

TALK BY THE MINISTER OF LABOUR, HEALTH AND HOUSING
PRESENTING THE FACTS OF THE PRESENT DISPUTE IN THE
SUGAR INDUSTRY BROADCAST OVER RADIO DEMERARA AT
7.30 P.M. ON SATURDAY 28TH MARCH AND OVER B.G.B.S.
ON 29TH MARCH AT 12.30 P.M.

The strike in the sugar industry is now in its 6th week. During these 6 weeks it has engaged the attention of all Guyanese. Indeed, it is a matter of national importance and concern. And it is about this strike that I would like to speak, with particular reference to the efforts already made to effect a settlement of the dispute.

The strike called by the Guyana Agricultural Workers' Union (GAWU) is in support of their claim for recognition by the Sugar Producers' Association as the bargaining agent for the workers in the sugar industry. The Man Power Citizens' Association (MPCA) as you know has been the recognised union since 1939. The GAWU however claims that it has the support of the overwhelming majority of the workers, and that this is the result of dissatisfaction by the workers over the inadequate representation they have received at the hands of the MPCA. The MPCA on its part denies this charge and has castigated the GAWU as a pirate union.

At this point I would like to divert a moment to remind you that trade union representation in the sugar industry has historically been a thorny problem - one fought out in bitter struggles. You may not know this, but sugar workers had to put up terrific struggles before the MPCA itself secured recognition in 1939.

The MPCA was formed in 1937 but did not gain recognition until 1939, after 5 sugar workers were shot at Leonora. So you will see that it has been an unfortunate fact of our history that the sugar workers have generally had a difficult time gaining recognition for the union of their choice.

The present strike began at Leonora Estate, where workers themselves demanded that the GAWU local representative should be present in their discussions with management. Management refused this request, and the strike at Leonora developed into the demand for recognition for the GAWU as their bargaining agent. This demand was taken up by workers on several other estates although at that stage a general strike on all sugar estates had not been called. The GAWU previously had initiated correspondence with the S.P.A. calling for recognition and had offered to submit its books to the Labour Department for scrutiny. The S.P.A. replied however that it was satisfied the recognised union, the MPCA, had majority membership, thus ruling out examination of books. The question of financial membership was raised by the Commissioner of Labour with the SPA. The Commissioner informed the SPA that it would be difficult in any industry such as the sugar industry where there was a large labour turnover to determine the financial membership of the MPCA without an examination of the Union's Books and their Rules. He pointed out that when workers did not work either because work was not available or because they elected not to work they paid no dues. Were these workers counted as financial members of the MPCA?

Very soon after the strike was extended to several estates, and immediately after his return from a Conference of Labour Commissioners in Dominica, the Commissioner of Labour intervened and tried to arrange for a joint meeting of the three parties - the MPCA, the GAWU and the SPA. Perhaps I should explain that the Commissioner of Labour, who is the head of the Department of Labour, performs certain statutory functions reposed in him by law and he is also the Government's principal adviser on labour matters. As Minister of Labour I have been kept informed of developments and indeed, I have been in constant touch with the Commissioner.

The Commissioner of Labour had hoped that at a joint conference of all three parties proposals might have been made by the parties themselves suggesting a path for a settlement. His efforts, however, failed to get the parties together. The GAWU alone agreed to meet unconditionally. The MPCA refused, although the Commissioner explained that it was reasonable for people who had a common problem to get together and talk about it around the table in order, if possible, to find a satisfactory solution.

The SPA said it was willing to attend the proposed meeting provided the other parties, namely, the MPCA and GAWU attended. The SPA thus in a sense placed a veto in the hands of the MPCA. Efforts to get the parties to agree to discuss the problem around the table had failed. Furthermore, the SPA's reply had not left open the door for discussions between themselves and the GAWU.

After the failure of this initial move, the Commissioner held exploratory talks with certain persons connected with one or other of the parties concerned in the dispute.

On March 4, Mr. Harrylall, President of GAWU, informed the Commissioner that the SPA's refusal of his union's request for recognition left him no alternative but to call a general strike in the sugar industry involving all estates to demonstrate to the employers the strength of his union in the sugar industry.

On the same day the Commissioner enquired of Mr. Thomasson of the SPA whether the employers were doing anything to try to resolve the situation. Mr. Thomasson said that the recognised unions in the industry had held a meeting with him and they were exploring the possibilities of a solution to the dispute. They were to meet again but no firm date had been fixed.

Then, Mr. Bishop, the Deputy Chairman of Bookers, who had come to observe the situation, issued a press release on 12th March in which he stated that Bookers considered that the dispute should be resolved through the established machinery of the Labour Department. Mr. Bishop was of course quite late in his observation, for, as I have already mentioned, the Labour Department had been involved from the outset in efforts to effect a solution.

To continue the sequence of events, the Commissioner of Labour met representatives of the SPA at his request on March 16. He asked them to clarify Mr. Bishop's statement and enquired whether they had any suggestions for resolving the dispute. The gist of the SPA's suggestion was that there should be no political agitation; violence, etc. should be condemned by the Government; that Government and the two trade unions should advise the workers to return to work and that a Committee or Court of Enquiry be appointed to make recommendations which they would be willing to consider seriously if the Committee was a reputable one. They

would even consider a poll, if the two unions agreed. The employers said they were agreeable to an examination of the membership of the two unions.

In examining the employers' proposals, one may observe that if they were implemented, a return to work might have been secured while the fundamental issue of union recognition would have been left wide open because of the various provisos tacked on. For instance, if the Committee recommended a poll, the employers would accept only if the two unions agreed, thus again in a sense placing a veto in the hands of the union that did not wish to face a poll.

It may be noted also that when the employers said they were agreeable to an examination of membership books of the two unions they did not attach a proviso that the two unions must agree. This unfortunately might have led the GAWU to believe that they favoured an examination of membership books because the MPCA was also in favour of it. And again their statement that they would be willing to consider seriously (not accept) the recommendations of a reputable committee might give the impression that both the personnel of the Committee and its recommendations might be open to challenge if the recommendations were unfavourable from the SPA's standpoint.

On March 17, representatives of the MPCA met the Commissioner at his request. The suggestions they offered were: that troops be used to patrol the areas to stop intimidation of workers willing to work, and examination of membership books of the two unions. They added the MPCA was opposed to a poll to resolve the dispute.

The next day, March 18, the Commissioner met representatives of the third party - the GAWU. The GAWU's position was "No recognition - no work". On the question of examination of membership the GAWU representatives said their union had offered before the strike to submit its membership books for examination by the Department of Labour. This however was not accepted by the SPA. The GAWU then called a strike to show the extent of its support. They felt that the stage for showing their books to determine membership had passed and they were under mandate by the workers to continue the strike until recognition was accorded. The Commissioner asked whether the GAWU would reconsider its position with respect to an examination of books as the MPCA was not in favour of a poll.

Before putting the matter to their Executive, the GAWU representatives asked what would be the position of the Sugar Producers' Association, if firstly, one union had more than 50% and the other less than 50% members, and secondly, if both unions were found to have a majority, that is, over 50% members.

The GAWU did not wish to make a pronouncement on a poll as it considered the solution to the present dispute was recognition of the GAWU.

The same afternoon (i.e. of March 18) the Commissioner met the SPA and sought clarification of the questions posed by the GAWU. In answer to the first question, the SPA said they should recognise the union with a majority. The answer to the second question, that is, if both unions showed over 50% members, posed a problem. In considering the implementation of duplication of membership, the employers were inclined at first to the view that perhaps one union should have a

clear cut majority. However, in the course of the discussion it became apparent that it would be difficult to define "clear cut majority" and they therefore finally decided that the following answer should apply to both questions:-

"The employers would find great difficulty in refusing to recognise the union with the majority provided that the examination is conducted in an atmosphere of peace and goodwill".

Here again, the impression that might be created was that the SPA had found a form of words which enabled them to be ambiguous. "The employers would find great difficulty in refusing to recognise the union with the majority....." From the public point of view the question might be asked whether in the face of great difficulty the employers could still find it possible to deny recognition to a union showing majority support.

The SPA by attaching a proviso on the possibility of recognition might have also opened itself to the charge of tying up principle with procedure. The proviso, which some might be inclined to call an escape clause, is that the examination of books should be conducted in an atmosphere of "peace and goodwill". Such an atmosphere could conceivably be the subject of dispute, unless there was some authority who could be relied upon by all parties to determine just when such an atmosphere prevailed. And when it is made the subject of a proviso to recognition of the union showing the majority of members, it raises doubts in the minds of the union with respect to the employers' intentions.

The SPA's replies were conveyed to the GAWU on the morning of 19th March. After consulting his Executive, Mr. Harrylall replied on the 21st saying "My Executive has discussed your proposal to resolve the strike issue quite fully and has taken a decision after a lengthy deliberation that your proposal is not acceptable since we feel that the majority of workers who are on strike in the sugar industry have demonstrated, in no uncertain terms, that they want the GAWU as their bargaining agent. My Executive also feels that the proposal put forward would not reflect a democratic choice of the workers concerned. We however are quite willing to examine any new proposal that you may wish to put forward to settle this dispute."

On 23rd March, the Commissioner again met representatives of the MPCA and informed them that GAWU was not in favour of a membership probe. The Commissioner pointed out that it appeared to him that the TUC was not against a poll as such, but was of the view that a poll could not be conducted in conditions where there was intimidation, violence, arson, etc. He therefore enquired from the MPCA whether they would agree to a poll being carried out to determine the question of support of the two Unions on conditions that a team from the ILO would visit the country after resumption of work to decide whether conditions were normal for carrying out a poll. If the ILO Team decided that conditions were not normal the poll would not be carried out. If, however, they felt that conditions were normal they would themselves carry out the poll. Mr. Ishmael, President of the MPCA informed the Commissioner that his Executive would have to consider this proposal.

That afternoon the Commissioner informed representatives of the SPA of the proposal put to the MPCA. He added that he had a further proposal to put to them, namely, that they should consider whether a membership survey should be carried out for the MPCA and the poll should be

carried out for the GAWU to determine recognition rights. The Commissioner told the SPA that consideration of this latter proposal would depend on whether the MPCA accepted or rejected the proposal for an ILO Team.

An examination of the records discloses that both a membership survey and a poll have been used as the instruments of determining recognition rights for Unions in this country. As the impression given to the public is that a poll is something new, it is interesting to note that in 1959 a poll was carried out to determine whether the Public Works, Pure Water Supply and Sea Defence Workers' Union or the B.G. Labour Union should represent the workers at Atkinson Field. As a result of this poll, the B.G. Labour Union won bargaining rights for these workers. On this occasion the TUC accepted the principle of a poll. In the same year the Labour Department carried out a poll at Black Bush to determine whether the workers wanted the General Workers' Union or any other union to represent them.

In 1962 two polls were carried out by the Department of Labour at Georgetown Seafoods and Trading Co. Ltd. and the Housing Department. In the case of the former, the workers were asked to say whether they wished the General Workers Union to represent them. In the case of the latter, the Public Works, Pure Water Supply and Sea Defence Workers' Union (now known as NUPSE) was seeking recognition in place of the Government Employees' Union which was then the recognised Union. Under a secret ballot NUPSE won a majority and recognition. When an inter-union dispute arose between the Printers' Industrial Workers' Union and the Clerical and Commercial Workers' Union for bargaining rights at the B.G. Lithographic in 1963, the Labour Department conducted a poll resulting in victory of the CCWU. In this case it will be noted that Bookers being the employer accepted the principle of a poll.

Returning to the sequence of events, on 24th March representatives of the MPCA met the Commissioner of Labour and handed him a prepared statement which rejected the proposal for an ILO Team to come here to see whether conditions were normal for the conduct of a poll. In its statement, the MPCA unfortunately attacked the Government, alleging that the Government was attempting to destroy the existing democratic MPCA. I would wish in this talk to avoid replying directly to this unfounded charge by the MPCA and thus avoid exacerbating the charged atmosphere. I merely wish to reiterate that Government is motivated not by the intention to destroy any existing union but to bring about a settlement to the dispute in such a way that the workers' wishes might be given expression. In its rejection of the ILO Team, the MPCA repeated its contention that even if a poll were to be conducted, such a poll could not be held under conditions of "mass intimidation, unprecedented terrorism, arson and murder now rampant on the sugar estates". It is clear that the Commissioner's proposal to have an ILO Team come here pre-supposed a return to work, and further, the suggestion was that the ILO Team would observe and determine when conditions were normal in the industry to permit of a poll being taken. This incidentally would appear to meet the TUC's objection to a poll. The TUC has not opposed a poll on principle, but seems to be concerned that a poll must be held in conditions of calm and normalcy. Indeed, the TUC was one of the three parties - the others being Government and the employers' association - which appended their signatures to an agreement reached after lengthy discussions on the Labour Relations Bill, on a formula for arriving at a poll if a union did not wish to submit its

books for a membership check. The MPCA nevertheless makes reference to the ILO in its release, but asks that an ILO Team should come here to ascertain for itself that a reign of mass intimidation and unprecedented terrorism was being pursued by certain organisations. In other words the impression gained is that the MPCA had pre-determined the issue and expected the ILO merely to rubber stamp its own judgement. I think it is important to compare this stand taken by the MPCA with the actual suggestion by the Commissioner of Labour which would have left the ILO, a reputable International Organisation, to come to its own conclusions as to the state of normalcy or otherwise.

The MPCA having rejected the ILO, the Commissioner of Labour on 25th March telephoned the SPA to arrange for a meeting to discuss his next proposal, namely, that both a membership survey and a poll should be undertaken. The membership survey to be undertaken to determine MPCA membership and a poll be conducted to determine GAWU support. The Commissioner explained to the SPA that if a poll was conducted to determine GAWU support, workers who went to the poll would be requested to say simply "yes" or "no" to the GAWU as their bargaining agent.

I have related in some detail the steps taken by the Commissioner of Labour to resolve this dispute. It can be seen that each step has led to this latest proposal which should meet the wishes of both unions. This was the position as of Thursday March 26. We await the decision of the employers to this proposal.

The Government hopes for a speedy settlement of this dispute and the efforts already made and still being made by the Commissioner of Labour attest to the determination of Government to bring the dispute to an end. I want to emphasise that if the principle is sincerely held by all parties and particularly by the employers, that recognition should be granted to the Union commanding the majority support of the workers, then the method or mechanics of determining which Union actually has this majority becomes a resolvable issue. If, however, despite verbal expressions to the contrary, there is not this sincerity in accepting this principle then I am afraid arguments can and will be found by one party or the other for keeping this dispute unsettled. I hope that over the season of Easter all the parties concerned will give serious consideration to the latest proposal made by the Commissioner of Labour namely, examination of membership books for the MPCA and a poll for the GAWU. I trust that good sense will prevail all round.