn baby, that fathers are afforded the opportunity of spending quality time with their offspring, connecting with their offspring, bonding with their offspring and establishing a firm foundation which would assist fathers in developing a lasting relationship with their children. We have so many problems in Trinidad and Tobago with fathers who have not connected or do not connect with their children—of absentee fathers. Probably this might be a way to begin to solve this problem in part, and I

am sure, had the hon. Minister of National Security been here, he would have been nodding his head in agreement because I know how interested he is in developing strategies that would allow fathers to bond with their children.

We still have questions that are niggling. As the hon. Minister said, “Are the 14 weeks provided for a mother sufficient and are the four days provided for a father—though not in the Act—are those sufficient?” I charge that they are grossly insufficient. We have gender issues that arise in this regard since the responsibility of nurturing this newborn baby rests largely with the mother. Many First World countries, such as the United Kingdom, Canada, Germany, Norway, Denmark and Sweden, have enacted not maternity leave and paternity leave, but parental leave legislation that makes allowances for mothers as well as fathers, so there could be a sharing in the responsibility of nurturing the young baby.

Mr. Deputy Speaker, I should like to refer to a document entitled: *Parental Leave* from Wikipedia. The website is wikipedia.org/wiki/parental_leave. This document defines parental leave as:

“...an employee benefit that provides paid or unpaid time off work to care for a child or make arrangements for the child’s welfare. Often, the term parental leave includes maternity, paternity and adoption leave.”

And, again, there is an absence of any reference to adoption leave in this Act. I am hearing the hon. Member for Chaguanas West saying, “Adoption leave!”. Mr. Deputy Speaker, there are many people who adopt children, they cannot have children and they are happy to adopt children. They are members of our citizenry, people of the world, and we have to recognize this and respect them. And where is that leave? Because many of them adopt the child at birth from the mother—a newborn baby—and I think we need to respect that and include that in this Bill.

I have here in this document, reports from every single country in the world. I cannot read out all but I would just like to refer to a few. I would like to refer so that we could learn from our First World neighbours. We can learn what they have done with their legislation in this regard:

“In the UK, all female employees are entitled to 52 weeks of maternity (or adoption) leave...”—fifty-two weeks which are full pay with the first six weeks at 90 per cent of the salary, and the remainder at a fixed rate.

Some employers offer a more generous policy.

“Annual leave continues to accrue throughout the maternity leave period. A spouse or partner of the woman (including same-sex relationships) may

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request a two week paid (at a fixed rate) paternity leave. Both the mother and her partner can additionally request non-paid parental leave, which can be up to 4 weeks annually, with a current limit of 13 weeks.”

So apart from all of that they can still apply for non-paid leave up to four weeks annually, or with a current limit of 13 weeks.

Mr. Deputy Speaker, I would like to look at Denmark. Denmark allows for 52 weeks; 18 to be taken by the mother, two weeks by the father and the rest as they see fit to be shared by the mother and the father, and this leave is at full salary. *[Interruption]*

Dr. Moonilal: Very good. We recommend that.

Mrs. P. Mc Intosh: Two of the 52 weeks paid leave are reserved for the father. Germany—*[Interruption]*—Member, let them listen and learn so that we could have better legislation in this Parliament. Germany offers 14 weeks, like we are amending this legislation to do, but 100 per cent of the salary—at full pay—and there is an option of taking 12 to 14 weeks in addition, after, at 65 per cent of the salary.

Also, Norway; 56 weeks (13 months) at 80 per cent of the salary or 46 weeks at 100 per cent, at full salary, and 10 weeks of the 56/46, whatever he wishes to take, is paid leave reserved for the father. “If he does not take these 10 weeks they will be lost as they cannot be transferred to the mother;” they are non-transferable. This commits the father to assume his parental responsibility. I am reading out this, not that we have to, or could afford to go to this extent, but I am laying a case here—and I am seeing the hon. Minister is looking very intently—really for the extension of the 14 weeks for the mother and for the four days for the father.

I would like us to look at parental leave and see how we can arrange for mother and father to take care of the newborn so that they can share that responsibility, and they both can bond with the child. Probably, we might have a better society. Look at Russia! I spoke of multiple births. Even in Russia there are allowances for multiple births. If there are multiple births the mother can have 28 weeks with full pay, and if it is a normal birth the mother has 20 weeks with full pay.

I would just like to cite one more example, which really is in the forefront of this parental leave, and this is Sweden. Sweden makes allowances in their legislation for 69 weeks,—*[Interruption]*

Hon. Member: Wow.

Mrs. P. Mc Intosh:—40 of which are full pay, and it is shared between the father and the mother as they see fit. Somehow, I wish one day, through you, Mr. Deputy Speaker, hon. Minister, that we can extend that leave and make allowances really for fathers to be involved in the process. I see that we have Trinidad and Tobago here and we have to get it adjusted through you, Mr. Deputy Speaker, to the Minister because, of course, we are in the process of doing that today, but we have Trinidad and Tobago with 13 weeks like the rest of the Caribbean. I find this document very interesting and it tells the parental leave tale, I should say, of every single country in the world—very interesting document.

I should also like to refer, briefly, to a report; *Parental Leave Policies in 21 Countries* compiled by the Center for Economic and Policy Research. I got this website from www.cepr.net. This report assesses the generosity and gender equality issues. By generosity, they mean the amount of leave entitlement that is allowed and the amount of compensation that is allowed. So you find some countries are very high on the generosity aspect, and also very high on the gender equity aspect which we have been talking about, and some countries vice versa.

The document speaks to:

“...two key aspects of parental leave policies: the level of support provided to parents; and the degree to which leave policies promote an egalitarian distribution between mothers and fathers of the time devoted to child care.”

It also speaks to parental leave laws which can support new parents in two complementary ways: one, by offering job protected leave and, two, by offering financial support during that leave. This is what we read before that countries are doing, giving leave to support the parents and finances to help them to survive through that.

3.15 p.m.

Mr. Deputy Speaker, while Sweden was the most generous country as we saw, with their 69 weeks, 40 of which were full paid leave, at the bottom of the list were the USA and Australia, since both countries provide no guaranteed pay leave, and as a result were the least generous. But the case of the USA is very interesting, in that, while it is very poor on generosity, that is, with the amount of time given and the amount of money for that on the whole, because there is no legislation for paid parental leave, what it lacks in generosity, it makes up in gender generosity, since in a two-parent family there is leave of 24 months offered, to be shared between both mother and father.

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Having exposed us to the great advancement that has been made in respect of parental leave—and I rather like the words “parental leave” as opposed to “maternity or paternity leave”, the great advances that have been made internationally—in terms of assisting parents to accept responsibility and nurture and bond with their baby, I am hoping that somehow that would bring to bear eventually on the legislation in Trinidad and Tobago, so that it could become more equitable, more gender-equity friendly and more reasonable.

Mr. Deputy Speaker, I should like now to turn my attention to clause 4 of the Bill, the repeal of the Masters and Servants Ordinance. As the name implies, this piece of legislation utilizes language that is clearly indicative of the colonial, pre-Independence era, in the history of the nation; language which at that time was the commonplace and legal and administrative jargon. This piece of antiquated legislation does speak to fundamental rights, responsibilities and the reciprocities of the then masters and servants, under the jurisdiction of the magistrate, in what was then the colony of Trinidad and Tobago.

Mr. Deputy Speaker, I would just like to quote from section 2 of the Ordinance, about masters and servants:

“‘Employer’ includes any master, mistress, foreman, attorney, agent, manager, overseer, clerk, or other person engaged in the hiring, employing, or superintending the labour or service of any servant;

‘Servant’ means any mechanic, artisan, artificer, handicraftsman, agricultural or other labourer, any household or other domestic servant, any driver or conductor of a motor vehicle, and any person employed in a drogher or other vessel;”

The Minister had read this out actually. Having looked at what the Ordinance said about masters and servants, and having perused it for repeal before us this good evening, we are afforded a historical journey—I call it a historical journey—into the language, the politics, the socio-cultural, the socio-economic and legal realities of that colonial era.

I should like to look at how the Oxford Dictionary defines the words “masters” and “servants”. The Oxford defines master as a person having control, a controller, and servant, as the person who has undertaken, usually in return for a stipulated pay, to carry out the orders of an individual or corporate employer.

In this 21st Century, employees are no longer called the servants, a title that is belittling, disrespectful, offensive, even insulting, nor are employers referred to as masters or mistresses which connotes superiority and dominance. All in all, the

interpretation of master and servant is reprehensible and, as such, should be relegated to archaic nomenclature and ought not to be part of our modern day lexicon. These are titles of our colonial era, and if we are honest we would admit that we are very happy to be living in these days rather than in the colonial past.

Mr. Deputy Speaker, in addition, most of the legislation currently in our statutes would have incorporated and updated many sections to be found in this Ordinance. I would like to quote. I would like to look at the document from the Ministry of Labour and Small and Micro Enterprise Development. I would like to look at labour legislation passed between 1996 to present. As I said, a lot of the legislation in our current statutes would have incorporated and updated many of the sections in this Ordinance.

When I look at this document, I see we have the Act that we are seeking to amend, the Maternity Protection Act, which provides a minimum level of maternity leave benefits and protection for women; the Minimum Wages Order Act, 1998, which at that time was \$7. There were a number of amendments, I will not go through all, but we arrived at, in terms of minimum wages, the Minimum Wages Order 2003. At that time, the minimum wage was increased to \$8 per hour.

Then we had the Occupational Safety and Health Act, No. 1, 2004, and the Occupational Safety and Health (Amdt.) Act, No. 3 of 2006. This Act was proclaimed in February 2006, and repealed and replaced the Factories Ordinance, Chap. 30 No. 2. Then we had the Minimum Wages Order 2005. In 2005, the minimum wage was increased to \$9 per hour. Then we had the Miscellaneous Provisions Act, No. 3 of 2007, which sought to establish a minimum age for admission to employment of 16 years, in keeping with the provisions of the International Labour Organization (ILO) Convention No. 138, Minimum Age Convention, 1973.

In this same document it speaks to the legal, regulatory and policy framework of the Ministry of Labour and Small and Micro Enterprise Development. Again, we have the Industrial Relations Act; Occupational Safety and Health Act; Trade Unions Act; Trade Disputes and Protection of Property Act; Cipriani Labour College Act; Workmen's Compensation Act; Masters and Servants Ordinance, which is on our agenda today; the Truck Act; Employment Exchange Act; Recruiting of Workers Act; Foreign Labour Contract Act; Retrenchment and Severance Benefits Act; Labour Statistics Act; Workmen's Wages Act; Compensation for Injuries Act; Mines, Borings and Quarries Act; Friendly Societies Act; Building Societies Act; Co-operative Societies Act and the

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Maternity Protection Act. We have the whole list of occupational health and safety legislation—I am not going through it; it is too long—and the whole list of Minimum Wages Act and Orders.

Mr. Deputy Speaker, I see that the Ministry also posted a legislative agenda which speaks to the fact that labour legislation is in the process of being reviewed. The Minister said that they are taking a little while, but better late than never and they would like to go slow but sure. So I have to take that in stride. This agenda says that the Employment Injury and Disability Benefits Bill is intended to repeal and replace the Workmen's Compensation Act, Chap. 88:05. So we could expect to have that laid in this Parliament.

The Basic Conditions of Work (Minimum Wages) Bill will repeal and replace the Minimum Wages Act, Chap. 88:04, No. 35 of 1976. The Retrenchment and Severance Benefits Act No. 32 of 1985 is very interesting. I will allude to it as I go along. It is proposed to be repealed and replaced by the Termination of Employment Benefits Act. I would like to see that. Mr. Deputy Speaker, to the Minister through you, I would really like to see that Bill brought here, that would repeal and replace the Retrenchment and Severance Benefits Act. It will be the Termination of Employment Benefits Act. We have the Co-operative Societies Act, Chap. 81:03. It is proposed that this Act be repealed and replaced by the Co-operative Societies Bill. I look forward to debating these Bills in this august House.

The Ordinance however, as I see it, was a starting point in dealing with employer and employee relations relevant to the termination of contracts and summary dismissal. It does identify what is deemed to be good industrial relations practice in part, proper notice and warning before termination, the right to be heard and face the accuser and suspension as a tool before termination. This Ordinance became outdated as legislation developed, with the advent of constructive dismissal, where the employer tries to frustrate the worker from performing his or her duties.

Labour relations in Trinidad and Tobago are managed by the Judiciary, our labour laws and a collective bargaining process, failing which recourse could also be sought in the illustrious Industrial Court, which the country has added to its adjudicative houses and which was instituted through a vibrant, dynamic and active trade union movement. I am sure the hon. Minister could identify with what I am saying.

But let me be more specific about this Ordinance. Sections 5, 6, 10, 11 and 13 are a little long, but they all deal with termination and breach of contract, by

either the employer or employee, and have already been subsumed in the various Acts I mentioned before, as well as by common law and good industrial relations.

The sections dealing with the power of the magistracy are specifically defined in our Summary Courts Act, so we no longer need them in this Ordinance. The question of wages, which was dealt with in sections 14—16 of the Ordinance, falls under the jurisdiction of the Industrial Court, making this Ordinance redundant.

Mr. Deputy Speaker, thus, in the final analysis, every consideration mentioned within this antiquated Ordinance, in addition to many others not mentioned, included but not limited to paternity and maternity considerations, such as casual leave, gratuity, back pay, cost of living allowances, medical benefits, pension plans, job security, protection against age, gender, ethnicity or other discriminatory practices, which were all popular at that time, have been upgraded in our statutes, making this Ordinance redundant.

As we heard when I read parts of the legislative agenda for the Ministry of Labour and Small and Micro Enterprise Development, other pieces of legislation were continuously undergoing further upgrades and amendments where necessary, to the legislative process of this honourable House, this Parliament. Mr. Deputy Speaker, we really do not need this Ordinance.

I conclude that with the passage of time, as more appropriate legislation relevant to the current domestic reality was developed, the Masters and Servants Ordinance, which was made law way back in 1938, has become a superfluous, redundant piece of legislation and an anachronism in the 21st Century, and certainly ought to be justifiably repealed.

3.30 p.m.

I have no problem with that. As I have shown every section—[*Interruption*]

Mr. Deputy Speaker: Hon. Members, the speaking time of the hon. Member has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Miss M. McDonald*]

Question put and agreed to.

Mrs. P. Mc Intosh: Thank you, Mr. Deputy Speaker, and thank you hon. Members on this side. However, as I perused this Masters and Servants Ordinance [*Crosstalk*] I was rudely awakened from the past colonial days and jolted back to the current reality of labour relations in Trinidad and Tobago.

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The present trade union rumblings speak to a disquiet in the national community, and says that all is not well among the working class, despite all this robust Industrial Relations Act, Industrial Court, our several labour laws that we have just gone through, all of that, all our labour practices, why is there this disquiet amongst the working class? [*Crosstalk*]

Dr. Douglas: Why?

Mrs. P. Mc Intosh: I could not help but make an analogy between the masters and servants and what is currently taking place between this UNC-led Government and this country's workers. [*Crosstalk*]

Mr. Hypolite: No disturbance please.

Mrs. P. Mc Intosh: This led me to contemplate the 10 points of the Movement for Social Justice's ultimatum to this UNC-led coalition and I am left to wonder whether this Government would provide the MSJ with straight answers, [*Crosstalk*] rather than with the usual, political spin-doctoring and PR that has become part of its paradigm and characterizes its performance.

Mr. Deputy Speaker, I should like to refer to an article appearing in the *Sunday Guardian* newspaper dated March 11, 2012 and entitled "MSJ gives PP ultimatum". This is the article that I have here:

"The Movement for Social Justice, (MSJ) has given the People's Partnership Government a little more than two months—[*Interruption*]

Hon. Member: 36(1).

Mr. Deputy Speaker: Hon. Member, once you are going down a road which you can merge together with the Bill at hand, I will allow it, but if you are now opening a new debate, please, be careful. Let us stick to the Bill at hand.

Mrs. P. Mc Intosh: I thank you for your guidance, Mr. Deputy Speaker, and since what we are dealing with here, this entire debate this afternoon has been about labour and employee benefits, et cetera, this is exactly what I am dealing with here—labour and employee benefits, and I shall link from the Ordinance to this as I go along. [*Interruption*] [*Crosstalk*]

Mr. Mc Leod: But it is not, you are drifting far.

Dr. Douglas: You have gone far.

Mr. Hypolite: Wait and hear what she is saying. You all are not giving her an opportunity.

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Mrs. P. Mc Intosh: The MSJ ultimatum is about labour and benefits to workers—employee benefits—[*Crosstalk*] and this is also about labour and employee benefits, that is all we have been debating here. That is all of what I have been saying here. [*Crosstalk*]

“The Movement for Social Justice...has given the People’s Partnership Government a little more than two months to get its affairs in order or else the MSJ will consider its place in the coalition.”

Mr. Deputy Speaker: Hon. Member, this is a Maternity Protection Bill, it has nothing to do with the road that you are going down. Please, unless your continuing debate is about the Bill, I will not allow it. So continue, hon. Member.

Mrs. P. Mc Intosh: Thank you, Mr. Deputy Speaker, I take your guidance, I am relating it to the Masters and Servants Ordinance, not the Maternity Bill specifically, but to the Masters and Servants Ordinance. [*Crosstalk*] [*Interruption*]

Hon. Member: Show the connection.

Mrs. P. Mc Intosh: If I am given the opportunity, I will show the connection.

There is so much opposition coming from the Members from the other side, I wonder why. [*Crosstalk*] Because this is in the national arena now, and it is about labour, and it is about employees and the treatment of employees and their benefits, and if you can show me why I cannot speak of this, I shall be your obedient servant, and take my seat.

Hon. Member: That is right.

Mrs. P. Mc Intosh: Sometimes I wonder if we have not reverted to a colonial era with different masters.

Hon. Member: Masters and servants.

Mrs. P. Mc Intosh: With different masters. I have to wonder. I beg to ask. [*Crosstalk*]

Miss Mc Donald: Mr. Deputy Speaker, I have to rise on Standing Order 40(a), (b) and (c) and allow the Member to make her point.

Hon. Member: That is right.

Miss Mc Donald: Allow her and the Deputy Speaker will be the one to adjudicate on what the Member is saying. Allow her to speak. [*Crosstalk*]

Mr. Deputy Speaker: Hon. Members, on both sides, please allow the Member to speak in silence. Hon. Member, do continue. [*Desk thumping*]

Mrs. P. Mc Intosh: I shall not go into—I see it is affecting some people very, very grievously [*Crosstalk*] so I shall not identify all the 10 points, but I should really like to address, within the context of the Masters and Servants Ordinance which deals with labour relations, five of 10 ultimatum points of the MSJ as was presented to the public.

Hon. Member: 36(1)—relevance. [*Crosstalk*]

Mrs. P. Mc Intosh: Mr. Deputy Speaker, the first point I would like to address [*Crosstalk*] is the settlement of negotiations in a fair—[*Interruption*]

Miss Ramdial: Mr. Deputy Speaker, 36(1).

Mrs. P. Mc Intosh:—consistent with the free collective bargaining process, that same process that we were talking about.

Mr. Deputy Speaker: Continue. Let me hear what the Member is talking about.

Miss Mc Donald: Thank you. [*Desk thumping*]

Mrs. P. Mc Intosh: I spoke at length—[*Interruption*]

Miss Cox: They do not want to hear.

Mrs. P. Mc Intosh:—about free bargaining process—

Hon. Member: They do not like to be scrutinized at all.

Mrs. P. Mc Intosh:—when I was speaking about the repeal of the Masters and Servants Ordinance that that process was upgraded, and I spoke about the labour laws that were upgraded and consumed—

Mr. Mc Leod: What was up-graded?

Mrs. P. Mc Intosh: Labour laws, labour legislation, as from the days of the Ordinance. This very sentiment about settlement of negotiation and in a fair and equitable manner, consistent with free collective bargaining process, was expressed by Members on this side, but the Members on that side felt that all we were doing was creating mischief as usual, but I wonder what the great Uriah “Buzz” Butler would say of the current affairs in respect of trade union disputes in this country. [*Crosstalk*] Under the Masters and Servants Ordinance there was no collective bargaining process as such. It was a clear case of your word against

mine, a sort of adversarial dispute at best, with the magistrate being the arbiter and final adjudicator in these disputes. This Government seems to want to usurp the position of the colonial master and impose its will on the workers.

Hon. Member: What?

Mrs. P. Mc Intosh: The Government seems to be trying to frustrate the trade union movement by nullifying all the progress forged over the years in industrial relations, and reverting to the pre-Independence, colonial period of the Masters and Servants Ordinance.

We are repealing this Ordinance and we are saying that it is redundant, it is antiquated, and it is, but look at what we are doing. We are repealing it in letter but not in spirit, because the performance of this Government is certainly antiquated.

Hon. Member: Very good timing.

Mrs. P. Mc Intosh: The second point that I would like to talk about is a fair share of state resources to communities, and equitable distribution of jobs. Again, Members on this side have made that complaint or those allegations, over and over, and we have said that thousands of workers have unfairly lost their jobs.

We spoke about the untimely dismissals of URP and CEPEP workers, the callous and untimely termination of contract workers—because we spoke of contract workers in the Masters and Servants Ordinance, and I would like to refer to section 5, and the outright, unfair and constructive dismissal of employees in state enterprises—*[Interruption]*

Mr. Mc Leod: This is the height of ridiculousness.

Mrs. P. Mc Intosh: The Masters and Servants Ordinance, archaic as it now stands, did seek to provide some sort of modicum of fair play regarding the exchange of goods and services between master and servant, and while this UNC-dominated coalition is seeking to repeal this Ordinance on the grounds that it is irrelevant, archaic and disparaging, the governance of this Government is such that it makes this Ordinance look good.

Hon. Member: Work hard.

Mrs. P. Mc Intosh: I would also like to address the third point—governance process of constitutional reform and local government reform addressing state sector governance, cutting out all forms of discrimination, political victimization, corruption, nepotism and patronage.

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We have brought these points to this Parliament on several occasions, this is not our statement, this is a statement of one of the parties of this UNC-dominated coalition. Section 9(2) of the Masters and Servants Ordinance speaks to the wrongful use of a servant. Section 9(2) of the Masters and Servants Ordinance speaks to the wrongful use of a servant. I want to know how this is not relevant with this point, show me how it is not relevant. [*Desk thumping*] You see the MSJ has its ear to ground; it has its ear at the level of the people; it is expressing the feelings, the sentiments of the people.

I heard the Prime Minister speak of her sister so lovingly, and I am glad, I am very happy for her, that she loves her, she is lovely and beautiful. You know what, many of us on this side do have sisters—blood or otherwise—that we love dearly, and who are very beautiful, but they are not privileged to be enjoying the benefits, the emoluments, paid by the taxpayers that the Prime Minister’s sister is enjoying. Many of them have been put on the breadline, that is why I am speaking about this Masters and Servants Ordinance which speaks to the wrongful use of a servant. They have been put on the breadline and many of them are currently [*Crosstalk*] facing termination of their contracts. Some of them are victims of constructive dismissal, and they have to take this.

The act of dismissing officers, I would not say servants, employees, some of them perceived to be PNM sympathizers, and replacing them by, in many instances, UNC-cronies and party hacks, smacks of poor governance, and is not in the best interest of national development.

I heard the hon. Member, my dear friend, say—[*Interruption*]

Mr. Mc Leod: That was yesterday.

Mrs. P. Mc Intosh: No, today, I heard him say—[*Interruption*]

Mr. Mc Leod: “Dear friend” was yesterday.

Mrs. P. Mc Intosh: —his intention is to place workers at the centre of national development, and to ensure that workers’ rights are upheld [*Interruption*]

Mr. Mc Leod: We are not friends again. [*Laughter*]

Mrs. P. Mc Intosh: I want to know, how does he rationalize or reconcile these objectives of placing the workers at the centre of national development and ensuring that workers’ rights are upheld. How does he reconcile that with what is happening now, the loss of jobs, the victimizing of people, and the loss of contracts? How does he reconcile that with what is going on now?

The citizens of Trinidad and Tobago condemn outright this action on the part of this UNC-dominated coalition, and leaving many citizens in one fell swoop, without bread and butter, without anything, and they have families to feed.

3.45 p.m.

Mr. Deputy Speaker, there are many, many citizens, there are thousands of citizens who are suffering, and this Government needs to listen to the cries of the people. [*Interruption*]

We are talking about contracts—and the fourth point is getting rid of the odious systems of contract labour in the public service and state sector. Mr. Deputy Speaker, if people are employed they are employed on a month-to-month contract, or people who have been working on a three-month contract have now been put on a month-to-month contract. This is so unfair. It creates in an employee—not a servant, we cannot treat them like a servant, and they are doing that now by putting people on month-to-month contract. They do not know what is happening from one month to the other. They are living in a world of uncertainty; they cannot go for a bank loan; they cannot approach a bank because they do not have any security of job tenure, so they cannot approach a bank for any money. They cannot plan further than one month. They cannot plan at all; they just have to roll for a month and hope for the best.

Some of those who have been sent home have been rehired on a three-month basis to coach their replacements who are less qualified and incompetent, but because they are—[*Desk thumping*] [*Crosstalk*] how unfair, and we talk about the ill use of servants.

Mr. Cadiz: You know somebody like that?

Mrs. P. Mc Intosh: Yes, I know some people. I know people. Some people are terminated and I know them. I know them. People are terminated not even—that is why I say I want to go back to section 5 of the Masters and Servants Ordinance. No one can tell me that I am not relevant. No one! [*Laughter*]

Mr. Deputy Speaker, I would like to quote section 5:

“In the absence of any express agreement to the contrary, every contract for service for one month or more, or continuing from month to month, may be terminated at any time by mutual consent of the parties, or by either party after the expiration of the first month on giving fourteen days previous notice to the other party, or for any such good and sufficient cause as hereinafter provided.”

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We are saying that this is outdated, that these have been upgraded in our statutes, everything here, and we have now incorporated them in other legislation and we do not need this archaic document. Mr. Deputy Speaker, tell me why people are losing their jobs, when they go on holiday they get phone call saying, “Please do not return, your services are no longer needed”. I know of such people and I know of a good friend, highly qualified, but deemed to be a PNM affiliate and this person received an email—I have the email—“Do not return, your services are no longer required”. [*Interruption*]

For no reason; and there are many cases I know of going on here. These people have recourse to the Industrial Court, and those whom I know, I shall support them and I shall assist them in taking their cases there, because there is a lot of wrong. The Minister of Labour and Small and Micro Enterprise Development, you should address these things. That is why the MSJ is addressing it, because I am sure many of them have their friends and families suffering and they are feeling it for them. I know they are not making any mischief.

As a matter of fact, I have to express here, if you would allow me through you, Mr. Deputy Speaker, admiration for the current leader of the MSJ, because I have been following his progress over the years and I see in him a man who is struggling for the people. I rather think that it is his background, his very religious background that has instilled in him this urge to take up the cause of the people just like his father; in a different office, but the same thing. [*Interruption*] I compliment him for it and commend him for it, and I wish him the very best. He is doing God’s work and that is wonderful and to be commended, because we cannot be wanting to place workers at the centre of national development and fire them without cause. We cannot do that! [*Desk thumping*] This is a disgrace to the public service.

Looking at it from a different angle, job security is an important element in creating economic growth, because persons are more likely to invest and spend money if they have disposable income, if there is a certainty of a steady supply of income, they would be able to spend their money and help generate economic growth.

These are not fit conditions for work in the 21st Century, and this is what we are talking about. Repealing old antiquated Acts and upgrading our legislation in keeping with the environment of the 21st Century, but these are not fit conditions for work in the 21st Century. The Members on this side stand in solidarity with the MSJ in the call for the cessation of the unfair and disrespectful practices. The hon. Prime Minister should be mindful that those very people who have been

displaced, those very displaced employees, may, one day very well replace her and her entire Cabinet. [*Desk thumping*] This Government's inhumane treatment of citizens is as objectionable and reprehensible as the Masters and Servants Ordinance and should be repealed in like manner.

I would just like to touch very quickly on the last point, advancing the agenda of labour law reform, and through you, Mr. Deputy Speaker, I would address the hon. Minister, that it is very timely that this matter should be topical at this time that we are debating this issue. Here we are, amending and repealing legislation dealing with labour—no pun intended to the maternity Act—and dealing with employees and their terms of conditions. Those are the links I was making, we are here dealing with labour and employees and their terms of conditions.

Despite all this collective bargaining process, all the labour legislation enacted and the constant upgrade of labour laws, despite our vibrant Industrial Relations Act, despite recourse to the Judiciary and the Industrial Court, we have a real problem in respect of labour relations in this country. It is obvious! No sense we hide from it. It is obvious! [*Interruption*] I have to contend once more that the Government is stifling the labour movement and nullifying much of the progress that has been achieved in the field of labour, and creating an undesirable kind of labour environment that we are currently witnessing, an environment that may do more harm than good to an already uncertain economy.

It behooves the Government to cooperate with the trade union movement and the Opposition to piece together such legislative reforms as informed by the ILO and international best practice with a view to improving labour relations in Trinidad and Tobago. Indeed we have the potential, given our abundance of talent and experience, to establish ourselves as trendsetters in labour relations and become the benchmark by which other countries may measure their achievements.

Mr. Deputy Speaker, the PNM—all the time we on this side have been talking about these issues and all we hear from the other side is that we are creating mischief. The PNM, and now the MSJ, has found this Government guilty of changing the terms and conditions of employment as they feel, firing people as they want, inflicting unfair and unjust treatment upon its citizens, literally breaking, what should have been legally binding contracts and contractual agreements and making their own rules as they go along. This is not good enough! I should like to let this Prime Minister know that she is no mistress and her Ministers no masters of our people of Trinidad and Tobago—

Hon. Member: “Aye-ya-yaye!” [*Desk thumping*]

Mrs. P. Mc Intosh:—but rather, servants of the people of Trinidad and Tobago. [*Desk thumping*] The people will be the final arbiter and adjudicator. The governance of this UNC-dominated coalition is as retrograde and irrelevant to the needs of the citizenry of this country as the Masters and Servants Ordinance, and in like manner ought to be repealed.

I thank you.

The Minister of State in the Ministry of Works (Hon. Stacy Roopnarine): Thank you, Mr. Deputy Speaker, and I would try my best to speak on the Bill that is before us today in this honourable House. [*Interruption and laughter*]

I want to start by sharing a quotation by Elizabeth Cady Stanton, who is a social reformer and a woman leader, and she said:

“...That the women of this country ought to be enlightened in regard to the laws under which they live, that they may no longer publish their degradation by declaring themselves satisfied with their present position, nor their ignorance, by asserting that they have all the rights they want.”

It is in this context that I would like to frame my contribution today as we seek to empower women, not only by educating them, but also, by putting the necessary legislation in place. Today, as you know, the maternity leave is governed by the Maternity Protection Act, No. 4 of 1998, which binds both the private employers and the State. The purpose of this Act was to establish a minimum level of rights and benefits for women workers. Today we are seeking to amend this legislation to allow more maternity leave for mothers, which, essentially, will empower women who have careers.

The second part of this Bill, which the hon. Member for Pointe-a-Pierre spoke to, was clause 4 which seeks to repeal the Masters and Servants Ordinance, Chap. 22:05. I really want to remind this House of this clause, because we are repealing this part of the Ordinance, and the Member for Port of Spain North/St. Ann’s West, spoke a great deal about this, but I think she missed the fact that we are repealing this in clause 4 of the Bill.

Mrs. Mc Intosh: I know that! I know that; you did not listen to me.

Mr. Warner: We! “We”, being the operative word.

Hon. S. Roopnarine: Mr. Deputy Speaker, I want to start also by commending the hon. Minister and Member for Pointe-a-Pierre, for bringing this

piece of very significant legislation to this honourable House. As we have heard before, this is seeking to increase the maternity leave from 13 to 14 weeks.

This is in keeping with the international standards as recommended by the International Labour Organization, and you would have heard the hon. Minister quote section 183(c) of the Maternity Protection Convention 2000 of the ILO, Article 4, so I would not repeat that. It should be noted that this Convention was passed by the ILO since 2000, and therefore, Trinidad and Tobago is long overdue in adhering to these international standards. I would not go into the reasons as to why it is this long overdue, and I really thought the Member for Port of Spain North/St. Ann's West in her contribution would have sought to address that concern, because this is over 10 years overdue.

Hon. Member: Exactly! Exactly!

Hon. S. Roopnarine: Therefore, as we seek to amend this legislation today, we should be commended for doing what was not done in the last nine years of the previous regime. [*Desk thumping*]

Mr. Deputy Speaker, the ILO produced a report in 2010 by the International Labour Office in Geneva and the report was entitled *Maternity at work: A review of national legislation. Findings from the ILO Database of Conditions of Work and Employment Laws*.

4.00 p.m.

And this report, Mr. Deputy Speaker, stated that:

“Globally, 51 per cent, of countries provide a maternity leave period of at least 14 weeks, the standard established by Convention 183.”

The report further stated that:

“Among the 32 Latin America and Caribbean countries covered in this report, four countries (Belize, Brazil, Costa Rica and Panama) provide at least 14 weeks of leave while three countries go beyond...Three-fourths of countries in this region (72 per cent) provide 12—13 weeks of maternity leave, and an additional 6 per cent provide less than 12 weeks.”

So, Mr. Deputy Speaker, Trinidad and Tobago fell into the category of the 75 per cent of the Latin America and the Caribbean countries which provided between 12 and 13 weeks of maternity leave. And therefore we are seeking to bring Trinidad and Tobago up one level to join with the other Caribbean countries who adhere to these international standards by providing these 14 weeks of maternity leave.

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We know that raising a family, while it is a cherished goal for many of us working women, it is unfortunate that pregnancy is a vulnerable time for many working women and their families. And you know the Member for Port-of-Spain North/St. Ann's West spoke to that as well in her own experience. Expectant and nursing mothers require special protection to prevent harm to their families and their infant's health. Therefore, they need adequate time to give birth, to recover, and to nurse their children. But at the same time, Mr. Deputy Speaker, they require protection to ensure that they would not lose their job simply because of their obligation to their children.

This protection not only ensures that a woman has equal access to employment; it also ensures that there is continuation of often vital income which is necessary for the well-being of her entire family. Safeguarding the health of expectant and nursing mothers and protecting them from job discrimination is a precondition of achieving genuine equality of opportunity and treatment for men and women at work.

So let us look at some of the facts internationally in terms of our women in the workplace. We have seen that globalization has resulted in the creation of new employment opportunities for women. As a result there has been a steady increase in the participation of women in the labour market, globally. Right here in Trinidad and Tobago, we have experienced significant increases in female participation rates which have increased from approximately 46.6 per cent in 1999, to 51.1 per cent in 2009, compared to that of men which increased at a much slower rate.

Mr. Deputy Speaker, this increased participation in economic activity by women outside of the home means that they are now more than ever called upon to perform multiple functions, that of the worker, of the mother, of the caregiver, of the caretaker of the home. And therefore, with this increased participation of women in the workplace we have to be prepared to improve on our legislation that would allow women an easier transition into becoming more career-oriented without sacrificing family life.

Mr. Deputy Speaker, women today actually account for a large number of high paying jobs. We see that even in this House, politicians have significantly transformed. Today we stand at approximately 27 per cent of parliamentarians and that is an absolute achievement—[*Desk thumping*] in relation to many other countries. And I say that because in the Caribbean region the only country that has a higher percentage than Trinidad and Tobago is Guyana. So we are doing extremely well in terms of the participation of our women in high paying jobs. I

come from a previous incarnation which was also a very male dominated field. As an engineer I also saw a transformation in that industry where you have more women now becoming engineers.

Mr. Jeffery: Thanks to the PNM. [*Desk thumping*]

Ms. Ramdial: Come on, Member for La Brea.

Hon. S. Roopnarine: Women account for a high percentage of the high paying jobs, such as managerial positions, teachers and other professions. According to the United States Department of Labor, in 2010, and I quote:

“Women accounted for 51.5 percent of all workers in the high-paying management, professional, and other related occupations.”

This, Mr. Deputy Speaker, included jobs such as nurses, teachers, medical professionals, managers and others.

The US Department of Labor also estimates that:

“Women are projected to account for 51 percent of the increase in total labor force growth between 2008 and 2018.”

These are some statistics which show the growing participation of women in the workplace and the need for us to adjust our legislation to accommodate such.

Mr. Deputy Speaker, we also see that we have a growing participation of women and girls in our education system. Today, Trinidad and Tobago has a system where 60 per cent of persons coming out of tertiary level education facilities are girls and women. This means that we are having more educated women in society and by having more educated women in society it is expected that we have more women in the workplace. Therefore, gone are those days where the women would be only the caretaker. Women now stand as caretaker and career women. I am sure Members opposite would agree because they have many women in this honourable House—and caretakers.

Miss Cox: I am all of them.

Hon. S. Roopnarine: Trinidad and Tobago is indeed a very blessed country—[*Interruption*]

Mr. Samuel: Yes it is.

Hon. S. Roopnarine:—where we have our women having equal access to education.

Mr. Jeffery: Thanks to the PNM.

Hon. S. Roopnarine: Indeed our country was named the third in the Commonwealth to be born and raised a girl. And so if we are having all of these educated women and girls who would become gainfully employed, we need to ensure that we treat with them equally and afford them equal opportunity as our men.

As you know, International Women's Day was recently celebrated on March 08, 2012, and the hon. Prime Minister and Member for Siparia made a statement in this honourable House where she said that:

“...women hold up half the sky”.

That means that the equality of the treatment of our women is indeed necessary for not only the progression of our women but for the progression of our country.

Mr. Deputy Speaker, the Prime Minister in a statement on International Women's Day said that, and I quote:

“One of our main objectives is to deliver on our promise to shape public policy and implement practices which are gender sensitive. I have given my commitment to including a gender perspective in our macroeconomic policies and the formulation of public policies.”

This is exactly what we are seeking to do. Not only in this House today but we are also seeking to start work on a gender policy. Even in today's *Newsday*, page 15, there is a headline which says:

“Work starts on Gender Policy”.

That article says and I quote:

“...on Wednesday evening, St. Rose-Greaves, said ‘as a matter of urgency’ the Ministry is working on laws governing children and their protection, a youth policy, and a gender policy.”

The article goes on to say that:

“The high level expert team led by Gender Consultant in the Ministry, Dr. Rawwida Baksh, St. Rose-Greaves said, was working on a draft gender policy.”

This legislation today is not in isolation of affording women increased maternity leave but rather it forms part of a holistic plan in affording women equal

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opportunities as our men [*Desk thumping*] so that we stand side by side as our country progresses. And so you see, we are committed to developing our women.

On the subject of International Women's Day, you would also know that the theme for this year is "Empower Rural Women—End Hunger and Poverty."

This Government is committed to developing our women yes, but also our rural women. Because what has happened over the years, we have seen that in many areas which are considered rural in Trinidad and Tobago, there has been zero development over the last how many years. In some instances in my constituency in particular, it has been 40 years. [*Crosstalk*]

Mr. Samuel: Say thanks to PNM now, "nah".

Hon. S. Roopnarine: I am saying today that in developing and empowering our women we have to put basic infrastructure and basic systems in place, and that is exactly what this Government has sought to do. We have sought to improve our infrastructure so that women do not have to take their children to school by walking in all these potholes, if so to say. We have ensured that we have undertaken roads in rural areas where—there are roads in my constituency that for over 40 years were not paved. Mothers in Raju Trace would have to walk with their children to school and go into potholes—[*Interruption*]

Miss Mc Donald: Mr. Deputy Speaker, I really do appreciate—[*Interruption*]

Hon. S. Roopnarine: Is that a point of order?

Miss Mc Donald: No, Standing Order. I would just like her to make the points, pull them together. [*Crosstalk*]

Mr. Mc Leod: She is coming to it.

Miss Mc Donald: She is coming to it? Well, all right, I would wait. [*Crosstalk*]

Mr. Deputy Speaker: Hon. Member for Oropouche West, you are probably drifting a little, so let us tie in the debate together with the Bill and keep it tied. Continue, hon. Member.

Miss Mc Donald: Thank you, Mr. Deputy Speaker. [*Crosstalk*]

Hon. S. Roopnarine: Mr. Deputy Speaker, if hon. Members would listen to what I am saying, I am simply making the point that in celebrating this year's International Women's Day, the theme of which is "Empowering Rural Women"—[*Desk thumping*] I am saying that this Government is committed to that theme of

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empowering rural women. So this issue of maternity leave affects all of our women in Trinidad and Tobago including those from rural areas. We cannot feel that the issues and the challenges that rural women face are not more difficult than in some other areas. I am making the point so that Members opposite can understand what rural women in Trinidad and Tobago face. I am saying that because there has been neglect in this country in rural areas for over 40 years and this Government is seeking to rectify that. [*Desk thumping*]

Miss Ramdial: We would develop rural areas.

Hon. S. Roopnarine: And I also want to say, Mr. Deputy Speaker, that we do not need a “Ministry of Rural Development”, as proposed by the Leader of the Opposition, to know that you simply should not neglect people from rural areas.

Miss Cox: “What that have to do with maternity?”

Mr. McLeod: But what is this! [*Laughter*]

Hon. S. Roopnarine: I also want to say—you would get your chance to talk—that this Government is committed to delivering on our promises. As you would recall, prior to May 2010, this “Government” published a manifesto—People’s Partnership Manifesto which later was adopted as Government policy. In this manifesto we made certain promises and as you would see on page 43 of this manifesto it says that we would:

“Champion legislation with particular relevance to women’s needs including equal pay for equal work; equal opportunity in the workplace; and universal maternity benefits.”

I also refer to page 50 of this said manifesto, which says and I quote:

“Maternity and Paternity Protection

- The Maternity Protection Act, 1/2000 will be amended to provide for 14 weeks maternity leave—the international standard
- Provisions for paternity leave will be made.”

4.15 p.m.

So what we are seeking to do here is to also fulfil one of our commitments that we made to the population prior to 2010. That is the commitment of this Government. So we are not just all about talk and saying that we will do things, this legislation today seeks to do one of the things which we said we would do.

I also want to add that the Minister of Labour and Small and Micro Enterprise Development brought this very early to the Cabinet, and he must be commended for that, which shows that he is very much intent on treating with the labour issues which face our women in this country. This Government also indicated that we are a people-centric government. We believe in participatory decision-making, and I know that the Minister of Labour and Small and Micro Enterprise Development, and Member for Pointe-a-Pierre, has also had consultation on this and, therefore, we are bringing this here today after consulting with the population. That is our style of governance.

I want us to look now at the benefits of having maternity leave. We have established that there is a need for us to meet these international standards, but let us look at the benefits of having increased maternity leave. According to a report by the American Academy of Paediatrics entitled *Juggling Work and Breastfeeding: Effects of Maternity Leave and Occupational Characteristics*, authored by several persons, including Dr. Sylvia Guendelman, Dr. Lang Kosa, Michelle Pearl, Steve Graham, Julia Goodman, and others, it was determined, and I quote:

“A maternity leave of ≤ 6 weeks or 6 to 12 weeks after delivery was associated, respectively, with a fourfold and twofold higher odds of failure to establish breastfeeding and an increased probability of cessation after successful establishment, relative to women not returning to work, after adjusting for covariates.”

This shows that mothers who take less maternity leave are less likely to establish breastfeeding. So there is benefit to the women in our country in terms of establishing breastfeeding. That is only one of the benefits.

Let us also look at improved child health and maternal health as a result of having increased maternity leave. Studies have shown that the longer the maternity leave period, the better the health of both the child and the mother. I want to refer to a report by the Columbia University, Issue Brief, 2002, which states and I quote:

“Positive consequences for maternal and child health have been documented in several countries. Parental leave policies have shown favorable and possibly cost-effective impacts on pediatric health. Leaves provide parents with additional time to invest in their young children. More generous leave policies appear to reduce infant and young child mortality.”

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So you see, studies have shown that this increased maternity leave leads to decreased infant and child mortality rates.

And as you know, this country, in keeping with the United Nations Millennium Development Goals, whereby Goal 4 seeks to reduce child mortality rates, considers this to be a very significant development in our attempt to improve this legislation. Maternal health is also improved by having longer maternity leave, as this would allow working women more time to adjust to their role as a new mother and, of course, to reduce the stresses of becoming a mother, something that all women would be very grateful for.

There is also improved family life. As you know, and as the Member for Port of Spain North/St. Ann's West would have talked about, there are related stresses to motherhood. In fact, there are many women who would have undergone the pain of being a mother, managing a career and a family life. The time has come for special emphasis to be placed on balancing this work and family responsibility. While men tend to devote their energies to one production role, women have to adjust their lives to cope with both, and this dual role means that there are actually longer working periods for women.

Protecting the right of our women to maternity leave and maternity protection is also a step towards protecting and fostering the institution of the family, which seems to be under threat at this time in our country. We know that crime and criminal activity, domestic violence, are all causes for great concern, as well as violence against children. Ensuring that new and expectant mothers are comfortable concerning their maternity requirement will contribute to preserving family life and strengthening family relations which offer significant social and psychological benefits.

So we are saying that mothers are necessary in our society; they are necessary in the development of their children; they are necessary in the fight against crime and, therefore, we need to protect them. We need to protect their rights. There are many women in this House. The hon. Prime Minister is a mother and a grandmother, and she has accomplished quite a lot and set the bar for women in this country very high, being the first woman to lead a major political party; [*Desk thumping*] the first woman to be the Attorney General; the first woman to be the Prime Minister; the first woman to hold the Commonwealth Chair-in-Office, and many other firsts. I say this because women now have new standards. The bar has been raised, so as women, we are all very proud of her accomplishments and we all have someone to look up to in this country.

At the end of the day we need to ensure that we afford men and women equal opportunities in the workplace and, of course, we need to protect the rights of mothers who carry the tremendous task of holding the future of our nation's children in their hands. We must, therefore, protect the rights of our mothers and, by extension, our children.

It is to this end that we are here today bringing this long overdue legislation to this Parliament. As I said before, this is something that the ILO Convention passed since 2000 and I really want to commend the Minister of Labour and Small and Micro Enterprise Development for being proactive with this legislation. I know that he took it to the Cabinet in 2010, just a couple of months after we took office, and he has since held his consultations. The process has taken place and we are here today to move one step in the right direction.

All of us here in this House are either women or men who have mothers, sisters, wives, daughters, and so I think we are all in support of this legislation which will improve the length of maternity leave. I think we have seen that there will be benefit to the women of our country. And as I close, I want to say that I myself look forward to benefiting from this legislation in the future.

I thank you. [*Desk thumping*]

Miss Donna Cox (*Laventille East/Morvant*): Thank you very much, Mr. Deputy Speaker. I am happy to speak on this Bill to amend the Maternity Protection Act, Chap. 45:57 and to repeal the Masters and Servants Ordinance, Chap. 22, No. 5.

Maternity protection for women contributes to the health and well-being of mothers and their babies. Protecting maternity has been among the first concerns of the International Labour Organization, and it was during the first International Labour Conference in 1919 that the first Convention on Maternity Protection, Convention No. 3, was adopted, and this was followed by two others which progressively expanded the scope and entitlements of maternity protection at work.

The conclusions of the ILO Convention No. 98 in June 2009, acknowledged that maternity protection is key to gender equality at work. The amendment to this Maternity Protection Act, Chap. 45:57 seeks to increase maternity leave by one week, so expectant mothers will now be entitled to 14 weeks maternity leave instead of 13. This amendment refers to section 7(1) of the Maternity Protection Act, which states that, and I quote:

“...an employee is entitled to—

- (a) leave of absence for the purpose of maternity leave;

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- (b) pay while on maternity leave;
- (c) resume work after such leave on terms no less favourable than were enjoyed by her immediately prior to her leave.”

We have always said that we on this side will support any Bill that is in the interest of the people of Trinidad and Tobago, so we are happy to say this afternoon that we support this Bill. [*Desk thumping*] To the Minister of Labour and Small and Micro Enterprise Development, I would just like to say that during pregnancy and breastfeeding there may be risks at the workplace that could affect the health of the woman and the child, and we need to include provisions in our legislation to protect pregnant and nursing women from work-related risks. [*Desk thumping*]

There is need for legislation in the event that significant risks take place at the workplace. Employers must take measures to assist by either transferring a woman to other tasks or allowing her to take leave early once this risk is identified, because the right to continue breastfeeding upon return to work after maternity is very important, and there should be some legislation to allow breastfeeding breaks and access to appropriate hygienic facilities at the workplace. [*Desk thumping*]

The World Health Organization recommends exclusive breastfeeding of babies until the age of six months. So it is important to note that maternity leave expires before that six-month period and, therefore, provisions should be put in place in the workplace to enable women to continue breastfeeding when they return to work. So this is an area the Government should look at, because it is in the best health interest of the mother and the child.

Pregnancy and maternity leave should have no adverse effect on the women's employment or entitlement. As women, we recognize that one of the major obstacles facing women in the world today in achieving equality is the combining of family responsibilities with work. It is, indeed, tough on women to care for their children, their husbands and, of course, be a good employee. The reproductive role of women, however, must not work against them in their work and in their career.

We are here this afternoon talking about maternity leave. What role does the man play in all of this? The Member for Port of Spain North/St. Ann's West spoke about paternity. We just want to remind this House that the male is not just a sperm donor or just a father. It is, therefore, important that men are integrally involved in the process. Involving men in maternal care in India, for example,

resulted in more husbands accompanying their wives to antenatal clinics. In Uganda, educating fathers about safe childbirth discouraged unsafe home deliveries. So we cannot speak about maternity leave in a modern society and leave out paternity leave, because paternity leave provides an opportunity for fathers to nurture their infants and support the mothers—[*Desk thumping*—with the physical and emotional demands related to childbirth.

The duration of this leave varies in many countries, from as little as one day in Saudi Arabia, to three months in Iceland, and I understand in Trinidad and Tobago it is four days. I think that this, of course, should be revised. The paternity leave should be at least 14 days—[*Desk thumping*—because we agree that there must be bonding with father and child. I am, therefore, making that plea which is in the interest of the family unit, that at least the men in Trinidad and Tobago be given 14 days or two weeks paternity leave.

There is also a need for the Government to strengthen the provisions of day-to-day facilities in the workplace, starting with Government Ministries. There are many single mothers in Government Ministries throughout Trinidad and Tobago and the cost of day care is very expensive. So I would like the State to look at this, especially women with newborn babies and who are breastfeeding.

Mr. Deputy-Speaker: Hon. Members, this is a good time to suspend for tea. This House is now suspended until 5.15 p.m.

4.30 p.m.: *Sitting suspended.*

5.15 p.m.: *Sitting resumed.*

Miss D. Cox: Thank you, Mr. Speaker, I will continue from where I left off. I spoke about the need for paternity leave and there is a need for the Government to strengthen the provision of day care facilities in the workplace starting with Government Ministries. There are many single mothers in the Government Ministries and the cost of day care is very expensive. So, I would like the State to assist in this area with regard to mothers with newborn babies and who are breastfeeding.

I know that the Minister of Labour and Small and Micro Enterprise Development, would understand—I know it may not be achieved in the short term, but look at it in the medium and long term concerning arrangements for breastfeeding facilities and also day care facilities. Many public servants will welcome the fact that their babies and toddlers are nearby and that they are being well cared for. [*Desk thumping*]

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Women's responsibility for young children is a major determining factor in the age at which they enter politics. In Britain, there have been numerous cases of Westminster MPs who have accepted the incompatibility of political and family life and have resigned their seats as a consequence. Mr. Deputy Speaker, many challenges a female MP face are shared by all working mothers. The Member of Parliament challenges may be exacerbated within the political environment due to traditional practices and attitudes and inherited ideas regarding the typical or ideal politician. While many women's groups agitate for more women in Parliament, there are many female MPs who may decide against motherhood because they believe it may not be compatible with political life. There have been recent efforts in the UK to make Parliament more family friendly. For example, in 2009, a nursery was opened in the UK Parliament. And, I understand that day care facilities were recently added to Parliaments in Canada and Australia.

In Trinidad and Tobago, a pregnant female Member of Parliament faces many problems, such as no replacement and support base for MPs on maternity leave, no formal procedures of proxy voting and no nursery facilities. [*Desk thumping*] Therefore, there is a need for the House of Parliament—Minister of Labour and Small and Micro Enterprise Development is here also, he can put in a word—to consider maternity leave, paternity leave and caring arrangement for Members of Parliament. [*Desk thumping*] Changes in the age and gender profile of parliamentarians increase the need for formal policies to address the various needs of Members; more women would definitely consider a future in Parliament.

In an article published by the Caribbean Association of Feminist Research and Action (CAFRA), dated Wednesday, December 18, 2002, entitled, "We've come this far—NGOs to Trinidad and Tobago", it is stated that, and I quote:

"...The Maternity Protection Act...is discriminatory in that it does not provide for a minimum level of maternity leave benefits for women who are Members of Parliament...Paternity leave rights and benefits also remain unaddressed in the legislation..."

And, in an article written by *Joanna McKay*, entitled, "Having it all? Women MPs and Motherhood", in 2009, the present Prime Minister of the United Kingdom David Cameron stated that, and I quote:

"Future parliamentary reform should include better ways of enabling women to combine the role of politician and mother."

Are you aware that if a Member of Parliament who is not a Minister becomes pregnant there are no medical benefits for that Member of Parliament? So, if I become pregnant now, [*Desk thumping and laughter*] I know, I know, I know—

Hon. Member: “Ah goin for paternity leave.”

Miss D. Cox:—I would have to bear the full cost.

Mr. Sharma: “Once de chile eh resemble you.” [*Laughter*]

Miss McDonald: What, that is disrespectful.

Miss D. Cox: “Mr. Deputy Speaker, you hear them interfering with me here.” [*Laughter*] I will start again. If I become pregnant now, I would have to bear the full cost of my medical bills, and if there are any complications, that would be worse, I would then have to rely on the good nature of the Minister of Health for some assistance. So, it brings me to the fact that there are no medical benefits for a Member of Parliament, not only with regard to pregnancy, but in general, and this is something that is serious. We laugh about it, but it is very serious. There are no medical benefits for a Member of Parliament.

Miss McDonald: Exactly, there are no medical benefit for us.

Miss D. Cox: So, this is indeed the right time that the terms and conditions of Members of Parliament should be looked at. [*Desk thumping*]

Mr. Sharma: Agreed, agreed, agreed!

Miss D. Cox: Because, when an MP is sick, constitutionally he or she cannot be replaced while on sick leave. So, while that person is sick, the individual may still have to try his or her best to serve his constituency, because the fact is we have no personal assistant that could replace us at that time.

So, Mr. Deputy Speaker, with regard to maternity leave for an MP, no one can cover for that MP while on leave. The staff of the constituency office are to assist with constituency matters; there is need for an MP to have more human resource in the event that that MP becomes sick or is pregnant. A Minister has the support base of the staff at the Ministry, so that the Executive branch can continue to function, but what about the work of the legislative branch? When we the MP falls sick or becomes pregnant the work of the legislative branch suffers. I urge the Government to look into this matter because many of us have no insurance coverage for medical benefits.

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So, the amendment of this Maternity Protection Act, Chap. 45:57, must push us to look at other areas such as, medical benefits for a pregnant Member of Parliament who has none; a sick MP who has none, paternity leave for men; the facilitation of women's rights to breastfeed after the maternity leave period has ended; provision of day care facilities for public servants, private sector employees and Members of Parliament.

We support this Bill which is a step in the right direction with regard to the advancement of the rights, health and economic security [*Desk thumping*] of women and their families. And, one wonders whether political practice could be changed to make life easier for the modern politician who is increasingly likely to look like me, female, young and mother oriented. So, to a great extent, we know that this responsibility lies with the policymakers. So, we agree that the hand that rocks the cradle rules the world. Thank you. [*Desk thumping*]

Mrs. Joanne Thomas (*St. Ann's East*): Thank you, Mr. Deputy Speaker. I thank you for the opportunity to contribute to this Bill, being a woman and also a mother, I too, stand in agreement with the amendment to this Bill which gives focus to the mother and her newborn baby. I commend the hon. Minister for bringing forward this piece of legislation.

Most of us women in Parliament here, who are mothers, know full well that the first couple of weeks with the baby is the time when true bonding takes place. Any mother welcomes additional time that could be spent with the baby. I reviewed our current legislation and those of some other countries—and if you could just allow me to point out some pertinent information.

If we go just right across to our Caribbean neighbour, Barbados, the Employment of Women Maternity Leave Act is quite short, yet, very explicit and highlights the very pertinent issues. One particular area stands out very clear to me, it is listed as Item No. 3 under the section: maternity leave shall be for a period of not less than 12 weeks and may be so arranged that the employee is allowed a period of not more than six weeks as she desires before the expected date of confinement, a period of not less than six weeks after the date of confinement. No. 3, says that where an employee has been granted maternity leave and the date of delivery is later than the expected date stated on the certificate her maternity leave shall be extended to include the period that elapsed between those days.

I do not believe there is any accommodation in our current system for that, and situations like this occur all the time, where an employee's leave is based on

her expected date of delivery and in most cases sometimes the baby comes two weeks after, sometimes two weeks before. In that case, she does not lose any time, but in the case where the baby is late there is no accommodation for that elapsed time and less time is spent with the baby. [*Desk thumping*]

Of course, we have countries that go the extreme in accommodating the mother. One such country is Ireland, where the maternity benefit is for 26 weeks of which at least two weeks and not more than 16 weeks leave must be taken before the end of the week in which the baby is due.

5.30 p.m.

Mr. Deputy Speaker, the mother can also take a further 16 weeks of unpaid maternity leave. What is most prominent in this piece of legislation is that the areas affecting the maternity leave are clearly laid out. For example, there is a section with the heading “Duration of Maternity Benefit” and this section outlines the number of weeks. Then there is a section for premature birth; another section for stillbirths and miscarriages, and another section for the hospitalization of the baby. All these are real life circumstances and, it is spelt out for there is no room for doubt on the part of the employer as regards what is allowed and what is not allowed.

I looked at the United States, and unlike Ireland, there is not much accommodation to the mother under a maternity leave Act but it is incorporated under the FMLA or the Family Medical Leave Act. In the United States, the standard is 12 work weeks but diversity occurs throughout the various States. Just permit me to draw a comparison of the different States. The Texas maternity leave laws under the FMLA apply to employees who work for employers with 50 or more employees in 20 or more work weeks in the current or prior calendar year. This rule applies to employers in the public sector, private sector, schools and State local and federal agencies.

Mr. Deputy Speaker, the Texas maternity leave law entitles you to 12 work weeks of job-protected leave under any 12-month period. What is unique in this situation is that under the employee eligibility, the 12 months that an employee must have worked for an employer do not need to be consecutive. In fact, the 12 months can fall within a seven-year period, and this is unique to most maternity leave benefits. An employee may use family medical leave to take maternity leave in Texas, but it can also be used to take leave for other family-related situations, such as, leave for adoption of a new child or the placement of foster son or daughter.

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Lastly, I want to look at the State of California. It is stated that California maternity leave laws are regarded as some of the best laws within the United States because of the degree of protection they afford to working women and their spouses. The State's maternity laws are supplemented by federal laws. Under the California Pregnancy Disability Leave Law, a female employee who is disabled as a result of pregnancy, childbirth or related medical condition, can take up to four months. What must be noted is that during the employee's four-month absence, her position is required to be held.

Also, Mr. Deputy Speaker, apart from the California Pregnancy Disability Leave Law, which covers for protection of the four months, there is the California Family Rights Act. Once the employee satisfies the 12 months eligibility criteria, and the company satisfies the minimum 50 employees within a 75 mile radius, the employee is eligible to take up to 12 weeks off along with the pregnancy maternity leave. The rationale given by the CFRA is to help parent-baby bonding after birth.

I just looked in the regulations in the jurisdiction of Canada where the maternity benefits for working mothers and parents remain the responsibility of the federal Government. Canada's Employment Insurance gives paid maternity leave for 15 weeks. To receive maternity benefits, the woman is required to have worked 600 hours in the last 52 weeks. If her baby is hospitalized, then the 17-week limit can be extended for every week the child is in the hospital up to 52 weeks following the week of the child's birth. There is also a parental benefit. This is a benefit payable to the biological or adoptive parents while they are caring for a newborn or an adopted child, and they are allowed up to a maximum of 35 weeks.

Mr. Deputy Speaker, all these comparisons that I have highlighted however show that this move to increase our benefit to 14 weeks is still one that I am happy for and I feel comfortable in supporting. [*Desk thumping*] Mr. Deputy Speaker, again, I commend the hon. Minister for this enhancement to the Act, and I join with my colleagues in supporting this amendment. I thank you. [*Desk thumping*]

Mr. Fitzgerald Jeffrey (La Brea): Thank you very much, Mr. Deputy Speaker. We are debating the amendment to the Maternity Protection Act, Chap. 45:57 and the repealing of the Masters and Servants Ordinance, Chap. 22. No. 5. One of the things that face us squarely in the face is this whole idea of increasing the maternity leave from 13 weeks to 14 weeks. I ask the question: what is the rationale for increasing the maternity leave from 13 weeks to 14 weeks?

Mrs. Khan: You did not hear it?

Mr. F. Jeffrey: In that one week, what do we hope to see in terms of bringing the benefit? Mr. Deputy Speaker, I looked at the research and out of 181 countries, 72 countries had a maximum maternity leave of 12 weeks or under; 59 countries had in excess of 15 weeks, whereas 50 countries had either 13 weeks or 14 weeks. I am asking the question: if 14 weeks was the ideal? How come less than 50 per cent have ratified that 2000 ILO Convention?

I want to make reference to the question of the length of maternity leave as well as paid maternity leave in weeks.

In Trinidad and Tobago, the length of our maternity leave is 13, paid maternity leave is 13. In the mighty, powerful and rich United States of America, the length of their maternity leave is 12 weeks; paid maternity leave in weeks, zero; in the United Kingdom, 52 weeks, and we recognize that 90 per cent have six weeks and 20 weeks as fixed. Sweden, 68 days maternity leave and 16 months or 480 days, the paid leave; India, 12 weeks maternity leave with 135 days paid by the Central Government, and 90 days or 12 weeks by State Government; Sri Lanka, 12 weeks, both maternity and in terms of paid leave, and Argentina, 13 weeks maternity but 90 days paid;—[*Interruption*]

Miss Roopnarine: Somebody did not say that already?

Mr. Peters: Somebody said that already?

Mr. F. Jeffrey:—Saudi Arabia, 10 weeks maternity leave and 10 weeks paid leave. Mr. Deputy Speaker, I make this comparison for us to recognize that Trinidad and Tobago is not so bad after all when we make a comparison of what is happening.

Mr. Deputy Speaker, in looking at the leave situation, I want us to reflect a bit on the Member for Oropouche West. She was asking the question on the repealing of the Masters and Servants Ordinance—you know, trying to blame the PNM for not repealing the Act. I am asking—the NAR was there from 1986—1991, no repealing took place. The UNC was there—[*Interruption*]

Miss Roopnarine: I did not ask that. I said why they took so long to bring from 2000—are you willing to give way? [*Laughter*]

Mr. F. Jeffrey: No, no, “doh waste yuh time”; do not distract me at all. I am making the point that we all have to share responsibility in that regard. *[Interruption and crosstalk]* Mr. Deputy Speaker, I am asking for your protection, please.

Mr. Deputy Speaker: I will give you my protection. Hon. Members, do allow the hon. Member for La Brea to speak in silence. We had our opportunity at the floor, so do allow the Member to speak in silence, please. Continue, hon. Member.

Mr. F. Jeffrey: Mr. Deputy Speaker, the second issue that we have to raise is in terms of the contributions for the industrial stability of our country. It seems as though the People’s National Movement made no serious contribution—*[Interruption]*

Mr. Sharma: None whatsoever!

Mr. F. Jeffrey:—for the quality and quantity of our labour supply, and in terms of the industrial stability of our country. Well, let me put the record straight. It was the People’s National Movement Government that fuelled the expansion of the University of the West Indies to which many of us went. *[Desk thumping]* We created the University of Trinidad and Tobago. We developed John Donaldson and the San Fernando Technical Institute. *[Desk thumping]* We created the MuST programme. We created GATE—the Government Assistance for Tuition Expenses. We made the HELP programme possible. Mr. Deputy Speaker, when you are looking at education, the quality of our education, you have to stretch your hands out to the People’s National Movement for their contribution.

Mr. Deputy Speaker, in terms of the industrial climate, what made our country so attractive for foreign investment over the years? It was because of the policies of the People’s National Movement. *[Desk thumping]* We have a People’s Partnership Government in power—*[Interruption]*

Hon. Member: UNC-led.

Mr. F. Jeffrey:—UNC-led Government in power—how much foreign investment have you brought into this country in your two years of existence? Look at the—*[Interruption]*

Mr. Sharma: Would you give way?

Mr. F. Jeffrey: No, no. Look at the industrial unrest in this country at this point in time. Mr. Deputy Speaker, listen, the people of Trinidad and Tobago are

tired and restless of this Government. [*Desk thumping*] They are tired and restless of this Government. From north to south, from east to west, the people are tired.

Therefore, when we look at the amendment of the Maternity Protection Act, I want us to think carefully about this whole question about 14 weeks.

Mr. Sharma: “How much weeks do you want?”

Mr. F. Jeffrey: We are all, therefore, for the expansion. Yes, we recognize that our women need protection and need more time to spend with their children, but from 13 weeks to 14 weeks, we are not serious.

Mr. Sharma: What is your recommendation?

Mr. F. Jeffrey: Mr. Deputy Speaker, when we look at the examples that I read out a while ago, we see that a minimum of six months is ideal.

5.45 p.m.

“Whenever yuh could account de Canadian property, ah hope yuh have it in the Integrity Commission, eh. You go ahead. Go ahead and interfere with meh.”

Mr. Deputy Speaker, according to the UNICEF’s Baby friendly Hospital Initiative of Hong Kong, they recommended:

“Exclusive breastfeeding for six months is crucial for the health of mothers and infants everywhere. Governments are recommended to establish maternity protection so that the rights of working mothers, including the right to breastfeed, can be protected and upheld.”

The assistant professor Novella Ruffin of the Virginia State University informed us that:

“The first five years of life are a time of incredible growth and learning.”— and the importance of—“understanding the rapid changes in a child’s development...”

I want to go a step further to reinforce the need for us to expand on the number of weeks. I take another example from *Slate Magazine* of December 22, 2011 from an article written by Sharon Lerner, entitled “...Maternity Leave...” How much time off is healthiest for babies and mothers? How much time off is really necessary? She says:

“...four weeks after birth. Babies have not even cracked their first real smiles yet. Mothers are still physically recovering from birth, particularly if they

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have had C-sections. They are both probably getting up several times during the night to nurse. In fact, they have barely begun what is supposed to be a half a year of exclusive breast-feeding, according to the American Academy of Pediatrics.

Yet going back to work in such a short amount of time is not just tiring or unpleasant, new research demonstrates that it is bad for both women and children. We now have enough evidence to blame the short amounts of time mothers have with newborns for developmental delays, sickness, and even death.

Two studies, one published in the *Economic Journal* in 2005 and another—in 2000—“examined the results of the steady climb in paid leave in 16 European countries, starting 1969. By charting death rates against those historical changes, while controlling for health care spending, health insurance, and wealth,”—there was—“a 20 per cent dip in infant deaths to a 10-week extension in paid leave.”—not one week, in a 10-week extension...“The biggest drop was in deaths of babies between 2 and 12 months,...

One study tracked Norwegian children who were born after 1977, when that country increased its paid leave from zero to four months and its unpaid leave from three to 12 months, and found that the kids born after the change had lower high school dropout rates.”

We have a problem in this country with high school dropout rates. What the literature is telling us is the whole question of the amount of maternity leave. There seems to be a relationship between the two of them. That is something that the hon. Minister, I hope, would take into consideration.

The 2005 *Economic Journal* study of American women states:

“...American women who returned to work within 12 weeks showed that infants whose mothers went back even earlier were likely to have more behavioural problems and lower cognitive test scores at age 4.”

It is noteworthy:

“...that an increase from 12 to 15 months of paid leave—which Sweden made back in 1988—does not have a dramatic effect on kids.”

What I am saying is, moving from 13 weeks to 14 weeks, I am not too sure what we hope to achieve. I was looking for the hon. Minister to have given some guidelines along that line but we did not hear anything about it. We heard that the

ILO recommended 14 weeks. We are almost 50 years old and I do not think we are supposed to take figures just like that. We must see, for example, how applicable it is for our environment. We see what has happened in Europe. That is why, for example, in Europe we see they are giving so much time for mothers to take care of their young. I want to make that strong recommendation.

We have to appreciate that our pregnant mothers deserve protection. It is passing strange that last week, we debated the Children Bill and this week we are dealing with the maternity Bill. Those are two vulnerable sets of people. In the case of the pregnant mothers, they are physically weak, mentality trapped and psychologically weakened. They need the protection.

While I applaud the whole idea of increasing the maternity leave, maybe these 13 weeks to 14 weeks are just a baby step. We have a long way to go if we really and truly hope to achieve major benefits, in terms of maternity leave and a minimum of six months seems to be the recommended figure. I thought that, at this point in time what we would have done was to see, for example, in terms of the existing maternity leave, how much we could expand it. For example, those people who are casual and those people who work for less than one year; those are the people we should try to bring into that, rather than try to expand from 13 weeks to 14 weeks. I thank you.

The Minister of State in the Ministry of the People and Social Development (Hon. Dr. Lincoln Douglas): Mr. Deputy Speaker, I thank you for the opportunity, once again, to speak in this hallowed House on the Bill to amend the Maternity Protection Act, Chap. 45:57 and to repeal the Masters and Servants Ordinance. As has been mentioned by various Members of the House, this Bill seeks to do a number of things.

In the first instant, I want to speak, as my friend from Port of Spain North, usually would say: "I am speaking to the people out there who would have an investment in the implications of this Bill." First of all, the Bill is a very simple one and its major force is to increase maternity leave from 13 weeks to 14 weeks. As usual, I would like to point out the relevance of the Bill to the population of Trinidad and Tobago, to mothers in particular, pregnant women in general and subsequently to talk overall about the implications of this Bill for the way we live in Trinidad and Tobago.

The fact, this Bill does a number of things for us. First of all, it reminds us, once again, about the importance of children in Trinidad and Tobago. Secondly, it provides protection for women, particularly pregnant women; it provides

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protection for workers; it gives us a sense of value for who we are as Trinidadians and Tobagonians; and fifthly, it helps us to deal with vanquishing the ghost and the tentacles of the colonial past. I will speak a little more extemporaneously on each of these aspects.

First of all, the Bill is for the sole purpose to support women who are pregnant. An important part of the Bill is to note that women should get paid while they are on maternity leave. This might seem like standard knowledge, but I personally know of a number of institutions and businesses that would threaten persons who are pregnant; to fire them, to reduce their pay and to put them in a state of terror that they might not regain their jobs when the period is over. This Bill provides that kind of protection for women.

It says that they ought to resume work when the period or the leave time is over, and they should resume work at the level at which they left. It is not upon the employer to take advantage of workers or to feel that a woman on maternity leave is a threat to his job or his workplace. The law is telling us that we value the contribution and the labour of women in having children in that it is the bedrock of Trinidad and Tobago. It is the space and it gives us an opportunity to make new Trinidadians and Tobagonians. That has to be protected at all costs. It is basically the foundation of our society. Protection is provided for pregnant mothers and for women on maternity leave.

The Bill states even if the child dies during the time of pregnancy the—
[*Interruption*]

Mr. Imbert: This Bill?

Hon. Dr. L. Douglas: “Yeah, try and keep quiet nah, yuh might grow.” The Bill provides—I am talking about the original Bill which this one is updating.
[*Interruption*]

Hon. Member: The Act.

Hon. Dr. L. Douglas: It gives us the opportunity to provide support. Even if there are unforeseen circumstances and the child dies, the leave is still in place and still in force. Even if there is a subsequent sickness after the delivery of the child, they still have time to be on leave, at no threat to their job or to their employment.

There is time off to deal with pregnancy. Once a legitimate medical certificate is brought to the employer, right up until the birth of the child and the subsequent amount of time, they would have that. The intention is to affirm to Trinidad and

Tobago and to our citizens that this nation values the work of women during pregnancy and the birth of a child.

This Act gives them the right to return to work. It also allows them to be paid during the time in which they take the leave. Many employers that I have met, various times, would say: “Okay, you could get the leave. You can get back the job, but we eh paying yuh for de time that you are at home.” Such a thing must not happen in Trinidad and Tobago. We value this contribution and the State recognizes that this is a significant thing and so makes provision that there will not be any loss of income, because the loss of income is detrimental to the family life, detrimental to the mother and detrimental to the health and well-being of the child. To this extent, we find that the Act is intended to support, and so to this extent we find the Act is intended to support—even if the mother is still sick after delivery of the child, there is additional opportunity for leave.

6.00 p.m.

The point I am making here, Mr. Deputy Speaker, is, first of all, we are bringing this Bill to the Parliament and to the nation because we recognize that children are our future. As one song says: “Teach them well and let them lead the way,” and it is not only a song, it is the philosophy of this administration that we believe in the children.

Since the last few months that we have been in Government in this country, Mr. Deputy Speaker, many of the Bills we have brought—rightly speaking in the last week we brought the Children Bill, 2012, but most of the accomplishments of this administration have been in many ways to support the things that I am mentioning here to support family life, to support children, to protect workers, to demonstrate that we place value on the people of Trinidad and Tobago, and to reject the colonial nature of work that we have inherited, and that had been sustained over a period of time. When I speak about rejecting the colonial nature of work, I am talking particularly about the second part of Bill: “to repeal the Masters and Servants Ordinance, Chap. 22, No. 5.” That deals primarily with an antiquated piece of legislation which epitomizes the nature of colonialism, as it organizes people into masters and servants, as it organizes people into the haves and have nots, as it creates a sort of binary, hegemonic approach to the way we organize ourselves in Trinidad and Tobago.

The second part of the Bill: “to repeal the Masters and Servants Ordinance” is a demonstration that we intend to transform this culture and I will talk about that a little more. But I was saying previously that bringing the Bill itself demonstrates

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recognition of our commitment to children. As a matter of fact one of the earliest things brought to this Parliament was the establishment of the Children's Life Fund which guarantees that in Trinidad and Tobago no child will ever die for lack of financial resources; that was the commitment of our Prime Minister, the commitment of this Government, that children ought to be protected.

It is this administration which increased public servants wages by 5 per cent ending a long period of negotiation. The conclusion of negotiations with the PSA demonstrated our Government's commitment to the collective bargaining process and industrial relations harmony. In spite of all the "ol' talk" previously by the Member for Port of Spain North and the Member for Port of Spain North/St. Ann's West about this administration and our attitude, we are dealing head-on with the issues of labour in this country. Something that the previous administration refused to do—walking around locking up persons who protested; we have done no such thing.

It is this administration that is addressing and dealing with the labour issues, meeting with persons, with the various unions and negotiating and arriving at settlements. We have done that on an ongoing basis, and we continue in that vein to provide protection and support for workers. It is this administration which established the Ministry of the People and Social Development, and its primary objective is to deal with those very issues, to develop a People's Resolution Unit, that could protect persons and deal with issues which have been plaguing them for a long time.

Mr. Deputy Speaker, the recognition of children and the protection of women have been enshrined in the way our administration, the People's Partnership Government, thinks about what is going—as a matter of fact it was this administration which distributed laptops to children to assist in the development and their ability to function in this world.

We continue as we look at the seven pillars or the Pillars of Sustainable Development, which has to do with poverty eradication and social justice, which means preference for the poor and those disadvantaged; national and personal security; human security for peace and prosperity. These are some of the things that continue good governance and people participation. Those are only three of the pillars that we feel this Bill continues to advise us on, to suggest that this administration is moving in the right direction and that we are keeping true to our promises.

We have launched the National Youth Mentorship Programme, the programme that promotes volunteerism and mentorship to encourage young people to adopt positive values. It was launched by the distinguished international icon—you remember that, Mr. Deputy Speaker?—Gen. Colin Powell. The idea is to provide support for single mothers, parents, family, for those who are having problems raising their young people. We continue to bring protection to our people. It is the very Ministry that I am part of, the Ministry of the People and Social Development, which recently launched the temporary food card system, and this is to immediately address especially single mothers and especially those who are struggling to meet the demands for food.

In other words, we believe that nobody should have a child in this country and be hungry. Nobody should be raising children and not have food; that is unacceptable, Mr. Deputy Speaker. Through the Ministry of the People and Social Development and the Minister of the People and Social Development, we have launched this temporary food card. Why? Because any woman who is pregnant and is in need of food or supplement, can immediately access this service, and even if she had applied for food before, this would provide for a period of three months where she can find some kind of support over a period of time.

What is the goal here? The goal here is to provide support for those who are single mothers, pregnant; those who are raising children alone, having a difficult time making ends meet. The idea is that we support the foundation of our society, so that no one will fall by the wayside, no one will go to bed hungry or wake up hungry. We are seeking to address all those needs.

As a matter of fact, Mr. Deputy Speaker, the Domestic Help Grant—we have raised the Domestic Help Grant; part-time domestic help for three months to clients who are unable to perform normal household chores and are unable to afford the cost of domestic assistance—increased from \$1,600 to \$1,800 per month for a three-to six-month period, these are ways that this administration continues to demonstrate its recognition of children, its protection of women and its value for the family.

We have raised the Special Child Grant. If you have a child who is not doing too well, who is not growing too fast or has any particular physical or mental impediment, we do have a Special Child Grant here—[*Interruption*]

Mr. Peters: “Gih de next speaker. Anybody who is de next speaker gih dem dah grant.” [*Laughter*]

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Hon. Dr. L. Douglas:—for parents who are unable to financially provide for their special child. Mr. Deputy Speaker, we might talk about this, but there are many children—[*Interruption*]

Mr. Imbert: “Which clause yuh on?” [*Crosstalk*]

Hon. Member: “De Children Bill?”

Hon. Dr. L. Douglas: I am addressing them. I am talking about why this Bill is so critical. [*Interruption*] “Try and grow up nah.”

Mr. Imbert: [*Inaudible*]

Hon. Dr. L. Douglas: For parents who are unable to financially provide for their special child, the grant was recently reviewed and the Public Assistance Grant will be given. We are supporting parents who are having and raising children. I am demonstrating that this Bill provides and continues to provide protection. I am talking about the philosophical reason and rationale behind why we brought this Bill. This Bill was here, the need for the Bill existed for years, and the need for this Bill to bring this nation into compliance with international standards. It was here all the time, they did not do it. But apart from being brought up to international compliance, the Bill is here to meet the needs of our nation and I am talking about how—[*Interruption*]

Mr. Imbert: That is in this Bill? [*Laughing*]

Hon. Dr. L. Douglas: “Try and stay quiet nah.” Talk to the Member for Port of Spain North/St. Ann’s West. [*Laughing*] The School Supplies Grant disburses a sum of \$500 per child to a maximum of four children which can be accessed by parents whose children’s school books and other supplies had been destroyed by fire, flood or other national disasters—increased to \$1,000 when the child is in secondary school and to \$750 for primary school. The Education Grant has been increased from \$300—\$500. [*Crosstalk*]

Mr. Deputy Speaker, we have contributed significantly, I am talking about the development, the recognition, the philosophical reason behind the Bill that addresses children, that addresses the protection of women and the protection of workers. The second part of the Bill which deals with the “repeal of the Masters and Servants Ordinance,” I want to make a short point on that, and it has to do with the eliminating or addressing the colonial past. This is a thing that has been around since 19—what Member for Diego Martin North/East?

Mr. Imbert: Since 1938.

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Hon. Dr. L. Douglas: 1938! Come to the front of the class.

Miss McDonald: Standing Order 43(1)!

Mr. Imbert: I am way in front of you. [*Laughter*]

Hon. Dr. L. Douglas: “You so far behind, yuh think yuh in front.” [*Laughter*]
Since 1938—no one seemed to think that it was relevant, but today this Bill is brought and it addresses dealing with our colonial past. As you would know, Mr. Deputy Speaker, colonialism has to do with control of colonies by empires abroad. Whereas this seems—[*Crosstalk and interruption*]

Hon. Member: Move forward! Move on! Move on!

Hon. Dr. L. Douglas:—like ordinary knowledge, the tentacles of colonialism have left a debilitating impact upon our society. The belief in hero worship; the preoccupation with things abroad; the idea of dependency that is so entrenched in this society; the fact that people believe themselves to be servants; as Lord Acton, a great colonialist said: “The natives must not make a nail or a horseshoe, but they must be hewers of wood and drawers of water.”

Miss McDonald: How will it help someone on maternity leave?

6.15 p.m.

Hon. Dr. L. Douglas: I am dealing with the second part of the Bill that deals with the Masters and Servants Ordinance. We are addressing the tentacles of colonialism that are so entrenched in that regime in front of me. [*Crosstalk*] The Member for La Brea wanted to talk so much about this great education system. As an educator himself—

Miss McDonald: Mr. Deputy Speaker, I rise on 36(1). [*Desk thumping*]

Mr. Deputy Speaker: Hon. Member for Lopinot/Bon Air West, I want to see the link between what you are saying and the Bill. We have been very patient as well.

Hon. Dr. L. Douglas: Thank you, Mr. Deputy Speaker. I respect your guidance in this matter. I was talking about the repeal of the Masters and Servants Ordinance, Chap. 22:05. It is an Act that has been around since 1938, as the learned Member for Diego Martin North/East has said, and which represented, as so many have said before, the idea of how colonialism, masters and servants, et cetera, have wound their way.

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Obviously, the Opposition does not see the significance of this. Today, we repeal that and we demonstrate that we are going past colonialism; our people are no longer dependent. So I am honoured to support the Minister of Labour and Small and Micro Enterprise Development, the Member for Pointe-a-Pierre, as he brings the Bill to this Parliament and I thank you for the opportunity to participate in this debate.

Mr. Colm Imbert (*Diego Martin North/East*): Thank you, Mr. Deputy Speaker. It was not my intention to enter this debate; however, a little while ago I decided to take a close look at it and there are some things that are quite striking, which I would ask the Minister to take a look at.

Before I get into that, the contribution of the last speaker, the Member of Parliament for Lopinot/Bon Air West, was astonishing. One of the reasons why I say that is that we were treated to a discourse from the hon. Member with respect to existing provisions in the Maternity Protection Act. The hon. Member kept referring to the legislation as “the Bill before the House” and went into detail to talk about the provisions. [*Interruption*] Mr. Deputy Speaker—

Mr. Deputy Speaker: Hon. Member, please allow the Member to speak!

Mr. C. Imbert: The hon. Member for Lopinot/Bon Air West went into great detail with respect to the provisions in the Bill before the House and spoke about the right to resume work after maternity leave; about the rights of employees with respect to premature births; and employees who are pregnant and so on.

I took notes. The Member for Lopinot/Bon Air West told us that this fantastic piece of legislation, which is being piloted by the Government, is creating protection for women and children. He went on to talk about all these things: that it shows the commitment of the Government to children, mothers, and so on.

I am astonished because every single provision that the Member for Lopinot/Bon Air West spoke about is already in existing law. The right to resume work after maternity leave on terms no less favourable than were enjoyed by her immediately prior to leave is already in the Maternity Protection Act, enacted by the People’s National Movement Government. [*Desk thumping*] Everything he spoke about is a product of the PNM. [*Desk thumping*] Clause 7, clause 8, clause 9; every single piece of protection afforded to women and children that the hon. Member for Lopinot/Bon Air West spoke about and gave the misleading and politically dishonest impression that these were initiatives of the current administration, are all features of the maternity law enacted by successive People’s National Movement administrations. That is why I was astonished and I

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kept asking the Member for Lopinot/Bon Air West what Bill he was talking about. The Bill before the House that the Member for Lopinot/Bon Air West kept saying has all this protection for women and children—I heard that about 10 times.

The Bill before the House has four clauses. The first one is the title, so take that out. The last one repeals the Masters and Servants Ordinance, so take that out. The second clause speaks about the Bill being inconsistent with the Constitution, so take that out. *[Interruption]* One clause in this Bill deals effectively with the Maternity Protection Act and in that clause, all—Mr. Deputy Speaker, he is irritating and he needs remedial education. That one clause, changes the amount of maternity leave that mothers are entitled to from 13 weeks to 14 weeks. *[Interruption]* That is all—Mr. Deputy Speaker, listen. Come on! Mr. Deputy Speaker. He cannot help it.

Mr. Deputy Speaker: Please! Do allow the Member to speak in silence.

Mr. C. Imbert: Politicians have to be a little more thick-skinned than that. Just because I am exposing the mischief propagated in this Parliament by the hon. Member; exposing the fact that he has no idea what he is talking about and that all of the provisions to protect women were PNM initiatives, he does not have to get on so. *[Desk thumping]* Be quiet!

What this Bill is doing is increasing the quantum of maternity leave from 13 weeks to 14 weeks. That is it. The other thing it does is to repeal the Masters and Servants Ordinance.

PNM speakers before me have asked the question—and I really think the Minister should answer: why has the Minister come to the Parliament and increased the quantum of maternity leave for our working mothers from 13 to 14 weeks when, when you look all over the world you see so many variations in maternity leave and so many countries have far more generous provisions?

You can go through. There are different provisions all over the world, but what struck me is the United Kingdom. The United Kingdom is a developed country. We are a part of the Commonwealth. A lot of our law flows from English law—*[Interruption]*—Oh, be quiet!—and, in the United Kingdom, the working mother is given 39 weeks. It is quite a lot, eh. In fact, this document is telling me that it is due to go up to 52 weeks in 2010, that is one year. So, in United Kingdom, they give mothers one year.

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In many other countries, when you go throughout the world, [*Interruption*] you will see, little Grenada gives—Mr. Deputy Speaker this drone behind me. He is disturbing me, Mr. Deputy Speaker, please. I call for your protection.

Mr. Deputy Speaker: Hon. Member, you do not refer to Members in the House—

Hon. Members: His voice! His voice!

Mr. Deputy Speaker: Hon. Member, please allow—and your colleagues as well. I am hearing a buzz in the corner here, which is affecting me. He is affecting you; they are affecting me. Please allow the Member to speak in silence so that he can get through his contribution in speedy time.

Mr. C. Imbert: Thank you very much, Mr. Deputy Speaker, but this is the fourth time I have called on you. He is talking still. Listen to him! The drone I was speaking about; it is not that he is a drone. The voice is a drone, with the acoustics inside here.

Mr. Deputy Speaker, I am asking you, this highly irregular noise behind me is disturbing me.

In little Grenada—three months; in St. Lucia, three months—[*Looks around*] Why are you so irritating? I am speaking to the Minister of Labour and Small and Micro Enterprise Development. I had better ignore you. In little Grenada, three months; in St. Lucia, three months. There are some countries which have a little less than us: Barbados—I am just looking Caribbean now—Barbados has 12 weeks; Belize has 12 weeks; Jamaica has 12 weeks and so on. Perhaps the Minister can tell us, when you look all over the world, some countries have a year, but some of the countries in the Caribbean have three months. Sorry, three months would, in fact, be 12 weeks, so I am making a calculation error. Perhaps the Minister can explain to us why he went with 14 weeks. If you are saying it is simply an ILO recommendation, please tell us why you are not following the more progressive developed countries in the world.

The other question I want to put to the Minister is: there are many aspects of the Maternity Protection Act that need looking at. I would like the Minister to explain to us why he has not addressed section 9 of the Maternity Protection Act. Section 9(2) of the Act states as follows:

“(2) During the period of maternity leave, an employee is entitled to receive pay from her employer to an amount equivalent to one month’s leave with full pay and two months’ leave with half pay.”

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The Minister has taken two years reviewing this Act and all that the Minister has done is to increase maternity protection from 13 weeks to 14 weeks. There are many provisions in this legislation that need review. Why should a working mother be only entitled to half pay for the second and third months—*[Interruption]* You all are a coalition with a labour entity and one would expect that someone who has come out of the labour movement, like the Member for Pointe-a-Pierre, would look at a provision like this over a period of almost two years. He has had two years and he has not addressed this provision in the Maternity Protection Act.

Mr. Mc Leod: You may want to say how much time you had.

Mr. C. Imbert: That is all very well. You are in government now. It is your job to deal with the protection of women and the protection of children and workers' benefits.

Mr. Mc Leod: We will deal with OSH Act.

Mr. C. Imbert: In addition, section 18:

“(2) An employee’s right to pay for maternity leave under section 7(1)(b) is limited to one payment during each period of twenty-four months...”—once every two years.

Why have you not addressed that?

Mr. Mc Leod: I remind you of the OSH Act and the position you took.

Mr. C. Imbert: You can remind me of whatever you want. You are the Minister of Labour and Small and Micro Enterprise Development now. Will you tell the trade union movement that you took two years to review the Maternity Protection Act? You saw inside there that a working mother is only entitled to half pay for months two and three and you have done nothing about it? You saw inside there that an employee’s right to pay for maternity leave is only once in two years and you have done nothing about it; two years for these provisions and you have not spoken about it. You have not told us why you think it is necessary to go from 13 weeks to 14 weeks, and you have not touched those provisions.

6.30 p.m.

And I would really like the Minister to just tell us why. Tell us what is the reason for this, that you took almost two years to review a simple Act. This Maternity Protection Act only has 18 sections. You took two years, and you changed one clause. *[Desk thumping]* *[Crosstalk]*

Miss Roopnarine: [*Inaudible*]

Mr. C. Imbert: And you leave the—now, Mr. Deputy Speaker, the Government—“yuh” know the PNM went out of office in 2010. The Members opposite can continue in that vein you know, “you take eight years, you take nine years”. Let me tell you something: your five years will reach and what you will discover is that in those five years, you changed maternity leave from 13 weeks to 14 weeks and did not address anything else. [*Crosstalk*] So you go ahead with that looking backwards approach and see where that will get you. [*Crosstalk*]

So I would like the Minister to tell us, or at least if he does not want to tell me, tell working mothers and trade unions why he has not dealt with section 18 and section 9 of the Maternity Protection Act which, as far as I am concerned, are in need of significant review and overhaul. [*Desk thumping*]

Now, let me come to the Masters and Servants Ordinance—the Member for Lopinot/Bon Air West, again no understanding of what we are discussing here, no understanding. And what I would tell the Minister is I would like him—you are entitled, you have the majority you can do whatever you want—to take another look at that because I took a close look at the Masters and Servants Ordinance— [*Interruption*]

Mrs. Mc Intosh: Two masters.

Mr. C. Imbert:—“They does buy dat for \$100 yuh know.” [*Laughter*] Mr. Deputy Speaker, I am sorry. I am speaking to you and I would like to direct the— [*Interruption*]

Mr. Deputy Speaker: Member for Diego Martin North/East, if you would keep your debate to the Speaker, rather than report on what the Member behind you has said then we would not have this interruption all the time. [*Crosstalk*]

Mr. C. Imbert: Mr. Deputy Speaker, I will take your advice and the advice of the acting Leader of Government Business. I will not listen to the “drones”, I will speak to you. And, Member for Chaguanas East, this is the first time “I hear yuh say something good”. I would not listen to the “drones”.

Now I will ask the Member for Pointe a Pierre, the hon. Minister of Labour and Small and Micro Enterprises Development who has a distinguished trade union record—and I do not think anybody could take that away from him—to look at—it is a fact, and that is why I am a little disappointed in the fact that somebody as experienced— [*Crosstalk*—as the Member for Pointe-a-Pierre, did not tackle those outdated sections in the Maternity Protection Act. [*Crosstalk*]

Miss McDonald: Cantankerous!

Mr. McLeod: He is worse than cantankerous. [*Laughter*]

Mr. C. Imbert: Whatever that means. But if you look at section 4 of the Act that you are seeking to repeal, as far as I am concerned there are things in here which give very important protection to workers. Section 4 deals with the question of a contract and it speaks to a mechanism whereby somebody would be a witness to the fact that the contract of employment or contract for service, as they call it, was entered into by the parties voluntarily, and with a clear understanding of its meaning and effect. I think that is powerful protection under the law. That is section 4(1)

Section 4(2) goes on to give terms and conditions that must be contained in a contract of employment which include:

“Every such written contract shall specify, as accurately as may be—

- (a) the general nature of the employment in which the servant...”—well that is the offensive word— “is to be engaged;....

You can substitute “worker” or “employee” for that.

- “(b) when the work is to be performed by the time, the number of hours of labour and the period of the day during which such labour is to be performed;

- (c) when the remuneration or any part of it is to be made in kind, the nature and amount and quality of the articles to be supplied, the time when, and places at which such articles are to be delivered;

- (3) every such written contract shall expire at the close of the stipulated time of service without any notice on either side for that purpose.”

Now it would seem to me that this provides some protection for contract workers. You see, you are not replacing this with anything.

In your contribution—I was not in the Chamber but I was listening elsewhere—you did say that there are other laws that provide protection for workers: Industrial Relations Act, Summary Offences, et cetera, but I am not aware that we have any law in our books that gives these mandatory provisions with respect to the terms of a contract of employment. I am not aware that any such law exists. And by taking it out, you are really taking away something from workers, because I think it is important when contracts are in writing that they

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give as much protection as possible to workers. So that is why I am saying I would like you to just take a second look at this. [*Crosstalk*]

Mr. McLeod: That was carefully researched.

Mr. C. Imbert: It is okay, I am just making this point to you. I will just like you to take another look at this. Section 5 says:

“In the absence of any expressed agreement to the contrary every contract for service for one month or more... may be terminated at any time by mutual consent of the parties, or by either party after the expiration of the first month on giving fourteen days previous notice to the other party.”

Again, I would like the Minister to let us know in which law is this mandatory provision or mandatory term of a contract is contained, because I am not aware that this exists in any other law.

In terms of further protection for workers, section 10 of the Masters and Servants Ordinance gives workers a right which I do not think, again, is contained in any written law. And that is:

“If any employer shall terminate any contract entered into with any servant for service for a time uncertain, except with the consent of such servant...such employer shall forfeit and pay to the use of the servant a sum not exceeding fourteen days wages...”

So this is a situation where you have wrongful termination of a contract and a worker is guaranteed at least up to 14 days wages, but it is written in the law.

And section 11, similarly, refers to the same concept of giving workers protection if an employer wrongfully terminates their contract.

As you go along section 13 of this Ordinance gives a worker the right to terminate a contract for ill-usage, if they are being ill-treated and so on by the employer; it gives them the right to terminate the contract. Again it is written into the law.

If you go along again, all of the sections afterwards, all codify certain rights that contract workers are entitled to. When we go to the last part of the Ordinance it says nothing in this Ordinance shall affect any claim which a servant may have for compensation under the Compensation for Injuries Ordinance or the Workmen’s Compensation Ordinances,”—and this is the operative part—

“nor shall this Ordinance restrict in any manner the rights of any person under any other law.”

So the Ordinance makes it very, very clear that any rights that any worker may have under any other law are not taken away or adversely affected by the Ordinance.

Now if you go into the history of Masters and Servants Ordinances around the world, the original Masters and Servants Act from the United Kingdom of 1823 really had some terrible provisions in it, because it provided for imprisonment of workers if they misbehaved and so on. That original Masters and Servants Act in England of 1823 was really harsh and oppressive and created a lot of problems. In fact, it led to a lot of labour unrest because the question of imprisoning a worker simply because he did not fulfil the terms of his contract, was really an archaic and an oppressive concept. But our Masters and Servants Ordinance has no such thing in it.

When you look all around the world and you see why people objected to these types of Ordinances, the masters and servants law, it was really that particular provision, the question of imprisonment. Ours imprisons no one; there is no such provision. Although the Minister told me across the floor, *sotto voce*, that this was all carefully researched, I am advised by legal practitioners that there is no corresponding law in Trinidad and Tobago that captures all of the protection given to workers under this Masters and Servants Ordinance.

Now as I said, you have a majority you can go ahead and do what you want, but in my opinion it would have been far better to remove the offensive nomenclature, take out all of the archaic and, as I said, offensive terminology, but retain the sections that protect workers. When you take this away, what is going to happen now? When a worker makes a claim, as you very well know, as I said the Minister has a long distinguished career—[*Crosstalk*—as the Minister very well knows, because I am sure he has done this himself many times or has been part of it, when you have to make a claim in a court, whether it is a High Court, Magistrates' Court or Industrial Court you have to state the particulars of the claim, and you have to reference your claim against existing law.

So you have to state what is the applicable law and then you have to frame your claim in the context of applicable law. Now if you take away these things, what the worker has to do now is to go into common law, look at the law of tort and hire a lawyer now to establish exactly which law has been breached and then you have to frame a claim without the benefit of a written law. [*Interruption*] That is all right, I am talking about workers, I am not talking about you. I am talking about the worker now who no longer has the benefit of the Masters and Servants Ordinance and is making a claim against his or her employer—no longer has a

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written law to refer to, has to go now and frame a claim in negligence, in tort. He will have to hire a lawyer, and he will have to come up with a claim based on precedent rather than statute.

So that is what you are in fact doing, Minister; you are causing workers now to frame their claim in tort and as you will very well know, you have to now go and do a lot of legal research because tort is judge made law, that is not statute law. And you will have to do a lot of legal research in order to frame your claim. So all I am saying is I would ask you to take another look at this; you want to repeal it, Dat is yuh business, go ahead and repeal it.” But in my view there is certain protection afforded to workers in this Ordinance that if you are going to repeal it, I think those provisions need to be inserted in other pieces of legislation—[*Interruption*]

Mr. McLeod: Thank you.

Mr. C. Imbert: Oh hush!—or you need to come back with a specific piece of legislation that deals with the minimum terms and conditions, the mandatory terms and conditions of a contract of employment between workers and employers. Mr. Deputy Speaker, I thank you. [*Desk thumping*]

ADJOURNMENT

The Minister of Trade and Industry (Hon. Stephen Cadiz): Mr. Deputy Speaker, in accordance with Standing Order 11(1) I beg to move that this House do now adjourn to Friday, March 23, 2012 at 1.30 p.m., on which day Private Members’ business takes precedence. I will ask the Opposition Chief Whip to identify the matter for debate.

Miss McDonald: Mr. Deputy Speaker, I hereby give due notice to the Government that on Private Members’ Day, which is March 23, 2012, we will proceed with Motion No. 1 under Private Business.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.45 p.m.