

*Leave of Absence**Tuesday, July 22, 2008***SENATE***Tuesday, July 22, 2008*

The Senate met at 1.30 p.m.

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

Mr. President: Hon. Senators, I have granted leave of absence to Sen. Prof. Ramesh Deosaran for the period July 17—31, 2008.

SENATOR'S APPOINTMENT

Mr. President: Hon. Senators, I have received the following correspondence from His Excellency the President, Prof. George Maxwell Richards:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., PhD, President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: DR. ROLPH BALGOBIN

WHEREAS Senator Professor Ramesh Deosaran is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 40(2) (c) and section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ROLPH BALGOBIN, to be temporarily a member of the Senate, with immediate effect and continuing during the absence from Trinidad and Tobago of Senator Professor Ramesh Deosaran.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 17th day of July, 2008.”

OATH OF ALLEGIANCE

Dr. Rolph Balgobin took and subscribed the Oath of Allegiance as required by law.

BAIL (AMDT.) BILL

Bill to amend the Bail Act, Chap. 4:60, brought from the House of Representatives [*The Attorney General*]; read the first time.

PAPERS LAID

1. Audited financial statements of the Export-Import Bank of Trinidad and Tobago Limited for the year ended December 31, 2006. [*The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne)*]
2. Audited financial statements of the Sports Company of Trinidad and Tobago Limited for the years ended September 30, 2005 and September 30, 2006. [*Sen. The Hon. M. Browne*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Agricultural Society of Trinidad and Tobago for the period ended December 31, 1998. [*Sen. The Hon. M. Browne*]
4. Annual audited financial statements of Trinidad Nitrogen Company Limited for the financial year ended December 31, 2007. [*Sen. The Hon. M. Browne*]

Sen. Mark: Mr. President, I notice that we have on our desk the financial statement of the University of Trinidad and Tobago (UTT), but I do not see it recorded here. The only paper I have before me is the annual audited financial statements of the Trinidad Nitrogen Company Limited, so I am wondering when we are going to get the Sports Company of Trinidad and Tobago Limited and the others.

There is a report of the audited financial statements of the Sports Company of Trinidad and Tobago Limited. I do not see it, so I am wondering when I will get that report and why UTT is not on the paper because we do have it before us and it ought to be on the paper.

Mr. President: Sen. Mark, I am advised that the reports on the Agricultural Society of Trinidad and Tobago and the Trinidad Nitrogen Company Limited were circulated with the Order Paper, and that of UTT will be circulated but not laid.

Sen. The Hon. M. Browne: If I may, Mr. President, the University of Trinidad and Tobago (UTT) is not a state enterprise and, therefore, there is no

obligation on the part of the Government to disclose the financial statements, nor for it to lay as part of the papers to be laid on the table.

It is, however, a document of public interest and it is circulated given the comments that have been made by a number of people with regard to the audited financial statements, as a result of which we are circulating the paper for their scrutiny.

ORAL ANSWERS TO QUESTIONS

Official Residence (Details of Payments)

26. Sen. Wade Mark asked the hon. Minister of Finance:

- A. Could the Minister provide the Senate with the details of the final cost of the construction of the Prime Minister's residence and Diplomatic Centre?
- B. Could the Minister also provide the Senate with the details of payments of value added tax, income and corporation taxes, and all other corporate taxes by the Shanghai Construction Corporation of China during the period of construction of the said Prime Minister's residence and Diplomatic Centre?

The Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne): Mr. President, I must humbly apologize. I had given an indication last week that I would have had the answer for today. I am not in a position to do so and I give the undertaking that I shall have it for next week; it is not in the approved form.

Thank you.

Question, by leave, deferred.

Conduct of the Chief Justice (Legal Advice Offered on)

28. Sen. Wade Mark asked the hon. Prime Minister:

- A. Could the Prime Minister make available the official legal advice offered to him by Dr. Lloyd Barnett QC and Mr. Mark Strachan QC from Jamaica and the United Kingdom respectively on which his decision to have the President of the Republic establish a tribunal to investigate the conduct of the Chief Justice?

- B. Could the Prime Minister also provide the Senate with details of the legal costs and fees paid to both Dr. Lloyd Barnett QC and Mr. Mark Strachan QC for the said advice?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, the answer to question No. 28 is not now available and the Minister who has responsibility for that is not here. So the answer is now not available.

Question, by leave, deferred.

**Public Transport Service Corporation
(Status of Local Agents for Volvo Buses)**

46. Sen. Wade Mark asked the hon. Minister of Works and Transport:

- (a) With respect to the Volvo manufactured articulated buses owned by the Public Transport Service Corporation, could the hon. Minister of Works and Transport inform the Senate who are the local agents for these buses?
- (b) Could the Minister also inform the Senate whether those agents have a workshop and spare parts facility in Trinidad?
- (c) If the answer to (b) is in the affirmative, could the Minister state where this workshop and spare parts facility is located?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, this one is definitely not available and should be on the next occasion. I think I saw comments to that effect, so it should be available the next time we meet.

Question, by leave, deferred.

**EQUAL OPPORTUNITY LEGISLATION
(OPERATIONALIZATION OF)**

[Second Day]

Order read for resuming adjourned debate on question [June 23, 2008]:

Be it resolved that the Senate call on the Government to take immediate steps to have the Equal Opportunity Legislation fully effected, implemented and operationalized in the Republic of Trinidad and Tobago. [*Sen. W. Mark*]

Question again proposed.

Mr. President Following is a list of the persons who spoke: Sen. Wade Mark, who moved the Motion, Sen. Dana Seetahal SC, Sen. The Hon. Bridgid Annisette-George, Sen. Ryan Spicer, Sen. June Melville, and Sen. Mohammed Faisal Rahman.

Members who wish to speak may do so.

Sen. Basharat Ali: Mr. President, I wish to join this debate on the Motion before us, and let me say that I am speaking to the amended Motion which Sen. Mark lodged on the date of the last debate which was in May.

Mr. President, I had the honour to speak on the same Motion four years ago which was in April 2004 and I raised a number of points on that Motion at the time and some have been raised again by Sen. D. Seetahal SC. In fact, when she was finished on the last time we met on this, I said we seem to be on the same wavelength because she spoke on racial discrimination or racism; she spoke on the disabled and on the treatment of sex with respect to the exclusion of sexual orientation or preference in the interpretation of the Act.

Mr. President, I propose primarily to speak today on matters other than racial discrimination or racism because I think I addressed that to quite an extent in my contribution four years ago. I would like to add, on the question of racial discrimination/racism and our country as a whole, just a postscript to what I had said last year. In 2007 on the matter preceding November 05, I saw once again what I considered to be a very interesting fact. It was a bruising battle for power culminating in the results of November 05.

I say today as I said four years ago, I remain unconvinced that we are a rainbow country as was dubbed by Reverend Desmond Tutu. I looked at the composition of the House of Representatives because that is where we elect people to serve in Parliament—so I do not consider this House at all—and I looked primarily at the ethnic mix there, having looked at the battle that went on before November 05. What I saw when the battle lines were drawn, I believe, whether it was at Mid Centre Mall or Orange Grove Savannah, I saw the tribes who voted and the tribes were not that band that was launched two or three weeks ago; it was tribe divided on ethnic grounds.

As I had said four years ago and I repeat today, we are not a rainbow country, we are striving to get there but we are getting there very slowly. A rainbow, as I said then and I say it again today, is a fleeting moment. You have it now, and then you do not have it. So we look like a rainbow country in terms of how we treat with each other only on a fleeting basis, but when it comes to the crunch, like

when it comes to our vote, it comes out where we really stand on it, so it is a superficial kind of racial harmony that we have in this community.

As I said, I was looking at the composition of the elected House arising out of November 05, and I tried to separate them into different racial/ethnic origins and we had—for example I chose Indians and the Government has three Indians: the Member for Toco/Sangre Grande, who is a Hindu; the Member for Chaguanas East who is a Muslim married to an African like myself and the Member for Pointe-a-Pierre, a Christian.

1.45 p.m.

Then we have what I perceive as white Members and that is the Member for Port of Spain North/St. Ann's West and the Member for Diego Martin North/East. That is two; five of them are accounted for. I presume that the Member for St. Joseph is counted as Indian. He has a very Indian name representing the people of the Punjab; the people who always go out to battle. Anybody with the name ending in Singh is of that Indian origin. I was not too sure about the Member for Arouca North. I do not think it is called Arouca North again. I have seen the hon. Roger Joseph but I cannot decide his ethnicity. Maybe, he is part Indian and part something else.

Sen. Hadeed: Dougla.

Hon. Senator: Quintessential dougla.

Sen. B. Ali: Is he a dougla? Okay? I recognize two other douglas. If he is the third one I would put him in that category.

Mr. President: Senator, with the greatest respect, I think that that expression is a slang expression and does not have any place in this Senate. It would be better if you simply refer to persons of mixed descent as persons of mixed descent.

Sen. B. Ali: Mr. President, thank you for your guidance. There are three persons of mixed Indian and African origin, if I may say so. They are the Member for Point Fortin whom I know from a very long time; the Member for Lopinot/Bon Air who claims that he is the quintessential—I cannot use the word now. The Member did say that he is a quintessential dougla. I do not know whether I should not say it here after the advice of the hon. President. We have a balance of 17 persons who are Afro-based; 17 out of 26, you can work out the Maths.

On the opposite side we have one mixed with African and I do not know what the rest of his ethnicity is. That is the Member for Mayaro. We know him as Gypsy, a calypso singer and everything else; the Member for Chaguanas West

who is the football man and we know him very well. The balance on the Opposition side in the other House is 13 Indians and two non-Indians. Let us put it that way. The elected House does not represent in any way what we are in terms of our mix. We are supposed to be almost equal parts of Indian and African. That is over 80 per cent of the population. The other 20 per cent is all the others including the mixed ones and the small ones like the European-based and the Chinese-based.

I hope that one day we will arrive at the situation where all of us will have an equal place in this country and we would be able to say that we are benefiting equally, not because of anything else, but because of whoever is in power is serving all of us and not part of the country.

Today I wish to start with the subject of religious discrimination. I go back to my contribution on the Accreditation Council (Amdt.) Bill debate on July 01, when I brought to the attention of the Senate the matter of the University of the Southern Caribbean. I said that I saw something on their website which bothered me a lot. That is, they had certain requirements for professors—who are in no way connected with the ecclesiastical side—for subjects like Chemistry and Physics.

Let me say from the beginning that I have not had the benefit of what I hear often from the other side, a PNM education. My education in primary school was Presbyterian. I went to San Juan CM School and secondary school, Roman Catholic. I went to St. Mary's College and then British. I went to Manchester University. I cannot say that I have a PNM education. For most of the time that I was in school and university there was no PNM. As a person, I never had any indication of religious discrimination while attending the Presbyterian and Roman Catholic schools. Some people say otherwise, but I have never found so. I owe a great debt of gratitude to these religious schools. There was no religious compulsion as far as I can see. To me, in tuition, there was no religious discrimination.

Many times there are claims of discrimination by religious schools against students. I know for a fact that in many cases it has nothing to do with discrimination. It has to do with the student. If the student is not doing well he would say very often that he is being discriminated against. That is a good excuse and the parents pick it up and make it into a big matter. From my experience, I was a head boy in the sixth form of Science in my final year at St. Mary's College. If anything, I had preference from the religious fathers who were there. I think that the Minister in the Ministry of Finance came from that same school. I do not know what his faith is. I see him smiling and nodding his head in agreement. That is the kind of feeling that I have for that school, my alma mater. Of course, university is a different thing.

Getting back to the University of the Southern Caribbean, I acknowledge that they have set up an educational institution and something that they are good at doing just as they are good at running a hospital. When I went on that website, I was distressed by this comment that a requirement for an assistant professor in Organic Chemistry was that he should be committed to high Christian standards and ethics. Today, somebody asked me if that was a big “C” or a small “c”. I said that it was a big “C”. He was saying that with a small “c” it may mean something different. That is why I said on July 01, that that was blatant discrimination.

I wish to clarify a statement I made on that occasion with respect to government subvention. I said that I understood that a sum of \$90 million was given to or was to be given to the University of the Southern Caribbean in fiscal 2008. That was not an accurate statement. The facts are that in the budget statement of 2008, page 25, there is a statement that the Government was considering providing financing of approximately \$97 million “over the next four years”. In the 2008 estimates of recurrent expenditure, under the Ministry of Science, Technology and Tertiary Education, there is an allocation of \$30 million, under current transfers and subsidies. That is an approved item for spending. I say this today that what I said was not true so that it could be corrected and nobody would say that I made a falsehood in my contribution on July 01.

I believe that whether or not it was \$30 million or \$90 million, my question is a matter of the principle that our Government is giving money of one kind or the other to an institution that may be in breach of the Equal Opportunity Act.

I tried to find out what may be behind the advertisement that the University of the Southern Caribbean had put out. I went to the Act to see if there was anything there. There are certain matters relating to religious bodies in the Act. I went to section 25(c) of the Act. I am glad that the hon. Attorney General is here. Section 25(c) of the Act has a side bar “exemption for religious bodies”. I will not go to subsections (a) and (b), but subsection (c). It says:

“the employment of persons in any school, college or institution under the direction or control of such a body being employment of persons in a manner that conforms with the doctrines of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion.”

Subsections (a) and (b) refer to other positions within the church.

What intrigued me was going back on the website. I was writing a letter to the hon. Minister of Science, Technology and Tertiary Education and before I did so I went back to the website. One requirement had been changed. The requirement

for “commitment to high Christian standards and ethics” had been changed and it now reads, “committed to high spiritual, moral and ethical standards of the University of the Southern Caribbean.” I ask if this change has anything to do with the subsection I am quoting. We know moral and spiritual values were the basis by which one President gave a government to another party. I wonder whether the University of the Southern Caribbean may feel that they are protected by this and the action of that President by granting something because of moral and spiritual values which others may not have.

Someone may wish to test this by a complaint before the Equal Opportunity Commission. It would be an interesting matter because I know certain other religious organizations like the Sanatan Dharma Maha Sabha have come out against this kind of thing. In fact, they have broadened it. I am not getting into that debate about students because the University of the Southern Caribbean website does say that students of all religious persuasions are accepted. Whether there are any other things that might be perceived as religious discrimination when you are a student is not for me to deal with. I have dealt with what I can see and I feel that I should have brought to the notice of the Senate.

I move to another subject of sex. I see the hon. Minister is applauding me. The sex is not about the Joy of Sex or the Kama Sutra. Sex, that little definition in the Bill which says that

“sex does not include sexual preference or orientation,”

That is what I will like to address today.

Sen. Seetahal SC in her contribution did go to that and said that speaking on the status of sex which is what is addressed in the Act, explained that while sodomy is an offence under the law, sexual orientation is not. When I made my contribution four years ago to this similar motion, I expressed a view that the exclusion entrenches discrimination within the Act. I urged that the Act be amended soonest or as soon as a commission is appointed—because we were waiting for that to happen—they can proceed expeditiously to seek the amendment of the Act.

2.00 p.m.

I feel quite strongly that we are a secular nation and that everybody does not have the same view on such matters as sexual preference, but that nobody prevents you from having your own view. Nobody prevents any person of any faith from having his own view, but they should not push it down the throats of others who may think differently. Sen. Seetahal SC was saying that another form

of discrimination takes place that covers illnesses like HIV/AIDS. She was of the view that non-discrimination should also be extended to such illnesses.

Mr. President, in 2000, when the Bill was being debated in Parliament, in this same House, there was a very healthy debate on the question of sexual orientation and homosexuality and the then Sen. Diana Mahabir-Wyatt summarized her position, which was supported by Independent Senators, Prof. Kenneth Ramchand, Sen. Laila Valere, Prof. Julian Kenny; five of the nine Independent Senators who supported the removal of that clause or definition from the interpretation section.

I would like to read a short excerpt, which summarizes the position of many of us on this subject, from the contribution of the then Sen. Diana Mahabir-Wyatt. I feel that I am entitled to do so because this debate goes back to that. I am sticking to the debate. The debate is whether we should or should not have that in the law. That is part of the Act at the moment and can be challenged. It is not a long paragraph, but if you tell me not to read it, I will not. This is what she said:

“You may consider homosexuality a sin if that is your particular religious persuasion and we have freedom of religion in this country. You can consider it a social or physical disability if you are of that kind of persuasion. But to allow people to be discriminated against, on the basis of their orientation, disability, or sin, if you want, not on the basis of their acts, has to be contrary to the concept of the fundamental rights of a human being. This is not a Government, I think, which is contrary to human rights.”—This was a UNC Government—“It is not a provision about deeds or acts. It is not about stealing, it is not about taking drugs. It is a provision about built-in characteristics; like the colour of your skin or the shape of your eyes, which Sen. Prof. Kenny tells us is something genetic. Something genetic starts at the moment of conception or the genome projectiles have to do with your antecedents, as was referred to by Sen. Prof. Ramchand. If you have a genetic predisposition towards diabetes or you are diabetically oriented, it can be dangerous for you to act in a certain way by eating sugar, but you cannot discriminate against somebody because they are oriented towards diabetes or they have a preference for sugar.”

She herself thought it was a strange metaphor, but it is a parallel situation, which I think we may well pay attention to.

Having said that, I think we are in a different world today. So much is happening in our world. There are so many changes with respect to how we deal

with matters and sexuality is one such matter. Such things like cloning and genetic modification are all things we have to address. This is today's world; this is not the world of 50 years ago. We have to address them.

I know that other countries are all aiming to be of a certain status—developed country status—but those are the countries that are taking the lead. For example, in the United States, earlier this month, a US pregnant man gave birth to a baby girl. This is the ABC News. I have the facts here. It says:

"An American man who was born female but subsequently underwent gender reassignment has given birth to a girl..."

They gave the name of the person. He is legally male, but kept his female reproductive organs after having breast surgery to remove glands and flatten his chest.

I will not go into the details of what all this surgery means. I know there are quite young Senators here and there might be blushes among them if I go into the details of what it entailed to arrive at this stage where they can have gender reassignment.

Many people will say he is a freak. Whether he is or not, his obstetrician said he is totally healthy; he had a normal pregnancy and that the baby is totally healthy. This is from the ABC News of July 03. This was almost a US Independence Day baby; missed it by one day.

This is where the world is going and we come here and take exception to people's orientation and preference. You can even deny them employment if you feel that way; if you ask that question and they answer honestly. There are many people who are closet homosexuals, but in America they have the "don't-ask, don't-tell" law. You go into the army, they do not ask you and you do not tell them, but at some time or the other, they find out.

This is what we have today. I would say that we are a secular state. Every creed and race has an equal place. Everybody is free to practise his beliefs, but nobody should seek to impose his beliefs on the rest of us. That is why we still read of objections to the replacement of the Trinity Cross by the Order of the Republic of Trinidad and Tobago. Some people still seek to explain their objection by saying that the Trinity Cross represents the hills that Columbus, the discoverer first saw. I thought that the myth of Columbus the discoverer was ably handled by the Father of the Nation when he cancelled Discovery Day and put

into place Emancipation Day. So, instead of a holiday on the first Monday in the month of August, we have August 01, a holiday on which we celebrate the emancipation of 40 per cent of our people.

I am pleased to see that Parliament takes recognition of that. As I was coming in, I saw the rotunda being suitably decorated to show that. We were not discovered by Columbus. We were here before Columbus.

People still feel that we are a country that is not secular, but we have all these different races and we must be able to understand that they each must do things their own way. We have recently made strides in this. We have now an Inter-Religious Organization. In this august Parliament, whenever there is a new session, it is started by prayers from about five different religious persuasions and that is what we should be doing. We must also not only have that, but practise what we preach; accept our brothers and sisters as our brothers and sisters whatever their race, ethnic origin or religion.

Mr. President, still on the business of gender affairs, I started to think last night about the score on the national gender policy three plus years ago. I wondered what had happened to that policy, which I am sure the then Minister of Community Development, Culture and Gender Affairs spoke about on many occasions. I go back to the budget statement of 2005/2006. This was on September 28, 2005. This is what was read out on gender affairs in our Parliament:

“The Government recognizes the need to develop a gender policy. The draft Gender Policy Document currently being circulated was not issued by the Government and does not reflect Government policy. In fact, there are certain recommendations in the document to which the Government does not and will not subscribe. The Government is therefore requesting that the document which purports to be official Government policy be withdrawn from circulation.”

Mr. President, I see this as the same situation as we have now where we have an unauthored policy with the name "Government" in it. We are just trying to get that working paper, which has no author, and here it is from 2005. I remember doing work from this and applauding the then Minister for what was in that. I do not know who took the position that the Government does not and will not subscribe to this. Since they withdrew it, then there must be something on gender policy. There should be some equality. That is one of the fundamentals—gender equality.

I think that the objection may be the question of the right to choose as against the right to life, but that is a different debate. That is not for the religious people to pour down anybody's throat. That is for the country and for the legal people to say what is acceptable. It is a difficult issue to handle truly, but right now many women, primarily women, are gender diminished; not men so much. [Interruption] I hope I am bringing some light into this Senate, Mr. President.

I wonder whether someone would be willing to make a statement on where we are in terms of gender policy. Having withdrawn it almost three years ago, nothing has happened and we are still aiming to be a developed country and we know what the position in many of these countries is.

I go now to another subject that relates to the question of disability rights. At that time, the government's policy on persons with disabilities was out for comment. Page 1 of the background paper said:

“Several of the measures highlighted in the policy are both capital intensive and long-term in nature and will require funding on a large scale.”

2.15 p.m.

Then I suggested we use the windfall from high crude oil prices to phase in capital projects to alleviate the loss of these citizens. At that time, my dear friend the Minister would know that West Texas Intermediate crude oil had gone to US \$37 per barrel, compared to the budget figure then of US \$25. Today the WTI is US \$130. It has been hovering between US \$120 to US \$130 for the past two months. Why are we waiting? One can sing that song. I used to sing it at the university: Why are we waiting? We have the money and we get ourselves in the position where we are challenged at all levels.

Mr. President, there is a document posted on the website of the Ministry of Social Development. This seems to be a finalized one on policies on persons with disabilities. That website quotes, among policy objectives, to eliminate marginalization and discrimination of persons with disabilities, that is one of the objectives, and to provide opportunities for a better quality of life for persons with disabilities. These are the immediate things outside the planning, et cetera.

Under the general principles it says that the Government is committed to certain principles. Among these principles are:

- “ensuring the creation of an accessible physical and built environment for persons with disabilities;

- “equalization of employment opportunities—that is an important one—; and
- “facilitating the involvement of persons with disabilities in community activities such as sporting, recreational and artistic activities.”

With respect to the physical and built environment, in July last year, Mr. George Daniel, then President of Trinidad and Tobago Chapter of Disabled Persons International and currently the Deputy Chairperson for Human Rights, Trinidad and Tobago Chapter of the DPI, North America and Caribbean, won an historic constitutional motion against the State for denying disabled people access to the Hall of Justice. The court also made a mandatory order, directing the State to immediately take all necessary steps and measures necessary to provide access to disabled persons to the Hall of Justice. How embarrassing that is for the State, the Hall of Justice had not been readily available to disabled people.

Sen. Seetahal SC raised this same matter in her contribution. She was speaking of all the steps that have to be climbed in order to access justice in the Hall of Justice. I wonder if anyone on the Government side can shed any light on where this matter has reached. How far have we reached in implementing the necessary steps and measures to provide access to disabled persons to the Hall of Justice? Where have we reached; can anybody say? I am willing to sit down, if somebody can answer this question for me today.

I am always distressed by the fact that access to public buildings and easy passage on our pavements present a major challenge to persons with disability. I am always distressed by the effort that blind people have to exert to negotiate the ups and downs of pavements and roads within our capital city. One gets a distinct feeling that Government’s efforts, with respect to the built environment, concern tall buildings and there is little attention to what is happening at the ground level. I do not know whether we are required to only watch up in the air. It is something that able-bodied people have problems with. It has its origin in other matters. Pavements have made it difficult.

Sometimes you have to make a big jump to get from road to pavement. I experienced that when I went to do my duty; to pay my land and building taxes. I did it myself and I know how others who are less able would feel. They probably do not pay their bills as a result and they would have a good excuse for not doing so.

With respect to housing for the disabled, yesterday’s *Newsday* highlighted the plight of Kelvin Baptiste, a pensioner with double disability. He was visually impaired and had lost one leg by amputation. This article says:

“Blind amputee begs HDC

Ground floor apartment, please”

This is what I picked out in yesterday’s newspaper. Perhaps, the Minister with responsibility for housing in the Senate and for the HDC can shed some light on this specific case, especially since the HDC seems to have been incommunicado, according to the article.

One of the measures suggested in the policy document is the allocation—the same policy on disabled persons—of a proportion of specially adapted housing units for persons with disabilities in new housing development. Is there any move in this direction? Once again, I address it to the hon. Minister with the responsibility for housing. Is there something within the policy? This policy is now a number of years old; 2005 I think is the date of the policy on disabilities within the social development sector. Once again, I do not know whether there are answers, but it is worrying that we have so many housing development areas and this person can say this; whether there is any retort to what is here, I do not know. It struck me. I was in the process of writing this when I saw this newspaper.

Mr. President, I would briefly like to speak about recreation, culture and sports for the disabled. This is a very fertile area for participation of disabled persons in community life. In the field of music particularly, there are many disabled people who have reached very far. We have them even in our own country.

Three weeks ago I attended a funeral service in St. Patrick’s Church in Newtown, where the organist, Mr. Maurice Connor, accompanied the church choir. Some of the young Senators here may remember Maurice Connor, a blind pianist who was on “12 and Under” with Hazel Ward every Sunday or Saturday. He is still there performing. I was very pleased to see him that day, sitting at the little organ and playing with the choir. We do have people here who have gotten the opportunity.

I remember as a young boy going to college walking up Frederick Street and there was a chap called Joe Purdy who walked up the street with his stick. I think he taught music somewhere; I do not know. In the international field, people who get the break really do fantastic things. In the classical field particularly, there are many superstars who are disabled. One of them is Isthak Perlman. He speaks of being disabled and of disabled people. He is a brilliant violinist and he plays the most wonderful music with that fiddle. That fiddle, of course, is a few million dollars. It is not an ordinary fiddle; it is a Stradivarius. He has set up his own

foundation, having started with polio. He was born in Israel with polio, so he cannot walk. He goes on the stage with crutches and everything else. He has set up his own foundation and he gives his resources.

Mr. President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. S. Ramhkelawan*]

Mr. President: Hon. Senators, let me tell you that the lights blinking; apparently we are experiencing a little bit of voltage fluctuation coming into the building from T&TEC. The staff of the Parliament is in touch with T&TEC. I have asked them to rectify the issue. What is happening is that the high-powered appliances, including the lights, tend to trip off as the voltage drops a little bit, but it comes back on its own. Despite that, I think we can continue.

Sen. B. Ali: I am not too far from the end of my contribution. I would like to address the subject of sport. I know that we have been making some strides with respect to the disabled in this field. I know we had a team who went to the Paralympics. That is a good thing, where people get exposed. Despite their disabilities, they can take part in these.

At the international level, we have a number of people who would be appearing in the Olympics coming up. There is the case of one person who is a double amputee. That is a very special case because, in the first instance the IAAF, the world organization for athletics, said he did not qualify because they thought he would have an advantage. Having lost two legs and having synthetic legs, they said he would have an advantage over able-bodied persons. He, under their rules, could not compete. He won his case to go to the International Olympics Committee to join in the bid to represent his country, South Africa. He is a 400-metre sprinter. His name is Oscar Pistorius, a double amputee with synthetic legs. He was given the okay to go ahead and compete for his place. Unfortunately, he failed to get on the South African team because he was a few seconds short of the requirement for running for South Africa. In their squad there is also a woman swimmer who has one leg. She had been like that for seven years. These are people who should be role models for all of us.

Outside of sports and recreation, I remember a young lady, Vera Baggan, who has done so wonderfully well despite her disabilities. I believe she is in Cave Hill, Barbados pursuing her studies there with, I believe, quite a bit of help from the Government. I applaud the Government for giving this young lady that kind of opportunity. She has a brain and they have really given her that push.

Those are areas, sports, music and arts of all kind, where disabled who are given the opportunity can really excel. We need to nurture them so that they are given the incentives to make the best of their talents.

We do have a long way to go in the process of equalization of opportunities for the disabled as a rule. The United Nations for Disabled has a definition for it. We have a long way to go in that process. We have to be committed and show our commitment to such citizens by not only providing them with money, but also by providing them with other matters; the development matters and not only throwing money at them and saying: "That is how it is going to go."

A final note that I have relates to the question of implementation of the Equal Opportunity Act. I believe we are on the right path, after the Privy Council judgment has taken some time. We do have in place an Equal Opportunity Commission. They have met a few times.

2.30 p.m.

I believe the chairman of the commission has said that he has about 10 complaints already in his hand. Unfortunately, it is the accommodation which is behindhand. I thought they had a place in Winsure Building but, apparently, they have access to a conference room so that they can hold their meetings.

I know the Attorney General has mentioned that there is a building earmarked for them in Chaguanas, but that seems a little way off—I think they said in September, which one knows you can get slippage on these matters. So, perhaps, they may be able to get some temporary accommodation where they can do just more than just have meetings among themselves, but start to get down to the business while awaiting the appointment of the Judge of the Tribunal which is by the JLSC. I think to be fair, having started, they are in the process of getting there. I hope that it is going to be sooner rather than later.

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

The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Dick-Forde): Mr. President, thank you. As I listened attentively to this debate, I realize that the mover of the Motion, Sen. Mark, has offered the usual passionate plea about a topic, which after careful study of its content, I have to conclude that he may not have known what he was talking about.

Sen. Mark spoke of equal opportunity, management of diversity and the need for unity. He called the names of countries whose history and recent past are

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marred by carnage and war as a result of deep-rooted divisions, centuries old in some cases, issues of a proportion not known to us here in Trinidad and Tobago.

Moreover, the Senator called the names of revered and courageous men like Dr. Martin Luther King, Malcolm X and Nelson Mandela, who changed the history of their nations and the world. They fought for basic human rights which some had to give their lives to have realized. So, I have to ask the question: What does Sen. Mark really know about equal opportunity and the fight for such a right? Has the UNC really sat to consider which groups in Trinidad and Tobago are at risk of exclusion as it sought to effect legislation on equal opportunity?

I shall address these issues briefly, but first I move to address directly the Motion before us, and then I would return to the contents of other contributions to this debate as I seek to advance a different and more hopeful view on the issue of opportunity for all in our blessed nation of Trinidad and Tobago.

The Motion Sen. Mark has placed before this honourable Senate calls for the Government to take immediate steps to have the equal opportunity legislation fully effected, implemented and operationalized. This Motion was amended because Sen. Mark stated that he had the word “proclaimed” before and that was now redundant and the Act was, indeed, proclaimed.

Now, rather than withdraw the Motion in the face of the actions already taken by the Government to effect the Act before this Motion was introduced to this honourable Senate, Sen. Mark sought to use the introduction of the Motion to pull down the nation and to speak doom over the land. This is a preoccupation of a party determined to remain in Opposition, a place that they may soon lose without the prize of Government. [*Desk thumping*] From what I see, we might have a better Opposition emerging in the nation from persons not currently in Parliament.

In the Attorney General’s response, she outlined the steps that have already been taken. The hon. Attorney General also noted that it is not a kiosk that was being set up and, therefore, you could not just rush and set up an institution. The Attorney General also outlined that a number of steps were already taken before the Motion came to the House. What I believe I would have to debate is the substance and the content of what was offered to the House, not just by Sen. Mark, but by others as well.

I want to go now to a definition of equal opportunities, freedom fighters and diversity to help to put some context around what we heard from the mover of the Motion. Sen. Mark, in his submission to this honourable Senate, confused equality with the need to manage diversity. The issue that the Equal Opportunity

Act seeks to address was unclear in the Senator's head when I went through the *Hansard*. I submit that this fogginess in his discussion on the issue reflects the lack of thorough analysis by the UNC administration of the day and the Opposition of today, on the issue of inequality or the identification of disadvantaged groups. Can they truly answer the question: who are the disadvantaged groups in Trinidad and Tobago? Does this Act really seek to address the needs of those disadvantaged groups?

Alongside his discussions on equal opportunity, Sen. Mark spoke also about managing diversity. I shall provide some definitions for both of these to distinguish equal opportunity from diversity. The distinction is important to be made since Sen. Mark stated—I quote from the *Hansard* dated June 23, 2008:

“As you know, diversity represents strength not weakness, not division but strength. Whether that diversity is based upon a difference of ethnicity as in Rwanda and Burundi; whether it is based on a difference of religion as we have witnessed in the conflict between Christians and Muslims in Nigeria, Indonesia and Lebanon or whether it is based on race as we have seen in the United States where Dr. Martin Luther King, Malcolm X and a number of very powerful civil rights leaders had to wage relentless struggles, so that the ordinary black Afro-American population can have equal rights as their white counterparts. That is the challenge we face in the world and a problem and challenge we face in our country. It is the inability to manage diversity.”

The Senator went from talking about equal rights to talking about managing diversity. A definition of “equal opportunity” when one pulls it out from the different context that one would hear it from is to treat someone with fairness irrespective of sex, marital status, sexual orientation, disability, race, nationality, ethnic origin, religion, belief, sexual orientation, domestic circumstances, trade union membership, social or employment status.

Further, we noted there is a difference between this issue of equality and the concern about managing diversity. Equality is about letting people in, but managing diversity is about what you do with them once you have let them in. In other words, equality should seek to address access, whilst diversity attends to issues of fairness in the light of access. So, once you have given access, you are talking about diversity. The two should not be collapsed as they speak to different social realities that require very different struggles.

I want to explain a little more about access. Overt evidence of the lack of opportunity or the lack of equal access can be had when we use some of the same

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examples that Sen. Mark cited. The United States of America, before the 1970s, had signs stating “Whites only” and non whites were indeed liable to arrest if they disobeyed those signs. That is one of the extreme examples of lack of access. Schools and universities were out of bounds for Africans in the United States of America. Compare that to equal access to schools and universities in the United States of America where our own children attend now following very painful struggles to force desegregation of schools among other critical institutions in the USA up to the late 1960s.

In our own nation, we had the “Black Power” movement, spurred by movements in the United States of America and Canada around that same period. This pulled down some barriers which we inherited from our past which included a colour barrier to work, especially in the banking sector. That was a different time and the extent of lack of access was a different place; not here in our country.

Mr. President, who are the excluded people in our society and to what extent does the present Government recognize and has made provision to include those groups? The disabled or differently-abled, the abject poor and the socially displaced or homeless people are, to my mind, the most vulnerable groups in our society.

The Ministry of Social Development is organized and tasked to address the needs of persons who fall in this group. So, the Ministry of Social Development is one ministry that the hon. Prime Minister spent quite a lot of time in the last administration, building and designing to ensure that all are included in the development of our nation. The vision of social services when it was under the Office of the Prime Minister was:

“To protect the vulnerable and disadvantaged and promote a better quality of life for all citizens through the provision of an integrated social service delivery system.”

I want to address some of the points raised by Sen. Ali earlier with respect to the disabled and, particularly, as it relates to the Ministry of Planning, Housing and the Environment. We note that there is an issue about access to the Hall of Justice. The Senator also mentioned the Disability Unit at the Ministry of Social Development. With respect to the housing policy, while we have an allocation of 5 per cent to the disabled and to senior citizens, there was a disconnect between what is supposed to be delivered and what actually existed. For example, about a month and a half ago I was told that the Disabilities Unit—I am not sure if it is the same unit in the Ministry of Social Development that provides support for senior citizens as well—that they had information and clear guidelines for housing construction, among other things for the disabled and senior citizens. I sought to

find out the extent to which the housing programme incorporated this, as well as the extent to which the housing needs of the disabled were being met. It is on the front burner for me as the Minister, and for my staff to address that matter.

In fact, we have a number of persons who are deaf from a group, Deaf Pioneers and also from the Trinidad and Tobago Blind Welfare Association. I think it is a specific Blind Association, and not just a blanket one. I think it is the Trinidad and Tobago Blind Cricket Association. We are seeking to place these persons in homes. I am told that there are some modifications to some houses, but I do not believe that they are as fundamental and as basic as it should be. We are seeking to link with the Ministry of Social Development and the Disabilities Unit to make it more purposeful.

In addition, at the Ministry of Planning, Housing and the Environment, we were given a set of sign language books by the Deaf Pioneers. We are going to embark on some sign language training for members of staff who may have to interface with people who are hearing impaired in the ministry. The Ministry of Social Development has its unit ready to serve and, therefore, what is needed is the political will in all the ministries—not just the ministries but remember we are talking about the private sector as well—to access these kinds of policy directions and support from the Ministry of Social Development in this area.

The specific issue of access to the Hall of Justice is not something that I know about and can respond to. With respect to the issue of housing for the blind amputee who was on the newspaper yesterday, my personal assistant is in contact with the Member of Parliament for Arouca/Maloney and the gentleman's situation is being addressed. We were told by the Member of Parliament that there are other senior citizens who are shut-ins in some of those buildings as well. We are going to seek to address those needs, not just the needs of the gentleman whom we saw in the newspaper, but there are other persons in that same building or community who need to be relocated. We are not sure if the gentleman was allocated that unit in his current state. We believe that perhaps not, and we need to find out about that.

2.45 p.m.

Of course, sometimes people become disabled after having been allocated. So it is something we are looking at. As I said, I believe tomorrow there is going to be further work on what started already yesterday, triggered by what we saw, but the Member of Parliament is working with my personal assistant on that matter of disability.

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In identifying groups that are disadvantaged, we believe that the disabled or differently-abled, in fact are an important group for focus. As I said, the hon. Prime Minister spent quite a lot of energy and time in the last administration on it. He has in fact built up a social development ministry that is capable to do and to deliver. What it calls for is the political will on all of our parts—Ministers, private sector—to ensure that we access this information and these guidelines from the Ministry of Social Development.

I want to move to another group that I believe might well be one that could be excluded and that would be persons suffering from HIV and AIDS. Again, the Ministry of Health has very detailed programmes which are delivered with care and sensitivity, along with the Office of the Prime Minister, where there is a unit dedicated to addressing the needs of persons who are affected.

We therefore have leadership in Government that is focused on the plight of most of those who might be left behind. That Indo-Trinis or Afro-Trinis represent excluded people is another of Sen. Mark's and his party's—what I would have to call, he might not like it—delusionary renderings, used to make the UNC look like some kind of relevant movement. *[Laughter]*

The UNC can find no meaningful role for itself and so it is stuck in a 1950s and 1960s concept where real freedom fighting was necessary. Back in those days, it was necessary to pull down the structures of colonialism, apartheid and racial segregation. Even a passing study, not a deep one, a passing study of the racial hatred, exclusion and suffering of African Americans and of black South Africans in the last century reveals that there is no parallel in Trinidad and Tobago.

Sen. Mark should be ashamed to call the names of real freedom fighters who have fought real causes across the globe to liberate truly excluded people; calling names like Dr. Martin Luther King, Nelson Mandela and so on. Has Sen. Mark ever seen a sign saying "Indians only" or "Africans only" anywhere in this country? And if such a sign exists, I would like to see them. Such signage are overt symbols that exclusion is an issue in a society. So, if we cannot see those signs—*[Interruption]* Overt, overt, overt symbols that exclusion in a society—it usually must be that overt for one to begin to use names like Dr. Martin Luther King.

Additionally, when we look in schools, political parties, Parliament, business places, the entertainment landscape of Trinidad and Tobago, the "mas" bands at carnival, the steel bands, we see every creed and race represented in all of these settings. I heard Sen. Ali say that we are not a rainbow society and perhaps not. You cannot legislate blending. What you can legislate is fairness and equal

access. [*Desk thumping*] So, again I ask, who are the excluded groups that Sen. Mark's hyperbolic statements seek to represent? Hyperbole, as in math; the curve that goes totally off. [*Laughter*] I want to go back to something raised by Sen. Ali. He raised some very important points that must be addressed as well.

The reason I am speaking a lot to what Sen. Mark said is because he moved the Motion; moved from the fact of the preparation of the infrastructure and the institutions to effect the Equal Opportunity Act. He went on then to—what I consider—pull down the society. I want to put in the public records that it was totally off, therefore we need to establish some truth. While we do have problems, it is nowhere compared to apartheid and those issues that would have been nexused to our issues here in Trinidad and Tobago.

I want to address at this point the issue raised by Sen. Ali about the selection criteria at the University of Southern Caribbean (USC), I believe it is, where he said high Christian standards and ethics were included in an advertisement. Then he said it was changed to high spiritual moral standards of the USC. Sen. Ali calls for this matter to be tested by someone using the Equal Opportunity Act. Am I correct?

This call leads me to believe that the fundamental beliefs of the Christian religion are under threat, potentially from the provisions of this Act. I say potentially because it has not been tried in the court as yet. So when we see it in court and we see the interpretation of the Act as it relates to this particular expression by the university then we would know if in fact it is under threat. However, I want to extend the discussion to speak to how I view the essence of the Equal Opportunity Act as promoting an intolerance for the absoluteness of Christian beliefs.

Before the Act was passed you had Christianity alongside all other religions in Trinidad and Tobago. Now we are hearing that this Act should be used to contest an expression about Christian ethics. I confess, I am a Christian, big C, not small C. I know Sen. Ali made a distinction between if it was a small C or a big C. Therefore, I can represent this matter of fundamental Christianity where we believe that there is only one way to God and that is through His son Jesus Christ.

This belief informs some very radical, revolutionary, ethical and moral standards, many of which are at variance with the world's views and with some religious views. For example, the world promotes self and the Christian values promote self as well as others on same level. It is about self and others; look after the needs of others in the same way you look after yourself. Christianity promotes

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humility, whereas we know the secular world is about arrogance. So, if the University of the Southern Caribbean sought to create a learning and growing environment informed by Christian ethics, its freedom to so do is being challenged, if it is being challenged by the Equal Opportunity Act, as called for by Sen. Ali. This presents to me the fundamental contradiction of the Equal Opportunity Act. In seeking to promote liberty, it may take away the liberty of a significant set of persons in society. The imposition of one's belief does not occur by the expression of such a belief. The contradiction to which I referred earlier is evidence of the problem that the UNC administration, at the time, was deficient in its thinking through of who are excluded or denied equal opportunity.

I want to turn now to the development programme, which Sen. Mark called distorted when he presented this Motion. He said the Government's development programme was distorted, but which in fact is the programme that has caused the UNC to lose government for lack of such a programme and is indeed a masterpiece and a very balanced programme at that. We delivered the ideals of the development programme using the language of vision and pillars to underscore the depths of thought that went into the development programme.

The Vision 2020 development programme is one that was developed through wide consultation across all sectors of our nation led by private and public sector professionals. It is indeed a national vision in the way in which it was developed. The soundness of the programme is manifested in the way in which every sector of development is clearly articulated with a vision, objectives and more importantly linked to the five pillars for national development. The funding for these programmes towards social services, poverty alleviation, education, retraining for gainful employment, health, infrastructural development, environmental management and housing are well-balanced, with a greater emphasis on social and educational services.

In April when I last checked, social spending was well in excess of \$33 billion since this Government started its visionary programme in 2002. So, between 2002—2007 the social spending was \$33 billion. We expect to see a major change in the social fabric as a direct result of a considered emphasis on programmes. Not just spending, but well-designed and targeted programmes in the social sector. These programmes are also being evaluated. We are not just spending the money and having designed the programmes, we are assessing them, evaluating them to make sure that we are capturing those people who the programmes are meant to capture.

These programmes seek to ensure that we capture in a safety net anyone who might be excluded, even if from their own actions. That is caring Government committed to fairness and access. The need to focus on the needs of some of our young African males is a real need. Sen. Mark made a big deal of it and tried to make it sound like something that was discriminatory. Regardless of how it is framed to make it seem discriminatory toward any other group, we cannot deny that this is a very vulnerable group in the current painful crime wave that began several years ago, but which has heightened recently.

We continue to pray for, and should focus some social and educational programmes towards these young men in the light of the undeniable reality that many of them live and die in. It is a reality, and therefore to try to make it sound like it is discrimination is to deny the truth. Sen. Mark might be playing politics in his rhetoric but the death of a not insignificant amount of our young black men is not an issue for political rivalry. This is where unity is needed to stop the madness and to offer alternatives to the belief system that supports gang life and gang warfare among this group. I humbly submit, Mr. President, that if a focus on this group is discrimination then we need to revisit the meaning of the word.

The issue of housing continues to trouble the Opposition deeply, because of the sheer speed of delivery that makes the 486 houses that they provided under their administration seem a number they rather forget. The Senator said a lot about housing. The one I wish to address is the issue of race. He went on about race in housing and all sorts of things. Now, race is no laughing matter regardless of the context in which the word is used. I was told a story recently; I was told that it is true, about race in housing in Trinidad and Tobago. I was told that the only time that race figured in housing allocation in this nation was under the UNC administration. This is supposed to be funny, but apparently it is true.

I was told that when the UNC came into power—I think it was in 1995 or 1996—that was the first and only time that race factored in housing allocation. I was told that some Members of the UNC administration raced to Aranguez—*[Laughter]* *[Desk thumping]* That is what I was told; it is a story, Mr. President—to see who could take the most apartments in a government housing building started under the PNM in the early 1990s. I heard that they raced and some got three, some two and others who raced slowly, got one apartment.

These apartments were meant for low to middle income citizens of this nation. That is the only time I am told that race figured in housing allocation.

Hon. Member: It was a race to get it.

Sen. The Hon. Dr. E. Dick-Forde: It was a race to get the housing. [Laughter] [Crosstalk] Could I continue, Mr. President? Now, Mr. President, the person who told me that story is a very reliable person and they were hurt by the event. The person told me it burned him to see that apartments that he had for the poor and the middle class, that they did not get it.

In conclusion, Mr. President, I wish to restate that time has overtaken the relevance of this Motion. It appears too that in addition to time, place has also rendered Sen. Mark's contribution irrelevant and again hyperbolic, not reflective of the lived reality of the people of Trinidad and Tobago. The groups that may yet be excluded are not assisted by the Opposition in their inability or reluctance to analyze soundly, the gaps in the nation to which they might assist.

3.00 p.m.

From a group whose vision and mission and objective seem to be captured in the concept—civil disobedience, and I base this on their own repeating of the phrase and related action, I can understand why this Motion on equal opportunity is wanting of substance and reality. The Motion is not supported in that it speaks to a matter that requires no resolution from this honourable House. The hon. Attorney General has stated clearly that every effort is being taken to ensure that the Act is given effect and to set up the tribunal of the nature required by the Equal Opportunity Act. All is being done to ensure readiness and soundness.

Mr. President, I thank you.

Sen. Cindy Devika Sharma: Thank you, Mr. President. Again I am grateful for this opportunity to enter this debate on a Motion brought forward by my colleague, Sen. Mark, earlier and which has stated its intent for the Government to move swiftly in implementing the Equal Opportunity legislation which was passed since 2000.

Before I begin I would like to just refer to several of the statements made by the Minister of Planning, Housing and the Environment, and unfortunately I feel a bit saddened because of the somewhat attacking nature—

Hon. Senator: “Ooh”. [Crosstalk]

Sen. C. D. Sharma:—of the comments, and again the Minister made pointed reference to one point that Sen. Ali had raised concerning an advertisement where the University of Southern Caribbean had advertised for a person of a specific orientation religious-wise, which is Christian, and what I just want to say is if we are living in a society where equal opportunity is supposed to be available in

terms of access, immediately that advertisement, the first one created a severe disjunction between those who could apply for such a position and those I expected to apply. [*Desk thumping*]

If that institution is in fact being funded by Government it suggests to me that it should be open to all. So, therefore, I, who am of Hindu orientation/faith and I might consider myself to have strong spiritual and moral values, et cetera, even though I might be suitably qualified and I might be seeking employment of course in that area, I would view this and immediately realize that it is inaccessible to me, and once something is inaccessible immediately, the idea or concept of fairness which is what equal opportunity is all about would have been attacked in principle, because if our nation is all about promoting and maintaining those fundamental human rights, those fundamental rights of access, liberty, freedom of access to resources, et cetera, it means to suggest that that advertisement was in direct violation of these fundamental freedoms and rights.

I wish to refer to a statement by the selected chairman of the Equal Opportunity Commission which was appointed by the President a few months ago, Prof. John La Guerre, noted lecturer at the University of the West Indies, and in an article in the *Sunday Guardian* dated Sunday, April 20, 2008, Prof. La Guerre in an interview said that:

“Discrimination in T&T...is not blatant, but takes subtle forms”—making it more difficult—“to root out.”

And he referred to discrimination which was derived from the influence of family, friendship and the old boys’ network.

So, in Trinidad it is quite common. Depending on who you know you could reach very far, and let us face the fact that is a reality. It is a reality and there are some people who happen to know those—

Sen. Browne: On your side too.

Sen. C. D. Sharma: I will say that it happens across the board, I will not deny that. It happens across the board and if we choose not to face it, we are hiding our heads in the sand like the ostrich. It exists!

What the Minister was speaking about was overt forms of discrimination which is legislated, obviously which occurred in South Africa, for example. But discrimination need not take an overt form. If we live in a multi-cultural society, plural society like Trinidad and Tobago we have in our history achieved, I would suggest, quite a high level of success in managing diversity, because I think—and successive governments did demonstrate that they were committed to the

principles of fairness and equity. I would just suggest that it might obviously vary depending on who was in power, because, unfortunately, election results show every time that there is some polarization existing on our nation, and once some polarization exists according to those race or ethnic lines, real or imagined, whoever is in power, the other group that is out of power will always either have the real or imagined perception that they are being discriminated against and those in power would very well, because of who they know, have a preference for giving access or opening the doors to those who are in their favour.

I am not saying it is right or wrong, I am saying that it is, however, very much against the principles of fairness and it is something very difficult to root out, because I think inherently people always have a preference for what they know and what they feel comfortable with. That is inescapable. I suspect the problem is in how do we move our society to another level where, when those parties or those people become elected and serve in administration and government, or even in our very own public sector which I believe studies from 2003 show that at the highest level of the public sector the polarization is very visible in the sense that I think of the state companies there was an examination of the companies—those state boards—in terms of the composition according to ethnic lines or orientation, and there was definitely a deficiency in terms of indo-Trinidadian representation perhaps and of other groups, the Chinese as well, or the Euro-Trinidadian.

So, I want to suggest, however, that the problem is in how do we have these people who are in these positions act in a manner which is fair to all? And it is a difficult thing to have happen, because naturally people, when they are in these positions, they want to ensure that they serve the people, but in trying to serve the people they end up serving those that are closely associated to them more than those in the general wider community.

I want to refer to Dr. Ann Marie Bissessar, who is incidentally the wife of Prof. John La Guerre, and she wrote an article titled “Challenges facing senior public servants in a plural society, 2003”, and she is currently operating, I believe, in the Department of Behavioural Sciences at the University of the West Indies, and in that article she examined several key challenges faced by senior administrators, especially in plural societies. One of the challenges she identified was the one I was talking about, how do we get administrators to deal with group and communal pull which is a natural phenomenon in plural societies. She noted that the challenge that they face is how to effectively work towards enhancing the security and welfare of all groups, but by nature of how that communal and group pull is so very strong it is difficult to ensure equal opportunity for all.

Which is why, when we have legislation such as the Equal Opportunity Act from 2000, which seeks the establishment of an Equal Opportunity Commission as well as an Equal Opportunity Tribunal which will work hand in hand to serve the interest of the entire nation, all citizens, it is not an attack on any government from my position; it is not an attack on a specific government. It is in fact a move forward in the right direction, because we are showing the world at large that we are truly committed in each and every way to maintaining those principles of equity and fairness to each and everyone, so that aggrieved parties, aggrieved individuals, be it in the public sector or the private sector can feel that they have an avenue that will address the challenges that they are facing, the hurt that they might have experienced from what they would have perceived as a discriminatory attitude or policy towards them.

I think this is something important, which is why I want to commend Sen. Mark for bringing forward this Motion. And while we know the commission exists, and while we know the Government is seeking to implement it, I think the essence of it is that it must be done in a speedy fashion, it must be done in a holistic way. And, again, I refer to Prof. La Guerre, who on July 15, said that he received correspondence, a complaint from one individual, and unfortunately all he could do at that point in time was merely file the complaint because of the inadequacy of infrastructural and support staff, yet to be established accommodation for the commission, and of course we know that in any institution if you are trying to establish it there are going to be some teething issues, that it does not happen overnight.

I recognize this and I think we all recognize this, but when the Minister of Planning, Housing and the Environment went on her diatribe it was a very unfortunate one, because I think she deviated from the real issue at heart, which was how do we ensure that the equal opportunities that we want to maintain and we want to continue to build upon, that there is another avenue for it to be shared within our society. So, the Government would of course do its part in each individual ministry or those companies that are associated with it, in the policies that they develop in the society and for the betterment of course, we hope, for all citizens in Trinidad and Tobago.

But it must not think that these policies alone can act or serve in a tangible manner. Having the commission and the tribunal established will really afford us an even greater opportunity to maintain those rights, to maintain the equal opportunities that each and every individual in Trinidad and Tobago has already been allocated under our Constitution. I find it a bit narrow-minded if we only

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look at the Motion and suggest that, yes, the Government is perfect, it is doing every single thing that it can. Perfection does not exist. Eden no longer exists, we live in a postlapsarian world, perfection does not occur, and it is unfortunate that we should take that position that the Government or any group can do no wrong. That is not true. No individual, no institution can act completely in agreement with every single human being, whether in Trinidad and Tobago or on the world at large. That is not a reality.

3.15 p.m.

So there will be those who have opinions that differ from yours, who will have ideas that differ from yours, but it does not mean that this is of any lesser value. I would not suggest that the Minister was ignorant; I would suggest that she was misled in some way in her own thoughts. I wish not only to talk about that. I was very much thrown off by what the Minister said and I almost felt as if I had to engage in the debate on why it is that we need to have the Equal Opportunity Act, but that has already been passed. The problem we have now is how we ensure that the things that are enshrined in the Act are actually promoted throughout the system. We need to make sure the discourse that we are engaging in is not undermined in any way, because there are people who are feeling that they are aggrieved and they need to feel that they can go to an established body to address their issues.

The commission, as well as the tribunal I believe, will be able to do so while allowing for those persons who might not be able to afford legal advice, to go to the commission and get that advice. That commission is supposed to deal with the issue in a conciliatory fashion, not in one that is attacking or the first thing is: you are going to fight a legal battle. I think the issue is about resolution of conflict, and this for me is what the Equal Opportunity Act is all about. It is an attempt to resolve conflict at the end of the day, and it is providing another avenue through which persons in Trinidad and Tobago can seek to achieve peace of mind.

Mr. President, I wish to close my contribution by saying that I fully support this Motion and I am of course appealing to the Government to continue in its own efforts, and persist in its own efforts, to ensure that these fundamental rights that you, and we on this side, are supposed to all be trying to maintain, we continue to do so and you continue to do so. I would like to suggest that this is another opportunity for you to shine and show everyone, that you are in fact committed in a very practical and real sense to those values that we are all trying to maintain.

Thank you, Mr. President. [*Desk thumping*]

Mr. President: Any speakers on the Independent Bench; on the Government Bench? Senator?

Sen. Dr. Rolph Balgobin: Thank you, Mr. President. I intend to be a very few minutes. I have listened to the contributions and I think it is a worthwhile subject for exploration, and certainly would want to support the call for this Act to be proclaimed. I note in reading the Act that it is silent on the notion of political discrimination, but I am not sure if I might have missed that somewhere. I also note that sex and gender appear to be used interchangeably and those concepts are certainly not equal. Other than that, I think I got a clear sense of what the Act was trying to accomplish.

Mr. President, I am of the view that the commission and the tribunal will be very busy once this is proclaimed. I think that you are going to get a lot of cases going forward, some with merit and some most certainly without. Coming from a business orientation, my concern would naturally be for the impact on business and how does this increase the cost of doing business. Does it make it too costly, particularly for the SME sector, when you have to defend actions in front of a tribunal which appears to have the same powers of those of the High Court? So I would hope in the implementation of this, these things are taken into account.

What I really want to say briefly, is that there is really no law that can very easily resolve some of the behaviours that we are seeing in the society that we seem to be trying to address. Henry Ford was famous for saying to people who wanted a Ford model T, "You can have any colour as long as it is black." Of course, Parliament is very much the same. Whatever issues face the society, we only have laws. It is difficult for me to conceptualize any set of laws or any kind of legal framework that would deal comprehensively with what we are seeing in our society, and that is really a growing intolerance. There is a growing intolerance in our country. There is a kind of rage, a kind of impatience, a kind of antagonism that no legislation could very easily remove or resolve, and I think this speaks largely to the application of personal responsibility.

I note the efforts of the Government and the Opposition in trying to re-engage that in the national conversation. I applaud that and really do hope that as we can go forward, we are able as a Parliament and by extension as a society, to rebuild our belief in the power of the individual, to make the country a better place rather than depend on government or legislation to do it, because I think that really allows our citizens to pass the buck. I think there is only so much that legislation can do.

I certainly think this is a worthwhile piece of legislation having said that, but there are limits and I think that it is very important in our dialogue about the proclamation of this Act, for us to remember that the average citizen of Trinidad and Tobago has something to give, as well as something to get. They get a lot. Some will feel that they do not get enough, but our citizens in general need to be mindful that they too have an obligation to make a contribution to the development of the society, and to making it a more, if not equal, a more equitable place.

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

Sen. Afifah Mohammed: Mr. President, thank you for allowing me to contribute to this important Motion on the implementation of the Equal Opportunity legislation in my country. I wish to fully identify with the mover of this Motion, Sen. Wade Mark, as I know that the deviated way off curve that Sen. Dick-Forde claims she represents—[*Interruption*]

Hon. Senators: Minister.

Sen. A. Mohammed: Minister Dick-Forde, thank you—is a positive one.

Mr. President: The Minister of Planning.

Sen. A. Mohammed: Sorry, Minister of Planning. I am seeing “Senator The Honourable” there, which is why I said “Senator”.

It is in my humble view that Trinidad and Tobago cannot make progress without the active involvement and consent of its people and for us to achieve this, everybody deserves a fair go. Everybody has the right to be treated fairly.

The Equal Opportunity Act gives everyone a fair go, by law. The Equal Opportunity Act makes it unlawful to discriminate against people on certain grounds and areas of public life. It will mean that if any person believes he has been discriminated against, there is an avenue he can pursue for help and for redress. Equal opportunity seeks to influence behaviour through legislation, so that discrimination is prevented. It is based on moral and ethical arguments and is concerned with promoting the rights of all members in society.

Mr. President, equal opportunity focuses on securing the equality of groups, particularly minority groups. It seeks to alleviate the disadvantages that are experienced by them. A person's human rights are universal and inalienable, indivisible, interdependent and interrelated. They are universal because everyone is born with and possesses the same rights regardless of where they live, their

gender or race, or their religious, cultural or ethnic background; inalienable, because a person's right could never be taken away; indivisible and interdependent, because all rights, political, civil, social, cultural and economic are equal in importance, and none can be fully enjoyed without the others. Furthermore, everyone has the right to participate in the decisions that affect their lives.

Socially constructed roles too often thwart the potential of girls and women. Gender equality is central to achieving development goals and critical to a nation of equity and tolerance, a nation fit for children. Yet gender bias is still pervasive in almost every region of this nation. The Government needs to examine the discrimination women face throughout their lives in this country and what must be done to eliminate gender disparity.

Gender equality creates a double dividend, benefitting both women and children, Mr. President. It is a proven fact that empowered women have healthy educated children, capable of transforming their communities. Yet women often lack a voice, even in their own homes. Empowering women is an indispensable tool for advancing development and reducing poverty. Empowered women contribute to the health and productivity of whole families and communities, and to improved prospects of the next generation. Yet discrimination against women and girls includes gender-based violence, such as being beaten, coerced into sex, or being abused in some other way; economic discrimination, such as working longer hours for less pay and accepting degrading working conditions during times of crisis, just to ensure that their families survive; reproductive health inequities, such as maternal health and disability and the feminization of HIV/AIDS, remains the most pervasive and persistent form of inequality.

In addition, women and girls bear enormous hardship at the time of emergencies, especially natural disasters. Natural disasters cause forced displacement, and this takes a heavy toll on the reproductive health of girls and women. Our Government needs to pay more attention to this vital fact. Safeguarding reproductive health and rights in emergencies is fundamental to saving lives and laying the foundation for gender equality, and sustainable development when stability returns after a natural disaster. By the Government recognizing and addressing discrimination against girls and women, success in the fight against all forms of discrimination would become more likely and more lasting. We have learned that entire societies develop when girls and women are enabled to be fully contributing members of society.

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I would like to draw your attention to another form of discrimination citizens of this nation inevitably face on a daily basis. In doing so, I would like to give the other Members, through you, a riddle. It goes:

I don't have much hair; I don't have all my teeth; I have trouble walking; I need help dressing myself; I am often misunderstood; and I sometimes feel unwanted. Who am I?

Can anyone guess? If you guessed a toddler, you are correct. If you guessed an elderly person, right again. Mr. President, these two groups have much in common, but there is one important difference. The frail elderly and healthy seniors have spokespersons to help make their needs known. However, toddlers have no such help when they try in the only ways they can to let us know their human rights are being violated. They are seldom taken seriously; instead they are often ridiculed or even punished. It is our understanding that the young and the old cannot manage all of their own physical care, and they need and deserve respectful help.

3.30 p.m.

My first awareness of the similarities between the very young and the very old took place when I was about 12 years old. My family and I were visiting my grandparents then in their 80s; when it was time to leave, I found my little sister's shoes and I helped her to put them on, then I looked over and glanced at my mom, and she was actually helping her mom put on her shoes. But, Mr. President, the similarities go beyond physical assistance.

A few years ago at a secondary school excursion, I saw a friend of my grandmother, she was at that time probably in her 80s and she was suffering from osteoporosis and arthritis and enjoying a stroll down the street. Painfully stooped over, she slowly made her way down the street, at first she was ignored by the strangers she passed; she felt lonely among the crowd. Finally, someone noticed her. "Look at the hunchback!", shouted somebody from the crowd and the woman said nothing. Later when she arrived at home, she burst into tears and told the story to her son who is my friend. She added wistfully, "They used to say I was pretty."

At an outdoor gathering recently, I overheard a mother scold her son. She said to him: "Put on a shirt, you look stupid, why are you so dumb?" Also, Mr. President, a friend told me of an incident she witnessed in a grocery recently. A little boy tried unsuccessfully to lift a heavy item his father had just selected and

instead of helping his son, he became angry and swore at him. I make you aware of these incidents so you can understand why I say the young and old are often criticized for things beyond their control and they deserve our understanding.

The elderly should not be blamed for their frailty and lost youth, nor should children be blamed for things they have not yet learned to do, but the similarities in which society treats these two groups go deeper still. Both groups find their needs shoved aside when they interfere with the needs of others. When both children and the elderly voice their opinions, they often find it difficult to get our attention. It is as though school children are expected to stay in their place; at home, at school or in day care, while the elderly are expected to fade away gracefully from the rest of the society.

When they are not in their place but happen to be present in a group of mixed ages, both children and the elderly are expected to be quiet, well-behaved and non-demanding. There is something curious going on here, Mr. President. After all, we have all been children in the past, and if we are fortunate, we will also be elderly in the future. Programmes for children and seniors naturally reflect these negative attitudes and tend to meet the needs of the institutions that isolate these groups overlooking their personal needs.

Mr. President, more funds are available for institutional care for the elderly than for the type of care that will enable them to remain at home as most would wish. Similarly, legislators promise more day-care programmes rather than offering funding or tax incentives for mothers who would allow babies and toddlers to remain at home as they would wish. Both the young and old clearly deserve more choices in where and how they spend their time and should not be so completely at the mercy of others' decisions. Still, the need for expanded choices for seniors is more acceptable in our society than is the concept of more freedom for children who are seen as different in nature to the rest of humanity, as property rather than as human beings deserving of human rights.

Mr. President, we need to free ourselves from age stereotypes so that we can begin to appreciate and respect others of all ages, but until we reach that point, legislation will be needed for the young and old alike. As the doctor just reminded us, Mr. President, a person is a person no matter how small, or how frail. We should treat each other with love and respect, free from biases and expectations based on age. When young and old are valued for their ageless spirit within, we will all live more freely and joyfully.

Mr. President, I wish to highlight the relationship between the goals of full participation by disabled persons and the strategies for guaranteeing the equality

of opportunity and treatment as well as the link between those gains, namely to ensure the maximum degree of autonomy and independence for the disabled. This means developing the capacity of the individual to the full rather than adopting the traditional approach of emphasizing disabilities or handicaps to classify individuals since these tend to be the direct result of the attitude of the community itself towards persons who suffer from real or apparent physical or mental disorder.

In Trinidad and Tobago it emerges that unemployment is one of the main problems of disabled persons. In addition to the fact that many workplaces are not physically accessible to severely disabled persons, employers often fail to understand that a physical disability does not necessarily involve mental impairment and even fellow workers may be opposed to the employment of disabled persons.

Mr. President, research will tell us when a disabled is discriminated against in the workplace because of his disability, or if he is simply afforded no employment opportunity, his dependence and isolation become greater. Additionally, the educational system does not provide for this specific situation. Education should, as far as possible, be provided within the ordinary school system without any discrimination against handicapped children or adults. However, our educational institutions are not accessible to disabled persons and in many cases such persons are not admitted to the same schools as other people. The stipulation that disabled children must attend special schools is tantamount to official segregation.

Furthermore, it is noted with astonishment that even now in Trinidad and Tobago, buildings which are not accessible to disabled persons are still being constructed. The use of wheelchairs, for instance, is extremely difficult or even impossible in many government buildings. If means of transport, pavements and buildings are inaccessible to the disabled, do you believe they will be able to move about freely? In short, it is such barriers and discrimination which, to a large extent, create or aggravate disabilities and actually set people apart in society in many cases making them feel not considered in the community.

When it comes to a nation's values, Mr. President, there should be nothing more fundamental to the Government than human equality. If the Government were to conduct a survey on equal housing access, I am sure they would obtain the same results which were obtained by the youth arm of the UNC-Alliance. They would find that almost everyone believes in equal housing access and fighting discrimination, they would also find that in order to achieve housing equality a balanced approach is needed which can be obtained by working directly with individuals and not through a lottery system.

I often wonder what causes the disparities in equal housing access in our nation. Why is it that even when the fundamental economics in a personal situation are the same, when only race is different, that housing disparities are so significant? A responsible government will work for equal housing opportunities for all people regardless of race or other factors. Moreover, this inequality for housing access which we experience in our nation affects each of us directly no matter where we live. This lack of equal housing access has increased our crime rate, increased and created a significant educational system burden and on a much more direct human level, screens many families past the breaking point. This Government should seek to eliminate housing discrimination and unfair practices in order to achieve equal access to housing for all people; a lottery system, plain and simple can never work. I would like to take this opportunity to urge the Government to take immediate steps and let the feeble and miserable ones taken so far have the Equal Opportunity Commission and Tribunal up and running before the end of this year.

Mr. President, allow me to reiterate the fact that the equal opportunity legislation focuses on securing the equality of all citizens regardless of their colour, creed, ethnicity, status, gender, their religious inclination and/or their geographical location. It seeks to provide an avenue to uplift those who believe that they have been disadvantaged by the political, social and economic order. Let us therefore combine to construct the foundation that will ensure equality of opportunity for every citizen in this country so that we can give meaning and translate into reality the words of our National Anthem: Here every creed and race find an equal place.

Thank you.

Sen. Laurel Lezama: Thank you very much, Mr. President, for allowing me to make this brief intervention in the debate on the Motion:

Be it resolved that the Government take immediate steps to have the Equal Opportunity Legislation fully effected, implemented and operationalized in the Republic of Trinidad and Tobago.

Mr. President, mine is a very brief contribution. I would have thought that coming into the Chamber today, the mover of this Motion would have done the honourable thing and withdrawn it for the simple fact that one of his caucus colleagues in the other place, who is one of the representatives for the case that was brought up and a decision made by the Privy Council yesterday, the mover of the Motion should have been so enlightened—I know they believe in the Privy

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Council strongly on that side, and I know that they followed its judgments—so had they really caucused, had they had the proper professional working relationship, he would have known that the honourable thing to do was to have withdrawn the Motion as a result of the judgment laid yesterday.

In today's *Guardian*, Tuesday, July 22, 2008 on page A10, please permit me to quote from this Francis Joseph article. The headline it states: “State wins Equal Opportunity case: No damages for disabled”.

I will quote from different sections.

“The Law Lords, in their judgment also found that the Government was trying its best to implement the 2000 Act by the appointment of an Equal Opportunity Tribunal and Commission.”

It further goes on to state:

“Richard Clayton, QC, Ramesh Lawrence Maharaj, SC, and Robert Strang appeared for the disabled, while James Guthrie, QC, represented the State. The appeal was heard before Lords Bingham, Carswell, Brown, Mance, and Lady Hale.

The disabled’s claim was three-fold. First, they sought a further declaration that the non-implementation of the Act breached their fundamental right to the protection of the law under section 4(b) of the Constitution.”

Section 4(b) speaks to the right of the individual to equality before the law and the protection of the law.

“Secondly, the appellants sought monetary damages for the breach. Thirdly, the appellants said that despite the ruling last year by the Privy Council, the Government had not implemented the Act.

The Law Lords found that the Government had not been dragging its feet on the implementation of the Act.”

Hon. Senator: Read that again!

3.45 p.m.

Sen. L. Lezama: As I further peruse the newspaper, on page B33 of the *Trinidad Guardian* under the employment section, there is a massive advertisement which speaks to employment opportunities. It says:

“Ministry of the Attorney General Press Notice
Communications Specialist for the
Equal Opportunity Commission.”

This advertisement has been running at least one week now in almost all the dailies, if I am not mistaken. It shows that the Government has not been dragging its feet and sluggish and is pushing to ensure that all facets of the Equal Opportunity Commission are implemented. It is simple therefore, that the fact of the matter is that the Act—I am supported by what we are guided by for now. As it stands the Privy Council is the highest court of appeal in the land and I must respect that. [*Interruption*] I always respect it, Sir.

The Act has been proclaimed. The Government is acting in the interest of every citizen in the Republic of Trinidad and Tobago. The Government has been exonerated as a result of this decision laid on Monday July 21, 2008. It is a fact that this Motion, “*Be it resolved* that the Senate call on the Government to take immediate steps to have the Equal Opportunity Legislation fully effected, implemented and operationalized...” has already been thought through. The Act is fully effected. It is fully implemented and operationalized in this wonderful Republic of Trinidad and Tobago by this People’s National Movement administration.

There is one other thing that I will like to say. The Senator before me spoke to something to the effect the equal opportunity legislation focuses on securing equal opportunity for all citizens. Mr. President, had it not been for the People’s National Movement, we would not have been sitting in this Chamber, today. Perhaps, we may still have been a colony operating under the notion that there is Mother Africa and Mother India. May I please use the famous words of the late Dr. Eric Williams where he says, “There shall be no Mother India or Mother Africa, only Mother Trinidad and Tobago.” I say that specifically to Sen. Ali who sought to go through an entire diatribe perhaps, on the ethnic make-up of the House of Representatives. As far as I see it we are all Trinidadians and Tobagonians acting in the interest of our country.

I think that it is the honourable thing for the mover of the Motion to withdraw it in light of the recent judgments.

Thank you very much.

Sen. Dr. Jennifer Kernahan: Mr. President, I congratulate my colleague, Sen. Mark for piloting this very important Motion which seeks to have the Government take immediate steps to have the equal opportunity legislation operationalized in the Republic of Trinidad and Tobago.

The Equal Opportunity Act deals with the issues of discrimination and the access of all citizens to equality in all areas of life. A document called *Equal Opportunities Summary Of Legislation And Standards* written by East

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Cambridgeshire District Council of the United Kingdom defined equal opportunity as:

“To treat someone with fairness irrespective of sex, marital status, sexual orientation, disability, race, nationality, ethnic origin, religion, belief, domestic circumstances, trade union membership, social or employment status.”

The definition and categories that come under the issues of discrimination and equal opportunity are quite wide. I looked at the Australian version of the Equal Opportunity Act, 1995, and they said that discrimination means direct or indirect discrimination on the basis of an attribute.

In addition to the issues that we have defined in our Equal Opportunity Act, some of the attributes that are prohibited in the Australian Act include interesting ones like breastfeeding; physical features and pregnancy. Their Act is more advanced in that they are expressly prohibiting the discrimination against persons based on these issues. We know that in our society, women who are breastfeeding and pregnant are often discriminated against. Persons are also discriminated against, based on their physical features.

The Constitution of the Republic of Trinidad and Tobago provides for all citizens, the right to equality of treatment from any public authority in the exercise of their function and the right to equality before the law and the protection of the law. Our Constitution goes on to give specific protection to certain rights: the respect for private and family life; the right to join political parties and express political views; freedom of movement; freedom of conscience and religious belief; thought and expression; association and assembly and the press.

Although our Constitution guarantees these rights in a broad framework, it is not specific to the prohibition of discrimination against certain classes of persons, or as the Australian legislation said, persons with specific attributes. This is where the Equal Opportunity Act is necessary and a vital part of the legislative framework of our country. The Equal Opportunity Act of Australia provides for a prohibition of discrimination against the attributes of sex, marital status generally, sexual orientation, disability, domestic circumstances, trade union membership and social employment status.

When we take a quick glance at our social landscape, any intelligent, objective, politically au courant observer, other than, of course, the Minister of Planning, Housing and the Environment, would understand that there is an urgent need for the implementation of the equal opportunity legislation as a work in

progress. The equal opportunity legislation that we have on the Table at the moment can be considered a work in progress because there are so many issues that have not been addressed.

The Minister of Planning, Housing and the Environment obviously, is oblivious to the Beijing platform in 1996, where thousands of women established a platform where they agitated for equal opportunity upon which so many other issues such as poverty, domestic violence and abuse of women, rest in our society. Equal opportunity for women is fundamental to all those issues. The Minister is blissfully oblivious to those struggles.

The Minister is blissfully oblivious to the heroes of the 1980s and 1990s. There are names like Clothilde Walcott who was a strong militant fighter for domestic workers in this country. She fought all her life on the issue that domestic employees should be considered as workers under the Industrial Relations Act. Up to this day, the organization NUDE continues in its struggle for that recognition.

The Minister is obviously oblivious to names like Grace Talma and Lynette Seebaran-Suite, those women who went to Beijing and fought for the first time to get international recognition of the issue of gender equality by governments all over the world and put it into international and national legislation. The Minister is obviously oblivious to names like Hazel Browne, Prof. Rhoda Reddock and a number of women who worked so hard on the gender policy. This was brought to this administration and is somewhere now gathering dust. Sen. Basharat Ali asked about the gender policy.

The women's movement of this country, of which the Minister is so oblivious, has fought tremendous battles to get that gender policy up and running for the Government to bring it as government's policy and to implement it. The Minister does not know anything about these struggles. The Minister comes here to talk in a very uninformed manner about the need for implementation of the Equal Opportunities Act. I am surprised that we have that level of ignorance among our highest level of government in this country. That is inexcusable.

Our history of slavery and indentureship has been that inequality was institutionalized and lawful in our society. That is our history. Coming out of history you have inequality institutionalized and lawful and the entrenchment of class privileges; social privileges and the establishment of a status quo that is very difficult to challenge—although we have challenged it and successfully to some extent. The challenges of a politically and economically hierarchy that was

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imposed on this society in a post-slavery and indentureship era, those cultures, concepts and ideologies were engendered in the society.

When the Minister of Planning, Housing and the Environment spoke about the 1970 social revolution and mentioned that it broke down some barriers of racial discrimination, I found it very ironic. Here you have an administration 38 years later, talking with the benefit of hindsight, about the 1970 social revolution, when in 1970 this administration jailed the leaders of the social movement like Makandal Daaga, Clive Nunez and George Weekes. They used to run around this country shooting young people. So many young people died in this country in the 1970s. They imposed a state of emergency in this country to stop the Black Power social revolution in this country. The workers and masses in this country were brutalized.

People were trying to express their African heritage in dashikis and afros. The police used to hold them; cut their hair; throw them in jail and tear off their dashikis. Literature that the young people on the blocks were reading to advance themselves in terms of what was happening internationally, in the United States, Korea and China—we had the little red book by Mao; the little blue book by Muhammad Gaddafi. We were au courant with what was happening, unlike the Minister of Planning, Housing and the Environment, in our society. [*Desk thumping*]

What did this administration under Eric Williams do? They mashed up that movement. That had repercussions for what is happening now because they killed a light, a consciousness in 1970 and created a void which guns, drugs and violence have filled. They did not allow the expression of political and social consciousness to bloom in this country. They killed it! They “mash” it up and created a void for the Abu Bakrs, criminals, gangs and violence, and now they come to talk about 1970, that it pulled down barriers.

4.00 p.m.

They do not know what is happening. The Minister does not know anything about the struggles we have fought in this country for racial and gender equality and they come here to talk about apartheid. What planet is the Minister living on?

Mr. President, based on our history and the struggles we have fought; based on the women's movement that has fought tremendous battles to bring us to where we are today, there is an even more urgent need to right the historical wrongs to ensure that there is maximum stability, productivity and social protection and welfare of all the citizens of our society. That is why we need this Equal

Opportunity Act that will prohibit discrimination against our people based on sex, marital status, sexual orientation, disability, domestic circumstances; all these things.

We need at this point to go further to operationalize this Bill. We need to effect the social and material infrastructure that would allow us to operationalize this Bill. That is our task. I do not know what will happen in this country if even the Ministers, women Ministers especially, do not understand the gravity of the task before us in terms of equal opportunity and gender equality. Obviously, they stand in that Cabinet and say nothing and therefore gender equality and the gender policy will stay in that little back room on a dusty little shelf.

Mr. President, our task is to foster a widespread social commitment to end discrimination. We need to ensure that all the infrastructure exists for women and children, so that when we operationalize the Bill there is social and material infrastructure that will enable us to carry the process forward. We need to transform the society in such a way to truly eliminate all forms of discrimination.

One of the attributes that attracts discrimination is sex. If we are committed, as a society, to abolish discrimination based on sex, we have to implement some of the policies and some of the measures that have been presented already by the sub-committee on gender and development of the Vision 2020 document.

This report, like many other reports, is gathering dust somewhere and is not being implemented in terms of what we need to do to end discrimination against citizens based on sex. This sub-committee comprised very eminent men and women in this society. I see Dr. Amery Browne here. I see Monica Williams, Margaret Farray, Sandra Baptiste-Caruth, Debra D'Abreau. People gave their time and energy to develop recommendations that are gathering dust, not being implemented and which, as far as we can see, the Government has no intention of implementing because the Minister of Planning, Housing and the Environment said there is no support for the Motion.

The Gender and Development Sub-committee made a recommendation to eradicate the discrimination based on sex. I quote:

“Enact and enforce appropriate legislation to prohibit discrimination on the basis of gender and embody the principle of gender equality in laws and other instruments to ensure the practical realisation of the principle and full knowledge of the public of their rights, including access to legal recourse against violations of their rights.”

I would like to recommend this particular document to the Minister of Planning, Housing and the Environment. I gather she is totally unaware of the Gender and Development Sub-committee's report. She is totally unaware of its recommendations.

We have to look now at how well we are doing in this society, 160-plus years after emancipation, to promote and foster gender equality by means of legislation and the policies that we have been able to put on the table. What are the other instruments of which the sub-committee spoke?

We have to deal with the concrete issues facing the society. We have to deal with the issues that face our people in our society. We do not have to go to South Africa. We do not have to talk about apartheid. We have to deal with the concrete issues that face men, women and children; all people in our society. For example, one of the issues that we have to face is that we have not dealt with the need for social support in the marketplace for men and women with family responsibilities. This is one of the findings of the sub-committee.

We have a situation in our society where most of our employers, including Government, act like the way you deal with your family as a man or as a woman—your family arrangements—is not important. They feel it is your business and you have to deal with it as you can. This is not an individual issue; it is a social issue. When we have young adults who are not properly controlled or who are left to themselves—the latchkey children who are not under parental supervision—and they run afoul of the law, it becomes a social problem, a problem for YTC and so on.

We have had citizens speaking out and putting forward the point of view that parents should be held responsible for their children. If that is so, then the whole issue of structural implementation of policies and programmes that would allow parents to prevent any criminal activity or deviant behaviour on the part of the children has to be put in place.

The Gender and Development Sub-committee made certain concrete proposals to do that. They proposed flexible working hours, childcare facilities that responded to the needs of children and other measures that would allow stable family units; economic units that would allow parents to take care of their children in such a way that would not promote the development of deviant cultures and deviant behaviour.

The Government has played lip-service to this. I think they had said at one time that the Ministry of the Attorney General had established childcare facilities

for parents who had to work, but how many other Government ministries have established these childcare facilities for working parents, especially single females? Every time International Women's Day comes around, people pay lip-service to women, and even men, and the problems they face in society. There are many households that are headed by men who have to deal with these issues also. These are some of the concrete proposals that were made by the sub-committee and we see no hope of these proposals being implemented any time soon.

Discrimination based on sex is a feature of gender inequality and is evidenced, based on the report of the sub-committee, by income distribution policies. They said that in every income category men's remuneration is higher than women's. The income differential is highest in the private sector. This is gender inequality.

The study concluded that it is necessary for policy development in the labour market, in economic activity, access to land, water and natural resources and the development of rural Trinidad and Tobago. Because of the inequality in the marketplace and in the income distribution between men and women in every area of life, especially in the private sector, they put forward concrete proposals for policy direction to end discrimination. Clearly, this issue of the difference in remuneration between men and women in the marketplace has serious implications for the female-headed households, their viability, their sustainability, their independence and the survival and advancement of their children.

I have seen the new *Commonwealth Plan of Action, 2004* which links poverty eradication to gender inequality and this document called *The Commonwealth Plan of Action for Gender Equality, 2005—2015* says, and I quote:

“Poverty is not only based on low income or no income, but is also linked to limited or unequal access to opportunities such as political, economic, natural, social and cultural resources. Gender inequality causes and exacerbates the impact of poverty on women. In order to achieve poverty eradication, enhancing women's capabilities is of critical importance.”

This is the issue we face. If you have women who are highly skilled and highly educated coming into the workplace and not being able to compete with men on a level playing field in terms of income, the women will be in a vulnerable position. That also has implications for violence against women. The Commonwealth Plan of Action went on to say:

“...women's livelihoods are critical to their ability to be free from gender-based violence, to negotiate safe sex and to exercise political influence.”

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It is clear to any intelligent observer who is au courant with what is happening in our society that the fact that women are discriminated against in terms of income is basic to gender violence and all the violence that we are seeing against women and children in our society.

If women are independent and are able to sustain their households without having to depend on a series of visiting companions, we would cut out a lot of the gender-based violence that is plaguing our society. In the *Guardian* editorial of Monday, June 21, 2004:

“Changes needed in policing domestic violence

The desperate need for a change in the way domestic violence is being handled in Trinidad and Tobago has percolated all the way through to Amnesty International's Report for 2004.”

Our situation here, the situation of inequality and gender-based violence based on the inequality of women and gender inequity has percolated to international reports. They said that the disbanded Community Policing Division has not been replaced by anything that delivers the same impact and that the job of managing the fallout from an increase in beatings, rape and murder in the homes has been left to underfunded, non-governmental organizations where the need far outstrips the resources.

The report is that the mediation centres have been closed and the work of the community police has essentially disappeared in a police system which has no strategies for handling gender-based violence and demonstrates little sensitivities towards such incidents.

4.15 p.m.

It is our situation today. This is a problem that needs to be addressed very, very urgently; gender-based violence, the inequality of discrimination against sex and disproportionate levels of income that accrue to men and women in the workplace in Trinidad and Tobago today.

Another issue, which we have not addressed in the society and of which, apparently, the Minister of Planning, Housing and the Environment is blissfully unaware, is the issue of the valuing of unpaid work of women and men in the domestic economy; housewives or men who work in the homes. This has been recognized internationally. We are about 20 or 30 years behind what is the avant-garde thinking, in terms of how do we value unpaid labour in our society. Our society still considers that persons, both men and women, who have responsibility

for childcare, home, health care, elderly care and all the chores that go with keeping a household and keeping a family together, are classed as unemployed. Their labour, all the work that they do, is undervalued. It is not considered as value in this society.

“The elimination of discrimination based on social and employment status, therefore, requires a reorientation of values...”

This was another proposal made in the sub-committee’s report; we need to value unpaid labour in the household. We need to reorient the values which say that housewives sit around all day doing nothing and they contribute nothing to the society. We need to revalue that culture and thinking.

I think the Minister of Health made that point in one of his contributions, when he said that a lot of men come home and they do not know what the housewives have been doing and how hard it is to see about the children and everything else. Maybe the men in this administration are more conscious about what is happening than the women. It is strange. This sub-committee said:

“The elimination of discrimination based on social and employment status requires a reorientation of values where non-market aspects of life are recognized as essential aspects of the functioning of economies.”

This is the recommendation made by the sub-committee. It is based on the elimination—I know they do not get any of what I am saying; it is going straight over their heads. For the benefit of people who know what I am talking about, I am talking about the discrimination, based on social unemployment status. We have to work towards getting rid of that level of discrimination in this society. I will go slowly because they have to take it in. It is a new concept. The sub-committee recommended that we have to understand and change the thinking that the non-market aspects of life are also essential to the functioning of our economies. I think they may have gotten that.

This committee made another recommendation, which is sitting in some cabinet gathering dust again. They said that the fiscal and monetary policy must take into account the unpaid domestic economy which centres on care, as well as the market-based economy which centres on commodities. What is wrong with the way we think in this society generally? What is happening is that we value highly the labour of those of us who run out of the house and hustle every day to produce commodities. Our society ignores, denigrates and undervalues the work of those of us who care for families, people, children, the elderly and human beings. We value commodities more than we value human beings. That discrimination is called discrimination based on social and employment status.

One of the other aspects of discrimination that is prevalent in our society and has been mentioned this afternoon is discrimination against the disabled in our society. That is a serious problem. That is one of the reasons why Sen. Mark's Motion this afternoon is so important, because we need to operationalize the Equal Opportunity Act and implement the policies that will eliminate the discrimination against the disabled in our society. We have some very startling figures. We spoke about it.

I would like to bring some of the figures I found in this document, *Measuring Disability in Trinidad and Tobago*, based on the 2000 Population and Housing Census. In this document I discovered that, based on that study, they found 58,383 persons with different levels of disability. The levels of disability that they measured included seeing, hearing, speaking, mobility, movement, gripping, learning, behaviour and other. Those were the types of disabilities that were studied. In this country they found 58,383 persons of which 28,703 were male and 29,680 were female.

When we looked at the economic activity of the persons with disability, they looked at 42,079 persons. They found that only 7,534 persons had jobs and 32,837 did not look. Right away we see we have a problem. We have a huge problem, because the majority of persons with disability already have a mindset that they are not going to be employed. Maybe they have gone out before and were rejected. Our society rejects persons with disabilities. Employers do not want the trouble to implement the infrastructure and all the changes they would have to make in their organization to accommodate disabled persons. Obviously, this is a very depressed group, because if you are not looking for work, you have given up and the element of depression and apathy has to count for a lot among the disabled; not just the disabled but their families and the people who care for them and have to work to support them. Right away you can see the scenario where there is a lot of hardship.

With respect to education, when they looked at this group, they questioned 45,496 persons and only 948 of this group had attained university education. A whopping 5,128 had no education and 25,861 out of the 45,000 had achieved only primary education. You see the reason why there is a disparity between the number of disabled persons who would actually access jobs. Most of them, almost two-thirds, have no skills, no educational support systems and no abilities to go out there and compete with the fully-able persons in the society.

When you look at the educational levels of the disabled, you can understand what the figures are, with respect to the income they earn.

Out of the 42,079 persons questioned with respect to their income, 13,138 earned less than \$500 per month and 13,462 earned between \$500 and \$999 per month. Therefore, over 26,989 persons out of 42,000 disabled persons earned less than \$1,000 per month. Look at the suffering that you are looking at there; suffering of the disabled who, in the first place, apparently, were unable to access educational opportunities. It is clear that they are being discriminated against in their ability to access educational opportunities. Based on that, they are discriminated against in their ability to access jobs and a living wage. They are discriminated in their ability to live and have the basic human rights to work, food, clothing and shelter. If you do not have these things then you are living very much below the poverty line and you are suffering.

This was reflected in an article in the *Newsday* on Saturday, May 10, 2008.

“Disabled living below minimum wage”

Clearly, we can see why; based on the figures. I want to quote this article:

“We are living below the minimum wage, stated George Daniel, President of the TT Chapter of Disabled Persons International (DPI). Under the disability grant, disabled individuals currently receive \$1,100 monthly, a figure which Daniel said is ‘extremely unfair.’

‘It is wrong to expect the disabled community to live below the minimum wage when no one without disabilities is being asked to do so,...’

The increasingly high cost of living is impacting negatively on the disabled community despite the various programmes established by the Ministry of Social Development...Daniel said these programmes have been extremely difficult to access and requests by various disabled individuals for basic household appliances have gone unanswered for more than two years. According to Daniel, the majority of social welfare offices are inaccessible to a large portion of the disabled population by the noticeable absence of wheelchair ramps to facilitate easy entry to the premises.”

These are some of the issues that the disabled face; a low standard of living. They are living below the minimum wage. Low access to educational opportunities. It is really terrible and we have a budget of over \$43 billion. This is the status of the disabled. These are the statistics. It extends to the children.

We have a problem in this society; a very serious problem of which, of course, the Minister of Planning, Housing and the Environment is blissfully unaware. We have nothing in place here for autistic children in Trinidad and Tobago. That is a

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huge problem. The parents of autistic children are suffering every day. I want to look at this *Newsday* article again.

“School places needed for TT’s autistic kids”

This article is dated May 2008; a very recent article. This deals with inequality and the inability of our children who are autistic to access education. This is a major attribute which is documented in all the Equal Opportunity Acts all over the world; including our own. The ability to access education is major to equal opportunities and human rights.

“Five years ago, Amoy Boodoo had one wish—to find a school willing to teach her autistic son.

Boodoo’s son, Kendell, showed signs of autism at a time when children his age were getting ready to be enrolled into pre-school...

After travelling the length and breadth of this country to source schools for her child, Kendell changed at least five different special-ed schools until a window of opportunity opened at a primary school.”

Mr. President: It is 4.30 p.m., you have four minutes left. Hon. Senators, it is 4.30 p.m., so we would take the tea break at this time. The sitting is now suspended until 5 o’clock.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

[MR. VICE-PRESIDENT *in the Chair*]

Sen. Dr. J. Kernahan: Mr. Vice-President, thank you. Another type of discrimination which we experience in the society and which we have to fight against and for which we need to operationalize the Equal Opportunity Act, is age discrimination.

We have a problem in this society with respect to the employment of older persons, and sometimes the employment of even young people entering the job market. Many young people have spoken to me about this, especially young Afro-Trinidadians or young Indo-Trinidadians. They would go to a job site and people would just look at them. They are not sure if to employ them, because young people have a different culture. They feel that they would not fit in, and they feel that young people do not have a proper sense of responsibility.

All the prejudices and stereotypes that sometimes older persons attribute to young people militate against them getting jobs in certain institutions and certain

organizations in the society. That is a very real problem, especially with young Afro-Trinidadians. They speak about this problem all the time, and that is a type of discrimination that we have fought against in the society through the 1970s and up to today, and we will continue to fight against.

We have discrimination against people in our society—and we have to be realistic—based on the region or the area they come from. If you are looking for job opportunities, young people have learnt that when they come from Laventille, Morvant and certain areas in the East-West Corridor that they do not put these places on their job application. They have to put another address, because they would not even get an acknowledgement of the application if there is a certain address on the application. This has been told to me by women who have had that experience.

When they put another address, they would go in and they are able to compete and do the job, but if you put the region that you really come from, then from the get-go you are being discriminated against, because of these stereotypes that people have with respect to people who come from certain districts in this country. That is something we have to acknowledge and we have to fight against. We have to put policies in place to deal with that type of discrimination; we have to prohibit that discrimination; and we have to specify these types of discrimination in our Equal Opportunity Act.

Our Equal Opportunity Act is a work in progress. There are many issues that we have not even touched. We have parents who complain every day that their young children are being discriminated against because they are not able to get into certain schools in Port of Spain. Certain schools put up all kinds of barriers for children who come from different parts of the East-West Corridor. They only want a certain class of people in their schools—people whose parents have a certain level of income and whose parents have a certain status. They put all kinds of barriers like tests and raise other issues. These children are then given difficult proficiency tests and so on.

Mr. Vice-President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. W. Mark*]

Question put and agreed to.

Sen. Dr. J. Kernahan: These are the issues that we have to face very squarely in the society. We have to remember where we came from; we have to remember that our society was engendered in discrimination and inequality which was institutionalized. The class structure and the economic structure of a society tends to perpetuate inequality, discrimination and marginalization of many social groups across the board—in the East, West, North and South—of the society. We all have problems that we have to identify and face. We have to put policies in place for this society to move forward.

Mr. Vice-President, we cannot afford to discriminate against older persons who are still active and intellectually capable of performing valuable service in our society and, therefore, age discrimination is a serious issue that has to be dealt with. In fact, in the same document I quoted from earlier, the Equal Opportunity Legislation and Good Practice of the United Kingdom, they have actually brought codes of practice to the table to outlaw age discrimination. It says:

“Age discrimination consistently disadvantages older people.”

In addition, if you are an older person and a woman, or if you are an older person and disabled, or if you are an older person and belong to some ethnic minority, you face a double jeopardy. It continues:

“The Government published a voluntary Code of Practice on Age Diversity in 1999. The Code covers recruitment, selection, promotion, training and development, redundancy and retirement.”

They have spelt out to employers how they have to deal with discrimination based on age. It says:

“Employers are advised not to use phrases in job advertisements that imply age restrictions such as ‘young graduates’, or ‘mature person’ and not to make age an integral part of the selection process. Age should not be a criteria in selecting for redundancy, or in early retirement schemes (subject to pension rules).”

We have not even begun to think about these issues or how we would prohibit, forbid and put codes and practice in place that would outlaw these issues that would make our society a more stable society and a more productive society; a society in which people are not being discriminated against based on age, gender, sex and all the other attributes that have been outlined this afternoon.

Mr. Vice-President, we have come a long way. On August 01, 2008 we will be celebrating 161 years of emancipation, but we still have a long way to go, and

we must recognize that. I believe that Government Ministers have a responsibility to educate themselves on issues that we face in this society. There is no point coming from some intellectual environment—some ivory tower, some university or some job environment—and you do not know anything about what is happening in the society, and you are placed in a position of serious responsibility where you are required to give leadership; where you are required to lead the society; and where you are required to debate the issues and deal with the issues and you do not know what is happening.

This Government has a responsibility and Ministers have a responsibility to educate themselves in order for them to put proper policies and guidelines in place to carry the society forward. It is clearly a case of the blind leading the blind when we see the response to this very important Motion raised by Sen. Mark here this afternoon. The blind is leading the blind. If they do not know what is to be done, then how are they going to lead the population out there and guide the society toward a truly emancipated society? As I said before, we like all the trappings of emancipation, but we disregard the real heart of emancipation. They come here and talk a lot of nonsense. We do not need this, “that was the time of apartheid and racial discrimination and we have passed that stage”.

We have not begun to touch the surface of the deep-rooted problems that we still have in this society with respect to all levels of discrimination. Both ethnic groups in the society face different issues, but the bottom line is that we all face inequality and discrimination. The Government has the responsibility to put the policies, codes and guidelines in place that will shape this culture; that will shape the national environment; that will shape the thinking and put the infrastructure in place so that employers and other persons in the society who have a part to play in carrying the society forward will be influenced and required to put certain things in place so that women are not discriminated against; children are not discriminated against; the disabled are not discriminated against; and workers are not discriminated against.

We have to open the dialogue and open the debate. We have to bring in the NGOs and the women’s movement who have been toiling in the vineyard for 30 and 40 years on these issues. We have to face the issues that women are still being discriminated against in the sense that we are not given the opportunity of accessing proper health care, reproductive care, sexual awareness and education. All these issues have to deal with the AIDS epidemic that we are facing in this country and the fact that young persons are becoming pregnant. They are being

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raped and they are giving birth to babies in toilets and so on—all the ignorance, all the silence and secrecy that surround the issues of women and the victimization and abuse of women—have to be ripped down and torn apart.

The debate has to take place in an open environment where the Government is open to these ideas and is willing to take them to carry the society forward. We are not going anywhere with Ministers who do not know which way is up. I fear for this country. I fear for the women of this country, the children of this country and for the old people of this country, and all the different levels of discrimination that are being perpetrated on people in this country, when they come here this afternoon and say that there is no need for an Equal Opportunity Act.

They boasted that the Privy Council said that the Government is not dragging its foot. So what! If you know that you are dragging your foot and the Privy Council does not think so, does that absolve you from the responsibility of putting this Act in place and carrying it forward and making sure that you eliminate discrimination, violence and sexual abuse against people in our country? [*Desk thumping*] Are you going to lay back on your laurels and say that the Privy Council does not think that we are dragging our foot? Is that a victory for you when women are being brutalized, raped and murdered in this country every year because of gender-based violence and because of the fact that they have no equal access to economic opportunity to independence and so on? Is that a victory for the Government that the Privy Council should say something like that? They get up here and sing, dance and crow about that, and our children and women are being brutalized and victimized every day in this society. That is to tell you the mentality of this Government and the mentality of the Ministers that we have sitting in this Government.

This country will never go anywhere under this administration. This country is going down a slippery slope; a fascist dictatorship. They want to cut our speaking time in this Senate and they want to abolish this Parliament, because we have the temerity to stand in their faces and say these things. They do not want any Opposition. We are now hearing about a constitution that would—I do not know what kind of banana republic constitution they are bringing to impose on this country. [*Laughter*] I fear to think about what they are trying to impose on this country.

The people of this country are sophisticated and intelligent. We know that we want developed country status, and developed country status will come not by people sitting at a round table and drafting a constitution that the people do not

know anything about. Our people are involved in NGOs and organizations in their communities and they know what they want. We know that we will get rid of the PNM and we will establish a society that is based on equality and justice for all.

Mr. Vice-President, I thank you. [*Desk thumping*]

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. Vice-President, I beg to move that the Senate do now adjourn to Tuesday, July 29, 2008 at 10.00 a.m. It is our intention to do the following: conclude the debate on the Geneva Convention—I am advised that there are no more speakers; we will do the Children's Authority (Amdt.) Bill, 2008; the Children's Community Residences, Foster Homes and Nurseries (Amdt.) Bill, 2008; and shortly thereafter we will do the Pensions (Amdt.) Bill, 2008 and the Teaching Service (Compensation) Bill, 2008.

5.15 p.m.

On the completion of these Bills, it is my intention that we would have a short holiday. So, I would really like to ask Sen. Mark and his team that we organize in such a way that we try as far as possible to accomplish these specific objectives. Four bills, if we could do it on one day, we will; otherwise I propose for us to come back until we are complete with this particular matter.

Thank you, Mr. Vice-President.

Mr. Vice-President: Hon. Senators, leave has been granted for two matters to be raised on the Motion on the Adjournment of the Senate by Sen. Wade Mark. Sen. Mark.

National Agro Chemicals Limited (Plans for Closure)

Sen. Wade Mark: Thank you very much, Mr. Vice-President. Go and get the Minister of Agriculture, Land and Marine Resources for me, please. Mr. Vice-President, information has reached us which reveals that there is a plan by the Government to close down the National Agro Chemicals Limited. Now this National Agro Chemicals Limited is a subsidiary of the National Petroleum Company (NP). Any such decision will have and will impact negatively on some 32 employees, as well as the development of the agricultural sector in Trinidad and Tobago.

Now this particular company has been in the business of importing or producing, I should say—

Hon. Senator: Blending.

Sen. W. Mark: —blending fertilizers. In fact, in the last four years, equipment was imported by NP or by this company. I have photographs of these pieces of equipment lying idle in a warehouse at Point Lisas after four years. Why is it at a time or in a period when there is growing food shortage and increased prices, do we continue to take or propose to take decisions, which can have a negative impact on the agricultural sector in this country?

There is a shortage of fertilizers on the local market as we speak. Fertilizers as you know are now being imported into this country. This particular company used to be engaged in the supply of fertilizers to Caroni, when it was alive; to the cane farming community and to farmers generally in this country. They even used to supply fertilizers to farmers regionally as well.

Here it is according to an article in the newspaper, *The Probe*, at that time, dated May 23, 2008. The headline is: "No fertilizers from NACL". This article went on to indicate that there is a rumour or there is some kind of talk that is rife, that the Government wishes to close down this particular company and to privatize it.

Sen. Manning: Where you got your information from? *The Probe*? [Crosstalk]

Sen. W. Mark: Yes, it is *The Probe*. In addition, this company is 31 years in existence. We have a situation where fertilizers—whether the PRO, who disappointed the Prime Minister and Lauren by losing; whether that is so or not—have increased by over 165 per cent. That is the reality. This high cost of fertilizers is having a negative impact on food security in our country.

[MR. PRESIDENT *in the Chair*]

Therefore, this matter is of extreme importance to the farming community and to the workers of this country. When I say workers, we have about 30 to 35 workers engaged in that particular plant. We need to get some answers from the Minister of Agriculture, Land and Marine Resources today; whether it is the intention of the Government to close down the National Agro Chemicals plant or Chemical Limited.

There is an article written in what is called, *Green Vine*, which is a monthly bulletin issued by NAMDEVCO. In this particular bulletin on page 1, cover story, there is a sub-headline titled: "The Rising Cost of Fertilizers—Farmers have to dig deeper in their pockets". I quote:

"The high prices for commodities such as wheat, rice, corn, meat and dairy products have resulted in increasing acreages of land being devoted to production of these items. The result has been an upsurge in the demand for inputs such as fertilizers, herbicides and seeds.

The main drivers of these price increases are:

- Increased global demand for fertilizer, mainly in China, India and Brazil
- Production of biofuels from agricultural commodities such as corn and sugarcane
- Increased energy and freight cost
- Competition for natural gas...

What does this mean for our farmers in terms of their production cost? It may well be assumed that as an energy surplus country producing fertilizer, such as urea, our farmers should be cushioned from rising prices due to the factors listed above. The reality is that our energy and fertilizer prices are quoted on the basis of world prices;..."

Could you imagine we have farmers in this country and they have to pay the same prices for fertilizers as it is being sold on the international market? I mean to say, what stupidity could grip this country and its leadership when all over the world, particular in Europe and the United States, countries and governments are subsidizing agriculture. And in this country, we have our farmers paying world prices for fertilizers in this land.

I want to tell you that in this Trinidad and Tobago of ours, the prices of selected agriculture inputs as quoted by *Green Vine*, this monthly bulletin, page four:

"There has been a significant increase over the last year in some of the more commonly used fertilizers ranging from 50% to 7%.

...is not only restricted to fertilizers but...of other agricultural inputs such as seeds and herbicides."

Let me share with you and this honourable Senate, some of the items and their prices that farmers have to face in the market today if they are lucky to secure fertilizers.

There are different types or brands of fertilizers. You have 12:24:12, that is the number, 100 pound unit; in April 2007, it cost \$130 to purchase such a unit or 100 pounds of fertilizer. At the end of April 2008, that same 100 pounds of

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fertilizer is costing \$230; a 77 per cent increase. It goes on, 12:12:17+2; it is a 55 pound unit of fertilizer. In April 2007, it was \$108; at the end of April 2008, it went up to \$170; a 57 per cent increase. And 9:6:24, 100 pounds, in April 2007, \$130 and April 2008, it sold at \$195; an increase of 50 per cent.

It is unconscionable for a Government that is talking about agriculture; that is talking about food security for this country; that is talking about the production of megafarms; that we can have small farmers having to pay these increases without any subsidies or any support mechanisms being put in place.

The farmers are crying out for the Government not to close down the National Agro Chemicals Limited because they are doing an excellent job but they need proper management to continue in their effort. In addition, they would like the Government to subsidize fertilizers so that our farmers can be able to purchase these inputs that are so necessary to deal with agricultural output and production in this country.

Take herbicide, which is also important in the agricultural thrust: One gallon at end of April 2007 cost \$90. At the end of April 2008, it went up to \$220. Within one year from \$90 to \$220, 144 per cent increase. How can small farmers exist in those kinds of conditions? You have seeds, whether it is tomato, 1,000 pounds, from \$295 to \$360, 22 per cent. It goes on where they talk about cucumber, bodi. The message is the same.

5.30 p.m.

I have raised this matter in order to really get from the Minister of Agriculture, Land and Marine Resources and the Government its policy towards this particular company called National Agro Chemicals Limited. Is the Government going to privatize this company? Is the Government going to close down this company? Is the Government going to intervene to provide subsidies to farmers when it comes to the purchase of basic agricultural inputs, like fertilizers, like herbicides, like seeds? What is the Government doing in order to support the farmers of this country?

Mr. President, this is of significance; it is of grave importance to the workers of this particular company; it is of grave importance as it relates to the farming community and I believe it is of grave importance as it relates to the future of our food security in Trinidad and Tobago. So, I call on the hon. Minister of Agriculture, Land and Marine Resources to provide the national community with some answers to this very crucial issue that is affecting workers as well as farmers in the country.

I thank you, Mr. President.

The Minister of Agriculture, Land and Marine Resources (Sen. The Hon. Arnold Piggott): Thank you very much, Mr. President. I wish to respond to the Motion raised by the hon. Sen. Wade Mark on what he deems the imminent closure of National Agro Chemicals Limited and its consequent impact on employees and the development of the agricultural sector in Trinidad and Tobago.

Mr. President, it is a fact that National Agro Chemicals Limited was established in 1976 and became a subsidiary of Trinidad and Tobago National Petroleum Marketing Company in 1988. National Agro Chemicals Limited spearheaded the use of genetics and blended fertilizers primarily used in estate agriculture at the time, mainly sugarcane and citrus. However, since then the service was expanded to provide inputs to other farmers as well.

National Agro Chemicals Limited previously supplied farmers with a mixed fertilizer package, custom blending fertilizers, which were based on the needs of the situation at the time. The introduction of the best-grow range of fertilizers by the National Agro Chemicals Limited allowed farmers to be able to afford and choose between a range of our products. But bear in mind the mainstay of this company was the sugarcane industry and citrus.

With the decline of the sugar industry and the closure of Caroni (1975) Limited in 2003 the demand for fertilizers from National Agro Chemicals Limited declined and this led, obviously, to major loss of clientele, resulting in significant losses to the company. It therefore became uneconomical for National Agro Chemicals Limited to continue the production of fertilizers. As a result, some considerations had to be given as to the way forward. The company then suspended operations as they related to the production and trade in fertilizers and its derivatives.

Mr. President, the matter for consideration by the Government of Trinidad and Tobago is not limited to whether National Agro Chemicals Limited exists, but for the broader issues involving the agricultural sector. And it is against that background that the Government will make its decisions not to focus on one particular item but a broad-based position. While recognizing the value of blended fertilizers to agriculture, the closure of National Agro Chemicals Limited must take into account therefore, the significant losses being suffered by the company. However, note must be taken of the fact that there will be a spawning of new initiatives for agricultural production going forward.

For instance, there are several new technologies. There is need for the agricultural sector to move away from the traditional method of cultivation. This change can be achieved through young people who possess the vitality and

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ingenuity that is intrinsic in young people today to steer what we call new agriculture which aims to be technology driven, knowledge based and environmentally friendly. And I emphasize environmentally friendly, as we all know the impact of fertilizers on the environment.

I am told that today's bio-technology and information revolution is succeeding the mechanical and chemical revolution of the past 70 years as the key to increase income generation and improve quality of life. Bio-technology and information will and has already begun to reshape agriculture in many ways, impacting livestock and crop genetics, tillage systems, crop protection and much more, human beings. The advantages in technology combined with the ease with which information can be accessed and the focus on environmental consciousness are creating a new vision for agriculture that embraces every career that allows nutritious food to get to our table.

We have the greenhouse technology, and that is the technology that can encourage young people to become involved in agriculture. National Agro Chemicals Limited is currently involved in the sale of several agricultural product inputs, including irrigation equipment, apiary equipment, other chemicals and greenhouse. The company employs some 30 members and some 12 of those are involved in greenhouse technology in providing installation for tropical tunnels, which are the greenhouse operations.

This technology was imported, first brought in here from Cuba in 2003. These people involved in greenhouse technology or in the tunnel houses have gained considerable experience in greenhouse technology and are now equipped to use their expertise to support the technology.

The Ministry of Agriculture, Land and Marine Resources is promoting the use of greenhouses as one of the technological methods to assist farmers to increase productivity of fruit and vegetable crops. It is hoped that the farming community will embrace this technology as we educate them through our extension services and other. There are several advantages to farmers adopting the use of greenhouses when compared to the conventional method of agricultural production. These advantages include improved crop yield, better quality of produce, reduced chemical use, effective control of the environment, greater pest control and better farm management techniques. There is the issue of composting, and the Ministry of Agriculture, Land and Marine Resources is promoting the use of compost in agricultural production, and we have many initiatives going with that in collaboration with other ministries of government in the Republic of Trinidad and Tobago, including the Ministry of Local Government.

Compost is the complete decomposed plant material that possesses a good source of all major plant nutrients. Compost is 100 per cent natural and by its production and use there is recycling of plant nutrient. It can be used as a fertilizer type or mixed with soil as a potting medium. Some advantages of using compost rather than fertilizers include improvement in soil structure, increases in soil organic matter content, reduction in wheat problems proliferation, environmentally friendly with no offensive smell, appearance or texture. It can be used liberally without the risk of burning plants unlike some fertilizers or uncured manure. It is inexpensive.

Whichever technology is used in the agricultural sector, be it for the small farmers or the large farmers, the Agricultural Development Bank stands ready to provide financing for the sector for agricultural production, while NAMDEVCO continues to provide marketing intelligence and infrastructure for marketing farmers' produce. Our agricultural officers in extension and the ministry stand ready to provide technical advice, support and training for farmers as they shift from one type of production to the other, using inputs of one type or the other. While there is consideration for the viability of this company—National Agro Chemicals Limited—I am advised that this company still operates in support of the agricultural sector.

I wish to remind that the Government of the Republic of Trinidad and Tobago provides substantial support for the supply of agricultural inputs for the sector, including a range of incentives, Mr. President. The Government has previously signalled its intention that it is reviewing the current incentive programme for all inputs into the agricultural sector, not the least of which would be fertilizers.

This Government is committed to that policy position. There are several policy measures under consideration and it will not be long before the details of the new arrangements for inputs to the sector will be announced.

Mr. President, I thank you.

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(Criminal Negligence)**

Sen. Wade Mark: Thank you very much, Mr. President. There is now compelling evidence to present a case of criminal negligence which may be formulated against the failure of the Minister of Planning, Housing and the Environment to safeguard the public interest in respect of the construction of the Ministry of Education Tower by the Shanghai Construction Group.

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Over the past few weeks articles have appeared in the *Business Guardian* detailing a number of deficiencies and shortcuts being taken by this Chinese company, which I understand got this contract at a value of \$366 million and was supposed to complete this project in 13 months. The 13-month period was up in June, but there was an extension and they are supposed to complete that project on August 09. The project is less than 50 per cent complete at this time. So, on Thursday, June 26, in the *Business Guardian* the headline by Anthony Wilson entitled, “Is this building safe?” [*Waves newspaper*] That is the first one. The second article by Mr. Anthony Wilson was headlined, “Lost in translation.” [*Waves newspaper*] The third article that appeared in the *Business Guardian*, July 10, was entitled “Will contractor be penalized for late finish?” [*Waves newspaper*] That is the third article. The fourth article was dated July 17, by Anthony Wilson, headline: “Is builder strictly adhering to its contract?” [*Waves newspaper*] That is the fourth article.

Mr. President: Do not wave it around.

Sen. W. Mark: No, I am showing you. I must show you.

Mr. President: No.

Sen. W. Mark: “Yuh wah meh keep it to myself?”

Mr. President: Yes.

Sen. W. Mark: Oh, I see. I find you—okay. [*Inaudible*] And then, Mr. President—let me keep this one to myself—Shanghai Construction Group, they put out an article, trying to refute the truth, dated Tuesday, July 08, 2008. Criminal negligence has occurred in this building. There are very dangerous safety conditions existing on that particular worksite. They are erecting what is called, curtain wall glazing or panels without the necessary specifications, without the necessary supervision and approvals and these Chinese seem to have the approval of the Prime Minister and Mr. Calder Hart in this particular machination.

5.45 p.m.

Mr. President, I have a letter dated April 19, 2008, written to Mr. Michael Zhang. He is the gentleman in charge of the Shanghai Construction Group International. This is the same Shanghai company that built the residence of the Prime Minister and Diplomatic Centre; the same Shanghai company that is responsible for the Academy of the Performing Arts, and they are now building, what is called the Ministry of Education Tower.

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I want to read for you, Mr. President, a letter written by one Karen Medina, Project Manager of UDeCott. She wrote this letter to one Mr. Michael Zhang:

"We refer to our letters of 8 April 2008 and 17 April 2008. Although you have never been released to commence installation of the curtain wall at the above-captioned site, you have proceeded to do so despite instructions to the contrary. Your installation to date is not in keeping with contract specifications as well as being in contravention of the instructions given to you in our letter of 8 April, 2008. "

Mr. President, it goes on:

"We continue to have serious concerns in respect of your installation to date. Further to our verbal instructions to you on today's date, you are directed to cease all installation of curtain wall panels at the Ministry of Education...Tower site until such time as you receive further instructions from us.

Your immediate compliance is expected. We trust that you would treat this matter with the urgency that is required."

They asked him to cease all installation of curtain wall panels at the ministry's tower.

Sen. Hadeed: Where did that letter come from?

Sen. W. Mark: That came from UDeCott and it is dated April 19.

Mr. President, I want to tell you that was on April 19, we are today, July 22 and curtain panels continue to be erected and installed by the Shanghai Construction Group. Let me go on. Colvin Chen of Gillespie Steel wrote to Mr. Calder Hart on April 17 on this question of the curtain wall glazing and I quote:

"We wrote you on 2008-04-10 with regard to urgent critical matters on the exterior cladding of the building; a copy of this letter is attached for your easy reference. Lockwood Greene on the same issues, recommended a curtain wall shut down on 2008-04-09.

To date Lockwood Greene and ourselves have not have had a response from UDeCott. In the meantime the curtain wall installation is proceeding with an unacceptable level of workmanship, besides non-compliance with the warranty specifications. This is being recorded by Lockwood Greene on a daily basis and copied to yourselves.

The project requires the client's consent to an immediate 'stop work' order with a resolution of all the issues by SCG/MEITE."

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This was dated April 17.

Mr. President, Lockwood Greene has since departed from the shores of Trinidad and Tobago. They left on June 30. Genivar has taken over project management of that site and these same people, Lockwood Greene, wrote a letter to Mr. Michael Zhang on May 16. It is a four-page letter and I will read two paragraphs for you. The first paragraph reads:

"This letter is to address that fact that SCG...are in violation of the contract by not following the specifications as provided by ARUP"—which is a European company—"as part of the contract documents. The specific section addressed in this letter is the ARUP Fascade Engineering Spec Section 8. Structural Silicone Glazing."

And they went on to say in the last paragraph:

Shanghai Construction Group has been instructed numerous times by Lockwood Greene to first not install panels because they had not been properly tested, and later to stop installing panels because they had not properly tested.

UDeCott and Lockwood Greene have numerous times tried to get Shanghai Construction Group to bring Dow Corning Rep. to the job site to test the panels before installation started, to confirm that they were fabricated properly, and Shanghai Construction Group refused.

UDeCott and Lockwood Greene even brought a Dow Corning Rep. to the job site to do the testing and, again, Shanghai Construction Group refused to allow for the required deglazing testing required since it has not been done in the factory, in accordance with the specifications.

UDeCott then advised Shanghai on the day before erection was to start, not to start. Again on the morning of the start of erection, UDeCott provided Shanghai with a letter instructing Shanghai not to start erection. In all cases, Shanghai Construction Group ignored the instruction given. UDeCott on April 19 and again on April 29, issued "stop work" orders to Shanghai. Again it was ignored.

Shanghai Construction Group is clearly in violation of the contract as it relates to fabrication of panels, and are proceeding with erection of panels that do not comply with the ARUP specification requirements. In accordance with section 7(5) of the contract, the curtain wall work is rejected and Shanghai Construction is directed to correct all issues required, in order to comply with the contract documents.

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Mr. President, this letter was written by Lockwood Greene to the Shanghai Group. As we speak today, Shanghai Construction Group ignored Karen Medina, Project Manager; they have ignored Gillespie Steel; they have ignored Lockwood Greene and they have ignored the engineers. Genivar had done work on that matter of the curtain walls. They too have agreed with Lockwood Greene, and you have a rogue Chinese company going above the heads of everyone in this country. They have ignored all the professionals; they have put out an ad to indicate to the country, they are correct.

Mr. President, imagine, we employed a contractor and we have a client representative looking after our interest. The client representative runs out of town because of the sloppy and shoddy workmanship being done by that company, and you have this company having the audacity and the rudeness to put out a paid advertisement, telling us what is professional and what is not professional and what is a misrepresentation of a fact.

The Government of Trinidad and Tobago will be held criminally liable and responsible for any events that were to take place in that building. I have it here, but I need an hour and a half; I have all the facts on this matter. [*Laughter*] This situation is extremely grave and it is here in black and white. I have the letters and Mr. Wilson has all the letters in this *Guardian* story. I do not understand why to date, the Minister of Planning, Housing and the Environment has not taken action to safeguard the interest of this country. There is a contract almost about 1,000 pages big. I have it. That contract says, that if after April 09, this company does not complete that building, they will be charged \$180,000 a day for failure to meet the contract. I want to see this Government invoke that contract against the Shanghai group.

It is now becoming very clear that there appears to be a relationship between the Prime Minister, Calder Hart and this Shanghai company, for this Shanghai company to be going about its way, blissfully ignorant of its obligations and then ignoring all advice given to it by professionals. Something is wrong, Mr. President. I therefore call on the Minister of Planning, Housing and the Environment to explain to you and this Parliament, why they have allowed Shanghai Construction Company to ride roughshod over the interest of the people of this country. We need answers and we need them now.

I thank you very much. [*Desk thumping*]

The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Dick-Forde): Thank you, Mr. President. I am tempted to read this book as a response, *How can a Christian be in Politics*, but I will respond to the Motion.

Mr. President, if I am to take from what Sen. Mark just said, all of his information is dated. UDeCott officials were responsible by raising questions and like most of his other Motions, he has overstated, exaggerated and made irresponsible allegations and statements, but I will stick to the facts. It is quite a serious matter he is raising that can cause people to be put off by the project and we need to establish the facts.

Notwithstanding the reports carried in the media and the usual hysteria being sought by Sen. Mark, I would like to state that I have been assured that the public's interest is secure, including the safety of the workers at the *Trinidad Guardian* building and others.

Sen. Mark: Trinidad Guardian Building?

Sen. The Hon. Dr. E. Dick-Forde: Because the *Trinidad Guardian* in the same stories you talked about, said that their workers were—[*Interruption*]

Sen. Mark: We are talking about the structure.

Sen. The Hon. Dr. E. Dick-Forde: But the *Guardian* which you quoted also said that their workers were at risk.

Sen. Mark: I do not know anything about that.

Sen. The Hon. Dr. E. Dick-Forde: This is right. It means that you did not read the whole story. So I am assured that neither their safety, [*Laughter*] nor that of the population is being endangered in any way, due to the construction of the Ministry of Education Tower on St. Vincent Street, Port of Spain.

Mr. President, for the benefit of the national public and Members of this honourable Senate, permit me to recap the facts surrounding the construction of the Ministry of Education Tower which is being undertaken by the Urban Development Corporation of Trinidad and Tobago. I am informed that on June 24, 2005, UDeCott invited tenders for the construction of the building. Tenders were received from the following firms:

- Shanghai Construction Group—the tender amount was \$367.8 million;
- Carillion (Caribbean) Limited—\$418.6 million;

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- Sunway Construction (Caribbean) Limited—\$445.7 million;
- Johnston International Limited—\$451 million;
- Hafeez Karamath Limited—\$476.8 million; and
- NH International (Caribbean) Limited—\$494.7 million.

The contract for the construction of this building was awarded to the Shanghai Construction Group on November 09, 2005.

In my response, I will show that the UDeCott has indicated its confidence in the international reputation of the Shanghai Construction Group as a construction company. I will show, too, that the UDeCott took every precaution in the light of complaints and concerns to investigate the issues raised and continue to do so. I observed from the information I received, that the UDeCott as always kept a level head rather than be drawn in by speculation and wild allegations. It would be wise for citizens to do the same.

Mr. President, for the benefit of the hon. Senator, I must point out that the Shanghai Construction Group is a reputable construction company with vast experience in the construction of high-rise buildings. From their newspaper ad we can glean that they are ready and able to defend themselves as construction professionals and to explain the matters raised. So I note here their record of accomplishments, only for the public record to reflect that the UDeCott engaged a group with international experience and reputation.

6.00 p.m.

The Shanghai Construction Group's vast experience, I am told, spans high-rise, low-rise and single-storey buildings, having constructed to their credit such buildings as the Shanghai Pu Dong International Airport, Shanghai Stadium, Shanghai Grand Theatre, the Shanghai Museum, the Jin Jiang Tower, among others, and the Jin Mao Tower which was the tallest building in China at the time at 88 storeys. Shanghai Construction Group (SCG) has also completed many grand/mega projects such as the steel arch Lu Pu Bridge which has the longest span in the world and the Jiang Yin Highway Bridge across the Yangtze River.

Shanghai Construction Group is an ISO-9000 certified firm, and this certification is an international certification of quality. The group is one of the foremost construction firms in the world, ranked since 1998 in the world's top 50 of the top 225 International Contractors by the US Engineering News Record. Established over 50 years ago, the SCG has been in the forefront of development

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and construction activity in China and has as its asset base approximately US \$3.3 billion and an annual turnover of US \$4 billion.

Additionally, the Shanghai Construction Group is the holder of China's Grade Super-A General Contractor in building construction, municipal engineering and public utilities and the Grade-A General Contractor in road construction. [Interruption] As I said, I am recounting the facts about the quality of the company hired by UDeCott.

This track record also extends to its subsidiaries. Four of SCG's subsidiary companies are also holders of Grade Super-A General Contractor in building construction and many of SCG's subsidiary companies are holders of Grade A general contractor in equipment installation and erection and in petro-chemical engineering works.

Mr. President, many of these prominent buildings constructed by Shanghai Construction Group have been constructed in China, a country situated in both the seismic and typhoon zones. But more importantly, the buildings constructed by SCG have withstood the test of time in the wake of earthquakes which were registered at various magnitudes on the Richter scale, high winds and flooding associated with deadly typhoons. Their buildings have withstood all of those.

I am certain, Mr. President, that the hon. Senator, during his party's term in office, was aware of the reputation and track record of the Chinese construction companies in complex construction. Why else would the then UNC government have entered into an Agreement on Trade, Economic, Scientific and Technical Cooperation with the People's Republic of China on May 21, 1999? This is called context, Sen. Mark.

Mr. President, the print media has published at length certain statements attributed by the former project manager, Lockwood Greene, regarding the installation of the curtain wall for the Ministry of Education Tower. Notwithstanding the fact that on every construction job there are issues and different opinions between the contractors, designers and project managers, please permit me to edify this honourable Senate and reiterate the facts in this regard.

The project manager, Lockwood Greene, had expressed concerns due to the variants in use of products at the project site by the contractor, Shanghai Construction Group. Lockwood Greene insisted on the use of specific products listed in the Dow Corning requirements, because by their estimation these alone should have been used. Tests done on the products used by Shanghai Construction Group at the site by a testing firm in China, found there was structural

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silicone/ethylene propylene diene monomer (EPDM) compatibility, dismissing allegations that the sealant and panels would not work adequately together over time.

Mr. President, I want to assure this Senate that UDeCott has not ignored the concerns expressed by the consultants, or the position adopted by the contractor. In fact, notwithstanding the views expressed by both parties involved in the project, UDeCott requested an independent project management firm to review the matter which was not in any way connected to the project.

Additionally, despite the fact that the testing firm in China has confirmed the EPDM compatibility, UDeCott directed that the products were to be sent to a reputable, independent, curtain wall testing firm in the US and those results are imminent. This means that the Chinese construction firm did its testing and found there was no problem, UDeCott put an independent consultant to do the research which also found that there was compatibility with the sealant, and UDeCott also sent the sealant for testing abroad and the results from that will be coming shortly.

With regard to improperly specified steel that was used at the Ministry of Education Tower, the Shanghai Construction Group had put in a specific order for the specified steel from a local steel supplier and when it was delivered it was set in concrete. Upon identification that it was not the steel that was ordered, the wall was demolished, the steel taken out, and the wall rebuilt with the correct specification of steel. I am informed that a memorandum of understanding was signed between Shanghai Construction Group and the local steel supplier for it to compensate SCG as the local supplier accepted responsibility for the supply of the incorrectly specified steel in that instance. We need to note here that that incorrectly specified steel was taken out and the wall reconstructed.

Mr. President, I must also point out that UDeCott has already addressed this issue at length in the newspapers, and so too has the Shanghai Construction Group. Permit me to also remind this honourable Senate that on a construction site, everyone is looking to reduce their risk and legal liability, and differing opinions between contractors and consultants on methodology and the suitability of materials on a construction site is nothing new. Instead, disputes of this nature are the reality of any construction job, whether it is in the private or public sector.

Mr. President, it is unfortunate that notwithstanding the facts at hand, there appears to be a concerted effort to ignore the facts and concentrate on the promotion of speculation in an effort to create a sense of panic in the minds of the national community.

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Furthermore, I want to assure the national community that in the execution of the Government's development programme, the Government has and will continue to put the interest of the national community at the forefront. Furthermore, as the line Minister for UDeCott, I have been assured that the matter is being addressed and that there is no need to be panicked with either the structure of the building or the structural integrity of the curtain wall system.

I want to remind this honourable Senate that this building, when constructed, will house the staff of the Ministry of Education. Their safety is paramount and the developer, UDeCott, has assured the Government that it has taken, and will continue to take all precautions to ensure that a sound structure continues to be raised. [*Interruption*] Sen. Mark, you confirmed it with your information; you confirmed that UDeCott was doing a good job by your delivery. While having much confidence in the capacity of the contractor, UDeCott has taken seriously the concerns raised, and as noted earlier, has ensured that an independent evaluation was done to inform its actions and its view that all is well at the site.

Mr. President, I thank you.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.10 p.m.