



GRENADA

PARLIAMENTARY DEBATES

(HANSARD)

THIRD SESSION OF THE ELEVENTH PARLIAMENT

OFFICIAL REPORT

SENATE

FRIDAY 27TH DECEMBER, 2024

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Table of Contents

Attendance	3
Prayers.....	5
Announcements	6
Papers / Reports	6
Motions.....	9
Bills: Public Sector Employees (Pension Fund) Bill, 2024.....	10
Bills: Eastern Caribbean Supreme Court (Judicial Officers Pensions) Bill, 2024.....	137
Adjournment.....	145

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Attendance

PRESENT

Madam President

Senator the Honourable Dr. Dessima Williams

in the Chair

- | | |
|---|--|
| Senator the Honourable Adrian Thomas | - Minister of Tourism, Creative Economy and Culture |
| Senator the Honourable David Evlyn Andrew | - Minister of Education |
| Senator the Honourable Quinc Britton | - Parliamentary Secretary within the Ministry of Tourism, Creative Economy and Culture with Responsibility for Culture |
| Senator the Honourable Seville Francis | - Parliamentary Secretary within the Ministry of Youth and Sports |
| Senator the Honourable Claudette Joseph | - Attorney General and Minister of Legal Affairs, Labour and Consumer Affairs |
| Senator the Honourable Gloria Ann Thomas | - Minister of Social & Community Development, Housing and Gender Affairs (Social Security) |
| Senator the Honourable Dr. Myanna Charles | - Opposition Member of the Senate |
| Senator the Honourable Dwight Hosford | - Opposition Member of the Senate |
| Senator the Honourable Mondy André Lewis | - Member of the Senate (Labour Rep.) |
| Senator the Honourable Roderick St. Clair | - Member of the Senate (Farmers Rep.) |

**Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's**

Attendance

ABSENT

- | | |
|--------------------------------------|--|
| Senator the Honourable Norland Cox | - Opposition Member of the Senate
(Deputy President)
(<i>Excused tendered</i>) |
| Senator the Honourable Salim Rahaman | - Member of the Senate
(Business Rep.) |

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Prayers

The Sitting of the Senate began at 9:10 a.m.

(Senate Prayer was said)

Madam President: Honourable Members, please join me in the Lord's Prayer.

(The Lord's Prayer was said)

Madam President: Pray be seated.

(Sound of gavel)

Madam President: The Senate is convened.

Deputy Clerk: Item 3 – Oath of Allegiance or Affirmation of a new Senator.

Item 4 – Confirmation of Minutes.

Item 5 – Messages from the Governor-General. Sorry.

(The Clerk and Senator the Honourable Adrian Thomas converse privately)

Deputy Clerk: Item 6 – Announcements by Madam President.

Sen. the Hon. Adrian Thomas: Sorry, Madam President. Item 4, Confirmation of Minutes. There are no Minutes. There are no Minutes, right?

Madam President: There are no Minutes seeking confirmation, is there Leader of Government's Business? That's correct? Thank you. Then Item 4 is finished as is Item 5. Madam Deputy Clerk, you read that, didn't you?

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

***Announcements
Papers / Reports***

Deputy Clerk: Yes, I did Item 6 also.

Madam President: Item six, we heard, and here I take the opportunity on the agenda item of Announcements by the President to welcome everyone who is here this morning. It's a time of Christmas, a time of family, a time of church-going, a time of preparations for the closing of the year, so we thank you for attending this morning and wish you continued joy in the Spirit of Christ in Christmas, and all that is meaningful and joyous to you.

May I also report that Senator Norland Cox, the Deputy President of the Senate, has asked to be unavoidably excused this morning and also to inform you that Senator Dwight Horsford is also requesting your patience for his expected tardiness this morning? He has family obligations but will be here.

I also want to announce that I'm anticipating some students from St. Andrew. In case you see any commotion, they will be settling in, and we already have one of them. I welcome you, young lady, Jade Rodriguez. Thank you for coming to observe what we do here on behalf of the people, including you. Thank you. End of Announcements.

Deputy Clerk: Item 7 – Ministerial Statements.

Item 8 – Presentation of Papers and Reports from Select
Committees.

Madam President: Leader of Government's Business, Honourable Adrian Thomas.

Sen. the Hon Adrian Thomas: Thank you very much, Madam President and let me say good morning to everybody; to you, Madam President, and your staff, to the Legal Advisors, my good friends on the "Other Side", my colleagues here, those who are listening online in the diaspora, in Grenada and the few people that have attended this morning proceeding.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Papers / Reports

Madam President, I rise to present the Paper from the Selected Committee:

1. Grenada Authority for the Regulation of Financial Institution (GARFIN) Annual Report and Accounts 2023.

Madam President: I thank the Leader of Government's Business. Are there any discussions?

(The Clerk and Madam President discuss privately)

Madam President: Honourable Members, the question is that the Report be laid before this Honourable House.

Madam President: Discussion.

Sen. the Hon. Roderick St. Clair: Good morning, Madam President. Good morning to all the Honourable Members in this Chamber and, of course, our visitors and those persons following from the outside.

Madam President, I want to make two comments pertaining to the GARFIN submission. One relates to the matter of the GDB. In a 2022 report, there was some discussion about modifying, doing some adjustments to the Grenada Development Bank Act, of course, it is not GARFIN's responsibility, but it's the responsibility of the bank to do its business based on the recommendation of GARFIN. Specifically, my concern is that the bank, when looking at it, has other priorities and it will defer it and will do it another time. I was just concerned about this deferral.

You know, there are a lot of complaints, a lot of different issues surrounding GDB and having that matter, specifically, I can't recall what that matter was in the previous report, but it is just a concern that it's something that GARFIN recommended. I think it may have had to do with something with some facilitating business with maybe cheques

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Papers / Reports

or something like that, I think. I am not exactly sure, but whatever it was, I think that is a concern.

But also, it was good to see the focus of GARFIN on the issue of virtual assets. I think that was very important because they give it a big name in the book, in the report, but basically, we're speaking about digital transactions and so on, and they use some big words such as, "Fintech", basically, they were focusing their efforts on regulations to Fintech. So all these online transactions that we're doing these days with our debit card and credit card, with point-of-sale and all of those things and how the financial institutions are also working in that space, the issue of their focusing on regulations around that, I think it's a good idea. In fact, they mentioned that they are focusing on that verses emphasis on the whole issue of cryptocurrency and bitcoin and I guess it is because there is no real activity taking place in that space, as yet, I will say, but we must not lose sight that this is something that they need to also focus on because we can easily have challenges with some persons wanting to establish businesses in an unregulated environment with crypto and bitcoin. But it's good that the issue on the Fintech part with our increases in digital transactions, and we want to see them continue working on that. So these are my two comments.

You know, GARFIN is there and maybe other people see differently, but it also has a very important role in regulating. It spoke a lot, also, about the insurance companies and being in incompliance because generally, the report speaks that, there is general compliance by the insurance companies because we know what happened with the BAICO, the CLICO and all of those things and it is good that they are monitoring these things and they need to keep pushing on that to protect people's investments. When you look at the number of millions of dollars in life savings and coverage, based on the report presented, I think it's a report that all Grenadians should really look at because in some form you either have house insurance, life insurance, insurance on a loan or something like that and it's something that the public should maybe look at seriously because it involves all of our money. It speaks a lot about the credit unions. A lot of people are in the credit union. The credit unions have a lot of money involved in that, and so we need

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

***Papers / Reports
Motions***

to ensure that these institutions are properly regulated and kept in line, so that we can put our money with confidence wherever.

So we want to congratulate GARFIN in terms of the work that they are doing and, of course, the virtual asset which is a very critical fact. I wanted to comment on that. Thank you.

Madam President: I thank the Honourable Senator for his observations and this careful reading of the report and I pay attention to your open recommendation that the general public should read the GARFIN Report because it pertains to almost all financial transactions in the country and that's very important that we are sensitive to its regulatory requirements that protect the citizenry. Thank you, Senator St Clair. Hearing no other comments, I seek the advice of the learned House, do we adopt it by vote, or is it already adopted? Adopted by vote? We have adopted the Report with the critical comments afforded by Senator St Clair. Thank you.

Deputy Clerk: Item 9 – Petitions.
Item 10 – Government Notices.
Item 11 – Unofficial Notices.
Item 12 – Questions.
Item 13 – Personal Explanations.
Item 14 – Motions.

Madam President: Leader of Government's Business, Senator Adrian Thomas.

Sen. the Hon. Adrian Thomas: Thank you, Madam President.

WHEREAS debate on the Gracious Address delivered by the Governor-General on the occasion of the Ceremonial State Opening of the Third Session of the Eleventh Parliament on Friday 4th October 2024 was deferred to a date to be announced;

Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's

Motions

Bills: Public Sector Employees (Pension Fund) Bill, 2024

BE IT RESOLVED THAT the debate on the said Address be further deferred to a date to be fixed.

Madam President: I thank the Honourable Senator.

Question proposed.

Madam President: A bit premature here. Let me hear some discussion. There seems to be no request for the floor. I proceed.

Question put and agreed to.

Motion approved.

Deputy Clerk: Item 15 – Bills.

Madam President: Leader of Government's Business, Senator the Honourable Adrian Thomas.

Sen. the Hon. Adrian Thomas: Thank you very much, Madam President. Before I present, Madam President, with your permission, I would like to recognise the students who took the time out of their busy schedules and the festive Christmas season to be here with us today. Yes, I said busy because they may have a lot of things to do at their homes and they all say yes, right?

Madam President: Senator, I believe it is our privilege to give them a round of applause. **(Madam President spoke to the visitors in the Gallery)** You may not applaud. **(Madam President spoke to the Senator in the Chamber)** You may. **(Applause)**

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Sen. the Hon. Adrian Thomas: Thank you very much, Madam President.

Madam President: Proceed.

Sen. the Hon. Adrian Thomas: Madam President, I beg to introduce the first reading of a Bill for an Act shortly entitled, Public Sector Employees (Pension Fund) Bill, 2024.

Clerk: A Bill which seeks to establish a contributory pension scheme for public sector employees to provide for the establishment of a Fund from which the payment of pensions, gratuities and other allowances are to be paid to such employees, shortly entitled, Public Sector Employees (Pension Fund) Bill, 2024.

Madam President: Leader of Government's Business.

Sen. the Hon. Adrian Thomas: Madam President, I beg to move that the relevant Standing Order of the Senate be suspended to enable the Bill to be taken through all its stages at this Sitting.

Madam President: Thank you, Senator.

Question proposed.

Madam President: I recognise Senator Roderick St. Clair.

Sen. the Hon. Roderick St. Clair: Yes, Madam President. Thank you. I wanted to put on the record my comments pertaining to this.

It's my understanding that this proposed Bill has a significant impact on the nation in different ways. And, of course, whilst the Government and the Administration have

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

their own prerogatives, I want us to, at the same time, note that the issue of, I don't want to use "consultation", the issue of review of the document which was passed at the Lower House having such wide impact and given the space of time, not for us because we are here, but for other persons to react and give feedback outside of the legal people talking all over the place, but the man on the ground who it affects, their inputs...

So the question was asked, in such a serious legislative piece of legislation, to what extent the persons who would be so affected, and maybe it's not a lot, maybe it's a lot, were able to have some feedback or what was actually passed? The document... The review of clause 1, clause 2, clause 3... Because it's good to speak about something broad, but when you start going into the nitty gritty, where was that opportunity afforded? And I think that might be the question on many people's minds, and myself having to read and I heard people speaking a lot about this, and the only time I read it was when the official copy was submitted a few days ago. And so that space is what I'm saying that we should be cognisant about and bearing in mind irrespective of the outcome that we bear that in mind in the way that we have Bills of far-reaching national consequences whether it is good or whether it is bad because it's good or whether it's bad, that process is important. So I just wanted to record that. Thank you.

Madam President: I thank the Honourable Senator St. Clair. Senator Charles, you have the floor, madam. Dr. Charles.

Sen. the Hon. Myanna Charles: Good morning, Madam President, my Honourable colleagues on "Both Sides" of the aisle. I want to stand in support of my brother Senator St. Clair and, Madam President, I would like to oppose that the Bill be taken through all of its stages at this time and with your indulgence I would like to give my reasons for that and you know, I really ask the Government not to proceed in this manner.

It is clear that the public as a whole was not engaged in this discussion. Let us hear the concerns of the public, let us hear the concerns of the taxpayers, let us hear what the union has to say, you know, and there are legal implications and constitutional

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

concerns. So I beg the Government not to infringe on public rights. My question is, why the rush? Why is there a rush? So I would like to recommend that the Bill be suspended for a period of time to allow for national consultation and this is my contribution at this time.

Madam President: I thank the Honourable Senator Myanna Charles and I offer the floor to Senator the Honourable André Lewis. Senator, you have the floor, sir.

Sen. the Hon. Mondy André Lewis: Thank you very much, Madam President and let me continue to wish everyone all the very best for the season. Let me specifically join in recognising the students. Thank you all for coming, this debate is about you and your future. And permit me, Madam President, to specifically recognise my dear comrades, the Public Relations Officer and the First Vice President of the Grenada Public Workers Union for attending this session.

Madam President, I wish to place on record our recognition of what the Government is seeking to do and Labour supports what the Government is seeking to do, pension for everyone. Let me place that on the table. There is absolutely no doubt about that. But as my colleagues have said and this is independently... You know, I have spoken to representatives from the three legal firms that have brought us to where we are today. They are the ones who took on the battle for the pension for us in which there was this favourable response and they have all advised that there should be a stay on this discussion given the possible implications. Yes, there are tremendous benefits for a number of people, but it is also likely that it can be taking away benefits from those who are entitled to it and none of us know for certain. I am sure that given our history in Grenada, we are able to sit and discuss.

And I'm not going into... I'm going into the Bill. I'm going into the Bill that has been drafted... The need for discussion on the Bill. I'm aware that at least the Public Workers Union and the Grenada Union of Teachers, their legal counsel have written to the Legal Affairs Department to the Attorney General making that same request. So I'm asking for

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

a stay of the discussion. Let us give ourselves a timeframe to discuss the Bill as proposed; as proposed because I know why I am making that distinction, because I'm aware of the different talks that are being going on. I am speaking specifically about the Bill.

You see because we all recognise and accept that it is a learnable attempt that the Government is doing. We are not taking that away. And you know what I know, Madam President, given the history of our struggles in Grenada, especially for the pension restoration, most of my colleagues on the "Other Side", if not all, know exactly what I'm speaking of because we have all been in the trenches and different forms on this same matter. Now, I know the difference is, now that you are in Government. And because you are in Government sometimes we allow the fact that we in Government that once that train leaves the station it is not stopping until it reaches its destination. Let's make a difference. Let's make a difference as colleagues, I almost say comrades, probably this language may not be permitted here to refer to my comrades on the other... I say comrades on the "Other Side", my colleagues.

We have been in the trenches and you know more than probably most people, even more than most people on the Government Side and I'm deliberately saying that, or the Government Opposition Side, you know what drives us. You know that we have been involved in a number of discussions over the years and they are different times colleagues and the "Other Side" may have had different interpretations and positions on the matter because it's not a light matter. It is not a light matter. So it is not just a matter because I have certain... There are industrial concerns that I can raise in terms of how it may impact, I'm talking about the Bill now, how it may impact the Labour Code and these are things I can deal with. But I am not in a position, as the voice representing Labour in this House, to raise certain concerns about possible legal implications for people and the Constitution.

And therefore, we would have liked, we would like, not would have, we would like for that opportunity...

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Madam President: Do we need a... **(Inaudible comment)** Continue, Senator.

Sen. the Hon. Mondy André Lewis: Thank you very much. Because, Madam President, without going into much detail because I am asking for a consideration to withdraw, but just to put something on the table. There isn't clarity as to who this Bill is designed for, in terms of the different categories, in terms of a clear break. I'll use a typical example. I'm just going to use this as an example, as we speak, there are nurses who are wondering what will happen to them after being told about the Bill, but we can't answer that. There are public officers, public servants who are concerned about that. So I'm just asking for... Right... My colleague. Sure... I'm just asking for...

(Inaudible comment by Madam President)

Sen. the Hon. Claudette Joseph: Madam President, good morning to you and good morning to everyone in the Chamber, especially the students. Madam President, I rise on a Point of Order. I'm trying to figure out what is being debated at present because I hear what sounds to me like a debate going on—on the Bill, but I don't think we have gotten to that stage of the proceedings as yet. All we had was a Motion proposed. So I would enjoin my colleagues to stick with the provisions of the Standing Orders, particularly from section 47 which deals with Procedures on Bills. Thank you.

Madam President: Thank you, Senator Joseph. Permit me a brief consultation, please, colleagues.

(Madam President privately consults with the Clerk and Senator the Honourable Adrian Thomas)

Madam President: Thank you, thank you, Senators. Now of the two Senators who have spoken on the "Other Side" you have both requested... We've discussed

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

procedural matters having to do with whether we should go forward, should the Government suspend action but continue discussion; there've been various versions of the request. All of those conversations or suggestions concern the Bill itself and therefore I believe that it is consistent with the discussion of the Bill. It is not necessarily the substance yet, although you have mentioned what the public has been saying about the constitutional or other issues pertinent to the Bill. So I would rule that it is, I would rule that it is permitted to have this discussion at this time as long as you remain, Senators, within the ambit of the Bill itself.

(Sound of gavel)

Madam President: Continue.

Sen. the Hon. Mondy André Lewis: Thank you, Madam President. I would just like to end by saying that, I also make the request for the Bill not to be debated today and to allow for wider consultation, certainly from Labour's perspective. And I'm giving the material fact that the two largest public sector unions, the two largest public sector unions, namely the Grenada Union of Teachers and the Grenada Public Workers Union and the three firms that represented the public sector workers in a historic case, have all asked that this discussion be stayed so that further interrogation of the Bill can be done so as to better inform and help in a more informed discussion and decision that will work for everyone even in keeping in line of the Government's objective of pension for all. Thank you very much, Madam President.

Madam President: I thank you, Senator André Lewis. I offer the floor to the Honourable Senator Claudette Joseph.

Sen. the Hon. Claudette Joseph: Madam President, in light of the ruling that you made permitting the, well, the debate that has started in my respectful view, prematurely,

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

I would just want to say that in the interests all of the workers of Grenada, particularly the workers to whom this Bill will apply, workers in the public sector, we have carefully considered the timing and appropriateness of debating this Bill today. We are clear in our view that we must proceed with debate on the Bill today and that that debate must be taken through all its stages so that within the earliest possible time and our intention is from 1st January 2025, the workers to whom this Bill would apply will begin to enjoy the benefits of it. So my response to the request is that we should proceed.

Madam President: I thank the Honourable Senator, Senator Joseph. Hearing no other response to that, we proceed. Honourable Leader of Government's Business.

Sen. the Hon. Adrian Thomas: Madam President, I beg to move that the second reading of the Bill be taken at this time.

Question proposed.

Madam President: Leader of Government's Business.

Sen. the Hon. Adrian Thomas: Thank you very much, Madam President. Madam President, I stand here today very happy that public workers and others will be breathing a sigh of relief after so many years. As a Grenadian being in the trade union and being involved in politics, I have personally heard the cry for something to be done about pensions in Grenada, Carriacou and Petite Martinique. Madam President, I have seen, I have felt the pain of public workers and others who have given their best to this state, to this country, who have set themselves high standards, work hard to maintain and sustain and at retirement age they retire in poverty. We have seen it all.

Madam President, when this Administration came into office and we vowed to pay public workers their pension and recognise the court's decision and acknowledge it, Madam President, and decided to pay public workers their pension, we also witnessed

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

the transformation of their lives and their livelihoods. They were able to live again and they were happy. This Administration, Madam President, we refused to think about the next election without thinking about the next generation **(applause)** and despite what we are doing here today, it may not be recognised in the next 40 or 50 years as the state relieving itself of this burden.

We as a responsible Government believe that it is necessary to take the decision today, and if we are only thinking of living for today and for one year and two years, and then every five years, our country will not be the progress that we deserve to make, Madam President. **(Applause)** I stand here as Leader of Government's Business to present this Bill very happy. And I know the workers in this country and the reason why they are not here this morning, outside there with placards demonstrating and banners, is because they see the light of bringing this Bill to this Honourable House at this point in time. **(Applause)** History in the making, Madam President, and I am proud to be part of it.

And so, Madam President, Public Section Employees (Pension Fund) Bill, 2024, as being presented here, contains eight parts and 79 clauses. Madam President, in Part I, the Bill presents a number of areas here; the short title, there is a commencement clause, we have the interpretation of various terms that are being used in this Bill, Madam President, we have the payment of pensions, gratuities and other allowances within that very important part, Madam President.

On the issue of interpretation as we know the English language so many words have so many meanings we do not want to get tangled in any ambiguous statement, Madam President, so therefore in drafting the Bill time was taken to make sure that we define the relevant terms so that the people may have ease of readings; employer, member. I mean the Bill is quite clear on what those terms mean, Madam President, later on in the debate, "My Side" will go into more detail.

But, Madam President, I just want to look at clause 3 (1) which sets out the categories of workers that the Bill will apply to. In category one, we are talking about all new public sector employees, Madam President. Madam President, in category one, all

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

public sector employees who—

(i) hold non-pensionable offices by virtue of a relevant enactment; or
(ii) have neither attained the age of 50 years nor have been employed with the Government for a period exceeding 15 years and are not eligible to receive a pension, gratuity or other allowance in accordance with a relevant enactment. I just thought, Madam President, it was important to highlight that particular clause.

Madam President, in Part II, we have four clauses there. In Part II, Madam President, it deals with the establishment of the Public Sector Employees Pension Scheme; the eligibility requirement for membership, Madam President, obligations of a member to make mandatory contributions, number four, Madam President, information in relation to an employee to the Board and number five within that part, Madam President, beneficiaries to benefit upon death. Those are some critical areas that Part II will deal with, Madam President.

Madam President, as I said in my opening statement, there will be no more retirement in poverty. Workers today, Madam President, will have a peace of mind, not only for themselves but for their children. And it is important, Madam President, to put on record right here that there are over 4,500 workers who find themselves in that dilemma, over 4,000 workers in this country who do not know where their future lies.

Madam President, one of the very important aspects that I have outlined here, under Part II, is the question of mandatory contribution. Once you're a part of this pension scheme, you're entitled to make your contribution and soon reap your benefits, Madam President.

Madam President, clause 6 (1) identifies the employees under section 3 (1) as those who will be automatically eligible to be a member of the scheme once the Bill commences and they will be required to make mandatory contributions to the Fund.

Clause 7, Madam President, provides for an employer to provide information in relation to an employee to the Board in accordance with section 11. And clause 8, Madam President, this very important clause provides for a member who is a member of a scheme to designate one or more beneficiaries to benefit upon the death of that member.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

You know, Madam President, sometimes I listen to some of my colleagues, my friends who may be retired quite a few years ago and every six months they would have to go to the Ministry of Finance or I guess it's online now, to let the authorities know that they are still alive and when the good Lord Almighty may have called them and they no longer can report and say that they are alive, that's the end of it. We're asking people to be part of a system today where beneficiaries are being considered.

Madam President, Part III of the Bill contain two clauses. One of those clauses, Madam President, is the Establishment of the Fund and the contributions to be paid into and out of the Fund. Those are two very important clauses, Madam President.

Madam President, Part IV of the Bill, which is maybe one of the largest parts, contains 29 clauses, 29 clauses and I will take a little time and itemise them here because I think it is very important. Madam President, this part speaks about a Board of Trustees. Very important. It's not a question where the Government will be managing and taking charge, but a Board of Trustees, Madam President will be responsible for the management and administration of the Funds.

And how do we go about selecting, Madam President, this Board of Trustees? This Bill, Madam President, will ensure that there are no round pegs in square holes or square pegs in round holes. This Bill, Madam President, will ensure that we get the best minds to look after and to manage the Funds. And so there is a part, a clause, Madam President, in this part of the Bill that speaks about eligibility requirements for appointments as a Trustee. Very detailed.

Also, Madam President, it speaks to the tenure of the people appointed. They will not be appointed for life, as we have seen in some institutions. This Bill, Madam President, speaks of three years. However, if you have a lot in you to offer in this country, you can continue. But one of the things we will ensure, Madam President, is that people, persons appointed, would not all move out at the same time because we want continuation. We're going to stagger, we're going to stagger it, Madam President, and we'll also make provisions for the filling of vacancies. Every Monday morning somebody resigns from some institution. So the Bill speaks to filling of vacancies in cases of

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

resignation or revocation of appointments. I will not go into details, Madam President, in regarding the appointments, the protection from liabilities, salaries and fees for the members or the Trustees.

But, Madam President, the function of the Board of Trustees. Clause 23, Madam President, speaks to that and also clause 24 authorises the Board to make investments in relation to the Fund. So it will not be capital sitting there idle in the bank for some smart person to borrow and make an investment for their personal use. But the Bill gives the Board the opportunity to invest in resources to bring more benefits to the members of this very important pension scheme.

Madam President, but the Bill doesn't stop there. The Bill makes sure that there are systems and regulations put in place to monitor the management of the Funds. Therefore, this very important institution that is recognised as the Grenada Authority for the Regulation of Financial Institutions will have a part to play in making sure that the governance of the pension scheme, of the pension fund is well taken care of and GARFIN will definitely play an important role there. **(Applause)**

Madam President, this Board... And I hope that life and the future treat us well. As I said to you, this is for the future. Madam President, it's not for in the morning or tomorrow or next year, it is for a lot of years to come where politicians will give professionals and experts the opportunity to do what they ought to do. And therefore, we have placed in this Bill, Madam President, the power of the Board to delegate responsibility and to sign off without politicians making the final decisions. Madam President, that is a level of trust we can place in our people. The Fund, Madam President, accumulated will have to subject themselves to auditors and the Bill provides for that. Madam President, as the debate proceeds we'll get more details on Part IV of the Bill.

Part V, Madam President, contains six clauses and it provides for the manner in which contributions are to be made to the Fund. Clause 40 and 41 provide for the payment of mandatory contributions by a member and an Employer respectively. Clause 42 empowers a member, upon approval by the Board, to make voluntary contributions to the Fund. And clause 46, Madam President, 43, sorry, makes provision for the payment

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

of past service credit contributions by the Employer, while clause 44 provides for the obligations of an Employer to remit contributions to the Fund. Madam President...

Madam President: Honourable Senator, kindly clarify clause 43 for us, please.

Sen. the Hon. Adrian Thomas: Clause 43 makes provision for the payment of past service credit contribution by an Employer. Meaning, Madam President, that there will be employees... I'll take them stage by stage, Madam President.

Madam President, the contribution from members whose salaries not exceeding the maximum insurable earnings as defined pursuant to Part III of the Schedule to the National Insurance (Collection of Contributions) Regulations, Chapter 205, 3%, and salaries exceeding the maximum, 6%, maximum of NIS.

Employers' contribution, Madam President. Salaries not exceeding the maximum insurable earnings as defined pursuant to Part III of the Schedule to the National Insurance (Collection of Contributions) Regulations, Chapter 205, 3%, employers and maximum insurable earnings, 6%.

On the issue of voluntary contribution, Madam President, you are free as an employee to become a member and make voluntary contributions, but it must not exceed 10% of your salary. That's for voluntary, the Employer is not making any contribution in regards to that.

And for past credit contribution, Madam President, there is a formula in the Bill that will be used for people to come over to the scheme and continue with the benefits that they may have had where they were before. So those are areas, Madam President, that Part IV outlines.

Part XI of the Bill, Madam President, contains 18 clauses. And it outlines quite a number of features, Madam President:

- (a) to establish and maintain a retirement savings account for every member;
- (b) to credit the member's retirement savings account with the contributions made by the member and the employer each month;

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

So you know, I saw some people expressing the concerns that, when this Bill comes into effect, people will be going home with as low as \$40 less than their salary. And when such irresponsible statements are being made, Madam President, by failing to continue the point, that for every \$45 you deposit in the Scheme, immediately that \$45 turns into \$90. **(Applause)** And if you don't make those statements, if you don't qualify your statements, you're attempting to mislead the public, because the employer's contribution is 50%, and the employee makes 50%. And that is the kind of benefits and the truth we must tell the general public.

Madam President:

(c) to establish and maintain a voluntary saving account where applicable;

So apart from the contribution you are entitled to make, if you have excess funds, you can also deposit them there. It goes into the Fund to make sure that you have better days and a better life in the future. And who knows, your children might be able to benefit from some savings in getting their education.

Madam President:

(d) inform the Employer where a member's contribution details vary;

(e) to provide customer service support to members, including access to account balances and statements on demand;

(f) to cause benefits to be paid;

(g) to be responsible for all calculations relating to benefits and to carry out any other function as may be directed by the Board from time to time.

Madam President, within that... In Part VI, Madam President, it contains 18 clauses, another large part. And again, it features a number of areas, Madam President, that deserve to be highlighted. But in clause 48, Madam President, Schedule III - Vesting of Employers Contribution.

Now, while I made a point that every \$45 that is being deducted from the employees and goes to the Fund, immediately you have \$90 assigned to you, because of the employer's contribution. However, it is important to note, and it will be remiss of me if I don't mention that. It is important to note, Madam President, when the employee

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

has access to the funds that are placed in the Scheme from the Employer to the employee.

The Bill provides, Madam President, for less than two years, you don't have access to that Fund from the Employer. We want to make it into a savings, a meaningful savings.

At least two years, but less than three years, you have access to 25% of the contributions that the Employer makes. At least three years but less than four years, Madam President, you have 50% access, and at least four, at least four years, but less than five, and over five years you have 75% and 100% respectively. And that is what will ensure that people get the kind of benefits that they deserve from a Scheme of that nature.

Madam President, Part VI goes on to speak about a member who retires on attaining normal retirement age, is to receive a lump sum cash payment of up to 25% of the combined amount contained in the member's contribution account, the employer's contribution account and the past service credit account. We can digest that, Madam President.

The section also goes on to talk about, Madam President, in clauses 51 and 52, which make provision for payment of pension upon early retirement and late retirement respectively. And clause 53 speaks to retirement by reasons of infirmity of the body or mind.

So at no point in time, the members in this Scheme stand any chance whatsoever of losing anything. And obviously, we have seen what happened in many parts of the world and many organisations. And this has given us, Madam President, the reasons to make sure that we put all measures in place to make sure that the funds are well secured.

Madam President, clause 55 goes on to talk about, for resignation prior to retirement and clause 56 provides for dismissal prior to or after attaining early retirement age. Clause 57 provides for retirement under special circumstances, Madam President.

In Part VII of the Bill, we have nine clauses. And again it speaks to protection from liability, exemptions from stamp duties, confidentiality provision, offenses of misappropriation of assets of the Fund. One of the clauses, Madam President, speaks

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

and provides for the Minister to make regulations on the recommendation of the Board for the better carrying out of the provisions of the Act.

Clause 73 provides for the Minister by Order, subject to affirmation resolution, to amend the Schedule to the Act. And clause 74 provides for the review of this very same Bill when it comes into an Act.

Madam President, those are some of the miscellaneous provisions that I've outlined there, that the Bill caters for. And there are stiff penalties especially when it comes to people who have access to information within the Fund. As 69(2) says, "Every concerned person who is required under subsection (1) to deal with matters specified therein as secret and confidential, who at any time communicates or attempts to communicate any such information, to any person—

(a) other than a person to whom he or she is authorised to communicate; or

(b) otherwise, than for the purpose of this Act,

commits an offence and shall be liable on summary conviction, Madam President, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding three months". And there are more measures, Madam President, to protect the members and their business.

Madam President, and the last but not least, final part, Part VIII of this very important Bill, is what we call Consequential Amendments, which repeals specific sections of the Pensions Act Cap. 233, the Police Pensions Act Cap. 245, the Pensions (School Teachers) Act Cap. 236 and the Pensions (Prison Officers) Act Cap. 235 and the National Insurance Act Cap. 2205.

Madam President, obviously for this Bill to commence there will be some impact on other legislations that we need to amend. And therefore, we will make sure for the smooth functioning of this Act, when it comes into effect, there will be nothing to hinder it. And we want to give the public all assurances and the potential members all assurances that we will act responsibly and make sure that there is nothing whatsoever, hindering the progress of this pension scheme that we are trying to bring to Grenadians who were not and who will not be privileged, to leave their job, to retire and be happy. And we want to

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

give them confidence, that what we are doing will be in their interest, for their benefit, for the future of generations to come.

Madam President, I have no doubt, no doubt whatsoever, that when this Bill comes an Act, workers in this country will walk with their heads held high knowing fully well that one day they will not be able to work as hard as they were when they were young. At some point in time, the state does have a responsibility to make sure that our citizens are well taken care of just like how the state has a responsibility to make sure that we nurture the young people of this country, to put them in a position where they can be an asset to the society, rather than a liability. But we know that all good things come to an end. So when you have given so much to your country, when you have worked so hard to provide livelihood for yourself and to make Grenada great, you deserve to rest in peace in your retirement age.

And so I commend this Bill to this Honourable House for debate, for discussion and that so we may make history today with the passing of this Bill, in the name of Grenadians home and abroad, people from Carriacou and Petite Martinique. I thank you.

(Applause)

Madam President: I thank the Honourable Senator for his customary confident and edifying summation, summation nonetheless. And I take note that there are many details that your colleagues will elaborate on. I offer the floor. Happy to wait. **(Laughter)** The “Other Side”?

(Inaudible comments by Members)

Madam President: Opposition consultation is coming to an end and I see the request for the floor from the Honourable Senator, the Honourable Myanna Charles. Senator. Madam, you have the floor.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Sen. the Hon. Dr. Myanna Charles: Thank you, Madam President. Honourable colleagues, we stand here as guardians of this Constitution and any amendments to that Constitution thereof. The Public Sector Employees (Pension Fund) Bill of 2024 in its current state has not been given its fair share of national and legal consultation, to ensure its effectiveness to respond to the problems at hand.

Madam President, I want to acknowledge that this Bill is bigger than any Government. It is an issue of the State of Grenada and safeguarding the rights of our national assets, the public officers. And this, in my humble view transcends any political divide. **(Applause)** My Honourable colleagues, it appears from this Bill that all new employees entering the public service will enter in this new Bill, but it is not clear in the Bill. If the Bill is intended to phase out the 1958 Pensions Act, then let it be explicitly stated in the Bill. We cannot mislead the people in that regard.

Sections 92 and 93 of the Constitution safeguard pension as a right for public officers, not a privilege subject to the Government's discretion. In other words, Madam President, it is not discretionary, but a guaranteed benefit for holding public office. Yet this Bill dears to unconstitutionally challenge eligibility, which is granted by the Constitution.

My Honourable colleagues, Madam President, I call on the Government, once again, to not proceed in this manner. And I want to again put on a record and request that the Bill be suspended for national consultation due to the number of legal and constitutional concerns regarding the Bill in its current state. And, Madam President, at this point I just want to express some of the reasons why I'm calling for that said suspension, and why I'm asking the Government to not proceed in that manner:

1. Putting this Bill into practice in its current state is assumed to be solving a problem, however, it seems that we will end up with more problems, legal, constitutional, procedural, thus we have not solved the problem. Instead, in its current state, we are creating new problems.
2. The definitions. They are definitions proposed in the Bill and those definitions are not in line with the Constitution. The Constitution clearly defines who a public

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

officer is, and that is not in line with the new proposed definition. This Bill attempts to blur that line, undermining clarity and respect for constitutional order, and this will result, in no doubt, in unfair treatment.

3. And this is very important, such a scheme is all about numbers. Where are the numbers? The number of contributors from each category; what is that number? The funds target; what is the funds target? The impact on Government spending; how will this Bill impact Government spending? Are we going to impose more taxes to come up with that money? I wonder. If this Bill is not based on numbers, my Honourable colleagues, how would we guarantee feasibility and sustainability?
4. Generational inequality. This generation will be automatically enrolled in something that is less favourable compared to the previous generation, by virtue of this Bill. Ultimately, this current Bill sends a chilling message to my generation, and the students in the gallery today, and that message is our future and our service is worth less than those before us. Madam President, how can we claim progress when we institutionalise inequity and inequality? This is a serious concern.
5. You know, my Honourable colleague spoke about some of the mechanisms of the Bill. Lack of transparency and anti-corruption mechanisms. Madam President, my colleagues, transparency is the foundation of trust. You know this Bill, it mandates audits, but I ask you, how will the ordinary man have access to these reports? Worse yet, the Funds' investment powers expose it to potential mismanagement, corruption and market volatility. What is in place for that? Are we creating a safety net for workers or are we gambling with their futures? After all, it is their money.
6. Madam President, the Investment Fund. This Bill investment framework is dangerously vague. What do I mean by that? It leaves the door wide open to mismanagement and there are no explicit guidelines for investment, no clarity on who sets the key performance indicators for the Board and no protections to ensure that funds are invested responsibly and with minimum risk.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

The obvious threat is, if this Fund collapses under poor investment decisions, who bears the burden of the shortfall? Who bears the burden of the shortfall? Will it fall on the backs of tax payers or the very workers contributing to the Fund? Would we then be compelled to increase contributions?

The Bill needs to regulate accountability, clear investment guidelines and a guarantee that the state will underwrite any losses to protect our workers' financial security and to hold those responsible accountable. Anything less than that, is gambling with the livelihoods of our public officers. And let us not play dice with their futures. We don't play dice with our own futures so we shouldn't do that to our public offices.

Honourable colleagues, Madam President, pension reform and problem solving is necessary and we do acknowledge that we need sustainability in this regard. But this is not what reform looks like. This, in my humble view, is unjustified haste. The problem is not what is being done, Madam President, and my Honourable colleagues, but rather how it is being done. This must be thoughtful, inclusive, just and far-sighted. Let us collaborate, let us consult widely and deliver reforms that honour the Constitution, that safeguard our workers and secure a united future for generations to come.

Hence, I once again appeal for the Bill to be suspended for national consultation, due to the number of legal and constitutional concerns that exist out there. We cannot proceed with the Bill in this current state. Thank you. **(Applause)**

Madam President: I thank the Honourable Member, the Honourable Senator Myanna Charles for her intervention. Thank you, Madam. Senator the Honourable Gloria Thomas, you have the floor, madam. And while you take the floor, I also join in welcoming our trade union colleagues and the legal drafters. Forgive me for not mentioning you earlier ladies and gentlemen, welcome. Senator Thomas, proceed.

Sen. the Hon. Gloria Thomas: Thank you, Madam President. I rise to support the Bill and to give some further details and clarification on issues raised.

Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Madam President, the concern about transparency and accountability was raised by my learned friend on the “Other Side”. Madam President, to ensure that the pension funds are properly and effectively managed, the Board of Trustees is hereby established, which shall be responsible for the management and administration of the Fund. The Board shall be a body corporate to which the provisions of section 49 of the Interpretation and General Provisions Act, Chapter 153 shall apply. All courts, Judges and persons acting judicially shall take judicial notice of the common seal of the Board affixed to any document or notice and shall presume that it was duly affixed. So, Madam President, we don't have persons just on a Board doing what they want. There are standards. There are procedures that must be followed.

The Board shall comprise the following persons appointed as Trustees by the Governor-General, acting on the advice of the Minister—

- (a) the Permanent Secretary with responsibility for public administration or his or her designate;
- (b) the Permanent Secretary of Finance or his or her designate who shall be *ex officio* members; and the following other persons will be part of the Board:
 - i. we will have an attorney-at-law who has been practicing at the Bar for at least 10 years;
 - ii. an actuary or a person with actuary qualifications or experience;
 - iii. one person who has demonstrated knowledge and experience in finance;
 - iv. one person who has at least five years of experience in human resource management;
 - v. one person who was demonstrated knowledge and experience in investment;
 - vi. one person after consultation with the trade unions representing public sector employees; and
 - vii. one person after consultation with statutory bodies.

Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's

Bills: Public Sector Employees (Pension Fund) Bill, 2024

This, Madam President, will form a board of nine persons. With persons with these broad-based skillset, we can be assured of an effective functioning board. **(Applause)**

A person appointed as a Trustee pursuant to this section shall have, in addition to the duties specified under the Act, such duties and obligations of a trustee and be held accountable in accordance with the provision of the Trustee Act, Chapter 329. The names of the Trustees as first constituted and every other change in the membership thereof shall be published in the *Gazette*. So this is not **(applause)** something that is happening under cover and Government putting who they want to do what they want.

A person shall not be eligible for appointment as a Trustee in accordance with section 11 (4) (c), if the person—

- (a) is a Member of Parliament. No conflict of interest, Madam President.
- (b) is not fit and proper, having regard to criteria specified in subsection (4).

A person shall not be appointed as a trustee under section 11 (4) (c), unless the person has forwarded to the Governor-General a voluntary declaration that he or she is not ineligible for appointment. An appointment made in contravention of this section shall be void. So, Madam President, this Board will be a board where you can have accountability and transparency.

A person is fit and proper for the purpose of subsection (1) if—

- (a) the person has not been convicted of an offence involving fraud, dishonesty or moral turpitude or an offence under the Proceeds of Crime Act, 2012 or an offence in any other jurisdiction that is similar to any such offense;
- (b) the person has not been adjudged or otherwise declared bankrupt or is insolvent or having been adjudged or otherwise declared bankrupt or insolvent, as being rehabilitated or discharged.
- (c) the person is in compliance with all tax and all statutory requirements imposed on the person; and
- (d) the person is, in the opinion of the Minister—
 - (i) a person of sound mind and is able to exercise competence, diligence and sound judgment in fulfilling his or her function as a Trustee;

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

- (ii) the person possesses the knowledge, skill and expertise necessary for the functions required to carry out by the person as a Trustee; and
- (iii) the appointment of the person will not raise any issue of conflict of interest or undue influence.

So, Madam President, details will be ensured so that persons who serve on the Board are persons who are fit and will demonstrate for the nation a high level of accountability.

In the exercise of his power and performance of its function under this Act, the Board—

- (a) shall act impartially and fairly in the interest of members; and
- (b) shall have the power to do all such things as it considers necessary or expedient for the purpose of carrying out its functions.

Tenure of the appointment. A Trustee appointment pursuant to section 11 (4) (c), shall be appointed for a period not exceeding three years and the appointment shall be affected in such a manner that will ensure as far as possible, the expiry in any one year of term of office of not more than one-half of the said Trustees. Every trustee appointed under section 11 (4) (c) shall be eligible for appointment.

Whenever a vacancy occurs in the membership of the Board before the expiry of the term of office of a Trustee, the Governor-General shall, on the advice of the Minister, appoint a person similarly qualified to fill the vacant position for the remainder of the term.

Madam President, any Trustee appointed under section 11 (4) (c), other than the Chairperson, may resign membership of the Board by notice in writing thereof addressed to the Governor-General and submitted to the Chairperson, who shall transmit the notice to the Governor-General. The Chairperson may resign membership of the Board by notice thereof in writing submitted to the Governor-General. A resignation under this section shall take effect upon receipt by the Governor-General of the notice thereof.

And so, Madam President, this presentation here is to ensure the House that we are ensuring, that we will ensure that the Board of Trustees will be persons who will be able to carry out their jobs and the procedures and the standard set will be followed to

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

avoid lack of transparency and accountability. Thank you. **(Applause)**

Madam President: I thank the Honourable Gloria Thomas, Senator for her clarifications. I have one curiosity in this rather elaborate and detailed presentation of who is eligible and how persons on the board should function and that curiosity regards age, particularly in light of all these young people here. I wondered if, in 12 (4) and other parts, I was looking to see if there is an age requirement, to see if these young people could aspire to being on the board.

I know our learned friend is going to discuss many topics, yes, Senator Claudette Joseph and might speak on the question of age eligibility with attention to the young people. But that's more of a curiosity than an absolute question. I wait discussions. Thank you again Senator Gloria Thomas. The floor is open.

Sen. the Hon. Roderick St. Clair: Okay, the decision...

Madam President: Honourable...

Sen. the Hon. Roderick St. Clair: ... yes, the decision...

Madam President: ... Roderick St. Clair.

Sen. the Hon. Roderick St. Clair: ... on the side here. I was sent.

(Laughter/Applause)

Sen. the Hon. Roderick St. Clair: Can you imagine that?

Madam President: May I say it's not the first time.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

(Laughter)

Sen. the Hon. Roderick St. Clair: Well you know in any cricket match, Madam President, you have to look and see how the game is going. And, of course, put your different batsman to deal with the pitch at their different time. So, that's my time. Thank you for having the confidence to send me ahead. **(Laughter)**

So thank you, Madam President. So as I rise here, Madam President, and Members to make my contribution to this Bill in front of us, Public Sector Employees (Pension Fund) Bill, 2024, I think that we need to wrap up into our minds exactly... And so, I may have a lot of questions, which I would look forward to getting clarifications on, such that I can be clearer at the end of this whole session. So I trust there are many Members on "Both Sides" who may be able to answer those questions of doubts or questions of curiosity that I have in my mind.

So, the first thing is, why are we here? Why are we here, Madam President, to discuss this Bill at this time? What is it supposed to do? What is its intention? And, so my understanding is that it's a Bill to ensure that the person who, I would say, is out of the system, who is not currently covered by what is referred to as the "1958 regulation". The court made a judgment that persons before 1985 would be entitled to a Government pension, as outlined in the Constitution for public officers, police and prison officers and so on, to be paid from the Consolidated Fund; the fund where all the monies of the Government reside.

We understand further, that, of course, it's a non-contributory pension and gratuity that are paid currently to these officers. We understand that if no money is going in from some other source, then where the money can come from. Does it come from taxes, to pay those officers? Does it come from a grant, to pay those officers? Does it come from a project? Or some wise person may ask, well, as the Government invests in different stocks and bonds, can it come out in that also?

So the question arises... I don't want to call it a problem. The matter that this Bill seems to be addressing is, how you get money to pay people. If you're only taking out

Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's

Bills: Public Sector Employees (Pension Fund) Bill, 2024

without putting in, then it will come to an end. That's the scary part. That I think is the scare. So, the question can ask, can the current system utilise its own monies, smartly? Government is very powerful, very smart and has intelligent and high-skilled experts in its whole system of the public service and has access to all sorts of global resources. Can it take this money, which it does, and put it in different bonds and yield different interest rates and so on? Can it do that? Government does that when they need money to pay bills, pay their debt and all those things like that.

The next question I ask, Madam President, is pertaining to payment, because that's the issue as far as I understand. The economy seems to be at its best in this time, based on reports. Well, based on reports. **(Applause)** So if I'm doing well, spend the money and manage it. **(Inaudible comment by a Senator)** But if I have to cry die so early then it begs the question, is it really true or could you really manage it? And I say this, Madam President, because all governments say, the public and all over the world, they say governments can't manage anything. Government can't handle things properly, so, maybe, in this case, we understand that we want to set up a special board, a trustee's board to manage this thing. So we have what is referred to as the Board of Trustees. We'll address that in a while.

So this Board of Trustees, as the question would be asked, the first thing you do is, if you want to manage resources properly, do you have anything now that you can use before you invest or go into other things? And do you have a vehicle? A vehicle, in this case, means does the Government have other instruments? And I mention for example, you can take your own monies and invest it because, already existing within the system is a mechanism for handling pension and gratuity payment. The computer is set up. The software is there; a person already employed in the system. Would persons be losing jobs because there would be less work to do because all of this pension and gratuity preparation would be assigned to some other infrastructure with the Board of Trustees? I don't know, because they will have less work to do. Who would keep people on the job when there is less work to do? I don't understand that.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

At the same time, Madam President, Members, if you're going to set up this Fund, you'd have to get a building; Government already have problems getting buildings—renting all over the place. You'll have to get a building. You'll have to get workers. It's not just the board. And I think that there is a great deficiency, Madam President, in this Bill because there is a major component that is missing. You'd have the administrator, you have the Board of Trustees. The administrator is not going to come to an office and sit down every day and answer the phone, prepare behind the computer and do all of these things. This administrator is basically a CEO, a chief executive officer who has to have staff. That is missing. We're not hearing anything. This is very silent.

Normally, the Bills that come and speak about boards, speaks about management and staffing and so on. So this is a hidden cost that we are not hearing about. And so, the question arises and people will say, well, do you have a vehicle? And so, Government is already a vehicle, you have staff, you have computers, you have technology. Cost. If you do it separately, who is bearing those costs? I read in the Bill, Madam President, that for the first five years the Parliament will approve, within the national budget, a contribution yet to be determined. I'm waiting for that determination when we meet to see. It's just the administrator we have to pay, and two trustees, so it may just be about \$20,000 for the year because it's just them. That cost.

It is also placed on the table, where is our good NIS who has certain capacity already, skilled and capable? But you know we're so smart, Madam President, we took out a whole section 47 from the NIS Act to make sure that the legal capability is not there. So basically we dismembered NIS. We trim it, as we say in agriculture, we prune it, such that it cannot tamper or go anywhere. And we say, well, you know, I guess it's good; the Revolution's intention is to move it out.

And so, when my good friend, Leader of Government's Business, presented the sections that are repealed, not only in the NIS, he was very silent on the details of the repealing because this is what is happening. From standing here today, Madam President, or in my house and someone comes and they remove the door, they remove the roof, they remove two pillars, at the end of the day I don't have a house you know. I

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

might be inside something. And so, what we are seeing, is a sort of surgical strategy. I trust that persons following and when they get to the places like here, they understand the subtle ways in legislation to get around things and there is nothing wrong in that. There's nothing wrong in that, but we have to be up to the game.

So I say this to say that stripping of the NIS is a significant issue when we should have been building NIS; building it. Of course, in 2025 we will be building it, because 2025, Madam President, when I check the record, we'll be increasing to 13% overall contribution to our NIS scheme. I think it's 6% for employees and employers pay 7%. And here we're hearing some other 3% and 6%. There's nothing wrong about that. We will speak about that.

So, we should be strengthening NIS. In fact, we met here about a year ago and strengthened NIS. We strengthened it; give it the capacity to even invest further, they would have special investors and investment portfolio managers, in a small country like Grenada, where we know our technocrats are very limited. I mean, and we all know that, you go in the Ministry of Health, you go in the Ministry of Agriculture, you go in many of the ministries; we are lacking a lot of technical persons. And so, we either have to get the World Bank or somebody to lend us somebody for two weeks and two months to help get things done. But the good thing about it, Madam President, we are resilient people and we are smart people and we know what to do when the time is right. So, let us see what the way forward is.

The NIS already have the capacity. Would we be partnering or would this new trustee be loaning capacities from the NIS? Would that be that collaboration? And then, if you start in that way, then is it necessary to say that the NIS provides all the administrative and all the sort of support that is needed to this Fund, and the Board of Trustees act as a Board of Trustees and while the administrator basically act as a sub department or division of the NIS. Anybody who studies management studies, business management, reorganising and reengineering would tell you, the World Bank, the IMF would tell you that, because we already need to have maximising the use of our resources.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

What benefit would that separate body bring to us? Well, one may say, well, it reduces risk, so you put a set of money in a different place. I don't think that is the matter, because could you imagine that NIS, which is supposed to be smart, we've empowered them along with this contribution from this pension, is taken together and able to use them as a power broker, to negotiate better rates of interest and better investments. Where is this idea of coming together, combining, being stronger than separate? But a wise man would say to us, Madam President, why the Government doesn't subcontract NIS to invest the money if they don't know how to invest the money, because they know how to do it. This is our future.

NIS is maybe a move-guarantee-system, than even your NIS because you're putting money in there and they know what they're doing. We put the confidence in them. You're creating a new bin that they have no track record for, which we'll be putting millions and millions of dollars. Government, notwithstanding they may have their little issue, have a certain confidence. We see what happens with a lot of the statutory bodies and boards. Here we are taking all the people's money and putting it in a place under some management, and let's talk about that, Madam President.

My good friend on the "Other Side" went at length and spoke about the board composition and the trustee composition. It's good. **(Inaudible comment by Madam President).**

Madam President: Leader of Government's Business.

Sen. the Hon. Adrian Thomas: Sorry, Madam President, and my apologies. Senator, I just want to get some clarification. Each Member has how many minutes?

(Inaudible comment by Madam President)

Madam President: Continue Senator, thank you.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Sen. the Hon. Roderick St. Clair: You see, Madam President. 52 pages; four, five days ago. No national consultation. So we have to speak and he is getting scared. If you have consultation... So anyways. I wouldn't take the whole day, we will have lunch on time, Madam President. **(Laughter)** This is why they sent me. **(Laughter)**.

So coming back to the issue of the Trustees... It's important, very important and having myself being a trustee on a pension fund in one of the statutory bodies, I understand very much the obligation, the commitment and the responsibility that goes with this. I understand fully well the role of GARFIN, in the way that they act and I commend them highly. In fact, there was one officer there, Mr. Edwards, I think he's retired now, a very good help, assisting and so on. So I come from not speaking without knowledge and understanding of this thing. Right. I understand to a fair extent.

But I want to offer in this trustee's business... I was happy to see the union because members have to be there. There is some interest. Madam President, based on the scope of this, the serious implications and fallouts of this, potential fallouts, our good friends of the ECCB should be somewhere sitting on the Board of Trustees. We trust them in the FROC, why are we afraid to put them here; we have them in the FROC. They know about the world. They know about money management. They sit in a space where they see everything that is going on within the OECS security exchange.

In fact, and it's a fair statement. Not only in this... Even when we agree that statutory bodies can do investment, the OECS security bonds and so on. It's a very secure area because it's normally supported by governments buying bonds and so on. The interest is very low, so don't expect overnight interest rates to come to the fund, but it's secure and you have to secure people stuff.

And so the ECCB, it is believed, should have some presence and this so when we speak about transparency and we speak about not being afraid, the ECCB is the highest body of the monetary union. Let's bring them in and have them sit at the table and become a member of this trustee's board, Madam President. It's something that should be looked at deeply, you may have to forego one of the other options so that the board is not too big, but that is a matter that needs serious consideration.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Madam President, as I move forward on the Bill's discussion; the people... So we spoke about the purpose of the Fund, whether it makes sense or not and how best it could be structured and fit it. We spoke about who is there managing the Fund. I spoke extensively about the administrator and the sort of support that he needs and the amount of money they would need to run this thing. The question then asked, where will the money come from? We agree with that, the Bill speaks about the central fund that would give money for the first five years, and then they will review, but what happens after that? Will we come another five years again and have another review, and then you say, well, best we give NIS the thing?

Some wise folks beyond us, if we are not here, may realise that this NIS... Because Madam President, how this is set up... And this is another important point, and we have to be careful, and maybe I'm not a lawyer. But is there anywhere in this Bill, and I await the answer at some time, that this pension fund can be transferred, adapted, absorbed and redefined at some later stage? In fact, it speaks about, I think in five years or three years somewhere at the back, there could be a review of this whole Bill. But in speaking specifically, could it be absorbed in NIS, is there an accommodation? Now the part of the NIS that was removed, would have facilitated something like that. I stand corrected. So now, you don't have any chance to even hook it back, but I will speak about that in the end, end, end.

So that amount of money that would be needed will have to come from the Fund at some stage. At some stage, Madam President, the Government is going to give, give, give, which we all have to agree, until it gets big; "child go on your own". At that stage, when the child will be on his own, the transition might be okay, if your budget is \$100,000, the Government may give you 50% and over the next 10 years, it's going to reduce its contribution to you because you should grow up. But hear this. Now this is people's money, they are actually contributing. Someone will say, "So you did know all the time it's Government money, it's tax money, you should have been worried about that, you should have been concerned about that too?" Well, the thing about it, Madam President, the Constitution caters for that, and it's you managing your business. If you don't manage

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

it right, that's your business. But now that I'm putting my stake here, I have a vested interest now, "a stake in the game" which is good, I want to make sure that this is done properly, but to get good things, they say it doesn't come free.

So out of this percentage, we're talking about 3% and this \$90... So this \$90 a month minimum, I think that is for a \$1,200 salary contribution, maybe 1% or 2%, maybe \$10 out of this \$90 has to go to pay the administrator, the trustees, to do all the actuary report, to pay for the rent, to pay for the light, water and gas. In fact, we know things are going up every day. So if things are going up every day, Madam President, what will happen to this schedule of 3% and 6% that employees will be contributing now, and employers will be contributing? What has happened to our NIS contribution over the last 20 years? It has increased, increased and increased. So what may look nice now, we may learn in the next 10 years that you have to pay more. Because why? Many reasons. One, the guy needs more salary, trustees need more money, rent goes up, electricity goes up, the cost of things generally goes up, but this fund is not a piggy bank. Not that you're taking out, but when you put it in this little box, if you rest it there as a piggy bank, it grows no interest. There is nothing.

So wisely, as I said earlier on, they say let's invest the money so we could make more money. But we have seen what happened to CLICO, what happened to BAICO and what happened to many places. Even the banks, the interest rates and your savings and so on, are little or nothing now. So by what amount will this amount of money be growing in interest, such that it can service all these costs, one. But two, increase the amount of money I will get at the end of the day in my pension. Because how pension things work, brothers and sisters, comrades, as my good brother André would say, Members, there's an expectation that there will be a little bit more when I get back than what I put in because it's supposed to be in.

And the Bill addresses it wisely, but if it's not invested properly, Madam President. 20 years is a lot of years in the financial space. We have seen and we have heard the history in Grenada, in the Caribbean, CLICO, BAICO, etcetera. A lot of people lost their savings. Some people lost their whole retirement, which is almost like a pension plan.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

So, of course, the Bill speaks about not overexposing money and this we understand, and we agree, but the question arises... I've been in a pension plan myself, there were good days, and there were bad days. Some years, you don't get any interest. Some years you get a little bit less interest.

So, there needs to be a mechanism somewhere in this Bill, and maybe that may come in regulations. I don't know as to how this whole issue of the return on investment would be distributed to the different beneficiary accounts. Because how I understand it, if all of us inside here are members contributing, you invest the monies at the end of the year, the actual report is provided, we look at the profit and loss, and we decide okay, based on that then we can allocate if it's 50% of the profits and top up all the different accounts. But on the bad days, Madam President, the same money that we take and make work, sometimes you end up with less than what you put in. What happens? How is that treated? And that's why I'm saying that we need to look at this thing properly. None of us inside here are specialists in these things, but we need to give it pure cognition because people must not sign onto something blindly.

And speaking about signing on, Madam President, to something blindly, this is not signing on blindly, you know, because within one year of this "rushed-finished-Bill", you automatically go over into this. You can't even resist signing unless I don't know how... You can't say, let me think about this thing. Let me consult my lawyers to verify if this component or the terms of employment are in any way infringing on any rights of me, or am I in a worse position than how I was originally. These are decisions that workers and the members and their union representation will contemplate within these 12 months, because not because you sign up for a job and you want a job... There are people who leave their jobs because conditions change or the situation is different.

So, Madam President, I didn't look at it in terms of eligibility. Who are they? I understand very well the issue of if you're 15 years and 50 years old, and it's going to take you close to fit in within the current existing framework of pension, so that's understandable. What I don't understand, Madam President... I am saying a lot of things I don't understand, so I'm looking for some clarity down the road. There are a lot of

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

discussions about persons on contract who are not getting gratuity. I say I have to call my good friend Senator Lewis to get some details because he may have that, in terms of how many workers within the public service, police, etcetera, that are on contract, but are not getting gratuity.

And this is significant, Madam President, because the economist and all the different types of statisticians will tell you, in this type of business with pension and gratuity, it's like if you are in a sou-sou too. If you have five people in a sou-sou, it does not make sense. If you have 100 people, everybody wants to be in the sou-sou because the pool is bigger. The risk is less. The benefits are better. Negotiating power.

So I am concerned that based on the size of the public service, and we know you've been dwindling, a lot of persons have been leaving, retiring, and they're not being replaced. How many of these workers do we have that are contracted that would be eligible, but they're not receiving a gratuity? Because if they are receiving a gratuity, it's my understanding they're not eligible unless they may forego and maybe do some voluntary contribution, and I don't even think that they can even voluntarily join, which I deem... It may sound discriminatory, in that, if I'm in the system, I mean, and I'm willing to do some voluntary contribution. I should be given the opportunity to invest too, and you should like that because it helps to increase the pool—unless, of course, maybe, we're not sure how long it would be.

And then this contract business, Madam President, is not a lifetime. It's for a period. So, if we're speaking about you having to be in the Fund for two years before you could even start reaping benefits, and I have a one-year contract, I'm not a fool. I don't think you want me around because I don't know if after this year you'd renew my contract and you yourself don't even want to take this money because then you're creating a liability to the Fund. How do you give this person back their money after one year? They will take you to court and then you'll say, "You didn't read the fine print".

So these are the little tips that, yes, people want glory days, but inside the glory days, Madam President, there are a lot of mazes; a lot of mazes. So we need to clarify these things for persons who are on contract, the gratuity issue and the time frame. So

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

maybe you need to give them a five-year contract or 10-year contract, with review, of course, for performance so that your fund can be more reliable. Otherwise, the investment managers would question the cash flow coming in, and how we are going to do that whole projection on the actuary; he will say it's not working. But, you already have the plan at risk, so that is a major concern.

Madam President, as we move forward and we look at... So I think we spoke about the Fund. We spoke about the Trustees. I'm not worrying about revocation of appointment and so on. I heard my good friend, the Leader of Government's Business, spoke about every Monday morning somebody resigning so you have to cater for some things. We want serious people. We don't want people to be resigning from things. We need to find solid people. Madam President, if the trustees keep changing every Monday morning, GARFIN will get concerned, you know. GARFIN would raise a flag and say something not right here. I don't think he'll mean it literally though. **(Inaudible comment)** Yes. Yes. Yes. But, you see, you have to be careful with what you say. Yes. Remuneration. All right.

So... Madam President, I'm going. There's a concern about the beneficiaries. Just let me check my notes. Just one second, Madam President. There's an issue on the beneficiary... Right. So I think we spoke about that in terms of, if there is a loss on the investment, how we treat that, whether the members' account will be so affected. And of course, the issue of having yearly statements of your accounts. This is standard operation in any pension scheme, so that is standard. The Minister for Finance, etcetera. All of that is okay.

We could speak a little bit on... Right. The contributions we spoke of, that and of course, the normal issues and the matters of voluntary contributions and so on. These are standard procedure and it's good that persons can make that contribution. I think also, there's a part where you could get back, I think, some \$2,000, like if you want to borrow from the Fund yourself. I think this is also a good thing, you know. Sometimes you have a little bank loan you want to take, and you need a top-up, and so on. So all this is not bad. The employer, of course, has the obligation just like NIS and all those

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

other things. So now... Administrator. All right.

I want to start looking at the issue of benefits, Madam President and beneficiaries and so on, because this is very important. I don't have the full details as to how it happens now, and Members would help me. If you are a pensioner and you die, I think everything goes one time. I think that happens. So you receive x amount of money upfront as a gratuity and you keep getting a monthly pension, but you die somewhere in between, I don't know if the rest of the money, based on the original calculation that you should have gotten, if that is then given to your beneficiary. So I'm not too sure if that is happening. But it's good to see the layout of how this is done. It's standard practice, so that is not a problem.

But I have some concerns about... Okay. There is early retirement, late retirement, and I understand all of those things because the Fund has to be safeguarded, otherwise, you'll have a run of the Fund, everybody tries to leave, and it creates a problem. So that is standard. But, I have a serious concern, Madam President, and I want us to go to page 38 because I think this is very important. Page 38 of the Bill. 38. Yes, 38, where it speaks about retirement by reason of infirmity of body or mind. My interpretation of this, Madam President, is that, you know, sometimes someone gets sick, infirmity, maybe they have some mental challenges, maybe they're just stressed and whatever it is. But that medical disability situation.

I found it very strange that when you look at what the Fund will do for that person, it is grossly inadequate, disingenuous, and I want to use a last word that might be harsh, lack of conscience. When I look at what the other persons who would depart the Fund would get. So, for example, someone who is dismissed, for example, or resigned... For example, let's talk about someone who, let's say, page 40, dismissal prior to attainment of retirement age. "If a member is dismissed by his or her Employer prior to attaining early retirement age, the member shall be entitled to a lump sum cash payment of up to 50% of the amount contained in the combined amount between the member's amount and the past service..." Well, that was explained for past service when you come over into the thing. But the point is, whatever contribution it is, 50% you'll be getting there.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

When we look at retirement by reason of infirmity of body or mind it speaks about, "A member who is incapable of continuing his or her employment by reason of some infirmity of mind or body shall, pursuant to the provisions of the relevant enactment related to that member and the certification of the Board, be eligible to retire and be entitled to a lump sum cash payment of up to 100% of the combined amount". Okay. So that is the 100%. Okay. But remember, there is the employer contribution, part, that is not referred to here. So if I go back to page 40. Item 56 (2). It says, "The amount in the Employer contribution account and the remaining amounts in the member contribution account and past service credit account, if any, shall be available to the member in the same manner as specified in section 50 (2)..." Essentially, that is saying that if you have less than \$24,000 in the remaining amount you can also get that. Right? Rather than say okay, \$24,000 in the Fund, if that is remaining you can go with it; if it is \$70,000, then no, that would affect the Fund greatly.

So when you go back to page 39 now, it says, "The remaining amount shall be paid to the member in accordance with section 50 (2) and (3)". To me, that might be a matter of interpretation. I would say that this member... It didn't say when they will get it and that's the other point, right? Because if you look at 50 (2) and (3). Right. 50 (2) and (3). 52 (2) on page 37 says, "The remaining amount shall be paid to a member in monthly or quarterly instalments or withdrawals over a minimum period of four years; or a monthly annuity for life purchased from a life insurance company selected by a member. Subsection (3) says, "An annuity under subsection (2) (b) may include a provision for benefits to be payable to beneficiary upon the death of a member".

Of course, a member may wish to enter, maybe they could afford, but to me, someone who is sick in this sort of state, they should get all their monies one time. They have medical bills. They have things to sort out. And I think that we should not subject these persons who may not even be in a position to even defend themselves. They might be on a hospital bed. They cannot even defend themselves; some agent may have to be advancing for them and ask, "What happened to them; why he didn't...; He didn't know that before"?

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

I believe, Madam President, that this section... I don't know. There might be something in the sustainable development goals about how you treat these things, but I believe that these people should be allowed all their funds because of their situation. Persons who are dismissed get the same monthly/quarterly, just like them; persons who are dismissed. When you dismiss someone, it is because they did something wrong at work. Here, this is someone who gets ill because of some factor and I beg the "Other Side", the "Government Side" to relook this thing, deeply, because I know my good friend in social services, maybe she didn't see that part, and I know she will greatly ask her Members. Let's look at this thing. All right. That was a major concern.

In terms of repealing, because that's sort of where I'm heading now. The regulations. We don't know what it will be because we have to wait for them to show up, but I expressed the concern, the global way, about how the repealing of these sections was taking place and how they were housed inside this Bill. The good thing about it, the fact that it's housed here, it's not lost. It is not a repealing. It is more to me, a transfer, a place of a board in the meantime.

As I said in the beginning, Madam President, if you remove the door, you remove the step and you remove the roof at the end of the day the Pensions Act of 1958, while it still exist for those who is covered within that 1985, '83 period it's okay, it exist for them. And so if we repeal all of these bits and pieces, my question is, how does that in any way affect this existing group of workers who it covers? There are certain things that were pulled out and I'm sure that we may have to come back here, early in the first quarter, to make some amendments to these sections we are repealing in those Acts. I'm certain.

I want to close, Madam President, with a statement. You know, it's funny when you're doing research. It was Boxing Day, my dear friend, Leader for Government's Business, so I was just boxing. Right? **(Laughter)** So... As usual. I want to close. It's funny how things happen. I discovered through some research—he's referred to as Alister Hughes, we know him as a renowned journalist, The Grenada Newsletter. I know our dear Attorney General is a historian and she might even know about that.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

The Grenada Newsletter week ending, 11th October 1975. There was a whole debate, interestingly, about the nutmeg industry, the Nutmeg Industry Act and a whole set of calamities, but what is important there in the debate... In fact, in that debate, Mr. Blaize, our former Prime Minister, he actually walked out of the Chamber, a lot of persons walked out of the Chamber that day, but it is not about walking out of the Chamber.

But what was said, and I want us to bear this in mind, bearing the context of this debate. The article spoke of R.C.P. Moore, who was the Speaker then, in 1973, thereabout, under the Gairy era, and so his students in the House should sort of go back and look at that history. He says that R.C.P. Moore normally makes this statement. He said, "It is a good example of what Speaker of the House R.C.P. Moore has said some time ago..." That's basically part of the page two. He said, "This was that, the House had the power to make legal things illegal, to make illegal things legal and to overthrow decisions of the court." I thought this was sort of interesting that I saw this yesterday while I was boxing, and I want us to bear that statement in mind. He said, "This was that, the House has the power" and in our House here, the Senate, "to make legal things illegal, to make illegal things legal, and to overthrow decisions of the court." We set the law; the legislation inside here. I rest. **(Applause)**

Madam President: Thank you. Thank you, Senator. I trust, I trust as the President of the Senate that this House, never ever, certainly under my watch will make legal things illegal in Grenada. So you can make your reference to the journalist opining, but I make a strong statement that never ever will this House make legal things illegal in Grenada and I think I speak on behalf of the entire Senate. **(Applause)** Thank you for your intervention, Senator St. Clair.

Sen. the Hon. Roderick St. Clair: That was in the House not the Senate.
(Laughter)

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Madam President: Well, this is why I never use the phrase House when it comes to Senate, I refrain. **(Laughter)** Thank you. Honourable Senators, it is quarter to the noon hour there about; I count that we have six more speakers. It is your wish to continue? **(Inaudible comment by a Senator)** It is your wish to continue? In which case, let us take then, just a stretch, a stretch; our customary two to four minutes stretch. I will exit the Chamber for my stretch.

Senate adjourned at 11:46 a.m.

Senate resumed at 11:57 a.m.

Madam President: Senate is resumed. Thank you. I offer the floor to Senator the Honourable Quinc Britton. Senator Britton.

Sen. the Hon. Quinc Britton: Thank you, Madam President. I bring you warm greetings, as per usual, from our constituency in St. Mark and on behalf of my constituents; though I'm not the Parliamentary Representative, I'm cognisant of that **(laughter)** I offer to you and the staff of Parliament seasons' greetings and all the best for 2025.

Madam President, I, too, rise to give support to the Bill as presented by the Leader of Government's Business. I'm also cognisant of the fact, even if we just got a little break to take a little stretch, but that still isn't sufficient for our energy, and so because we need to be fed. **(Laughter)** So, I'm also cognisant of that. I'm not as my predecessor, I would not go this lengthy period of time, you know, I see some of the children, they got a bit tired, I wouldn't say bored; they got tired.

So, Madam President, as the Bill seeks to... It's a pension reform Bill, and we have to... Well, first, I must place on record the commendation of the Pension Reform Committee for doing an excellent job at drafting this piece of legislation so it can be taken here to be debated. I think, based on the conversations on the "Other Side", as well, they agree in principle with the measures that we have taken. The fact still remains, as it is

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

now, you have over 4,500 persons within the public service who might be eligible for pension and are not receiving a pension. And the Bill clearly states as to the amount, who it is targeted to, persons who are there already, and it would not affect them in any significant way and so on; you have options.

If you take time and go through the Bill thoroughly, it will answer the many questions that I've heard **(applause)** our presenters on the "Other Side" raise concerns about. And your concerns are legitimate, but take time and go through the Bill. If you go through the Bill, you would see it there spelt out. It even gives... Madam President, where you see the investment of funds; I have heard about that. It clearly speaks as to how you would invest, who should be appointed and so on. It cannot be you just making some wild kind of investment. It has to be done in a transparent manner and it must be done through financial institutions that are licensed and recognised by GARFIN.

So too, Madam President, the Bill... There are a lot of clauses in the Bill; 72 actually, and it has various parts, eight parts. I wouldn't go through them Part by Part or Clause by Clause because many of the previous speakers, you know, they went into full details, and so too the speakers after me will go into more details.

But, Madam President, I just want to record my full support for this Bill. I'm proud to be standing here on this side of history, with this Administration, taking the bold step **(applause)** to finally do something about pensions. It has been kicking the can down the road of successive Governments. We heard about the Hermilyn Armstrong case and not too long ago we heard of where Judge Glasgow made a ruling on behalf of the public servants and so on speaking about the pension disqualification Act of 1984. And like I said, I am very proud to be part of this Administration to do something about pension for not just our current cohort of public sector employees, but for the many generations to come. It's a pity that the children or the students are not here so they would have a better appreciation as to what it is that we are doing at this very moment, and they too is also a part of history when, you know, you never know which one of them might be the next PS of the next public servant of this country.

So I just like to, for the Members on the "Other Side", I know they support in

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

principle. I've heard of many talks about consultation. If you look, Madam President, it shows who makes up the Board of Trustees and you would see it also spells out for someone that represents the Trade Union. Right? So, and I know some consultations were done as to how much was accepted by some of the unions and some legitimate concerns were raised by some of the unions. I heard some speaking about the agreement of this Bill in principle. I know it will be a talk for the next couple of weeks and months as we go forward, but it also gives us an opportunity to go right back again, sensitising the general public as to what it is that was done, how it would affect them.

It is not putting the cart before the horse because this really affects or is intended for the people who are public officers. Right? So, it's good for the common person on the ground to understand what is the intention and what it is that we are going to do. So, consultation, I know, was done, and we continue to let the general public know, sensitise them as to what is taking place. It is clear, I mean our Administration is very clear that we are not anti-workers. We were born on the heels of protecting workers and we'll continue to do that; to serve in the best interest **(applause)** of the workers of Grenada, Carriacou and Petite Martinique.

So again I record my full support to this Bill as presented by the Leader for Government's Business, and I also encourage Members on the "Other Side", so that they too can give their full support for this Bill, I thank you, Madam President. **(Applause)**

Madam President: I thank the distinguished Senator from the "Government Side", and I thank you for your succinct presentation, contributed to brevity. Thank you. The independent Senator responsible for matters concerning the trade union movement in Grenada. Honourable André Lewis, you have the floor.

Sen. the Hon. Mondy André Lewis: Thank you very much, Madam President.

Madam President: Starting now, not sure until when. **(Laughter)**

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Sen. the Hon. Mondy André Lewis: No. **(Inaudible comment by a Senator)**
Yes. No, because, you know, it's a pity. I really would have liked to be standing here holding hands with the Government because they must be applauded for what is being attempted, in terms of the general intention. **(Applause)** And I've said so. We have said so. Yes. We have said so.

But within the mantra of the labour movement and certainly the role that we play, there are just some processes that are important and one of them is our legal advice. Bearing in mind the fact that, as my colleague Senator Britton indicated, coming out with all the different judgments, we are now at a juncture where we are trying to address all public offices, and in our view, that has been made possible because of the Glasgow judgment.

Those of us who were in the trenches know the different arguments, and it is not only one administration from 1984, after the, well, I'll say, legal U.S. invasion; there have been different administrations from the two major political parties. During the life of either the political parties as an administrator, workers retired and made representation for their pension under the 1958, but they were not given. As a matter of fact, the Hermilyn Armstrong case that you spoke about, my brother, she retired in 2009, 2010, and the then administration did not pay her pension. So I'm not politicising the matter. I would like to stand here with this current group, as the current official of this country, I'm talking in terms of the state, the Cabinet, or I may dare even say the party and applaud and hold hands.

Two months or three months may have been able to allow us to do that because the Bill only came out to us, I'm speaking of the Bill now, the Bill only came out to us only two to three weeks ago. As a matter of fact, the other place met on the 18th and it is accepted that there can be changes when debates have been held. So even if one may have privy knowledge of certain aspects of what may be there, you cannot say for certain that this is what you need to discuss. But notwithstanding that, I recognised the re-entry of the students which is good. Yes. **(Applause)** Yes.

Madam President, yes. So this is not a fight. This is not a fight against the

Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Government. One of the things that we would have liked to see is the aspect of regularisation because the complete regularisation... In other words, because the Bill itself, we are not clear which set of workers will fall in here, there, either a, or b, because as we speak, the Government have said so. The state has said that notwithstanding the fact that under the law section 29 (5), we were told that all workers would be regularised. It has said that we cannot regularise you now, and the "Other Side" has said the Leader for Government's Business has indicated so because if you do it, it may present a heavy Bill to the state. But in the words of one of our legal persons, he said, "Bite the financial bullet." What do we mean? Justice and fairness; we can't attach a cost to it. What we can do is discuss how this course will be met.

So if the intention is... If, for instance, and I propose here, and I submit here. If the state is saying that if we were to make, and I'm dealing with the existing public service, if we were to go through the process of regularisation, which is permanency and the positions, hear me, the positions that would be entitled to pensions, I want to be clear, the positions that would be entitled to pension, so I'm not saying *tout moun, tout bagay*. I'm not saying that. If the state is saying, if we do that, we'll have to pay more money, but after we pass the reform pension, we will address that issue, and then Mary or Jane, or Tom is made permanent on the basis that position falls within a pensionable or ought to have fallen into a pensionable position then that will be an injustice to them.

It would be easier for us, sitting here, to have a discourse on this, and it will be easier for us in the movement, in labour, to lock arms with the Government and walk together, and go on top Market Hill and say, "yes". I say Market Hill because Market Hill also has historical context for us. Young as we were with the elder ones, it was on top Market Hill in 1993, '94, that the state, where the police beat us on top Market Hill for the aspect that the then administration was trying to amend, it passed, but we confronted it.

I know my brother, one of them, indicated that there aren't workers outside lining up to demonstrate, so it's an indication that everything is okay. I'm saying no. I'm saying that what we are asking for because there are good things in the Bill, extremely, extremely good, because what it seeks to do... One of the major objectives is to ensure that people

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

who traditionally will not receive a pension and retire into poverty, a stop is put to that. I recognise that. **(Applause)** I recognise that. But the question is who? So it's the process. What is its process?

Sit with our legal practitioners who are Members of the Bar Association. Whose responsibility is it to advance the cause of labour? The three firms that represented the unions, namely, the firm of Amicus. No, I think Amicus is you.

(Inaudible comment by Senator the Honourable Claudette Joseph)

Sen. the Hon. Mondy André Lewis: Thank you. Thank you for that and for the many others who were behind the scenes but who today may take a different approach because they're in Government, not that they are against it, but I'm talking in terms of process. There are scores of other people because, remember, when one party is in Government, and the other one is in Opposition, they give advice to the labour movement, yes, and we welcome that because that's the history of the labour movement.

What we do, and we have said, and I am stating here, we have absolutely no difficulty, as a matter of fact, it is our duty to be involved in politics, but we should not allow any political party organisation to control us. We should collaborate with anyone who is prepared to seek our interest but know when to tell them to get off the train.

Yes, as my colleague said that Amicus was behind the scenes, I take her word and scores of others, scores of others, but the office of, I'm speaking here of Mr. Hood, Ciboney and Henry, Henry & Bristol, yes. So what I'm saying here, none of these firms are the firms that have represented us and I daresay again, freely. The colleague set up, took night and made day, and they have not charged us one cent.

Do you think that these colleagues now would be raising concerns just because they are against the Government or they don't want to see workers benefit? No, they want to ensure that the struggles and sacrifices that they made and the commitment that they made continue along a particular path that we all try to sort out, in which judgment came on the 29th or 30th of March, 2022. And we know, and I verily believe that it is

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

because of the timing of the judgement, we were close to an election, no appeals took place, and whichever Government is there... Right? That is why, for us, and I'll say it quite clearly, election period is a good time for Labour if we use it correctly. It's a good time for Labour if we used it correctly. You do not plant corn in dry season. You do not plant corn in dry season.

And therefore, that is why, Madam President, those who sit in Opposition, right, would be quick to give us advice. We must know what to take and what not to take. We'll knock heads, we'll knock heads, but it's not usual that when those on the "Other Side" and in Opposition come into office, then the picture becomes different. The picture becomes different. Why am I saying this? It has been advanced by the Administration that regularisation would cost too much once you juxtapose it with pension, but just to repeat, "Bite the financial bullet".

I mean our state, our government over the years has found millions upon millions of dollars to do all kinds of investment, to pay all kinds of people, all kinds of people that they call conmen, all different kinds of things, yes, who have gone away with our monies. Right? Government is a continuum and within all administrations, because there are times when in different administrations, prime ministers with different moral standards may have to get rid of Ministers and others, right, and there are times when ministers may try to get rid of some board members or so, the state all depends on your moral standard may intervene and say no. You following me? Right. So it happens and it happens across the board. The country is small and we know that is not the main thrust of the argument. The main thrust of my argument is that let us take a consultative approach on the Bill. We are where we are, whatever has gone into it, has gone into it, whatever process took place over the past two years has gone into it. We are now at a juncture that we are about to implement. So let's put a pause. Let's put a pause.

You know... It is good for those who do not have or are entitled to a pension at the moment to be given a pension. Good. However, it is not good for those who should have qualified for pension under the 1958, not to be given that opportunity to be qualified before. In the labour movement there is something called solidarity. Solidarity is when

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

we look out for the interest of everyone, and many times it's a delicate balance. We are convinced that not too long from now, if an opportunity is given not to pass this Bill here today, we can set a time frame, right, these are members of the Bar, the Attorney General is close to all of them, these are our colleagues to address those issues in the Bill. The aspect here has to do with the Bill. Right? One may even say, the issue of consultation before, I'm not even going there. I'm saying here right now that this Bill is what I'm speaking of.

You see, I will use the nurses as an example to try and highlight the point, and that will apply to any other sections in the public sector. The vast majority of nurses are "under contract". I think it is through; I hope I don't get it wrong; is it GRENCASE? There is this outsourcing body that the past administration and others have been using and currently uses. I don't think anyone of us will sit here, those of us who've been involved in workers issues, Government issues, and think for one moment that the nurses that they call contract, who have been doing what are established jobs, could be anything otherwise than to be regularised.

Why not do that? Why not do that? Why not do that for the countless others? Out of the 4,500, and I've accepted that figure, out of the 4,500 people who are outside of, I shouldn't say outside, who are not benefiting from their pension because there are many inside there that should be benefiting from the 1958 pension. What the state has not told us is to give us that breakdown as to who they are. I'm aware that my colleagues, especially in the Public Workers Union, have been asking for that, and they have had engagement with DPA asking for that information. Yes? Given the commitment that was given to Labour prior to and immediately after the last general elections, it ought to have been addressed and ought to be addressed.

As a matter of fact, we will not be doing anything, and Grenada is known for a number of firsts. Progressive. The Turks and Caicos Islands conducted a pay, because there is the aspect of pay and grade too, because, just as my colleagues on the "Other Side", the Government did a pay and grade for themselves, that's what they did, because remember it was identified that as Ministers and as Parliamentarians we are not paid

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

enough. That is a pay and grade. That is a pay and grade. Why not do that for the other broad general public sector, who have been toiling day in, day out; 10 years, 5 years, 15 years, 20 years? Let us not repeat when the state, immediately after the invasion, rather than restoring pensions for all public workers, those who were sitting in places like here did, brought a pension for Parliamentarians. Don't just do something for yourself, in conjunction with doing it, let's do it for everyone.

As I was saying, the Turks and Caicos Islands conducted a pay and grade review prior to implementing their pension reform. The last comprehensive review was done in 2012 and implemented in 2014. Hear the important thing. In March 2022, April, May, June, three months before this current Administration came in, yes, in March 2022 the Government reinstated civil servants' pensions and gratuity through the passage of the Public Sector Employees (Pension Fund) Bill, 2022, Pension (Amendment) Bill and it may very well be the same resources that we are using in terms of advice, in terms of who has been advising the actuary that may have been involved in that. I am speaking now not about the reinstatement, but in terms of working out the mechanics of the Fund. Right? Subject to correction.

Hear this. This initiative included a commitment of over \$30m for terminal benefits for public sector employees. Currently, this Government, give it to them, the aspect of past service benefits and that is something you must be applauded for. Right? That's what we shouldn't be fighting. Something you must be applauded for is that you are recognising that the public officers who did not receive a pension or are not under the Scheme, you are making provision by putting aside monies for their years of service so that they do not start from zero, and that must be applauded. That must be applauded. **(Applause)** That must be applauded. But the difference is, is that many of them ought to have fallen under the 1958, and how do we know? Through discussions with our lawyers, because we would not sit, Labour would not sit in a discussion with the Government on these matters with this Bill without our lawyers. Let me go further. **(Inaudible comment by a Senator)** Let me go further. Well yes, that is true. As a matter of fact, Madam President, you know... But that's okay.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

You know on October 11, 2022, in this very House, the very first Sitting of the Senate by itself, independently, because I think there was a Joint Sitting, Labour brought a Motion here to identify with and give support to the Government application on the Glasgow judgment and to call on us to associate with that judgment for all public officers who are entitled. I then said, based on the response of the Government, my dear friend on “That Side” there... So when I heard the Government’s response, I said, and I am still wondering many times if there was a change in administration. I will tell you why. Because almost in the exact location, I don’t know if they choose their seats, I don’t know, but I think it was almost in the exact location because I don’t think our goodly Senator at that time used to be sitting right at the end; that’s the one that keeps telling us go to court, if you think you’re right go to court there is no legal obligation, it’s a moral thing that we are doing. And we have heard that just now, you know, and I know we can also go to court.

If we, before the judgment of Glasgow and before the change in administration, held the view that there were a number of positions and a number of people and the nurses that the then administration had on contract, it was illegal, and they ought to be made permanent; let’s do that. Let’s not now say, go to court. Yes, everyone can go to court, and that’s what we did eventually because there are different battles and different issues. So, to respond by telling us now go to court, I am saying, I have heard that many times and as I said, it is almost the exact location on that “Other Side” there. Right? We might have to change around that chair. **(Laughter)**

Let’s go further. Subsequently, in 2023, the Government initiated another holistic review of public service salaries to ensure compensations remain competitive and fair as we did for all of us inside here, so I am not excluding myself, yes, and in the “Other Place”. Right? You remember, as a Minister, you are not being paid as a Minister, you are given little or nothing as a Senator, and you were not... for your functions inside here, having to report. This review led to significant salary increases for civil servants with a minimum 10% increase in net pay effective December 1, 2023.

I will go further. When the pension was reinstated, what the Government did... It’s

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

the same 3%. As I said, if you look throughout the region in terms of the different reform Bills that were passed, you would see similarities. You know my good friend here, Senator Thomas, as one of the leading calypso servants and he has done a lot for calypso, yes, you would know that if many artiste goes to the same producer, you was saying, or the people that does the arrangement, many times you hear similarities because one person just have so much limited fingerprints.

What the Government did before implementing, and I'm quoting here now from the President of the Union in Turks and Caicos. Yes. What the Government did was to bump up the public servants salaries by 3% so it offsets the 3% that would now be contributed by them and this is not through salary negotiations because I know there is a 5% coming in January, but this is salary increases that we negotiated about two years ago to deal with what you call basic cost of living increases. So let us not commingle this. Let us not commingle this, so that workers would be paid 3% come January or they get a 5% come January. I am taking in front. Right? I'm taking in front. This 3% that the Government of the Turks and Caicos gave to their workers was to offset the increase. They would pay the 3% going forward, and obviously, as their salary increases, the 3% in terms of a quantum would increase, in terms of their contribution.

So, there is a process. What we wanted to see was the aspect of regularisation done as of yesterday, and in its complete form, not to be told that we made a commitment to regularise 300 workers, we did 295, and then there is the Public Workers Union out asking for information for its members, and it has not been forthcoming. To give a classic example of solidarity, there are about six unions that are directly involved in the public sector, give or take. So you have the two major unions; Grenada Union of Teachers and the Grenada Public Workers Union. You have Bank and General that have a few members, you have CIWU that may have a few members, subject to correction, not sure that it still exists, and then you have the Technical and Allied Workers Union.

Outside of the two major public sector unions, the vast majority of workers that would be positively impacted, and I am saying this for the record, will be the members of the three unions, as I said, are not major unions. Given the concerns as expressed by

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

our major colleagues; the Grenada Union of Teachers and the Attorney General was written to on this matter, Grenada Public Workers Union has written to the Government on this matter and given their request and concerns that these matters ought to be addressed first, that's what we are doing.

Also, within the Public Workers Union, there are significant workers who would be impacted and not just impacted but whose tenure and whose position within the service ought to be sorted out. And these were the commitments that we had, these were the commitments that we understood before the issue of affordability came into play.

And as I said, if we do a review of the many projects, the many ill-advised projects, the many assistance that have been given to people and companies that have taken millions upon millions of our dollars; bite the financial bullet and do what is right. Not only this, Madam President, we have not been given a figure of what the potential impact may be, yes, let us say the Government do what is right and I am saying what is right because in opposition, they said it was right according to the law section 39 (5) of the Employment Act. So, I am not just speaking about election promises; I am speaking about the law reinforced by the legal minds from the "Other Side" before the election.

When the then administration was complaining that they couldn't pay the pension, yes, that's before we got the court ruling, they couldn't pay the pension and the gratuity, and that it would cost \$500m or \$400m, the figures were moving up and down. Regardless of the intention of the past administration, and I'm deliberately making that definition, Government is a continuum, but I'm making that definition; the past administration, through its spokespersons who officially identified with the party and leaders of the party, said that the money could be found, it would not cost us much. You all remember that? It came from you all, Madam President, through you. Yes?

What we are saying, you recognise that you only had to pay out about \$78m to the pensioners, and we applaud you for this. If we take \$500m, and I'm just rounding it off, right, \$500m that you thought you may have had to pay, that which you said it should be paid, and you can pay it because you can get and pay little or no interest, soft loans whatever it is you call it. If you pay out \$78m, if you take away 78 from 500,000, my

Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's

Bills: Public Sector Employees (Pension Fund) Bill, 2024

maths is not normally too good. 78 less 22, so that will be \$422m, that can be made based on your expectation before assuming office... **(Inaudible comment by a Senator)** that if it will cost \$300 and something million dollars to bring in the people who are on contract but are in pensionable positions, then utilise those resources and make right that which ought to be made right. If there are challenges based on when people... Because out of these 4,500 people, not everyone would be going home today, and based on what is happening, if there are challenges, we can discuss. We can discuss.

I also need to place on record before we get there, that this is an indicative response of how we would have liked to respond. I give a lot of thought about how much I should go into because we are not in a position to support the Bill in its current stage based on the lack of discussion with our legal people. I want to place that on record. So what I am doing here is an indication of some of the arguments that one would be making. I think it is only fair to do that because it is going to pass anyhow.

Madam President: Let me see if we understand that, thank you, Senator. This is a discussion you're having and not having at the same time. Are you saying that you're making an intervention, but it is not your response to the Bill? Clarify for us, please.

Sen. the Hon. Mondy André Lewis: It is my response but it is limited in the context that we did not have a chance to review the Bill with our legal people. In other words, what we would have liked to address, also, we are not able to do it now. That is what I am indicating. Yes?

Madam President: Thank you for your clarification.

Sen. the Hon. Mondy André Lewis: ... and that is why early this morning...
Sorry.

Madam President: But you're on the record. You are speaking on the record?

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Sen. the Hon. Mondy André Lewis: I am speaking on the record.

Madam President: Thank you.

Sen. the Hon. Mondy André Lewis: I am speaking on the record but indicating that there are many more concerns because our attorneys have raised those things with us because we have not been able to seriously engage, and that is why this morning, I stood, up by asking for a suspension of the Bill. But recognising that the Bill was not suspended, one had to make a judgment call: should I speak or should I not speak, because we support the intention of the Bill? these are the challenges that when you hold different positions or hold certain positions, you have to confront every time. So I wanted to clarify this.

My non-support of the Bill in its current form has nothing to do with not recognising the good intention of the Bill and how much good it has in it for the workers. I want to place that there. There are a lot of workers... I would have liked to be able to say that there are more workers to benefit from this than not, but I cannot say because I don't have the figures. I can't say. What I do know is that there are some positions that we know ought to be, but are not considered.

The aspect of the Pension Fund and where it is being placed. As my colleague Senator St. Clair raised earlier, the NIS has had over 40 years of experience in managing pensions in managing those sorts of engagements. NIS has structures, yes, you may need to tweak something here; they have a building, they have offices, they have real estate. So it begs the question, why not through the NIS? It begs that question, and later on in the Bill, there is something there that stood out to us.

The aspect of the non-contributory nature for public officers. I'm just saying those that qualify. Those of us... My good friend on the "Other Side", I'm sure he would have been privy to that. He was a very active union member, and I know where their hearts are, yes. I know sometimes, different responsibilities cause us to take different approaches. We all are confronted with that from time to time. We all are confronted with

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

that from time to time. My brother, so I understand, no hard feelings you know. Right? No hard feelings, you know. Right.

Hear what the public officers have been traditionally told, and we as trade union negotiators, when we sit at the table with Government negotiating, we have been told, you can't get more because the pension is non-contributory. These things are included in Government's expenditure, are you following me? Contribution to workers. Not only this. My information is that section 56 of the Public Service Rules and Regulation owns, has ownership; public officers are "owned" by the state and I am saying so in inverted commas. So you can't go and work where you want outside of your working hours. So 365 days a year and 366 when there is a leap year. Whereas in the private sector, if I am working with Bakery A, during my off time, I can go and do something in the garden and sell, and I am making that distinction because it is my land. But in the public service, for a public servant to become a farmer or who farms their produce and to sell it, they have to get permission from the state, that's how it is. That is how it is.

So we are not speaking about the public servant here, as how a private sector employee is being treated, and that is why there are special provisions and considerations. As we speak, the regulations forbid public servants from engaging in other trade or anything outside of Government work and for them to do that, they have to get permission. Now I can't live so. Probably that is why... I mean, if I am in the public service, I have to obey it. Right. I'll have to obey it, but I will keep raising it. I know you can write and get permission, but he who seeks permission can be refused permission. He who begs can be denied. In the private service, unless there is what you call a conflict of interest and conflict and conflict...

Madam President: Senator. **(Inaudible comment by Madam President)**

(Laughter)

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Sen. the Hon. Mondy André Lewis: Yes, Madam President. That was a useful intervention. I am not saying that the person is right, **(laughter)** but I have capitalised on it. Yes.

In the public service, you are owned, your time is at the pleasure of the state. So when we say or when it is said that it is non-contributory and therefore this is unfair, we are saying that there are certain restrictions, and I am speaking as Government as an employer, because in this relation, we not addressing the public servant as a citizen, we are addressing the public servant as an employee and we are addressing the Government as an employer. The public servant is entitled to all benefits that citizens enjoy, but there are additional benefits through virtue of his contract, by virtue of the employment with the state that he or she will enjoy beyond the normal citizen because the normal citizen doesn't have an employer-employee relationship with the state, but they are owned by the state. These are some of the things that we would have liked. Salary increases were certainly restricted on that basis.

I will not go into certain specific aspects of the Bill, and these are just what I will call... My industrial experience comes into play here. It is nothing legal because there are times even we ourselves hold certain industrial relations views, and our legal counsel will have to tell us, no, that is not right under the law. And that is why I feel kind of restricted given the importance of today's discussion, given the fact that I know the nation would be glued to the Senate and even those who do not have the time will visit the site later to recognise the debate. They would be short-changed. There would be short changes from our end. The worker who is wondering what may or may not be happening to them in the public service, which is better or worse, or should they have stood to benefit more, would not be in the best position. We would have been, if when this Bill came out, it was submitted to us, we would have been able to take it and discuss it.

Let me see. If we go under definitions, that's page 8, which speaks about casual employees... I'm just putting it out there that whatever is being done in a definition should always reference section 29(5) of the Employment Act, which speaks about the three types of contracts. Right? So, just an observation. I'm putting that there.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

If we were to go to page nine under definition, we would like some clarity here under the new public sector employee. It goes up to page 10. Are we saying that an employee of a statutory body is now considered, once this comes into force, as the new public sector employee, just a question, and what implications that may have? Right? It's just clarity. I'm not saying it is.

If we go to page 11, that's under temporary employee, and permit me here just to read this. It says "**temporary employee**" means an employee who is engaged only for a specific period of time" that's okay "whether on projects or on task-based contracts" that's okay "as a seasonal worker, casual employee..." The concern that we have, the "seasonal worker" under the Employment Act... I had that note somewhere. A seasonal worker can't be a permanent worker. This here does not seem to recognise this because you have jobs that are seasonal in nature; once, you are always working when the job becomes available.

So, for instance, in the hotel industry, hotel workers, I use the hotels as an example; years ago, when the Government owned Calivigny Estate, the cane, yes, it may have people who you only need when cutting cane. In the hotel, there are workers who you wouldn't need right throughout the year, but they come and work every year, so although they are seasonal workers, if I remember the section, I will say, these would be considered to be permanent workers. It's right here. I normally put things in red, but section 46 of the Employment Act... Section 46 of the Employment Act addresses that which seems to run into... Under temporary employee, it does not mean that the person, because they are seasonal, is temporary. That is what this is saying. This is saying that once you are seasonal, you are temporary because it falls under the definition of temporary, whereas section 46 of the Employment Act views that differently.

If we were to go to page 16, that is under designation of beneficiary. Section 8 (6), it says here, "Where a dispute relating to a designation under this section arises, the Board shall have the absolute powers to consider the evidence presented and determine the rightful beneficiary". Does that take away the right of the court for an employee if there is an issue? That's what we are asking. In other words, it says here, "... and

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

determine the rightful beneficiary". It may not be. It may not be. It could mean if I may try to answer it, it may mean, in terms of the disputant, the Board would make that determination and it is possible that the person may have a right to appeal to the court. I don't know but that here is not saying. Given the issues we have confronting us from time to time, it is important to specify this.

If we go to Part IV, Establishment of Board of Trustees. If we go to page 17... There would be nine trustees on that Board based on its construct. But we are concerned that there can be, based on who may appoint the Trustees, it can and I'm not speaking about the competencies of colleagues now, the Trustees. Whether or not you are good at what you are doing, I am speaking as to where the power to appoint comes from. It can work out to be or give the appearance that, let us say, the state has more, through the different ministries, has more representation there...

Remember, these are workers' monies. Because even if the state is contributing, it is designed for workers and not only this. Not only this. It is 50—50. Where there is 3%, it is 3% employer, 3% employee. Where there is 6%, there is 6% employer, 6% employee. And I can give you this because we confront that every time in the private sector and resist it. If my money is inside there, and especially where it is an equal contribution, you can't have more people than me, or you ought not to have more people than me. I want to be sure that the people that are there...

And I am going back to this. This is not about questioning people's intentions because, many times, it is not what is being done, but what it appears. So it appears that the Government or the state can have influence over the appointment of eight, seven, six, and that is the importance of the NIS. Grenada NIS, I think, is the only NIS that has tripartite representation. What do I mean?

Employers, Labour and Government. Equal amount. The Government has an additional person in terms of the Chair. But, in order to make decisions on investment, there has to be a majority, and it is constructed in such a way that no one side, my friend, no one side, these are safeguards, no one side can make a unilateral decision on the basis that we are the majority. Because as we sit here, there are six on your side, there

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

are four here, obviously, if we come down on that side six will outweigh four. Where is our money? So this is the issue.

Unlike the NIS... We have had to save the funds of the NIS from mostly all Governments in the past when they feel like they can dip their hand in NIS money. Yes. When they feel like they can dip their hand in the NIS money because many times (and you know, one of the few times, if I should say so, and few here is not just in terms of a numerical value, but in terms of the overall scope of things) that the private sector and labour sings from the same sheet on these matters. We consult deep, deep on these things. There are many times the Government comes with requests, and I am not singling out any government. I am speaking about government as Government because it has happened with all administrations that I am aware of. During my time in the movement and from the history that I have heard, yes, from the elders before me, this arrangement has helped save the NIS many times.

If we were to go now to page 25... If we were to go to page 25... Yes. Let me make sure it's page 25. That is taking forever. My system is slow. If we go to page 25, the Actuarial valuation of the Fund, that would be now page... Right. I want to change it to page 26. It starts on page 25, but the specific concern is on page 26. I will read it, it says here... That's section 27, subsection 5. It's on page 26. Yes. It says here, "The Board shall, within six months of the receipt of such report, pay due regard to any recommendations made by the actuary and in so doing, may, after consultation with the Minister and the Minister responsible for Finance—

- (a) increase or decrease the rates of contribution payable in respect of members;
or...

That's opening up, no, no. So right now it is 3%.

We know how insurance companies work. As a matter of fact, because we renew our insurance policies, health insurance, etcetera, or other things every year, we know that insurance is a law unto itself, worse than the banks if that is possible. At least you can go into the bank, probably those with money, and probably try a little thing and try and get something off. Insurance companies, when they review their policy, based on

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

what is happening, they say look, we had a loss ratio of x and y, because loss is relative to profit, that we are increasing your premium by 10%, 15%, 20%.

This here is saying that based on the review through no negotiation or consultation, the Minister has the authority, the Board, after consultation with the Minister, to increase the rates or decrease the rates. Yes. It also says decrease, but I will be happy to see where things have decreased. I look forward to that. There is the potential here, colleagues. There is the potential here without discussion or without required discussion, not discussion because you feel to discuss with somebody.

We determine... Because, remember, the trustees that you are putting in, in my view, will be heavily private sector driven. When I say that in terms of the outlook, although there are state people there, maximisation of profits, I know that there are safeguards for risks, and that is why the Consolidated Fund is the safest place for the workers' money to be. **(Applause)** The monies that Parliamentarians are getting, and I like to do introspections, not because we sit here, the monies that we as Parliamentarians are getting, there is no change, it goes to the consolidated fund because, after x amount of years, Parliamentarians are entitled to a pension. Yes.

Permit me to say, I know we haven't reached there yet, probably if I say it now I may not need to say it again. There may be other things that I may need to say. We see another arm of the state; the Judiciary, continuing under, and our members are asking that it be protected under the Consolidated Fund and not make any contribution going forward. Workers have raised that with us. So why take... there is no guarantee...

CLICO... Colleagues, thanks for that. That was part of our points, but I will just... I avoided repeating a number of things said by my colleague, but this one needs further deep diving into. CLICO and BAICO were regulated. Colleagues, we are not asking you to put this on hold because we... CLICO and BAICO were regulated under the nose and nostrils of the regulators. Look at what has happened to ordinary working people and people who could afford, because it is not only workers' funds that were there, but the harder impact... I mean, I see members and workers from the Seamen and Waterfront Workers Trade Union almost every day. It's a heavy load to carry. They have lost

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

everything. And if, before that happened, we had raised concerns, I am sure the "Government Side" or someone else would have said that they are regulated.

This we are setting up, anything could happen because there are risks. What happens if our money is lost? What happens if our money is lost? **(Applause)** Put a hold on this Bill. Put a hold on this Bill. What if it's a loss?

This is not just the Government contribution, you know. These are the worker's contributions also, and even if it's the Government's contribution, it is the property of the worker. I will address this under Vesting of Funds when I reach there, in terms of the phasing of the vesting interests. Because vesting means at what time what percentage becomes yours, and if I am wrong, tell me. You can whisper to me. Yes. That is my understanding of vesting because we have dealt with that. And we are saying that this gives the Board and the Minister the ultimate determination to increase or not to increase without; it didn't say consultation or discussion.

Let us go to the limit, and I have a note here which means, to me, it is key. Let us go now to page 29. No. Sorry, that's page 27. It is section 29. I am sort of mixing up the page and the number, but page 27. Limit on Exposures. So that's section 29 (2). Allow me again to read this, or probably therein may lie why not the NIS. I don't know. It says here, "The Board shall not invest more than the prescribed percentage amount of the Fund in securities or loans to any single entity other than the Government or the Eastern Caribbean Central Bank".

So what it is saying, and I know it is said that the safest investment is with the Government, even if you don't get your money now, because the Government is a continuum, you need money now, because Government is a continuum you sure to get it. But we know Government does go bankrupt sometimes. This is saying, and we are concerned that this appears to be a potential cash cow for Governments. I am not saying the Government because, at some stage, there may or may not be a change in administration, so I am dealing with Governments. Colleagues, if you believe and you accept that you are one of the most responsible governments in terms of accountability, fairness, and you will not get involved in any questionable activities, don't think about it

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

just for now.

Think about it, every five years, we have an election, and the electorate may decide to make a different decision. And what if the same people or other organisations that you have concerns about, whose hands are long or whose hands are sticky... Yes. What will that do? Then you might come and join us at the picket line. But it's late. By that time you are three and a half years older than you are today, so you will not be able to march the street as hard with us, through the rain and the thunder and take the blows from the security forces as we were beaten on top Market Hill in 1993, 1994, and then in 2011, 2012 down in front of Grenada Breweries, physically beaten, when the state, the cohesive arm of the state was used against us, men in their riot gear came out. Blows. Blows.

I am saying let us... because you see for us in the movement, Madam President, there is a historical responsibility that we have for the oppressed class and the disadvantaged class and the class that sometimes do not have that robust voice. There are times you have administrations that do better for workers and this Administration has done a lot. This Administration has done a lot for workers since coming into office.

(Applause)

But please, do not. Do not. Do not propose laws that you don't see a difficulty with, because you will not do something "wrong" because it is there beyond you. It says here that, so in other words, the Board... And remember, the Board is responsible to a Minister. The Board is responsible to a Minister. This is not an independent body that once you're done setting up, you're done. The Board can change and after the three years, and I agree that it is good to have, because it works very well within the credit union movement that on the Board of Directors and other boards, you cannot serve for more than two or three terms give or take, and that may explain to a large extent to why the credit unions didn't go through the kind of financial crises and dipping of hands and speculations that the traditional cotemporary financial institutions went through in 2008.

So, this here appears to us... Because remember now, if it is under NIS, then the same rules that govern the NIS would also be applicable here. Meaning that, a request

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

would have to be made and the Board in its composition, as wisely thought out by the PRG, because there is a co-relation; we may run, but we can't hide. Our history is intertwined. As we praise, and I have heard a lot of praise being heaped onto aspects of the Revolution. Great. I identify with that without any hesitation. But we must look to see what the reasoning behind some of these key factors was.

And we are advancing that the NIS construct was designed to ensure that NIS can't be used as a cash cow, you would require the agreement of members on the board who are not selected or placed there, appointed by Government. It is either from Labour or from the private sector. As a matter of fact, that is why, based on my information, the PRG never put NIS, and I think it is still so, under the Ministry of Finance. Because it was felt... Yes. It was felt that if you place NIS under the Ministry of Finance, that the temptation would be great when the Government is cash strapped for the Minister for Finance, the ministry to see what they can get much easier. I think it is under Social Development or so. Whichever department it is under. So there are reasons for that. In everything that we are saying, this is one of the key aspects for us.

We go to Appointment of investment manager. That will be page 30. Just a question. If I were to read this here, it says, "The Board shall appoint one or more investment managers, to whom..." There appears to be a typo here... "whom" and "mam" "... whom the Board may delegate any or all of its investment functions under this Act and such investment manager shall, subject to the provisions of this Act do a, b, c up to d, etcetera. Our question is that it appears that the investment manager must be appointed. In other words, the investment manager must be appointed so the Board doesn't have any say in this, whether they want to or not, for different reasons. Just an observation or question.

We are not clear; same page 30. Section 38, Appointment of Administrator. I would not read it, it is just that we have a question. Is the Administrator an independent office person, an insurance company, or what? We are not clear here.

There is another big one if we go to page 38 that is under Normal retirement, section 50 subsection (3). It says, "An annuity under subsection (2) (b) may include a

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

provision for benefits to be payable to the beneficiaries upon the death of a member. We are okay with that, but we want to know if there is any cost. Because it's an annuity, is there any cost that will have to go for the administration?

Because we are aware in the private sector, certainly the Technical and Allied Workers Union and we have been resisting that, these defined contribution plans that are annuities leave workers... Because there are a lot of administrative fees. There are a lot of administrative fees which you would not have or should not have under NIS. My colleague here, I think it was my colleague who raised that issue and management or so is one of his specialities.

You see, that is why there is a union, and I would say the Technical and Allied Workers Union. After the collapse of CLICO and BAICO, what we have asked companies to do in places where we have plans is to lodge that money in a safe institution, because we are concerned about these insurance companies. Following me? And don't forget, when this class action suit was taken for the regional countries, Grenada, I think Antigua, probably St. Lucia, etcetera, our own court, the Caribbean Court of Justice came down on the side of the Government of Trinidad, that can afford to pay. And I'll tell you, this is not our lawyers speaking, but this is us as workers speaking; we know in all those judgments, class considerations have come into play.

We all know that opinions in law, many times, are influenced by the outcome of who is involved. Yes. So let us not just say there is a divine principle of the court, so they fear. The implications of telling the State of Trinidad that you have to pay for what your company did, it was a company that was based in Trinidad, and whereas you pay Trini's, what implications will that have? We are seeing it. It is not only Trinidad in that case. Many times when matters go to court with big employers, you see where these things go. Because we know... I mean, I am lucky and fortunate that at some stage, I will get a chance with the Attorney General at her office to be in a social activity that we're around together and with the Leader of Government's Business, which is a "high position".

But the CEO's of these companies that run the region, and I'll tell you, I have heard some of them speak to our leaders in the region, yes, without any respect. Because you

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

know why? A number of instances, some of them help finance the Government. My view and not just my view, my experience—observation... **(Inaudible comment by a Senator)** Political organisation; not even governments, because sometimes they help them pay salaries and other things. Sometimes that happens, or there is an investment that you go into, and they assist.

We are concerned as to whether or not there would be a cost because this cost will certainly eat away from the benefits. And I know there can be an argument that if you invest, there is a potential of getting a higher return. The higher the return, the greater the risk, but we are saying for pensions, we must not expose pensions. Pension is designed to take care of you, as we say, to prevent you from retiring into poverty.

And if we do everything from that central point, then we would recognise that we need to be as secure as possible, and NIS is one of the most secure, and there is no guarantor, there is no guarantor as a fallback. There is no guarantor that if this thing goes belly up, what happens, where the state says, okay, I am not putting it under the Consolidated Fund because I can get some money from them or they can do some investment that might be successful, right, but in the event, give the workers the commitment that not one cent, as we say, not one bale of grass, not one cent shall be lost from the account based on bad investment decisions.

If I go to page 42. I'm getting there. Section 61 subsection (1) (a), which speaks about the debt due to the Government or the Employer. We just wanted to know if whatever we're speaking about here includes the workers' contribution. Yes. Just some clarity on this.

We go now to Confidentiality. Page 44. He ran out, so he wouldn't have a chance to speak to you, Madam President. **(Laughter)** Just a light moment. Yes. Page... Yes. Sorry, page 44. Yes, 44. Under Confidentiality, it starts at page 44, but it goes down to page 45. We want to... Because it speaks about not diverging information, yes, and the penalty that can arise from there... Because it speaks about, you have to speak to someone who is authorised, etcetera. So we understand that. But we think that there

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

needs to be protection for what you call a “whistle blower”; Whistle-blower Provision. In other words, someone who reports unlawful activities. Yes?

Because there may be concerns as to why they may or may not go to the channel that has been identified. There may be concerns. The principle or prospect of whistleblowing makes provision for this. I can tell you one of our colleagues at the NIS has had to sign a confidentiality agreement, I wouldn't go into the name, did it, but hand wrote all those concerns. So because that's the way we operate. Our experience has taught us to do those things. So we think that there should be provision for this.

Well, I have already addressed the aspect of our concern about the repeal of section 47 of the NIS Act. **(Inaudible comment)** No. I see it says here section 47 is repealed... But, clarification would be given to that? Yes, no problem. I could only speak about what I see before me, yes. But, notwithstanding that, whether it is a repeal or not, we think it should be through the NIS. Right. But we saw the repealing of section 47 there.

Let me now go to page 53, that's Vesting... Schedule III – Vesting of Employer Contributions. So that employer's contribution and the vesting of the employer's contribution speak about after how many years of service would the employee be entitled to the employer's contribution. So it says, less than two years, nothing at all. So if you go before two years... Although I know that there is talk about carrying your benefits, it could be a different discussion. For you to carry your benefit wherever you're going, there has to be a pension plan and that pension plan has to be agreeable to taking whatever money that you bring into it. Right. It's not like that, but at least it's a good idea. We have discussed that many years ago in that same actuary. Right. ... At least two years, but less than three; so there is 0%, 25%, 50%, 75% and 100%. So it is saying that after five years, you can get, if you move, you can move with 100% of the employer's contribution.

We think that this phased approach should be gotten rid of because, as we speak, many private sector companies, our unions have been able to get them to move away from that approach. It may be, and a closer reading of the GARFIN Regulations may

Bills: Public Sector Employees (Pension Fund) Bill, 2024

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

indicate, that the money belongs to the employee. In many instances, the contribution made by an employer where they normally pay tax is not taxable. Right. So... Because pension, for those contributions, so when the employer gets back that money they get a double... well, it is not a double whammy because whammy is bad. So we think, we think that... that... whatever goes into the workers' fund as the individual should be made available to the worker not on a phased basis in terms of the employer contribution.

Madam President, this is it as it relates to the direct application of the Bill without the input as we would like it from our legal people. It does not mean that if we were fortunate to be granted the time with the Bill, to meet with our legal people for engagement, that I may have been as long as this, it's possible I may have been able to combine everything together, yes, because, yes... And just to repeat that the main issue for us, in terms of a procedural approach, is that regularisation ought to have been done first. Section 29 (5) is absolutely clear. It would have been a cleaner cut.

So let us say, for instance, the Bill comes into effect from the 1st of January 2025, but we did regularisation, all of us would know, and the workers in the service would know who falls under the new pension and who does not fall there. Because we know, and my friends on the "Other Side" know because we spoke about those things many times before, that there are people who have been given contracts but who ought to carry out work in a pensionable position, but they are given a contract, and that is not right.

And therefore, if we are able to do that we will have a clean cut to encourage the Government through you, Madam President, that the cry of the Public Workers Union for the pay and grade, similar to what was done in Turks and Caicos, be undertaken and that yes, the Bill, even in its current form has a lot of potential benefits for workers. What we want to know is to be clear on whom to have that discussion with to ensure that we can properly advise our members whom we have been telling, with the support of many of my friends on the different sides, on the "Other Side" over the years, that their position ought to be a pensionable position. So be it the nurses and others... I am singling out the nurses because I think the nurse is one of the clearest cuts that we can address.

We hope that this is not... because a Government that has demonstrated doing so much for workers we can't understand why the health service is not given the attention

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

which we know impacts morale and everything else. But there is a thought process. There is a consideration that it is quite possible because there is discussion, and officially said, of the intention and or decision to statutorise the hospital that if you were to make workers permanent there could be some issues arising if you were to seek to statutorise them as to the implications and their rights under the Constitution. If those forms part of your consideration it must be considered to be unfair, it must be considered to be unfair.

So we are making this request. As I said, there are unions, the Technical and Allied Workers Union, CIWU, Bank and General and TAWU, that stand to benefit tremendously from this. The vast majority of TAWU members are not traditionally established. They are what you call “unestablished” and “daily paid”, but this is about solidarity. This is about the request of the GUT, which has written to the Attorney General through Hood and Hood and the PWU, which has written to the Attorney General through Henry, Henry and Bristol and the Chamber of Ciboney, which have concerns.

The three that I will call “heavyweights” who brought us to the Glasgow judgement of March 29 or 30, 2022, have all requested that we should request that the Bill be suspended pending immediate discussion to address some issues which will make it easier, right, because too many times we are tied up in the court, court, court, court. I know the court is there, and I know my colleague whispered, “Go to the court”. Right. But yes, you would have addressed an issue, but you know, just as how we look back, just as how we look back, and we say that those who came after ‘84 did certain things that we are concerned about, in terms of workers... I’m trying to prevent that from being said to you in spite of, while recognising that you have a lot and you have taken on this fight collectively which is very good and must be commended.

Madam President, through you with this, I end my contribution. I wish the Government Side, us, Grenada, the workers of the country, especially in the public service, and my comrades... Thank you for staying. I know you have been toiling. And I know, if I may say, Madam President, the discussion, not just me, but mainly our colleagues who are sitting... What do they say, the pew? No, I think the gallery. The gallery. Pew might be the church. The gallery. I am aware, I am aware, and they are

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

aware of the toil, blood, sweat and tears leading up to the 2022 elections; the role they played, the discussion that has been held and what they have said... Yes. Now, to be treated sometimes as though you are an enemy and you have always been an enemy, when for instance, it is Labour's duty, it is Labour's duty to be involved in politics and when we have a common interest, where a political organisation say so without any fear or favour or without any considerations... Because this is where decisions are made. It's inside here decisions are made. We ought to try and influence the politicians and the parliamentary to make decisions that are pro-worker inside here. Right? That has been done.

I end now, once again, recognising your thanks for everything that you have done. Continue the fight for the Public Workers Union and Grenada Union of Teachers because they have the bulk members. And the Bill will pass, it will pass unless there is some miracle because this is the history of how our Houses function. Once we're in Government, even if what the "Other Side" says makes sense, we rolling. But, I long for the day when we can demonstrate to put a hold on discussion and say look, yes, there is merit, give ourselves a timeframe. Even if we don't agree with you at the end of the day, right, at least our lawyers need that opportunity. Thank you very much, Madam President. **(Applause)**

Madam President: Thank you, Senator Lewis, for your oration and critical analysis. And I take it that its 1:45 p.m., thereabout, we break now for lunch and resume with five speakers. I trust, five speakers, one and a half Bills, I trust we can complete our work today. Half as in this one, and one full Bill still yet untouched. The Senate is adjourned for a 45-minute lunch break.

Senate adjourned for lunch at 1:35 p.m.

Senate resumed at 2:45 p.m.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Madam President: Pray be seated. Senate is resumed. For all our viewers near and far, we should report that we had a 45-minute lunch, but then we had a fantastic group of young people with whom we spent some additional time. So please forgive us for entering the Chamber later than we thought. We were with the young people.

And I also erred this morning or omitted to report that Senator Salim Rahaman had told me, many days ago, that he regrets his absence since he was and still is on business matters outside of the State of Grenada. He has asked for your excuse, your understanding, and I am sorry I forgot this morning. Thank you.

We resume where we left off. I believe we had just concluded our listening to Senator André Lewis, and the floor now remains open. I believe I see Senator Seville Francis reading to speak. You have the floor, madam.

Sen. the Hon. Seville Francis: Thank you, Madam President, and while I have the floor, allow me to bring greetings to this Honourable House. On behalf of my family and the young people of Grenada, Carriacou and Petite Martinique, it was indeed a very fortunate pleasure to have the young people here this morning witnessing this momentous occasion. It's also unfortunate that they had to leave, but for what it is worth, it was indeed a beautiful gesture to have them here.

Madam President, before I proceed further with my direct contributions to the Bill, I want to clarify just one thing, through you, Madam President, that Senator Lewis mentioned in the closing of his presentation, which alluded or suggested that it doesn't matter what happens in here because we're on the "Government Side", whatever we say goes and the Bill will be passed anyways. But, I want to draw his memory to not too long ago when the Data Protection Bill was debated, the suggestions and recommendations from the Opposition were taken and the Bill was sent back down to the Lower House. **(Applause)** So we listened and we did what was necessary. So I just wanted to point out, through you, Madam President, of course, before I proceed on this Bill. And I just wanted to note that, we don't just come here and say what we want and we don't listen to others and take it into consideration.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Madam President, and Honourable Members of this House, I rise to present on a very critical component of the legislative reform in Grenada, before us, the Public Sector Employee (Pension Fund) Bill of 2024. This Bill represents a transformative step towards safeguarding the financial security of our public servants, modernising pension frameworks and strengthening public trust in our institutions, and I want to emphasise here strengthening public trust in our institutions for that reason, Madam President, I am going to focus on key areas of this Bill.

The Bill addresses several critical aspects, particularly in clauses 66 to 79, which I will use to illustrate just some reasons why I support this Bill because it ensures the management and operation of the Fund, which meets the highest standards of transparency, accountability and integrity. Allow me to elaborate on these key provisions, Madam President.

Madam President, I want to encourage the Opposition to take note here because some of the answers to the questions that they ask or their rationale rather, for not supporting the Bill are clearly stated here, and I remember in the "Other House" in the "Other Place", sorry, it was mentioned that this Bill is so long and we don't have the time to read but, Madam President, it's the only way we will understand what is being implemented or what we're trying to implement here.

And I'll start with clause 66, Protection from Liability. This provision ensures that Trustees are protected from personal liability, and I recall that question being asked, for actions taken in good faith while carrying out their duties. And I remember my colleague asking, who will be taking the fall or who will be held accountable in the event of misfortunes. This protection transfers liability to the Board fostering a system where decision-making is robust and free from fear of undue personal risk. This provision aligns with Grenada's Trustee Act, emphasising fiduciary responsibility while safeguarding the Trustee from undue exposure.

And, Madam President, this is the legal precedent and expectation whenever we have a contributory scheme of any kind. Madam President, I really didn't think we had to come here and verbalise today that this is the precedent whenever you have any

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

contributory scheme being done, Madam President. But, regardless, it is an opportunity to educate the public, so I'll proceed.

Madam President, a Board of Trustees is expected to manage the Fund so that the Employer, the Government, will not be caught in any position where they cannot or will not pay the employees; well, then, the pensioners will lose their contributions.

Madam President, my dear friend on the "Other Side" indicated that if you study any form of management, and unfortunately, he's not here for me to respond, through you, of course, Madam President. He indicated that if you study any form of management or business management, you would know certain things, but now I'm wondering, Madam President, was the Honourable Member paying attention in class because I just think it's very obvious.

Madam President, we're not just putting a Board of Trustees just to say we did it, but it is a preventative measure to avoid the Government from saying, which has happened in the past, we're not paying or we can't afford to pay this. This ensures the Funds are managed outside of the ambit of the finances of the Government. Madam President, how many times as adults have we said, I'm putting aside a little something for rainy days, and the next day you have a thunderstorm? Madam President, we do not want this to happen with the hard-earned money of the public sector employees, certainly not this Government, not through this Administration. We would not be dipping our hands in the money as articulating as a concern by an Honourable Member representing the Business Sector. Madam President, the Bill protects the workers and the sacrifices made to secure their future and I want this to be placed on record.

And I proceed to clause 71, the Misappropriation of Fund assets. This clause criminalises the misappropriation of assets within the Fund. It imposes strict penalties, including imprisonment for any individual found guilty of such acts. Honourable Members, this clause reflects a zero-tolerance stance against corruption as it is a direct response to public concerns about fund mismanagement. Workers... And I want this to also be emphasised, Madam President, because it is there in the Bill. Workers are legally due a statement every year which shows contributions and earnings from the schemes'

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

investment. I heard that question asked also, so to the Member who asked the question please refer to clause 71. Together, these provisions build an unshakable foundation of trust, ensuring that public servants can contribute to the Fund without fear or financial mismanagement.

Madam President, we are an evolving nation, and we have to adapt to the changing needs of the people in our society. Clause 72 which references the ministerial regulations, again, my dear colleague on the "Other Side" had a field day with that as a concern, the ministerial regulations. This clause empowers the Minister, yes, to create and amend regulations upon the recommendation of the Board. And from what I heard, my interpretation and I could be wrong, and I am saying it's my interpretation; based on what I heard, it is almost as if, so because there is a Board, the Board answers to the Minister; therefore, the Minister can tell the Board what to do. Madam President, we don't function like that in this Administration. **(Applause)** Not everything will be a top-down approach, Madam President, some things require a bottom-up approach, consultation if you wish, which is what is always asked for. This flexibility is vital in adapting to Grenada's evolving socio-economic landscape. However, these regulations, Madam President, remain subject to parliamentary oversight to ensure that, first and foremost, they serve the public's best interest. This is not just about us, Madam President.

Clause 74, as we proceed, reviews the act of periodic reviews mandated under this clause, which will allow us to assess the effectiveness of this legislation, assess the effectiveness of this legislation, which means we will be engaging in continuous assessment. Why? These reviews will include consultations with key stakeholders to identify areas for improvement, ensuring that the Act remains relevant and responsive to the needs of public sector employees. Madam President, we will be ensuring that this Act serves the people the way it was intended to. **(Applause)** Madam President, if it's not happening from the assessment that we will conduct, through the Board and whomever stakeholders that will be involved, we ensure it is working; if not, then what, how can we fix it because we are an ever-evolving society, Madam President.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

I want to go to the Consequential Amendments, which is Part 8 of the Bill, if my memory serves me correctly. Clause 75 to 79 repeals the outdated provision in pension-related Acts, because I remember questions being asked, so with this new Bill, what's happening to the existing Pension Act? Madam President, it is stated here, clauses 75 to 79. It also includes the Pension Act and the Police Pension Act. These Amendments harmonise, and I want us to get this clear: it harmonises Grenada's pension framework, consolidating overlapping provisions into a single cohesive structure that better serves both employees and the Government. Madam President, it was well thought through. It was not fly by night. **(Applause)**

And I heard while I was sitting here, about other cases that, you know, the pension cases... And as we deliberate on this Bill, I want us to consider the alignment with the judiciary's interpretation of pension rights in two significant landmark cases here in Grenada. The Hermilyn Armstrong case. Yes, it was mentioned by my other colleagues, but I want us to follow where I'm going with this. I want us to see the context of it and the importance of it with this Bill.

Now, this case underscored the systemic inadequacies of previous pension schemes, particularly, for contract workers, Madam President. The Court ruled that these workers had a constitutional right to equitable pension treatment. The present Bill addresses this gap by extending coverage to non-permanent employees, ensuring inclusivity and fairness.

I want us to go to another Bill, the McQueen pension case. This case highlighted inconsistencies between the existing pension frameworks and the constitutional guarantees of fairness. It prompted reforms to ensure that pension laws are not only just about, sorry, that pension laws are not only just, but also consistently applied. This Bill reflects this principle by providing a unified contributory system that eliminates the ambiguity observed in earlier legislation.

What do we learn from these precedencies? What I learned is that this Bill fortifies the constitutional rights of all public sector employees establishing a framework that is both equitable and sustainable. Madam President, the reason why, sitting here, I went to

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

look for these cases is because I heard my colleague on the “Other Side” mentioned that this Bill creates generational inequity. **(Inaudible comment by a Senator)** Very far from it, Madam President.

Promoting individual responsibility and accountability. That is one of the things I love most about this Bill, Madam President. Let me tell you why. Madam President, Honourable Members on “Both Sides” of this House, this pension scheme does more than secure the future of public servants. It teaches us as a nation the value of individual responsibility and accountability. **(Applause)**

Madam President, by you contributing to something that secures your future, it gives you a sense of ownership and pride. It teaches us to have individual accountability and responsibility for our future, and I love to bring it back to young people **(applause)** because, as a young person, myself, listening to this Bill and going through it, this is what I am learning, that I have to take responsibility for my future in safeguarding my future.

Madam President, by requiring contributions from employees and employers alike, the Bill instils the understanding that securing a stable retirement begins with proactive and sustained efforts during one's working life. Madam President, this shared responsibility not only eases the fiscal burden on the Government but also empowers us as individuals to take charge of our future and our financial well-being. Through education and consistent contributions, this scheme builds a culture where public servants value their role in securing their retirement, fostering a deep sense of accountability.

Madam President, we need to learn from the past. The definition of insanity, “is doing the same thing over and over and expecting a different result”. Madam President, let us reflect on the lesson on Grenada's history. Every time I come to this House, we have a history class happening. So today, I want us to reflect on our history. Unfortunately, we have seen cases where mismanagement and fraud undermine public trust in financial institutions.

Two notable examples stand out, and I heard it from the “Other Side”, which means we all think alike, the collapse of CLICO. In 2009 the failure of CLICO left many Grenadians without access to their life savings and pension. This regional financial

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

disaster exposed significant weakness in oversight and governance resulting in devastating losses for individuals and institutions alike. I want us to also draw our memory to the failure of Cap Bank. The collapse of Capital Bank International further highlighted the dire consequence of financial mismanagement. Many depositors were unable to recover their funds and the bank's prolonged receivership eroded public confidence in financial systems. It is important for the public to regain that trust in financial institutions where they feel like their future is safe.

These incidents serve as a stark reminder of the catastrophic impact of weak governance and the urgent need for robust safeguards. The proposed Pension Fund Bill incorporates these lessons by establishing comprehensive, and I'm going to say it again, comprehensive safeguards designed to protect the hard-earned contributions of our public servants. This Bill directly addresses such failures by implementing rigorous oversight mechanisms, including mandatory audits, fiduciary duties of Trustees and severe penalties for misappropriation. **(Applause)** Madam President, Honourable Members of this House, this is our opportunity to ensure that such failures never, never are repeated. **(Applause)**

In Grenada, the Grenada Authority of Regulation of Financial Institutions (GARFIN) has taken steps to enhance oversight and accountability within the insurance sector. For instance, in December, based on my research, 2024, so this month, GARFIN fined six insurance companies operating on the island for regulatory breaches, demonstrating a commitment to enforcing compliance and protecting consumers. And, Madam President, this Bill, this pension fund will be secured and I wanted to use that as an example to illustrate that the public can now regain their trust in their future.

Madam President, I want to acknowledge the imperfections, and the recommendations from the "Other Side". Do you know why? While this Bill is a significant step forward, we must acknowledge that no legislation is perfect because it was written by humans and we are imperfect beings. There are many areas where wording or provisions can be redefined, and I acknowledge, and I accept that. But I urge the Opposition and this esteemed House to focus on the greater good this Bill offers.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

It is a comprehensive framework designed to modernise our pension system, address historical injustices and ensure that the financial security of our public servants is safe. Let us not allow minor imperfections in drafting to overshadow this monumental benefit that this Bill provides. Madam President, I have heard mention of this new Bill that it does not align with other legislations. So, while I was sitting here, I had the time to listen to the contributions of my colleagues. I went back to my notes when I was preparing for today's sitting, and I love to write, and I love to cross-reference. So I pulled out my notebook, yes, I still write with a pen and notebook, yes. I pulled my notebook and I flipped the pages and I was able to find at least four Acts that I crossed-reference to support this Bill because I believe in research, Madam President. It is also obvious that not everyone did the same because the questions asked from the "Other Side" the answers can be found in said Bill or other proposed legislation. Madam President, I'll just refer to the four Acts, very briefly.

The constitutional basis and I have mine with me. I love paper. Yes. Section 111 of the Grenada Constitution defines public officers and aligns with the pension framework. I don't see the constitutional breach here, Madam President. The National Insurance Act, Cap. 205 complements this Bill by addressing broader social security provisions. The Pension Act, Cap. 233, previously regulated pension disbursement, now partially superseded for new members. The Trustee Act, Cap 329, enforces trustee obligation and accountability, so I am trying to understand what the Opposition what they are trying to say in terms of saying that it's not aligning with the other legislations, Madam President.

Madam President, let us consider the tangible benefits of this Bill to the people of Grenada because I don't think we're doing anything without thinking about the benefits first and foremost. Transparency and security. The mandatory audits that we find in clause 35 and the actuarial evaluation in clause 27 ensure that the Fund operations are transparent, secure and financially sound. Sounds like a benefit to me.

Let's talk about inclusivity. The Bill encompasses public sector employees previously excluded from pension schemes such as contract and non-pensionable workers. And I'm not even going to go further with that because most of my colleagues

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

mentioned that before, but I wanted to emphasise it.

Modernise contributions. A contributory model reduces reliance on Governments' budgets while fostering a culture of shared responsibility between employees and employers. The establishment of a Board of Trustees, clause 11, with fiduciary duties ensures that the funds' management adheres to the highest standards. That also sounds like a benefit to me. Madam President, not everything, when we think of benefits, is about the financial or the monetary part of it, because there are other benefits to this Bill besides what a person will get when they retire, and most importantly to me, something that was lost, is the public's confidence. By addressing long-standing concerns over mismanagement, this Bill restores public faith in the sustainability and fairness of our pension bill. **(Applause)**

Madam President, as I mentioned before, I love research because, I believe it is the way for us to understand where we are, where we came from and where we can be. And as we deliberate on this Bill, I believe it is instructive to consider international, not even regional, you know, because most times we say when the bigger countries sneeze, we catch the flu. So I wanted to go very far to show how bigger countries, with bigger populations, are able to achieve this successfully. Madam President, their international precedence where similar pension reforms have been successfully implemented.

These examples provide valuable insights and reinforce the potential benefits of our proposed legislation. Sweden's National Defined Contribution. They called it the NDC system. I don't know if that's a coincidence, but it is very successful. In the 1990s, Sweden transitioned to an NDC pension scheme where contributions are recorded in individual accounts, and benefits are calculated based on these notional accounts. These reforms enhance the sustainability and transparency of Sweden's pension system, effectively linking benefits to lifetime earnings and life expectancy. You know what happened from that, Madam President? Latvia's pension reform; because of Sweden's implementation, they followed suit. Now Latvia implemented a similar NDC system in the mid-1990s. The shift improved financial sustainability and incentivised accurate income reporting as pensions became directly tied to contributions.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

And I'm going to... There are three other countries that I came up with through my research; the Netherlands' robust pensions system, Denmark's pension framework and Iceland's pension models and they all had a lesson for Grenada. These international examples highlighted key principles that our proposed pension reform embodies. **(Applause)** Sustainability. Madam President, these Governments around the world who have adopted this new pension scheme have realised that the benefits, sorry, that the defined benefit schemes are unsustainable. Madam President, when we have benefit schemes managed totally by the Government as we have witnessed in the past, the Government can or may make a decision to not pay as we have witnessed in the past not by our Administration, and we know which Administration was in power when these things happened when those injustices were served to the hard-working people of this country. Madam President, we do not want a repeat of that ever. By adopting a contributory model, we align benefits with contributions, ensuring the system's long-term viability.

Transparency. The clear linkage between contributions and benefits enhances trust and encourages compliance, those are some of the lessons I learned from the NDC model and the shared responsibility that comes with it. A balanced approach between public provisions and individual contributions fosters a sense of ownership and accountability among partnerships.

Madam President, Honourable Members, while no system is without challenges, the success observed in these countries demonstrates that well-structured pension reform can lead to sustainable and equitable outcomes. To my dear colleague on the "Other Side" who was concerned about sustainable and equitable outcomes, let us draw from the inspiration of these examples as we strive to enhance the financial security of our public servants through the Public Sector Employees (Pension Fund) Bill of 2024.

Madam President, as I conclude, I urge the Honourable Members, or remind us rather, that this legislative reform is bigger than us. It is a commitment to our public servants, the backbone of our nation, that their contributions and futures are safeguarded. This Bill not only modernises, and I'm going to stress it again in closing, the Bill not only modernises our pension system, but it also ensures that they're aligned with constitutional

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

guarantees, judicial precedence and the evolving needs of our society.

And you know, Madam President, I contemplated coming to present today with a placard around my neck, you know. **(Laughter)** The only reason I didn't do it is because I wanted to maintain the decorum of this House, because, Madam President, it seems like the only way the Opposition understands the plight of workers is through demonstrations with placards.

But, Madam President, I urge this esteemed House to support the passage of this Bill, demonstrating to the people of Grenada that their Government is committed to transparency, fairness and the prudent management of public resources. Thank you, Madam President, and I wish everyone all the best for 2025. **(Applause)**

Madam President: Thank you, thank you, Senator Seville Francis. Honourable Francis, thank you very much for your research intervention. Thank you. I offer the floor to Senator Dwight Horsford. Senator, you have the floor.

Sen. the Hon. Dwight Hosford: Thank you, Madam President. While I am on my feet, permit me to offer my greetings of the season and my best wishes for 2025 to your good self, Mr. Clerk, staff of the Parliament and my friends opposite.

Madam President, I rise to join in the chorus of caution delivered by my colleagues on "This Side" in our deliberations today in relation to this Public Sector Employees (Pension Fund) Bill. Madam President, indeed, there will never ever be a perfect Bill, and certainly, speaking for myself and my distinguished colleagues, we do not seek a perfect Bill. But, we appreciate that the business of our undertaking here is to do with the greatest good and for the greatest number. If we truly believe that is our function and our purpose here, then we must be willing to listen **(applause)** because no one is quite as deaf as someone who refuses to listen, but we have a function, constitutional and otherwise, which we must discharge. And before I enter my comments in relation to this measure, presented here today, I want to say that I come from a household of a career civil servant. And so I have more than just some sympathy for the struggles in relation to retirement

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

benefits and public officers' pay and pension.

And so I begin with the recognition that this measure is a step in the direction of a solution. But given the peculiar history and the struggles of our public officers in relation to pension benefits and making sure that they are secure, reform, in relation to pensions, must begin with a clean break. What do I mean by that? You see that clause three subsection (1), paragraph (a), stop there. It isn't funny. Stop there! That's the clean break. Everything that follows, which is there is modelling and conflation. I'm going to send you back to court, unnecessarily. Stop there.

I understand very well the predicament that my friends opposite find themselves in because having ridden into town on a pension horse we are now confronted with the real business of Government and real questions of sustainability and the ability to continue to fund this. I do not envy them in that regard because you have more bullies than jacks. **(Laughter)** That's the problem. Now, I've heard some colleagues talking about court cases and that sort of thing. These are our important milestones achieved in the struggle, public officers, to the point that we are now where politicians and legislators are forced to contrive a serious response, a serious solution moving forward. And I hope I will be forgiven by saying a few things.

Sections 92 and 93 of the Constitution, certainly in relation to public officers' pension, benefits and entitles, essentially guarantee four things:

1. You must always have a law for public officers. ... Must always have a law in place for pensions for public officers;
2. Public officers are entitled to benefits as per the law in place at the time they enter the service. So much is clear;
3. As I see some attempt at it here, in relation to where you have officers likely to be affected by a change in the law while currently in the system, in relation to options, your new law must not afford to benefits less favourable than what they are entitled to under current arrangements, legislatively; and
4. Essentially, pensions are not reducible, save and except, in the circumstances specifically provided for in section 93. So much is clear. We have that and we

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

understand that.

The battle and the journey on the way to these doorsteps today, and these measures attempted, in terms of litigation, the genesis of that was a law first made not by this body, by another, and subsequently adopted by this body, which sought to sever the end of the non-contributory pension obligation of the Central Government. And so the struggle was against those provisions and their effect on a host of public officers who've worked all their lives in the civil service, and that is all that they have to look forward to.

And so what the courts have done... In McQueen, they told you these disqualification provisions in relation to those persons who entered the service at a certain time are null and void, inoperative, can't work, pay them. In a subsequent challenge, the court tells you, no, no, no, no, no. I heard my friend talk about NIS. The court said no, no, no, no, no, it's not an adequate arrangement for pensions for public offices. It may have been conceived as such, but it's not. So, the entitlement is to both your NIS and the assured pension under existing legislative arrangements.

The significance of my respectful and humble submission of what I heard my distinguished friend refer to as the Glasgow judgement is really the affirmation of what was already said in McQueen. The Judge himself said so in his judgment, so I think he, himself, recognised that what he was doing in relation to the issue before him was not particularly remarkable, was already said. Be that as it may, we have a real challenge. But whilst it is a step in the right direction, Madam President, allow me to indicate a few things to listening ears, if there be any.

Where we would descend into Hades is on these definitional semantics here, public sector, employee, public officer and phraseologies of exception and qualification, such as, who is eligible to receive. We start from the centre. All public officers are government employees. We accept that. All public officers are government employees, but not all government employees are public officers.

Now, my multilingual friend says he accepts that. That's good. That's a good start. Now, we spoke this morning, and I listened to my colleagues, and there was some dance about contracts, and I see some of it here, contracts of some definite duration and others

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

that may be continuous contracts, as the case may be. That's not quite yet, that's not quite important, in relation to certain categories of persons currently in the system, for reasons which I'll now follow.

Though the source of a person's engagement with the government is contractual, the relationship of a public officer with the state, with the Crown, is not characterised in terms of and by notions of contract. It is characterized by the Constitution and the public law. That being the case, the focus is always in relation to office as appears in the definition, "office", in relation to public service, the Government of Grenada.

An office does not mean any position. If you follow the syllogistic layout of the definitions in section 111, it will become apparent to you, that office there refers to, and must refer to, a position or function vested, which vests governmental, sub-governmental function or authority. So your van driver in the Ministry of Works, who has been there since 1997, would not answer the description of a public officer for the purposes of section 111. That is where you descend into Hades. Listen. Listen. I mean, I don't have to be a KC to tell you that. Listen. That's when you descend into Hades, that's where you return to court. And I can see this happening before long.

Another misconception... And I don't blame my friends opposite for it and those who may or may not have advised them in this disregard because I at one time laboured under that view as well, which is this. The school of thought before, and I daresay it was jurisprudential one, was that only persons holding a letter of appointment from the PSC answer the description of public officers under the Constitution. So you don't have any PSC letter, you're not a public officer, so you are not going to get anything.

But little boys and girls, please be guard because this Bill is going to give you something because if you fall into that category, you're not entitled to anything. Not so at all. Not so at all, because that is to prefer form over substance. And my friend, if any, my friends opposite, if any group of persons should know better, it would be them, because right here in Grenada, the Court of Appeal decided that, that in relation to constitutional protections of public officers, the pension right is one.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

The keen focus would not be what label is attached to the transaction, but what in substance the transaction is. So if you have been installed in an “established position”, and by that, I mean some post that exists and is budgeted for continuously in the Estimates of Revenue and Expenditure, but you have been put into that post by... I know the courts have said, in fact, recently, a very low court said something different. But... **(Inaudible comment by a Senator)** Yes, the ... **(Inaudible comment by a Senator)** The light would be shown on that. **(Inaudible comment by a Senator)** Yes, the light would be shown on that very shortly...

You've been installed in that position, albeit by means of a contract, arranged by executive fiat, but you continue in that position almost as civil servants do because, you know, civil servants, I said, the source of their engagement is contractual, but it's not characterised, and it's not governed in relation just by contract considerations. In other words, it is not merely an employer-employee situation. It's not merely that. Contract, albeit, may be the source of engagement. Even then, for those on permanent establishment, their contract is described as one being a continuous contract, terminable by retirement or misbehaviour.

We have procedures for that, so, that, if you have an instance where, someone has been installed in such a position, such an office, and has been there for quite some time, irrespective of the means by which they were put into that office, albeit they don't have a PSC letter, the substance of the transaction is that they are a public officer. The PSC is not the employer, it is the government. The PSC's role is to regulate their employment and to protect officers acting or holding those positions from political whims and fancies. We appreciate that. We appreciate that but never lose sight of who is the employer.

Now, a while ago, I mentioned, and my friends should know that the focus in these matters of constitutional rights and protection is not on the label you attach to it. And I know my very good friend, the AG, should know that as well. We have a famous decision that reverberated from Grenada across the Eastern Caribbean in the case of one Richard Duncan and the Attorney General. And the decision there was written by the same Chief

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Justice Byron, who had written the decision in McQueen. And that's one of the things he indicated. You might come with all kinds of devices to dance around and avoid the application of constitutional mandates, but in the affairs of the protection of guaranteed constitutional entitlements, what is important is not what label you put to it, and how you dance; it's what the substance of the transaction is. So, whereas, in that case, in that instance, they claim to say, well, you know, you are on leave until we call you, sort of arrangement, you say no, no, no, that's an exclusion in the post, which amounts to forceful retirement, so you are caught by 84 (8). Indefinite leave amongst to that.

So disabuse yourselves of this notion that the many, if not a host of such persons that don't have certain letters, but have been occupying offices, properly, so-called and defined under the Constitution. Disabuse yourselves of thinking that they're not public officers **(inaudible comment by a Senator)** who attract the protection... Well, we'll soon see. We'll soon see. Again, no one is as deaf as someone who is unwilling to listen.

And so, Madam President, devices such as the enacting formulation of eligible to receive and eligible, we see it dangerously as creating a platform upon which you determine who is to get protection from what we consider to be protections already afforded under section 92 of the Constitution. And I was concerned, particularly with the language, when I saw what was formulated in clause 3 (1) subparagraph (c).

I had thought to myself on what I just said moments ago, there will be people who know well qualify for a pension under section 92 of the Constitution, but distinguishing mechanisms as drafted in follows (3) (1) in sub-clause (ii), in as much as it doesn't make it clear, as I say model it, we see it as a device to allow exclusion of otherwise eligible persons, or otherwise persons to whom protection already exist and is afforded by means of section 92 and the declarations of the court in that regard. So, in short, this contract definition and this contract metric, if that is a metric, if you'd call it that, is being used to exclude persons from what we say are the protections already afforded to them.

Allow me to touch a few things briefly. My distinguished friend to my right made a very useful contribution, and I think there were echoes of some of her concerns regarding inherent risks and other risks which attend investments of funds of this nature. Now, of

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

course, the expectation is that this Fund is to be managed prudentially. And I see that there are provisions for, well, provisions are sufficiently ample to enable external investment of the fund. But her caution regarding risks in managing funds of this kind should not be flippantly brushed away or brushed aside, for the very reason that my friends to my left indicated. We have sufficient experience, in recent times, in recent memory of the collapse of funds where people's entire savings and annuities, particularly for pension purposes, went up in smoke. They got nothing.

While I had the opportunity to serve in a particular capacity elsewhere, where there is a contributory pension scheme for public officers, there are provisions not dissimilar to those here in this Bill following onwards from 66, etcetera., not dissimilar to all, but the striking feature of what they have provided is simply this. Given the recent history of the collapse of these funds, where people were left emptyhanded after several decades of work, that's all they were looking forward to, gone up in smoke. With that experience, there is a clause in their law.

You know what the clause says? If there is that financial risk to the fund or a collapse or a shortfall, the Consolidated Fund picks up the slack and guarantees it so that the public officer will have something to look forward to. The greatest guarantor, therefore, we say, that is something to look at, is for a contingent role of the Consolidated Fund in safeguarding that Scheme should there be a collapse of it or an investment catastrophe of a large scale. **(Applause)**

Because it will mean nothing to anybody, nothing at all, to talk about your mechanisms and your people of integrity sitting on boards and what the minister can and can't do, and rates of interest and all that. So that means that means nothing to someone who is looking forward to something after several years of painting. They want to know that this thing is secure. The greatest guarantor, is if, and I would posit this, the contingent role of picking up the slack for the Consolidated Fund.

So, in effect, Madam President, while it is good to take a step in the direction of tackling this bull, by looking at going forward, what we must do, as I indicated, is a clean break. Because it is less litigious and cumbersome if, after the passage of this Bill, its

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

application extends only to the person coming in during its operation. Because with the song, well, I see the two-step, the tango that is done there by these different distinguishing features and qualifications and so on, in these subsections there, all it does, quite respectfully, accepted or not, it creates a tale of two pensions.

Now, I've heard, I think it may have been my distinguished friend, the good doctor mentioned, I'm not sure if the phraseology, generation and inequity were what she used; I think that emanated from the party opposite, but I think there's a legitimate point to consider, certainly on the present arrangements that we have been complaining about. And it's not just us sitting here; serious professionals and legal professionals outside have indicated those things to you, so it is not partisan. This thing is not partisan. This thing is too important, too important. That is why you have the commentary of serial professionals in the thing.

Now, she does have a point because anyone thinking of becoming a career civil servant now, although it is hard-fought and hard-won, your benefits under this arrangement here are going to pale in comparison to what those currently in the service are entitled to **(applause)** after their battles. They're going to pale. So, if you're thinking of becoming a career civil servant, this does not incentivise you. Now, I am not saying that the Constitution... well, you see, Madam President, I sat without interrupting any of my friends there, any of them. Perhaps they can do the same.

I'm not saying, and no record would reflect, that we are saying that public officers are generally, by and large, entitled to a non-contributory pension. We are not saying that. The consequence, the results of the battles that have been fought in relation to pension benefits and the disqualifications attempted by a previous Act and the amendments in 2018, are that they are entitled to benefits under the current Pensions Act, which is none contributory. That's a function of the Act that exists, hence the reason why you are passing an Act now that allows for contributions.

The Constitution doesn't say you can't pass an Act, you know, and I'll be the first to dispute anybody who suggests that you can't pass an Act. The Constitution doesn't freeze the pension law for eternity. It doesn't say anything so. In fact, one of the reliably

Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's

Bills: Public Sector Employees (Pension Fund) Bill, 2024

indicators, if you needed one in language, is in, I think, sub-clause (4) of one of them; I think it's section 92 where there is mention of funds that are not guaranteed by the Consolidated Fund. That's another fund.

The tricky thing is that people who are currently in the system, category is important. Category is important; that's why I started where I started this afternoon in relation to definitions regarding offices and public officers. But, I see that there are some who have the appetite for litigation. I'm a barrister. I like that. But certainly, in relation to this issue, I think it is needless. Stop at 3 (1) (a) going forward and complete your regularisation so that those to whom commitments of regularisation were made can come on and benefit like their colleagues and their peers in the system right now. To me, that is a better deal any day, than all the lofty things provided here about trustees and insulation from corruption and all these things there. People are not interested in that, you know. People are interested in their money. They're not interested in all these fancy things here.

Of course, that is not to say, Madam President, that they are not good and not important. I did say it is a step in the direction of a solution, you know, but you have to accept that in that interregnum, there are things to deal with here. And indeed, they recognised that, you know, that is why you have all of these dances and steps with words and definitions in sub-clause 2 and parts of 1. I understand, as I say, more boillie than jacks. I understand. I understand. You cannot get away from constitutional mandates, my friend. You know, old people say, "*What is sweet in goat mouth will sour in their rear*". And.

And so, Madam President, in this tale of two pensions. I understand all too well why there is a consistency in the cautionary requests made by colleagues on "This Side" who represent and speak for varied and disparate interests. But in relation to achieving the greatest good for the greatest number, certainly, in asking for one more focus than two, caution, pause, have aligned their voices.

And you would notice that I have not, Madam President, dwelt on arguments about consultations and so on. They are very important, and I think they have been sufficiently

Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's

Bills: Public Sector Employees (Pension Fund) Bill, 2024

addressed by my colleagues, but because of the substantive nature of what we're dealing with in relation to our supreme law and the peculiarity of this particular pension issue, I didn't want to repeat them.

As I said, though important, consultation may be and there is value in many of the things that my colleague said regarding that approach. Because just as we here have different interests to which we must minister, I also understand the trade union movement, and although their common objective in relation to this matter is to achieve the fullest measure of protection and benefits to workers in the system, we must appreciate too that if you were going into a neighbourhood to consult on an issue, you don't just consult a neighbour, you don't consult the neighbour alone, you have to consult the neighbourhood. So I understand that. It makes a lot of sense. But for me, pride of place must be given to what has already been established, legally, in relation to these benefits and how you make a clean break going forward. Because, my distinguished friend mentioned and referred to it as some sort of attempt of phasing out something. No. Not with this. You can't phase out anything.

I began by saying it has to be a clean break, the phasing out is where the litigation comes. The phasing out approach is where bacchanal and problems come. A clean break. Regularise. Make them permanent. And then... **(Inaudible comment by a Senator)** Make the clean break. Clean break. So that's where I began: a clean break.

So, Madam President, with these observations... There, I wonder. I see my friend smiling at me. I can bet, if you were not sitting there and you were sitting where the public officers are now, I know where you're opting, you know, in relation to this Bill. You don't even have to answer. I know. I know. **(Inaudible comment by a Senator) (Laughter)** So, Madam President, I want to thank you for the opportunity to raise these observations, and to wish my colleagues the very best. Thank you very much.

Madam President: I thank you, Senator Horsford. **(Applause)** Thank you very kindly. I wish to have one conversation in the meeting please. Senator David Andrew, you stand to be heard, and you have the floor, sir.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Sen. the Hon. David Andrew: Yes. Thank you very much, Madam President. Let me great all my colleagues in this Honourable House, as we discuss today what I believe is a very ground breaking and transformative piece of legislation, probably within the last 40 years.

Quickly, Madam President, before I debate what's here substantively, I mean to respond to a couple of statements that were made by, one, the last speaker and it was echoed before. If we do not pass this Bill today, the generational divide becomes a lot more crystallised, because as we stand, there are some who will get and some who will not get. **(Applause)** Some who will retire and get a pension and some who'll retire into poverty. And that was alluded to all around. **(Applause)** So that would become more crystallised. We have to pass it. We have to change this around.

You know, I'm happy, Madam President, that there is agreement in this entire House, that there is a need for a new and revised pension plan. You've heard it in various permutations today, that there is a need. Some people have problems with different elements, constitutionality even, and we'll speak about that, but I'm happy that there's an agreement that there is a need for a new pension plan. Some people ask why the haste. In my view, I'm not even sure there is haste. We have been talking about this ever since we got into office. **(Applause)** And since 2022, we have been engaging in consultations on this matter.

You see, this Government understand that in its current mandate, we don't have 20 years to do this. In the current mandate that this Government has, we do not have 20 years to fix this problem. The organisation that the Honourable Senators on the "Other Side", Horsford and Charles represent, had that much time. Guess what? **(Applause)** They still didn't do it. **(Applause)** So, the mandate we have, we understand that we have to urgently treat all of the issues that confront us.

Madam President, I was really happy this morning to see the students, and I'm saddened that, you know, as Minister for Education, they could not hear **(laughter)** their Minister's contribution to this debate. But, it was a real good pleasure having them and if they're listening, as some of them said they would, I just want to commend them for having

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

been here and their keenness. A couple of them were commenting and saying they were looking forward to hearing two sides of the story because they heard a lot on one side of the story, and they wanted to hear some more. Anyhow, Madam President, I also want to give credit to the drafters of the pension reform legislation, and the Pension Reform Committee for a job that I believe is extremely well done. **(Applause)**

Madam President, a few days ago, while in one of our community toy distribution events, I met a senior gentleman who was over 70 years old. He told me all of his work history, all of his work life, and then he painfully lamented to me that he had nothing. Of course, before I got to fully distil with that gentleman, a child came running to my legs, and I had to go and distribute some toys. I had to run away for that gentleman.

But it broke my heart, that here you had a 70-year-old gentleman who had worked all his life in various places, whether it was when they had public works that did the maintenance, and who were daily paid and who had all the different work, he's now 70, and he's literally almost crying before me. It broke my heart, and I remember this legislation, and it made me know that we were doing something right.

Madam President, let me just set some context here about this Bill. For years in the public service, there have been disparities amongst persons serving the public sector, and that was based on status in the public service. Therefore, if you're established or if you're not established. If you're permanent or if you're not permanent. If you're on contract for service, contract of service. If you're called an IMANI Trainee and all of these various... You want to call them gerrymandering? If you want...

Honourable Senator Horsford talked about dancing around. For years in the public service, we've been dancing around **(applause)** names and titles to avoid dealing with the issues of paying pensions, to avoid dealing with the issues of really giving people the rewards and benefits that they deserve, workers. That's why we're in this place, you know. Senator, Labour Senator, that is why we are in this place because that has been avoided for years. And I was a part of the public service, and I watched it. I watched people retire to nothing. Some of them retired with no pensions. So we agree that there is a need for a new pension scheme.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

As we speak, Madam President, and it was alluded to earlier, there are approximately over 4,500 workers within the public service who are not established, who are not regularised and who, by the provision of the current enactment, are not catered to for the receipt of a pension benefit. That's almost half, if not a little more than the half.

So when we talk about pension, you see, and I think somewhere in the argument, persons confused what happened with the former administration. Now you see the court judgment that said that the Pensions (Disqualification) Act was unconstitutional, overturned it, and instructed the payments of pension for those who so qualified under the Constitution, under the 1958 Pensions Act. But it didn't say that for these people, and that is why for years we continued to have so many; that's why we had the parallel public service, you know. That's where that came about, to avoid all of these and have numbers in keeping with the IMF. These people are not public officers. They're not established. They're on contract for service. They pay their own NIS, and we do all sorts of dances around to avoid the realities of those.

So, Madam President, with these 4,500 workers who have no pension entitlement at this time, we have about three options:

1. We could keep the disparities, in which case some workers will continue to work to the maximum years, receive no pension, and retire into poverty. Is that really an option in this day and age? No.
2. We can put all of the workers, unestablished on the 1958 Pension Plan, significantly increase government pension obligations, leaving less fiscal space for capital investments, social spending and sustainable development.

And I heard Senator André Lewis saying, "Bite the bullet". But you see, it's one thing to say, bite the bullet. When my colleague on the "Other Side", says, "You need to listen". We do listen. But you see, it's who you listen to because if you listen to everybody, every time, anything they say and you don't make sense of it yourself, you become like the guy in that story, where he rode the donkey one time. They told him something, and he started to carry the donkey. Then, he put the load on the donkey, got on the donkey **(laughter)** carried the donkey and the load. So you have to know who you listen to.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

You see, because when people talk about listening, they need to have the moral authority to say that. Because the organisation that my brother represents is not an organisation that, when they talked about consultation and they talked about listening, and the Conference of Churches said to pay the docked salary, they didn't listen. But somehow, he's instructing in listening.

But, Madam President, I want to point out that, with the current Pension Act, the Government or the state pays 160% contribution towards pension benefits. Let me say why I say that. Because as is, there is a 100% financed pension contribution. It's non-contributory for the worker. So that's 100% there, and the Government still has a 60% obligation to NIS, the state. When you look at that, in terms of benefit to workers, that's a 160% contribution that the Government makes, without receiving anything to contribute to that Fund.

Now, simple math would say if you keep taking out and taking out, and taking out, and I think somebody, Senator St. Claire alluded to it earlier, if you keep taking out, at some point, we're going to get to a place where that fund will die and people will retire, and there will be no fund to give them. It has happened in some jurisdictions (**applause**) in some territories, in some states. So it's obvious. We listened to the actuarial experts, and they've said repeatedly that this is not sustainable. And without even being an actuarial expert, I can tell just my simple math, it's not sustainable.

Madam President, the third option is to reform the pension. Seek to find the right balance between ensuring that all public service workers receive a pension and ensuring sustainability, affordability and continuity in the programme. And I think we've agreed that there's a need for that. And how it comes up is where we probably differ, in some bits. But what's before us now, Madam President, we'll see the Government continuing to pay the 60% NIS and Government contributing 50% of contributions going forward, as part of the new contributory scheme, which will see a still paying government, 110% benefits, contributions towards workers. It's part of trying to find that balance.

You see, we have to understand that we're in a ship. I see it as a sinking ship, Madam President. And we can all sit in the ship and say, all right, well, I'm at the top, I'm

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

at the bow, I'm up on the flag mast, I'm up on the ninth floor, so probably I'm safe for a while. It's just a matter of time before the whole Titanic goes right down, and everybody will perish.

Madam President, clause 3 (1) of the Bill speaks to who are the persons to whom the Bill will apply. And category one says all new public officers or public sector employees. Category two, all public sector employees who—

- (i) hold non-pensionable offices by virtue of the relevant enactment; or
- (ii) have neither attained the age of 50 years nor have been employed with the Government for a period exceeding 15 years, and are not eligible to receive a pension, gratuity or other allowances in accordance with a relevant enactment.

And category three. All employees of the Government who are currently employed in the public service on a contractual basis and by virtue of the terms and conditions of their contract are not eligible to receive a gratuity. So, it speaks to the category of workers being captured here.

Note, I want to bring us down to that same section, but clause 3 (3). Right? Clause 3, subsection (3). It says for the avoidance of doubt, the law to be applied with respect to the payment of pensions, gratuity and other allowances to—a public officer, a teacher, a police officer or a prison officer, who has been so employed, prior to the date of operation of this Act, and is eligible to receive a pension, gratuity or other allowance, shall be the relevant enactment which applies such a public officer, teacher, police officer or prison officer, save and except where such a public officer, teacher, police officer or prison officer opts for the provision of this Act to apply to them in this regard, in accordance with section 6 (3).

In other words, the persons who are already entitled, and I heard that question being asked on the “Other Side”... There are persons who are constitutionally and already entitled to a pension; this is not interfering with them because they're already catered to.

Madam President, a lot was said about the constitutionality of this Pension Bill. But, I'm no lawyer. But section 92 of the Constitution, the constitutional provision, it says

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

pension laws and protection of pension rights... See, and I heard Senator Horsford reference, “The law to be applied with respect to any pensions benefits that were granted to any person before this section comes into operation shall be the law that was in force at the date on which those benefits were granted or any law in force at a later date that is not less favourable to the person”, of course.

But it goes on to say in section 2, “The law to be applied with respect to any pensions benefits (not being benefits to which subsection (1) of this section applies) shall—

- (a) in so far as those benefits are wholly in respect of a period of service as a judge or public officer that commenced before the date upon which this section comes into operation, be the law that was in force on the date upon which this section comes into operation; and
- (b) in so far as those benefits are wholly or partly in respect of a period of service as a judge or public officer that commenced after this section comes into operation, be the law in force on the date on which that period of service commenced, or any law in force at a later date that is not less favourable to that person.

So, Madam President, the Constitution allows, as was quite rightly alluded, that new Acts can be made. It must not make persons who are already entitled end up in a less favourable position. And that's not being done here, because we are putting something in place for persons who now do not have anything.

Madam President, the Constitution, section 84 talks about appointments and public officers at the Public Service Commission. And it's important to note that this same Constitution that was referenced a little bit earlier by the learned lawyer on the “Other Side” gives the powers to the Public Service Commission to appoint and to determine who is and who is not a public officer.

So I listened to all the fancy, semantic language articulated, but section 84, subsection (1) says, “Subject to the provisions of section 91 of this Constitution, the power to appoint persons to hold or act in offices in the public service (including the power to confirm appointments), the power to exercise disciplinary control over persons holding or

Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's

Bills: Public Sector Employees (Pension Fund) Bill, 2024

acting in such offices and the power to remove such persons from office, and the power to grant leave, shall vest in the Public Service Commission". **(Applause)**

In other words, Madam President, if the Public Service Commission didn't appoint you and say you're a public officer, by this very Constitution, you are not. And that is why we've gerrymandered around this thing for all these years, giving them all different titles, letters of this, letters of that, contract for service, IMANI Trainees for years, with no public service appointment because that is what gives them entitlements to be called a public **(applause)** servant, and gives them the entitlement to the pension benefits that the Constitution affords. **(Applause)** We are fixing that, Madam President.

So, I don't want the population to be fooled by maybe areas that could probably do with a change of word here, some of the insinuations that were made, the extrapolations, and I wonder if because we could go on a "what if" hunt, Madam President, about almost anything. I could sit here and wonder what if something happens and a big stone rolls down on my house. What if, what if, what if, what if? I could go doing that whole day. I don't want our public to be misled. And so, I want to make them understand that this is very constitutional, and what we are doing in no way violates the Constitution, and it preserves the rights of the workers.

Further, you will see in one of the sections later that this Government is so concerned that there is a section of this Bill that speaks to past service contributions. So even the workers, call them IMANI for all these years, call them contract for service workers for all these years, if they had 10, 15 years, whatever number of years, there is the past service contribution. When they get drafted, Madam President, into this pension plan, the Government is going to pay 100% of the contributions for those years. So they're not even losing those years of contributory benefits. Now, that is commendable. **(Applause)** So they're not losing benefits.

Madam President, I want to talk briefly about its process of consultation. See, the consultation started almost, well, two years ago. And, I mean, I can't help but blame my comrade on the "Other Side" because invitations were sent to the Trades' Union Council, to sit as a member, a participating member on the committee; the Pension Reform

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Committee. And, Honourable comrade, a lot of the things that you distilled here that you suggested here today could have been distilled as part of that committee to help shape the legislation (**applause**) to help shape what happened and how it happened.

And so, in fact, I'm disappointed in my colleague because he's a true labour man. And that was a genuine opportunity for him, as President General of the... Did I say the right thing? Yes. ... The Technical and Allied Workers Union and the TUC, yes, President of the TUC to genuinely represent the concerns of workers there and help shape the policy. But instead, there was no representation.

Madam President, scores of invitations were sent to the President General for his representation, nomination on the committee, or his designate. Invitations were also sent, not invitations, but meetings and consultations were also held with other union representatives. So I can clearly speak, Madam President. I can give you dates of when correspondences were sent to a number of trade union stakeholders, inviting meetings from the Public Workers Union, to consultations in 2023 with all unions virtually, to consultations in person with the Public Workers Union in March 2024, to a request for consultation which was facilitated in August 2024. So apart from the Public Workers Union, there were other public organisations, Madam President. So we talk about consultation.

There's a long slew of consultations that took place with several stakeholders across the nation. There was even one in St. Andrew. There was in Carriacou. They were in different spaces. I went to the one in St. Andrew at the St. Andrew's Methodist. It was for public discourse and engagement, where everybody was invited. I know public sector workers were invited. The human resource management staff of the various ministries were consulted and invited.

So there was robust consultation across all of the public sector stakeholders, the management team, PS's. There was consultation in Petite Martinique, in person... And this went on... Even TAMCC. We consulted with TAMCC, the PURC, the GFNCA, NTRC, the Grenada Tourism Authority; all of these statutory bodies. I mean, the employees who can be impacted in some way were consulted either virtually and or in

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

person. Right? There was even a consultation with GUT in person.

So when I listened to all of the talk, Madam President, about lack of consultation, I wondered what the intent of that statement is really and how genuine it is. Maybe it's a matter of personality; maybe it's a feeling that, well, you didn't consult with me. But to say that we did not consult with the public and stakeholders and knowing that there were invitations to those high officers to represent the interest of the workers... In fact, I think the non-appearance of the TUC and other public sector representatives at those meetings, is tantamount to dereliction of duty to represent the workers at that point.

Madam President, Part II of the Bill talks about the establishment of the Fund, and I think a lot was said about that, so I will not try to rehash the details of it. I'll jump to Part III and talk about clause 10, which talks about the revenue streams for the Fund.

Clause 10 (1) itemises the various revenue streams that will comprise the Fund. So you have:

(a) All contributions and other payments required by the Act to be paid into the Fund.

So that will be the mandatory contributions that workers would make, that would be the past service contributions that will be paid into the Fund.

(b) Part (b) says, all contributions made by an undertaking in accordance with section 41 (7);

(c) Money earned or arising from any investments acquired by or vested in the Fund;

(d) All other sums which may in any manner become payable to and any property vested in the Fund;

(e) Such other sums as may be appropriated by Parliament for the purposes of the Fund.

So, there are various Fund sources, and that will be so managed.

Madam President, I want to conclude. To continue, Madam President, without passing this Bill is to continue inequities in benefits, the disparities between sections of workers and Madam President, that is not an option. That is not an option. To put our

Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's

Bills: Public Sector Employees (Pension Fund) Bill, 2024

workers in a system where the state and taxpayers continue to pay 160% that we have been told by the actuarial experts is unsustainable, is nothing short of reckless and certainly unsustainable. Therefore, Madam President, the pension reform is necessary and expedient. This Fund will pay for past service contributions so that workers will not lose their years of contributions. That's critical.

This Fund will be managed by a Board of Trustees, which will minimise the likelihood of Government interference and increase credibility in its management. This Fund, Madam President, will break the back of generational poverty and post-retirement poverty. This Pension Bill will do that. This Pension Bill, Madam President, is a step in the right direction, which was alluded to by almost all the speakers.

If we do not pass this Bill today, Madam President, the generational inequalities and inequities will continue and become more crystallised. Fully confident of the power and the potential to improve the livelihoods of people post-retirement and generations to come. I unreservedly recommend this Bill to you, Madam President and this Honourable House for your full support. I thank you very much. **(Applause)**

Madam President: I thank you, Senator Andrew, and thank you for recommending the Bill to me. **(Laughter)** I hope that I'm among the beneficiaries **(laughter)** if and when it passes. Thank you for your spirited, informed and generous contribution, Senator Andrew. And I think our penultimate speaker on the proposed law is about to take the floor. It's none other than our... Should I call you the supervisor of the drafted Bill? **(Laughter)** The presenter of the... Leader of... Senator Claudette Joseph, you have the floor, madam.

Sen. the Hon. Claudette Joseph: Thank you, Madam President. And just again, good afternoon to all of the Members and staff of this Honourable House. I'm grateful to my colleagues, who I must confess have covered quite some ground in terms of some of the contributions I intended to make on this Bill, making my task here today much lighter, but I'm sure, equally enjoyable.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Because, Madam President, I am pleased, I'm indeed elated to be part of history here today. We speak; some say transformative, some say impactful; Madam President, I posit to this Honourable House that we are simply making history today. **(Applause)** And the history we make today, Madam President, would reverberate for centuries, I would say, because we will have forever changed the landscape of pension and pension entitlement in Grenada, once this Bill is passed into law. And, Madam President, I would quickly start by extending heartfelt and unreserved commendations to, first of all, my colleagues led by the Honourable Prime Minister for the vision and fortitude in tackling this long-standing issue of pension.

The issue of pensions became problematic in 1983 when the Pensions (Disqualification) Act was passed. In 1983 all of the members of the Cabinet, all of us, and certainly all of the Members on the "Government Side" of the House here, we were either in school, toddlers, as in the case of the Prime Minister, toddler **(laughter)** and in some cases, as in the case of my two colleagues to my left, and Ministers Tevin Andrew and Kerryne James, they were not even born. And here we are rectifying a problem that was created when some of us were little school children, one or two were... **(Laughter)** Somebody said they were a big woman. **(Laughter)** One or two were in secondary and tertiary education, and the rest were not even born. **(Inaudible comment by a Senator)** Some say they were not even, I thought. **(Laughter)**

So, Madam President, and "cut we a hair", hearing all of the Members on the "Opposition Side" on the "Other Side", not everybody on the "Other Side" is Opposition, some are representing specific interest groups, so the Opposition parties' representative and the other interest groups, everybody says it's a step in the right direction, it is warranted. Some complained about the process, others complained about a few sections in the Legislation, in particular, one section in the Legislation. Nobody has advanced to this Honourable House any reason to suggest or to support the call, not to proceed with the Bill today. Because, Madam President, the only reason why it would be justified or justifiable not to proceed with the Bill today, is if some fatal flaw in the Bill could be pointed out. No one has pointed out any fatal flaw in the Bill.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Certain people expressed a difference of opinion as to how a particular section might have been drafted. Well, if it turns out there is merit, we have this Honourable House and the Lower House have the general power to amend laws, so as to refine and to bring them into greater conformity with policies and even other Legislation, including the Supreme Law. But nobody, Madam President, has advanced any argument that could convince us on “This Side” to take this Bill back to our colleagues and say, “Guys, we need to go back to the drawing board on this”. Nobody has done that. And so, Madam President, I fully and wholeheartedly support the passage of this Bill today.

I give commendations and thank you to the Pension Review Committee, which was chaired by Dr. Curlan Gilchrist. **(Applause)** and Dr. Gilchrist has been quietly listening to the proceedings all day and we must recognise and ensure that his name is recorded in this historic Hansard, because I have a feeling for years to come, people will be coming back for this Hansard.

And I would also like to commend the other members of the Pension Review Reform Committee. We had Deputy PS in the Ministry of Finance, Ms. Chevanne Britton, we had Ms. Jennine Bernard, who is one of our legislative drafters in the Office of the Attorney General, and we have one other person who is escaping me now. We have PS Lyndonna Marshall. We could rechristen PS, “the pension woman”, you know. I think we could do that. She's really being a hard worker on this particular initiative of the Government. There's the actuarial scientist; I can't remember his name, that was the other person, Osborne, yes, the actuarial scientist. And this is not new to him, he has done it in the past, so we know we were in good hands and, in fact, he was consulted with and engaged somewhat by the previous administration. We recognised he is a professional, an expert in his field and we engaged him.

So I would daresay I'm sure, had the shoe been on the other foot and it was the other administration trying to do this, they would probably be coming with a Bill almost identical to this because they would have gotten the expert advice from the same person that we have gotten our advice from. So, another reason why we know that we are on solid ground. And of course, we had the lead Drafting Consultant, Mrs. Petrona Sealey-

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Browne, she's not based in Grenada, but she's no stranger to Grenada as she worked here as a Parliamentary Counsel in the early 2000s and up to 2012, there about. So she's well known to Grenada. One of the most sought after and respected legislative drafters in the Commonwealth.

So when we hear other people who are not legislative drafters criticising the drafting, I believe some of them may have a different view now that I've put a name to the drafter because they know her and her reputation precedes her. We're not saying she's perfect, none of us are. We're not saying the Bill is perfect. As we all say, we agree that you'd never find perfection, that's why we have the power to come back and amend and refine.

So, Madam President, with respect to the comment made by the representative of the employees in this Honourable House, about the three firms who have commented on this. I have listened. I have engaged colleagues as I always do and I repeat, so far, there is nothing that will cause us to want to pull back this Bill. The Bill itself does not in any respect breach the Constitution. We made sure of that. In fact, some aspects of the Bill mirror the Constitution. We were careful about that. The suggestion that there cannot be two parallel schemes running at the same time, runs contrary to what the Constitution itself contemplates.

And I do not want to make disparaging remarks about my learned friends, and they are indeed my friends, but I would say, let's put it this way. They either know or ought to know what section 92 of the Constitution says. And they know or ought to know that in passing this legislation, while at the same time having the Pensions Act of 1958 apply to public officers who are already confirmed in the service, yes, by the Public Service Commission, that's the law, as recently stated in the Beharry case. So while having the two parallel schemes run, is entirely inconformity with the Constitution.

Let me just tell you what section 92 subsection (3) of the Constitution says. The supreme law of the land. Subsection 3 of 92, "Where a person is entitled to exercise an option as to which of two or more laws shall apply in his case, the law for which he opts shall for the purposes of this section, be deemed to be more favourable to him **(applause)**

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

than the other law or laws". So section 92 of the Constitution which enshrines the right to pension, also contemplates that there may be, enforced simultaneously, two or more pension laws and there may be as well, an option on the part of public officers to choose which one will apply to them and once they choose, that one is more favourable. That's what the Constitution said at section 92 (3).

And in this Bill, Madam President, at section 3 subsection (5) or (6), I think it is, the existing workers, who are appointed already in the public service, they are given an option as contemplated by 92 (3) to choose. They have 12 months to choose which of the two schemes, which will be running parallel, side by side, will apply to them. And once they choose, that's the law, that's most favourable. Right.

So, Madam President, we have taken care to ensure that the right of our workers, because there's no denying, you know, since Independence we have been the most worker-friendly administration. **(Applause)** And those on the "Other Side" have been the most anti-worker. They never amended minimum wage. From local to international, in all their 23 years in office, they never adjusted the minimum wage. 25 years passed before Grenada could have gone to the ILO Conference; the International Conference that treats with workers. So there is no doubt and the workers of this country are clear; they're not fooled. They know who has been on their side all this time. And they know it is this Administration taking steps that others said were impossible or will cause almost half a billion dollars, which turned out to be a lie.

So, Madam President, again section 92 of the Constitution contemplates... I hear a proposition coming from the "Other Side" that we should have the funds paid by the employees covered under this legislation into the Consolidated Fund. Well, first of all, you can't take people's pension money and pay it in the Consolidated Fund. The Consolidated Fund is one big lion's den and when it goes in there, anything could happen. That's one.

But secondly, Madam President, back to the Supreme Law. Section 92 (4) contemplates a contributory or a non-contributory scheme, different variations or permutations of pension and it also contemplates the depositing of pension funds into

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

funds other than the Consolidated Fund. Because it says, "All pension benefits shall (except to the extent that they are charged upon and duly paid out of some other fund) be a charge of the Consolidated Fund". So it may be some other fund, as in the Fund, the trust fund that this Bill proposes the setup or the Consolidated Fund as is the case with a non-contributory scheme under the 1958 Pensions Act.

So now that we've gotten these matters clear, Madam President, knowing that we are solidly on constitutional ground, Madam President, I would await. And I have the greatest of respect for my colleagues Mr. Bristol, Mr. Hood and Mr. Horsford. I have the greatest of respect for them and in all cases, very, very good interpersonal relationship. So I'm still awaiting any of them to articulate which aspect of the Constitution is contravened by this law. Once convinced, I will duly advise the Government, as it is my constitutional duty to do, as Attorney General.

Madam President, on the topic of consultations. I want to dispel this for this Honourable House and for the public but especially, especially for the workers, for the workers in the public service. Because they are expecting, and we can't blame them if they listen to and take to heart, what their leaders, their representative leaders, say to them. I want to tell you all the truth. Senator David Andrew spoke to some of it. But, Madam President, between 18th October 2022, and 24th September 2024, 22 letters passed between the Government or the Pension Review Committee and the Unions, majority of those with the Public Workers Union, majority with the Public Workers Union, some with the TUC.

And the first two of these letters, one dated 18th October 2022, from Permanent Secretary in the Ministry of Finance, Mr. Mike Sylvester, to the President of the TUC and another dated 18th November 2022, from the Chairman of the Pension Reform Committee, Dr. Curlan Gilchrist to the President of the TUC. Those were the two first letters. Both letters invited the Trades' Union Council as the umbrella body representing all public sector unions, as they are in this Honourable House, to sit and occupy the seat reserved for the TUC on the Pension Review Committee. That seat was not taken up for varied reasons.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

The first reason advanced was that an assurance was demanded that whatever pension reform is undertaken will not upset or in any way interfere with the ruling of Justice Glasgow. And, at the time, the understanding was that the ruling of Justice Glasgow should apply to everybody who is regularised. Because this Bill does not stand alone. It's alongside regularisation. So if you want the Justice Glasgow ruling to apply to everybody, including those who are to be regularised, then you're not talking about pension reform. If you are talking about the Justice Glasgow ruling, not being applicable to persons who are already confirmed in the service and appointed in accordance with section 84 of the Constitution, that's not a problem, we always said so.

The court declared the pension rights of these people, and the only way a Government or the Parliament could interfere with that is if it is agreed by all that whatever is being introduced is not less favourable. Now we could have come here and said, 1958 repealed. We've believed this is favourable, not as favourable to everybody, and it applies, but we are not doing that. We are not doing that. We are not interfering with the people to whom the judgment applied. We are not doing that and that's clear; a clear reading of the judgment, a consultation with your legal counsel would have told you clearly that whatever the Government is doing, can't interfere with Justice Glasgow, unless the workers agreed that anything new is less favourable. But that is for people who are already appointed, pursuant to section 84 of the Constitution by the Public Service Commission.

So we have 22 letters. Then we had seven consultations, four virtual and three in person, with the Public Workers Union. The Public Workers Union, that's the union that represents the majority of public workers, but not all public workers. That is why, in the first place, the TUC was invited to take up the seat, recognising that the PWU always represents the majority of the workers; it does not represent all. All the unions and associations represent other categories of workers. We have the GUT. We have the Police Association. We have TAWU. We have several, so it's not just PWU.

So, this argument that I hear some of the PWU Executive members making, that

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

we are an entity on our own and, therefore you should have invited us to be on the Pension Review Committee... How come you're not here in the highest House on your own? We asked the TUC, who represented all the unions, to sit on the committee representing all the unions. They never took up the seat. That's a fact. That's a fact.

Then, Madam President, as we speak, consultations... There were 18 consultations with public sector employees between June 15, 2023 and 17th September, 2024. That's just public sector employees all over, as Senator Andrew said, Carriacou, St. Andrew all over the place; some virtual and some in person. Madam President, there were 11 consultations with statutory bodies, 11 with statutory bodies and other stakeholder organisations, including the Employers Federation and the TUC itself, and so, Madam President, there were 13 consultations. So, Madam President, we had a total of 22 letters between the Government and the unions and 49 consultations. So, that record will not justify a postponement of this Bill on the grounds of lack of consultations.

(Applause)

Madam President, most of my colleagues have gone through the bill and various sections. Madam President, I would like to just briefly mention the section that has drawn a lot of attention, section 3 of the Bill, and that is the section that speaks to the persons to whom the Act would apply; the scope and application of the Act.

Madam President, before I do that, "public sector employee", let me speak to this Honourable House and the public about what we mean by "public sector employee". Now, let me say straight up, the Constitution does not contain or define the term "public sector employee", it speaks to public officers. Madam President, but this Act, remember, this Act is intended to apply not just to public officers but to workers in statutory bodies, as well, and the wider vision is ultimately for this Act to apply person's even in the private sector. So, a lot of the talk about "public sector employee", and your confusing thing, and that's not in the Constitution.

The Act expressly stated to apply, not only to public officers, so we can't just keep public officers when we mean workers in statutory bodies as well. So the phrase, "public sector employee" is defined in the Act as meaning, an employee of the Government; or a

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

statutory body. And, Madam President, there's no confusion because right above the definition of public sector employee, now people are very convenient, they see the definition of public sector employee and they making noise. But right above that in the Bill, Madam President, you will see here the term "public officer" defined as having the meaning assigned to it under section 111 of the Constitution. So, it's clear what public officer means as defined in the Constitution.

And another thing that this definition makes it clear is that the intention here is that the pension law would be protected by section 92 of the Constitution. So, persons who get pension rights under this law, they would have acquired a constitutional right that they do not now enjoy. Not only do they now enjoy a constitutional right; they get no pension. I want to make that clear. The alternative, you're saying postpone, this, that, the alternative nothing versus a pension under this Act. **(Applause)**

And, Madam President, it will not take a rocket scientist for us to determine or to determine which the public worker who now does not enjoy a pension would prefer. **(Applause)** You don't need rocket science for that. And if, if as the learned Senator Horsford, on the "Other Side", suggested that somehow all everybody who works with the Government, who's a Government employee is somehow entitled to a pension under the section 92 even if they don't have the PSC appointment, that's what he was suggesting, they may still have a constitutional right. Well, Mr. Horsford, I dare you, take that point to the court, let's see what will happen. Because recently, as a few months ago, the court made this thing clear again. If you do not have an appointment under section 84 of the constitution, you are not a public officer. If you are not a public officer, you are not protected by section 92. **(Applause)**

So all of this, misleading the public, that's what this is, because as I said, they know or ought to know better. So let the court decide. Because you're trying to posit or propose our new law in here, that's not before this House, or neither has it been declared by the court as yet. In fact, the court has said the opposite. So, Madam President, there is no confusion here.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Then we go to section 3. Section 3 (1) says this Act shall apply to—

(a) all new public sector employees;

So that will be all new Government employees, new meaning coming into the service of the Government, being appointed in the service of the Government on a date after the commencement of this Act. That's the only thing new can be; after the Act comes into force because its law until it's ascended to by the Governor-General. So new public sector employees.

(b) public sector employees who—

(i) hold non-pensionable offices by virtue of a relevant enactment;

And the relevant enactment will be the Pensions Act, the Teachers Act, the Police Act and the Prison. Those are the relevant enactments. The legislation explains that. And non-pensionable offices are defined in the Schedule to the Pensions Act. So everything checks out, Madam President.

We have the Pensions Act, Chapter 233 and the Schedule to that Act, subsidiary legislation, the Schedule to that Act speaks to pensionable offices and it list there, in great detail, at Appendix II, what the pensionable offices in the public sector are and if you're not on that list in Schedule II of Chapter 233, but you're working with the Government, you're not a pensionable officer. So it's simple, you know. It's simple. So we say this Act applies to new people coming into the service, non-pensionable officers.

So if you're working with the Government and you want to know whether the office you hold is pensionable or not, go to laws.gov.gd, look for Chapter 233, the Pensions Act and scroll down to Schedule II and you will see all the pensionable offices listed there. Don't let anybody pull wool over your eyes. It's not magic. It's not rocket science.

A great member of the judiciary, I think his name was Glanville Williams, once said "The difference between a lawyer and a layman, is that, the lawyer knows where to find the law". So, I'm telling you now, where to go find this law. So no one can't pull no wool over you and tell you that you are entitled to pension when you're not in a pensionable post. Right? So non-pensionable officers by virtue of the relevant enactment; so if you're not under Schedule II there, you're not a pensionable officer, this legislation would apply

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

to you when it comes into force.

And the next category. I am giving you the three. Section 3 (1) (b) where they say it's creating confusion. Anybody confused so far? Section 3 (1) (b) (ii) the Act also applies to persons who "have neither attained the age of 50 years nor have been employed with the Government for the period exceeding 15 years and are not eligible to receive pension, gratuity, or allowance in accordance to the relevant enactment". These are your people who get the ex gratia payments. These are ex gratia people. If they are over 50 and have worked for over 15 years, they will remain entitled to the ex gratia under the current legislation. All right?

And then (c) says all employees of the Government who are currently employed in the public service on a contractual basis and by virtue of the terms of their contract, they are not entitled to a gratuity. As it stands now, because of the lack of care and consideration that the previous administration had for workers, nobody in the public service is getting a gratuity. None of the contract workers are getting gratuity because, at some point, they removed the gratuity element from the contracts; so, no one is getting a gratuity. So contract workers, this Act will apply to you by virtue of section 3 (1) (c).

So there are four main categories of workers to whom this law will apply—

- (a) new public sector employees that will include statutory bodies who come under the legislation;
- (b) public sector employees who hold non-pensionable offices, and if you want to know if your office is pensionable or not, go to the Schedule in Chapter 233.
- (c) If you're ex gratia, those persons daily paid and so will get their ex gratia at the end. They're not pensionable because they are non-pensionable. They're not pensionable, they will get an ex gratia payment if you're one of those and you are under 50 and in the service for less than 15 years, you will go over. Right.
- (d) And then (c) contract workers.

So these are the people to whom the law will apply.

And then for clarity, subsection (2) speaks to persons who are not covered by the legislation.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

- (a) If you are employed in the public service on a contract basis, whether fixed term or otherwise, and by virtue of the terms and condition of a contract, you're getting a gratuity already because you can't get pension on gratuity under contractual arrangement—let me clarify that—under contractual arrangement, it will not apply to you. So you have a two-year contract and then you have a gratuity at the end of the contract, you wouldn't automatically fall under this.
- (b) Employees of the Government who are currently employed in the public service for a period exceeding 15 years, and are 50, that's the ex gratia people who are over 50 years and they have been in the service, you will continue as you are and get your gratuity when you exit.
- (c) Temporary employees; and
- (d) Persons who are under secondment from statutory bodies or agencies.

And then we go on to say. This is here. Subsection 3 now. Section 3, subsection (3) makes it clear that persons who already enjoy pension benefits, who are pensionable officers, this law does not apply to you. That's all section 3 (3) says.

And so, Madam President, I thought I would take the time because I hear a lot being said about this section 3 and the drafting getting a lot of criticism, and so. So I thought I would clarify it. Just explaining it there, it doesn't sound confusing to me. It's very clear.

So, Madam President, I just want to say that we are here. We are here because the Pensions (Disqualification) Act came into force on April 4, 1983. And as I mentioned the Pensions (Disqualification) Act, I will speak to what the court has said about that Act in the past. First of all, Madam President, because the Pension Disqualification Act came into force under the People's Revolutionary Government, in a context where the Constitution was suspended, where the NIS law was passed and the Pension Disqualification Act was passed, section 92 was not within the contemplation of the legislature because the Constitution was suspended by the people's law, number 1.

The Pensions (Disqualification) Act, disqualified persons joining the service after April 4, 1983, from enjoying pension benefits under the 1958 Act. When the Revolution

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

collapsed, and we were restored to constitutional democracy, the question arose as to what happened to the people's laws because they were not passed in a constitutional context. At the time, there were raging arguments on the legitimacy of the People's Revolutionary Government. So the question arose, what would happen to the laws passed that the PRJ, and they passed a lot of laws. It was quite a progressive Government, so they passed a lot of laws, some were recognised as good, like the Maternity Leave law, and the MNIB law, and the NIS law; quite a number of those laws were good.

So the Parliament then, as the Constitution was restored, they were in a quandary. What we doing with these people law? And they recognise, well, some of those laws were good, we can't just repeal them. So what they did was to pass the (Validation) Act, 2nd February 1985, which validated all the laws passed by the People's Revolutionary Government. That's what the (Validation) Act did. One Act to validate, to say look, all the laws passed by the PRG were valid and constitutional. They are the law of the land. We're recognising them.

And then, Mr. Derick Knight, Q.C, as he then was in 1988, he took a matter to court challenging the validity of the (Validation) Act. And in that case, what the court said, was that look, "Every law passed by the PRG is validated by the (Validation) Act. We would recognise the (Validation) Act as properly validated all the people's laws, except where that people's law is declared unconstitutional". So if a people's law is subsequently declared by the court to have been unconstitutional, then in relation to that specific law, the (Validation) Act would also be unconstitutional. That's what the court said in 1988 in Derick Knight versus Attorney General.

Then in 1998, Mr. Ervin McQueen, who was sent home under section 84 (8) of the Constitution, challenged, and he wasn't given his pension because the claim of the Government then, mind you, a Keith-Mitchell-Government, was that the Pensions (Disqualification) Act is still enforced. So, therefore, you are not entitled to a pension because what section 84 says, if you are sent home for reorganisation or restructuring, or so, and you're not yet retirement age, you are to be treated as if you have been retired

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

at age 60. So, Mr. McQueen said, "I want my pension", and the Government said, "The Pensions (Disqualification) Act is enforced, only NIS you can get a pension because the Pensions Act is repealed by the Disqualification Act". And he went to court and the court said, in light of section 92 of the Constitution and section 84 (8) the Pensions (Disqualification) Act was unconstitutional. And therefore, in relation to that Act, the (Validation) Act is also unconstitutional.

So from that point, Madam President, the Government should have restored pensions for all public officers because if the Disqualification Act is unconstitutional for Mr. McQueen, it is unconstitutional for everybody. And that is why Mr. Horsford on the "Other Side" made the point earlier that Justice Glasgow, in rendering his decision, although he hailed it as a landmark and all of that, it really wasn't. That is why Mr. Horsford is saying Justice Glasgow recognised that he wasn't doing anything remarkable. He was just applying McQueen because the court had already ruled. So, the government failed in 1998 to restore the pension where it would have been easier, cheaper, and fewer people affected. That's when they should have done it. They didn't do it. Then, Ms. Armstrong retired, not getting her benefits. She had to sue again, and the court again said, "Look, this Pensions (Disqualification) Act is unconstitutional."

You know, instead of restoring the pension for everybody after Armstrong, you know what they did. They looked at that narrow window there. They count it from the (Validation) Act now. They said, okay, the Pensions (Disqualification) Act that was constitutional up to 2nd February 1985, and the people who went into the service and were entitled to retirement between April 1984 and February 1985, we're going to give you all a loan, your pension. That's how they misconstrued the Armstrong judgment. So 56 workers alone, 56 workers alone on a count of the Armstrong judgment, got their pension rights. Poor Ms. Armstrong, they didn't give her hers. Like they were punishing her and saying "*your brute, your playing fresh, your going to court, well we're going to give them other 56, you're not getting*". This Government is who paid Ms. Armstrong. **(Applause)** This Government paid Ms. Armstrong and made her whole because they were giving her one set of trouble to give her, her money.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

So you see what I'm talking about, Madam President? When the issue came up again because the unions in 2018 were negotiating... They got the 56 workers with Ms. Armstrong, when it really should be everybody, and they were still trying to negotiate and they were on the verge of negotiating their rights, their constitutional rights, under section 92, away. That's what they were doing. And I heard certain pronouncements, Madam President, made by then-Attorney General or advisor Dr. Lawrence Joseph and Senator on the "Government Side", Ms. Kim George, who was a bright lawyer, saying categorically that there is no obligation by Government to pay pension. That stirred me.

You know, when certain people speak, the public listens because you know you learn, and you're expected to be straight and honest with people. So when I heard that, I said this is madness. How can you be asserting so categorically, the face of section 92, that workers don't have a pension right when it's guaranteed, it's enshrined, deeply enshrined in the Constitution? To change 92, you would have to have a Referendum. So the right to pension is deeply enshrined in the Constitution.

So, then I started speaking. I said, no, these guys are wrong because section 92... I wrote a few articles, I appeared on a few programmes, and the unions quietly reached out to me. The unions quietly reached out to me, and I wouldn't give the long story. The short version of the long story is that, based on my intervention, Madam President, they took the matter back to court with the unions as the claimants. Because I said to them, don't go with an individual. You saw what they did with McQueen? You shouldn't have to go to court after McQueen. Armstrong still has to go; so let the union sue. Let the union sue because you're representing all workers now. No Government could say it's an individual and we just obey the court in relation to an individual. That's how the unions got back to court. I even recommended Mr. Bristol.

Because you know how Grenada is, Madam President, by then I was already in frontline politics, I ran already and I didn't want it to be politicised so I quietly said, go to somebody like Mr. Bristol, I'm sure he would help you. And he did and he did pro bono. And I would thank Mr. Bristol for that and the other lawyers who supported him. So that's how we got...

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

And I give this background, Madam President, to say that I'm standing here today, as part of a Government genuine about workers' rights. **(Applause)** Genuine about workers' rights... Genuine about fixing this 40-year-old problem where workers are literally retiring into poverty, and as the Minister charged with the responsibility for workers, and also for advising the Government. So, in a sense, I kind of take little offence when I hear people saying, you know, knowing the background and some of them who are making the comments, they know my personal involvement in this matter. They know. And I'm here, Labour Minister and Attorney General, advising the Government, you think I would advise Government to do anything unconstitutional or anti-worker?

No. So I give that background to say to the workers of Grenada, you're in good hands. **(Applause)** You're in good hands, and not all the time, your union leaders speak, they're telling you the truth. I'm being frank; not all the time. And not all the time they are clear, maybe not intentionally, not all the time they are correct in the approach, not all the time their approach is in your best interest. You are speaking to a Government that called all union leaders into the Cabinet room eight days after we were sworn in.

None of us had been in a Cabinet before. For the first time, all of us sat in a Cabinet, and we called all the union leaders eight days after we were sworn in. We were sworn in on the 1st of July, we sat with the unions on the 9th, and we said we wanted to fix this pension issue. First of all, we're going to deal with retroactive pension, all the people who are already in breach of the court's judgment, from McQueen come up, we're going to start paying them and making them whole. Here is how we plan to do it. This is the plan; go and study it and come back and tell us if you guys are okay with it. That's eight days after the election. Right?

So when we say come, let's sit down and talk about pension reform, we aren't trying to trick you. We're not playing games. We are serious about sitting down and talking pension reform, and if you don't want to sit and talk pension reform, we, Government, as an employer, have an obligation to do right by our workers. **(Applause)**

We have to treat our workers right. **(Applause)** And we would rather treating the workers right, holding the unions hand, side by side feeling as though we're in the same

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

struggle for the workers, especially in this case, the public workers, than having to say, “Okay, well, you’re not coming, we’ll we’re going to do what we have to do anyway for our employees”. That’s the position we were put in—come on the Pension Review Committee, you don’t come, but that’s not going to stop us. The fact that you did not take your seat on the Pension Review Committee, would not stop the Government from doing what is right by the workers **(applause)** and which is, to a certain extent, what happened here in the initial stages, but as I said to the Honourable House there was a lot of consultation subsequent. So, it’s not like there were none at all.

So, Madam President, and I just want to make it clear, any other dispensation will not pay the pension. The previous Government demonstrated that they had no intention of paying the pension by their conduct. And the former Attorney General, Sir Lawrence Joseph, published an opinion a few days ago. I sent it to this Honourable House, asking that it be circulated so all members could see it. This is the guy who was advising the previous administration, and he's still saying Justice Glasgow was wrong, and had it not been for the elections, they would have appealed—in that opinion, published a few days ago, Christmas Eve or whenever. Right? He actually said that. So, when we’re saying had it not been for the election, right, they would have appealed and still have the unions dragging through the courts on this issue, all the way up to the Privy Council, we're not joking. He confirmed it.

He went on to even say, recommended to yours truly, as the current Attorney General, you could still try to appeal, you know. You could go to court and say the matter was sensitive **(laughter)** and that there’s the reason... Because, of course, the time for appealing is long gone and the weight of the law. **(Inaudible comment by a Senator)** Yes. He said I can make a special case. Because, of course, the law in relation to the time for appealing, when you miss your time for appealing, you have to come good to get an extension. And in that opinion, the former advisor, the previous administration, is saying to me, Attorney General, make a try. Instead of paying the workers, coming up with this new Bill, go back to court and appeal the Glasgow judgement. I know you’re out of time, make a special case and the Court of Appeal might listen to you. Well, I know

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

that's a joke, you're not talking to this AG. That's not happening, because what we're doing is right for the workers.

So, if... And let's face it, in Grenada it's two dispensations. It's either them or us. So workers listen well and decide if they want them back. **(Laughter)** Yes. Because they're saying even now and accusing Justice Glasgow of bias in that opinion. The former Attorney General accused Justice Glasgow of bias, saying Justice Glasgow was self-serving in that he himself would be entitled to a pension. How insulting, how reprehensible to accuse the judge of bias?

So, workers of Grenada, Madam President, through you, workers of Grenada, as the people say on the block, "You all better know what time it is". **(Laughter)** Because another chance is given to the other dispensation, they are going to try and repeal this Act, because they are vexed, we are fixing a 40-year-old problem that "Grandpa" couldn't fix in 23 years. **(Inaudible comment by Senators)** So we are just right. We are honestly and genuinely trying to do what is right, and we regret that the unions didn't take their seat and make their direct contribution, but we did the best. And we say any deficiencies identified can be fixed by subsequent amendments because, for all the reasons I've already given, we have no good reason to delay this Bill today.

And there's another consequence, workers. Here's another consequence, Madam President, of delaying this Bill, there is a section of the legislation, section... I'm a little all over the place, but I want to speak with the section dealing with past service contributions. It is in Part VI. Section... I'll get it right. I'll get it, if you would bear with me, Madam President. So Part VI, section 43 of the Act speaks to Past Service Contribution. So, what that means? When the Act comes into force, all of the people who come under the Act—so these are the people who would be appointed subsequent to the passage of the Act or new employees in terms of Government employees.

If you've been in the service for some years and you're now getting regularised, because this Part VI here is the part which shows how regularisation works alongside with the Bill, because we are not interfering with who is entitled already, you're permanent or whatnot, we are trying to regularise now people who are not on the establishment and

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

give them a pension as soon as they come on the establishment, keeping our constitutional obligation under section 92. So this is how the new employee status would come in. Now, there will be some people who will get their appointment which will be after the commencement of this Act, but they would have worked for some years in the service; some of them with nothing, some with contract, what not. What the Government is doing is depositing into the Fund upfront, calculating what you would have accrued had you been a pensionable officer and giving you credit for your years, giving you credit for your years of service in money **(applause)** and depositing that money into the Fund to start. So basically, you lose nothing, you lose nothing.

Madam President, I just want to share a little bit of the figures in terms of what Government is doing in relation to this past service contribution. It is not small change. Right? Some talking about biting the bullet and just, what, clean break and start it... Why didn't you tell "Grandpa", clean break? And starting... They didn't want to spend the money on the workers. They didn't want to spend any money on the workers. Right? So past service contribution. The estimate in terms of when the pension fund comes into operation shortly, \$11.3m, one time. That's on top of the \$75.1m we already paid in retroactive pension and what we are paying going forward on a monthly basis, \$11.3m in past service contribution, so that people not losing their years in terms of pension. **(Applause)** And then \$1.61m is estimated as Government's contribution annually between the 3% for those below \$5,000 and 6% above the NIS ceiling.

So we are not just talking. We are working for the people because we want a productive, contented public service; a service where people feel that their employer actually cares about them. We will not be calling you names, brambling you, signing agreements and then reneging and then trying to force you to negotiate away your pension rights. We are not doing that. We are doing our best to do right by the people.

Madam President, let me just scroll back so that I can highlight some very salient aspects of this Bill for this Honourable House and the workers of the Public Service in Grenada. Hold on. I think I went too far. I want to highlight certain aspects in Part V, Madam President. So, Madam President, under Part V, we're speaking about

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

contributions now, the Employer makes a mandatory monthly contribution into the Fund at 3% of the salary of the workers who are under \$5,000. The worker also makes a mandatory contribution of 3% under \$5,000 and 6% for the excess; anything in excess of \$5,000, 6% of that, Madam President. That is mandatory. Once you come into the employ of the Government and you are pensionable, this is what you going to have to contribute. So on both ends, those who are there already, their pension rights are secured, section 92 is complied with, and those who are coming in immediately, section 92 would be complied with. The worker makes 3%, the Employer makes a 3% deduction. Anything over \$5,000, then it's 6%.

Madam President, in addition to that, the worker has an added benefit because this is saving, Madam President. This is savings. So, the worker may opt to make a voluntary contribution to the Fund. So, okay Government is taking 3%, but you want to save more like 8% of your salary monthly, you can make a further voluntary contribution into the Fund of 5%. The maximum is 10%, so you can go up to 7%. The maximum contribution is 10%. So this voluntary contribution is also put into the Fund, and together with your mandatory contribution, the Government's mandatory contribution, that voluntary contribution is invested. It's invested, and what you would be entitled to on retirement is all of your contributions, all of the Government's contribution and the return on your investment. However, it is invested. The actuaries estimate that there would be an average of a 4% return on your investment. So think of getting 4% interest on your money.

Madam President: Senator Joseph, may I interrupt you with a question? If the worker is entitled to put in 3%, mandatory, then the worker might opt for another 5% of his or her own earnings, which brings it to 8% per month, and it accumulates? So at retirement, does the worker get the equivalent of 8% that he or she has put in plus 8% by the Government or 3% by the Government?

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Sen. the Hon. Claudette Joseph: No, no, no, the voluntary contribution is not matched. It is just the mandatory contribution that is matched.

Madam President: Okay.

Sen. the Hon. Claudette Joseph: So, it's like savings so you would just get your voluntary contribution plus your return on how it's invested because all the contributions would be invested, the mandatory and the voluntary.

Also, Madam President, we talk about benefits and the suggestion is because workers are now required to contribute to this Fund, it is automatically less favourable. That's not correct, Madam President. First of all, you have the voluntary contribution, which you can take advantage of and save more. You have your funds invested, so you have a return on the investment.

Madam President, the other thing is that against your contribution, you can withdraw up to \$2,000.00 twice monthly. So you could actually... It's a savings. It's going up as the 401(k) works in the US. You could actually withdraw so, rather than going by FastCash and paying 15% interest or wherever else and pay the interest, you want an advance or so, you want a little money, you would withdraw a minimum of \$2,000.00 and you can do that up to twice monthly. Right now you can't, I think you can borrow a bit against your pension. I think there is a provision, but I don't think it is something that is encouraged or practiced, but I think in terms of the law of the land, you can actually get an advance on your pension now. I am not sure of the limitation, but this here to my mind is a good benefit.

Another benefit, Madam President, is when the funds become vested. So, currently, you either have to work until you're 60 or until you've done 26 and 2/3 years in the service, or if you take early retirement, you have to work for 20 years and have attained the age of 50. That is the only way you can get your pension, now, now. Under this proposed scheme, Madam President, the funds become vested after five years. The funds become vested after five years. The funds become vested after five years. But,

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Madam President, even before the funds become fully vested, when you would be fully entitled to receive 100%, right?

Let me just, for the benefit of the listeners, let me just explain a little bit more. After five years, if you are exiting the service, you are entitled to get 100% of your contribution and the Government's contribution; anything after five years, so that you can walk away from the service at 15 years, 18 years and get your pension contribution because it has been vested since you make five years. That's a benefit over the existing Scheme. You don't have to wait for 26 2/3 years to get anything because now if you're walking away before 26 2/3 and you're not 50, you get nothing; you get 0. Under this Scheme, all it takes for you to be fully vested and get 100% of what's there in your account is five years working with the Government. **(Inaudible comment by a Senator)** Okay? Before I forget, let me just correct myself. I said the \$2,000 withdrawal I said twice a month? Madam President, let me correct myself, twice a year, twice a year. Sorry about that. Thanks for the correction.

Madam President, but better than that, if you worked with the Government for at least two years, but less than three years, you get 25%. So, if after two and a half years, two years and eight months, you want to walk away from the Government service, you get 25% of what's in your account. Three years, but less than four years, you get 50% of what's in your account. Four years, but less than five years, you get 75% in your account. And, of course, as I said after five years, full 100% so that you don't have to feel tied to one job. If you want to move, you don't go empty-handed and that's a definite advantage over the existing Scheme apart from the ability to withdraw \$2,000 twice a year. All right? And so, Madam President, I will pause here. I will pause here. Let me just make sure I've made all the points that I would like to make.

Madam President, section 47, the repeal of section 47 of the NIS Act. Madam President, I hear it being described as all manner of things. But, Madam President, section 47 of the NIS Act being repealed is actually a blessing and a benefit because section 47 of the NIS Act had enshrined in it by a subsequent amendment that the Pensions (Disqualification) Act is the law. So that's the section that included the

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

provisions of the Pensions (Disqualification) Act and that's why we had to definitively repeal it because the court had already declared the unconstitutionality of the Pension Disqualification Act. So, that's all we are doing when we repealed that section there because it enshrined the provisions of the Pensions (Disqualification) Act. So again, there's this kind of suspicion on Government's path. I just want workers and their representatives to appreciate that you're not dealing with tricksters. We are not playing games. We are not going to sneak anything up on you or pull any fast one on you. So that's why section 47 of the NIS Act had to be repealed.

Madam President, I believe that I have covered all of the matters that I intended to unless there is anything else. So, Madam President, with all of that being said, I will, well before I commend the Bill, I would also want to speak to section 59 of the Act quickly, Madam President, because, you know, there is a lot of concern, a lot of speculation and so I just want to allay the fears and the concerns. Section 59 speaks to the Board providing information to the Member or the person who is investing in the Fund.

And so, Madam President, section 59 provides for the Board shall provide in writing, to each Member, so that's each worker who is under this Fund, or a person specified by that person in the case of the death of the Member, information including—

- (a) a handbook summarising the provisions of the Funds. So all information relating to the Fund is mandated to be provided to the Members;
- (b) an annual statement showing—
 - (i) the aggregate amount contained in the member contribution account;

So each Member has an account and the aggregate amount is shown, so that aggregate, meaning your contribution, Government's contribution and the sum you have as a return on your investment.

- (ii) the aggregate amount containing the voluntary contribution account;

Right. So that will include if you're making a voluntary contribution, your contribution, and how much interest or so that investment has yielded.

- (iii) and also the aggregate amount contained in the Employer's contribution;
 - (iv) the aggregate amount contained in the past service credit;

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Now remember, you have that account there when you come in, you get your past service. If you're transitioning, you'll also get your past service. So that statement that you are entitled to as an individual member annually would show all these things.

(c) a statement of benefit on retirement;

So it will show you what benefits you would get if you were to retire the date of the statement.

(d) a statement of the vested benefits at resignation

(e) a death benefit statement at the time of death of the member or person so specified; and

(f) any other information that may be prescribed.

Because, remember, we are to do regulations for this legislation, and the regulations may prescribe other information to be supplied in the statement.

Another thing, Madam President, in terms of assignment of benefits, because I want to make this point that, under the current Scheme, which is another advantage over the current Scheme, when a pensioner dies, their estate gets the pension for one year and then it stops. Right. One year and then it stops. Under this scheme, when the pensioner dies, the beneficiaries get the pension for life (**applause**) or until the fund itself is depleted. Because of the nature of this contributory scheme, it will come a time, but a long time in the future, when the fund could technically in theory be depleted. So once there are sums to the credit of the deceased, the beneficiary will get. So that is a big advantage over the existing scheme; one year versus for life. It goes on and you get paid. Right?

The Fund itself is protected. We have built in protections to the Fund. So section 61 says, "Notwithstanding anything to the contrary in any other enactment, no amount standing to the credit of a member or a person specified under section 42 (3), and no benefit standing to the credit of a member or person so specified, shall be transferred, assigned, charged, seized, attached, given as security or surrendered, except for the purpose of satisfying—

(a) a debt due to the Government or an Employer; or

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

(b) an order of any court for payment of periodical sums of money towards maintenance of a spouse, former spouse or minor child of the member.

So if you owe any other debt, if you have any kind of other debt, this Fund is protected. This law says no debtor could come after these funds, except if it's a death due to the Government or an order of the court for payment of maintenance to a minor child or a spouse.

And in a death due to the Government, the Constitution at section 93 sets out limitations, right, under which Government can tap into the pension of a pensioner. So you can't just take it so. Section 61 will be subject to the conditions set out in section 93 of the Constitution. The PSC has to agree and that's a whole process. So you can't just, and even the Government can't just go and tap into the Fund because section 93 has to be complied with.

Madam President, on the issue of Confidentiality, this was highlighted by one of my colleagues that the information is confidential. There is a sanction for any member of the Board of Trustees or employee of the Fund who divulges confidential information in relation to the member's contributions. And I heard the point Senator Lewis made about a whistle blower exception and that might be perhaps a possible amendment to consider. It's not a bad suggestion. So it will be taken into account. Madam President. **(Inaudible comment by Madam President)** Yes, Madam President. **(Laughter)** Yes.

So, we have sanctions for failure to discharge duties or functions, right, members of the Board, the Fund. Under section 70 there, it imposes penalties for a person who fails to discharge any duty or obligation required under this Act. It is an offense actually not to discharge duty or responsibility and attaches a penalty of \$10,000.00 or to imprisonment for a term not exceeding 12 months. So we have attempted as much as possible to build safeguards into this legislation. And, of course, it is an offense to misappropriate the funds. Then, of course, earlier there was a lot of discussion on the limitation on investment, how the funds are to be invested only by those entities covered by the Banking Act and by the Eastern Caribbean Central Bank.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

So, Madam President, as much as possible we are working and we sort to protect the funds and the interest of our workers. We should not be afraid. The NIS was started 41 years ago, run by Grenadians all this time and still going strong, still secure and we have, last year, as you know we passed a slew of legislations that further strengthens the NIS. So in the NIS we have a precedence that we as a people can manage these types of funds and entities, so we are not afraid in that regard. And I might add the Director of the NIS, Mr. Dorset Cromwell, was also a member of the Pension Review Committee. I would add that too.

So, Madam President, I commend this Bill to this Honourable House and my colleagues and I would be happy to answer any further questions that Members may have as we go into the Committee stage. Just know, workers of Grenada, we are with you. We stand with you. We are working for you. We are fighting for you and we would prefer to do that holding the hands of your leaders. So hold them into account. Thank you, Madam President. **(Applause)**

Madam President: Thank you, Honourable Claudette Joseph. It is a historic day by the length of one hour, statements we have had today. **(Laughter)** Thank you all very kindly. I believe the floor is now passed to the Leader of Government's Business, Senator Adrian Thomas.

Sen. the Hon. Adrian Thomas: Thank you very much, Madam President. What a debate. Madam President, I must say thank you very much to my colleagues for an excellent debate we have here and the contributions must be recognised from the "Other Side" on this very important Bill. Madam President, I am confident that the people of Grenada, Carriacou and Petite Martinique and our colleagues in the diaspora are much clearer in terms of what this Administration intends to do in terms of dealing with the pension issue in Grenada which has been bothering us for many years. But, Madam President, please, I beg of you to give me permission just to raise one issue here or a couple issues.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Madam President, while I welcome the concerns of my colleagues, it is becoming a trend now, ever so often, and I must commend them for that, but at the same, every time we bring a Bill to this House I am happy to hear the kind of support that we get from the "Other Side" even though the support is being lined with a barrage of buts and buts and buts. But, Madam President, what I would like and I want to encourage my colleagues that whenever situations like that arise, please, an alternative would be nice, so at least we can think of something else. But, really and truly there isn't an alternative and therefore I have full confidence that the general public is looking at that and they would understand why it is important that we pass this very important Bill here today.

Madam President, there is a trend that is developing in this Honourable House and I think the Senate is very important that people have to stay in the House to deal **(applause)** with the matters. There is a trend that is developing here and people cannot just be coming to make their presentation, hear themselves and then leave. I think this is gross disrespect to the House. **(Applause)** I may not know the excuse, but if it's a genuine excuse which may have been submitted to you; I am not aware of it. But I really and truly hope that people remain and deal with the business of this very important nation.

I also observe, Madam President, that there is a sense of creating fear in people's minds and we have to get away from this because we are here genuinely and believe that something has to be done about the pension. We are proposing something, and people are creating that sense of fear in the workers, in the general public, that this pension will not work for them; comments like, it is a risky business. I don't know which, whatever business you're going into, you don't take risk. I have seen people in the CBI Programme coming to Grenada investing millions of dollars. It's a risk.

What we have to do as a Government and as a responsible Government, our responsibility is to mitigate the risk and that is the reason why we didn't sit on our own in Cabinet. That's the reason why we didn't sit amongst ourselves and decide where we go. That is the reason why we hired a consultant, people with expertise, people who went on the train before, people who have the experience. So when we present something to the nation... My colleague just mentioned to me, this Bill is so well written. **(Applause)**

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

And yet, for all, we are saying, we are not perfect, and there is nothing stopping us. As my good friend Senator Francis said, we are evolving as we go along. We are going to fix it, if needs be. But as for today in 2025, the 4,500 workers in this country will be able to work in peace and relaxation. **(Applause)**

Madam President, this fear that it will not work and the experience of CLICO and SGL and all those companies... this Administration, Madam President, we are not afraid of taking risk, well calculated risk. **(Applause)** And as a matter of fact, we are well noted for when we say we're going to do what we say we're going to do or what we promise, comes to pass. When we say we paying pension, it was a promise made and a promise kept. We said we are going to regularise, and obviously there are some prerequisites that must be put in place before we complete the process, and this is one of them. **(Applause)** And I want the Grenadian people, the workers in particular, to have no fear, we are working in the workers' interest. Many of us inside of here may not be benefitting from this programme, many of us. But it is not about us inside of here, it is about the 110,000 people we have throughout Grenada, Carriacou and Petite Martinique and the workers in particular. These are the people we are concerned about, Madam President.

And therefore, as we go forward, I want us to pay particular attention, because many of us are here long enough and we know what a political speech is and we know what a genuine pension reform speech is. So when we hear people coming to the House and talk about "clean break" section 3 (1) and cut it there, and the 4,500 people and over who are in the service, they must not be interfered with, we are saying and as the AG just pointed out, these people are there working and at the end of retirement, they go home with nothing. We are moving them from nothing to something. **(Applause)** As small as it is, Madam President. And therefore when people come here and they try to associate themselves with these 4,500 people as if they are here preaching for them, as if they have something to get in the present status of things, it is not the truth, Madam President. And if they believe they are here, rather than debate the Bill, they are trying to see how they can whip up support, it will not work. The people of Grenada, Carriacou and Petite Martinique, their eyes are opened.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Madam President, having said that I once again thank all the presenters here today and in particular I must express my own gratitude to the Pension Reform Committee headed by Dr. Curlan Gilchrist and his team. **(Applause)** I must commend the drafters for putting this very important Bill together **(applause)** and, Madam President, the contributions that have come from some of the stakeholders, we must recognise it also and I look forward to the day when this Bill comes into effect and it creates the kind of impact that the workers who were deprived of a pension for over 40 years, they will have something now to smile on. I thank you very much, Madam President. **(Applause)**

Madam President: I thank the Honourable Adrian Thomas, Leader of Government's Business.

Question put and agreed to.

Bill read a second time.

Deputy Clerk: A Bill for an Act shortly entitled, Public Sector Employees (Pension Fund), 2024.

Sen. the Hon. Adrian Thomas: Madam President, I beg to move that the Senate resolves itself into a Committee of the whole Senate to consider the Bill, Part by Part.

Question put and agreed to.

Senate in Committee.

Senate resumes.

Madam President: Honourable Members, I have to report that the Bill was considered by a Committee of the whole Senate and passed. Honourable Leader of Government's Business.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Public Sector Employees (Pension Fund) Bill, 2024

Sen. the Hon. Adrian Thomas: Madam President, I beg to move that the Chair's Report be adopted.

Madam President: Thank you.

Question put and agreed to.

Chairman's Report adopted.

Sen. the Hon. Adrian Thomas: Madam President, I beg to move that the third reading of the Bill be taken at this time.

Question put and agreed to.

Bill read a third time and passed.

Deputy Clerk: A Bill for an Act shortly entitled, Public Sector Employees (Pension Fund) Bill, 2024.

Madam President: Short pause, please.

(Madam President and the Acting Clerk Assistant converse privately)

Madam President: Please have us excused. We will be right with you. We're waiting. The presenter of the Bill will be right with us.

(Madam President and Senator the Honourable Adrian Thomas discuss privately)

(Senator the Honourable Claudette Joseph enters the Chamber)

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Eastern Caribbean Supreme Court (Judicial Officers Pensions) Bill, 2024

Madam President: Thank you for your patience Honourable Members. I give the floor to Senator Claudette Joseph.

Sen. the Hon. Claudette Joseph: Thank you, Madam President, and my apologies. Madam President, I beg to introduce for first reading, a Bill for an Act shortly entitled the Eastern Caribbean Supreme Court (Judicial Officers Pensions) Bill, 2024.

Deputy Clerk: A Bill which seeks to provide for the payment of pensions and gratuities in respect of the service of judicial officers of the Eastern Caribbean Supreme Court, shortly entitled Eastern Caribbean Supreme Court (Judicial Officers Pensions) Bill, 2024.

Sen. the Hon. Claudette Joseph: Madam President, I beg to move that the relevant Standing Order of the Senate be suspended to enable the Bill to be taken through all its stages at this Sitting.

Madam President: Thank you, Senator Joseph.

Question put and agreed to.

Relevant Standing Order suspended.

Sen. the Hon. Claudette Joseph: Madam President, I beg to move that the Bill be read a second time. Madam President, could I have the podium, please?

Question proposed.

Sen. the Hon. Claudette Joseph: Madam President, this Bill, the Eastern Caribbean Supreme Court (Judicial Officers Pensions) Bill, seeks to provide for the

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Eastern Caribbean Supreme Court (Judicial Officers Pensions) Bill, 2024

payment of pensions and gratuities in respect of the service of judicial officers of the Eastern Caribbean Supreme Court.

Madam President, to put matters in context, this is a Bill that is a piece of harmonised legislation, meaning that it has been passed already in all of the member states of the Organisation of Eastern Caribbean States (OECS). Madam President, this Honourable House will note that in terms of our judiciary in the Eastern Caribbean, we have one court and that is the Eastern Caribbean Supreme Court and that one court serves nine jurisdictions; the OECS together with Montserrat, British Virgin Islands and Anguilla.

Madam President, the matter of revising the pension scheme for judges has been on the cards for a while. At present, the payment of pension is covered by the Supreme Court of Grenada and the West Indies Associated States Act. There is an order there which speaks to judges' rates and pensions and this is the law pursuant to which current pensions are paid. I'll make the point too, Madam President, that judges are covered by section 92 of our Constitution so that their pension rights are guaranteed. This Bill is important notwithstanding that it will only apply to a very small number of persons. We have less than 20 judges in the Eastern Caribbean Supreme Court, probably just a little over 20, when you add the Justices of the Court of Appeal.

So, Madam President, the Bill is divided into three Parts and has 18 clauses. Part I provides for the preliminary provisions and contains clauses 1 to 4. Clause 1 provides for the short title and commencement of the Bill. Clause 2 provides for the interpretation of certain terms used in the Bill. Clause 3 applies to judicial officers, that is, the Chief Justice of the Court of Appeal, Justice of Appeal, a High Court Judge, Master of the Eastern Caribbean Supreme Court, who are assigned by the Chief Justice to Grenada for pension purposes. By clause 4 of the Bill it makes it binding of the Crown so as to comply with section 92 of the Constitution.

I would mention too, Madam President, that one of the reasons why we need to pass this Bill and it has been passed in all of the other jurisdictions, we are actually the

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Eastern Caribbean Supreme Court (Judicial Officers Pensions) Bill, 2024

last jurisdiction to bring this Bill to the Parliament. It should have been here about four years ago. It is one of those things I met languishing when I took over;

And the Masters of the Eastern Caribbean Supreme Court, who were not a creature known to our statute and codes at the time when the judge's pension order came into effect in 1967, the Master's came into effect in 2003, thereabout, so there are no provisions made in the law for Masters of the Court to be pensionable officers, even though they are judicial officers. So Part II of the Bill makes provision for pension and gratuities payable in respect of the service of judicial officers.

Clause 5 provides that the pension and gratuities payable under the Bill that will be charged out of the Consolidated Fund. Clause 6 provides that the circumstances under which a pension may be granted to a judicial officer. And I want to pause here to just make the comment in relation to the payment of pension for judicial officers being a charge on the Consolidated Fund.

We hear comments, which I would call political comments, being made, well look, you're introducing a contributory pension scheme for public officers, but here you have a Bill for the judges to have their pension be a charge on the Consolidated Fund. As I said, section 92 applies to judges. And considering this is a harmonised bit of legislation, this is the identical law that would apply in all the other jurisdictions. So wherever the judge sits and retires, the law should apply equally.

So we can't have a situation in Grenada, to answer the concerns raised, we can't have a situation in Grenada where we have a contributory pension scheme for the judges and St. Lucia, St. Vincent, Dominica, Montserrat, everybody else has this bit of legislation. One, it will infringe section 92 because the existing pension law is non-contributory for judges, and if we try to make it any other way in this dispensation, it will definitely be less favourable. Because when compared to their counterparts, they are equal in other jurisdictions, it's a charge on the Consolidated Fund. So to try to do anything other than to bring this piece of harmonised legislation into effect will run us into section 92 problems.

In accordance with clause 9 of the Bill, a judicial officer may receive a reduced pension, in circumstances defined in that section. The payment of a pension to the

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Eastern Caribbean Supreme Court (Judicial Officers Pensions) Bill, 2024

spouse of a judicial officer and the payment of pensions generally are provided for in clauses 10 and 11 of the Bill. Clause 12 of the Bill provides for increases in pension. A gratuity in lieu of a pension is provided for in clause 13 of the Bill. Clause 14 of the Bill provides for the payment of a pension or gratuity on the death of a judicial officer. Clause 15 of the Bill prohibits a pension or gratuity from being assignable or transferable.

By Part III of the Bill certain miscellaneous provisions are provided for. Clause 16 provides for the making of Regulations. By clause 17 of the Bill, the Supreme Court of Grenada and the West Indies Associated States (Rates of Pension) for judicial officers that would be repealed because the new Scheme would come into operation. Under clause 18, the Supreme Court of Grenada and the West Indies Associated States with (Rates of Pensions) (Judges) Act will continue to apply. Right? So you have the Regulations that would be repealed and the new Regulations would come into force because they are vastly different, and then the Judges' Pensions Act Cap. 315A of the laws of Grenada will continue to apply to a person who was a judicial officer before the operation of this Bill and chooses to be paid a pension under this Bill.

Let me take that back, think I confused it a bit. Similar to the Bill we just passed, Madam President, the judicial officer who is currently pensionable under the current regime, when this Act comes into force they will have the option to choose between the two and the one they choose would be deemed more favourable as provided for by section 93 (3) of the Constitution. And, of course, clause 2 deals with interpretation, that's the interpretation section, and there you have all the relevant terms in the legislation defined.

So, Madam President, clause 6, let me just say a bit, that it provides for a pension to be granted under the Act to a judicial officer on his or her retirement from judicial service on or after he or she has served at least five continuous years of service as a judicial officer and in the following cases—on attaining the retirement age, which is 62 for the High Court Judges and 65 for the Justices of Appeal. And so on, attaining the retirement age and being entitled to receiving a pension.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Eastern Caribbean Supreme Court (Judicial Officers Pensions) Bill, 2024

Madam President, Clause 8 speaks to the rate of pension and clause 10, where a person who has held office as a judicial officer dies while in receipt of a pension under this Act, there must be paid to, and during the lifetime of his or her spouse a pension equal to two-thirds of the annual pension which would have been paid to that person. So the spouse gets two-thirds on the death of a judicial officer.

So, Madam President, the other sections are self-explanatory and I will therefore commend this Bill to this Honourable House. Thank you, Madam President.

Madam President: I thank the Honourable Claudette Joseph and the floor is opened.

Sen. the Hon. Roderick St. Clair: Thank you, Madam President, not much of a contribution, but I think our Member, presenter of the Bill, Senator Joseph explained the context. It is always good to get the background and the context because the Bill, as presented, doesn't really say this. I could see it's dealing with harmonisation, and I think that is one; OECS context, and if we move it to this new pension programme, and judges hopping all over the place, it makes the matter complex. So, I understand the context of the regionalisation of some of these Bills. And so I just want to comment on it and not let it slide and have no comment as if, well, maybe I am thinking, but I fully comprehend matters pertaining to this, and I wouldn't really have anything more to say on it. I think it's clear. It's clear.

Madam President: Thank you. Thank you. It is a historic day. Thank you, Senator St. Clair. Senator André Lewis.

Sen. the Hon. Mondy André Lewis: Thank you very much, Madam President. AG, thanks for taking on this matter head-on in terms of the explanation that you give.

I want to reassure you and the public, so there may be some truth to what you have indicated in terms of political comments, but I have come across workers who have

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Eastern Caribbean Supreme Court (Judicial Officers Pensions) Bill, 2024

absolutely nothing to do with politics. I understand on your side anything that can seem to colour certain comments in terms of politics and I know you're not speaking about workers. I want to assure you, because we are discussing now the aspects of contributory pension for public officers, and at the same time, because we have circulated the Bill, and at the same time, a Bill is coming at this same time for judges, the high and mighty—that's how it is being seen—the high and mighty. But regardless of how many people, each worker is looking at themselves. The Government obviously would be looking at the thousands of workers, but when a worker looks at a matter that is contributing to. So it has been raised. So, I am glad that you took it on right now by addressing it, yes, but I wish to assure you that the issues were raised.

As a matter of fact, I was told to raise this here, and I'm sure you would expect me to raise that concern, and I am glad you did. At least the listening public and myself can explain to the workers that it is a harmonised Bill and it would be a bit tacky if you serve in one jurisdiction. There are some different applications, and probably that can be the forerunner or one of the forerunners for the free movement of workers as we seek to harmonise things such as social security and benefits throughout the region.

So I am seeing the positive from out of this, certainly Grenada context, because it is already harmonised, so it is now to turn for workers' benefits to be able to be harmonised, whatever it is, once you work throughout the region. So, thank you for the explanation.

Madam President: Thank you, Senator Lewis. Senator David Andrew.

Sen. the Hon. David Andrew: Thank you, Madam President. I rise to offer my support to Bill as presented by our Honourable colleague. It's usually sometimes difficult for ordinary citizens to digest Bills of that sort, but when we are living in an era where we talk about regional unification or we talk about free movement. We talk about OECS and CARICOM togetherness; we sometimes have little choice when these things come but to harmonise some parts of the legislation to be able to better serve our common community.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Eastern Caribbean Supreme Court (Judicial Officers Pensions) Bill, 2024

And so, in that regard, I offer full support to the legislation as presented. Thank you.

Madam President: I thank you, Senator Andrew. Senator Joseph.

Sen. the Hon. Claudette Joseph: Madam President, it's been a long day. Madam President, I appreciate the contributions by my colleagues in this House on "Both Sides" and particularly the representative of the independent organisations, the workers and the farmers for accepting and acknowledging the expedition offered for this Bill, it being principally a harmonised legislation that should have been passed four years ago.

And so it will be welcomed news to let the judiciary know that Grenada has finally passed this legislation, and like the other territories, we are at idem now harmonised and are all in conformity so that no matter when a judicial officer is stationed and the judicial officers don't get to choose they are assigned by the Chief Justice the jurisdictions, and they can't get to say well, I'm not going Grenada or I'm not going St. Lucia.

So their pension and retiring benefits and other allowances must be, as much as possible, harmonised so that they are able to dispense justice and discharge their duties in relative comfort. So please, and I know they would be pleased with this news. And so thank you very much to Members of the House. I commend the Bill to this Honourable House.

Madam President: Thank you, Senator.

Question put and agreed to.

Bill read a second time.

Deputy Clerk: A Bill for an Act shortly entitled, Eastern Caribbean Supreme Court (Judicial Officers Pensions) Bill, 2024.

Madam President: Honourable Senator Claudette Joseph.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Bills: Eastern Caribbean Supreme Court (Judicial Officers Pensions) Bill, 2024

Sen. the Hon. Claudette Joseph: Madam President, I beg to move that the Senate resolves itself into a Committee of the whole Senate to consider the Bill, Clause by Clause, Part by Part.

Madam President: Thank you, Senator.

Question put and agreed to.

Senate in Committee.

Senate resumes.

Madam President: The Committee of the whole is ended, and the Senate is resumed. Honourable Members, I have the honour to report that the Bill was considered by a Committee of the whole Senate, and it was passed. Senator Joseph.

Sen. the Hon. Claudette Joseph: Madam President, I beg to move that the Chair's Report be adopted.

Question put and agreed to.

Chairman's Report adopted.

Sen. the Hon. Claudette Joseph: Madam President, I beg to move that the Bill be read a third time.

Question put and agreed to.

Bill read a third time and passed.

Deputy Clerk: A Bill for an Act shortly entitled, Eastern Caribbean Supreme Court (Judicial Officers Pensions) Bill, 2024. Item 16 – Public Business.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Adjournment

Madam President: Before we proceed to Public Business, one closing comment on the passage of Bills. We had a very long, vigorous and informative debate for the better part of the day. I think the Grenadian public has benefited from that, and in large measure, I think the presenters on “Both Sides” of the table did very well.

I do want to issue two matters for your consideration. The first regards language. I draw here on Standing Order, section 36 (3), about the content of speech, and I'd like us all to be as respectful of each other regarding motives as we can, all Senators, it's a general observation, watch our language.

And lastly, I would also like to speak about participation. I know that this is a busy time, I know that we have busy lives, but we have signed up for this, and I won't say more except that I do hope that in the new year, we make more time to serve the public as we have agreed to.

And lastly, let me wish you all a very merry, jolly, happy, blessed and prosperous 2025. We've done good work in 2024, and we'll do even better work in 2025. Thank you.

Deputy Clerk: Item 17 – Adjournment.

Madam President: Honourable Leader of Government's Business.

Sen. the Hon. Adrian Thomas: Madam President, I beg to move that this Honourable House be adjourned sine die.

Madam President: Senator David Andrew.

Sen. the Hon. David Andrew: Madam President, I stand at the Adjournment simply to take the opportunity... Yes ... To take the opportunity to hope that every one of my colleagues here, on the “Other Side” as well as “This Side”, has had a very enjoyable Christ birth season, all the staff at the Parliament building and even persons listening and to wish each of you a very successful rewarding 2025 filled with health, well-

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Adjournment

being, success and good return on everything you undertake in Jesus name.

Madam President: It has been a rather eventful year, and I can't leave the chair without two other comments. One is... Senator St. Clair, is that your light, sir? **(Inaudible comment by Senators)** All right then. I saw Senator St. Clair first. Proceed.

Sen. the Hon. Roderick St. Clair: No problem. The thing about it is... Anyway, we are in a cricket match. Do you realise what is going on, Madam President? Like I am going one down, one down, one down that's a very strong position.

Okay, so, I want to take this opportunity, Madam President to, firstly, thank Almighty God for having myself, all of us, all my farmers, fishers, etcetera, for standing up to the time in 2024. It's been a very eventful 2024, particularly, bearing in mind, the weather conditions and climate change. I know it has impacted them and us and also having to rebuild to ensure that we have food in this country. You know the farmers, they are resilient, notwithstanding all of the challenges, notwithstanding everything they still stand up to their obligation nationally. I would say, you know, we have to find ways to be more resilient in this generation.

It's just about 20 years since we've had Hurricane Ivan and most of us when I check the time, Hurricane Janet was in the 50s and we didn't get another major hurricane for almost 70 years... 50, 60 years? Now in 20 years, so within our lifespan, we've seen almost two major events and whilst we don't like it, it's given us a chance in this space to be able to rebuild, learn, improve and keep us more responsive, all of us, in different ways. So, I think that is a lesson that we have to learn from and be stronger.

At the same time, I want to thank the staff, the Parliament, everybody, the security and everyone for accommodating us and facilitating us as you've had very long days. To all our Members on "Both Sides", the discussion, the debates and the research, you know, is to make Grenada better. I think at the end of the day, this is what we want. Some people might feel we come here to waste time and we're only talking, talking, but at the end of the day the things that we do here we all take seriously to be able to make Granada

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Adjournment

better and to have a better life. So, what I want to see in 2025, is where more persons, particularly with the Parliament, can come in. We need to find ways, like how we had the children today, to come in and be apart, see and witness.

I was speaking to Doctor Koi during lunch and he was amazed by being so up close and seeing. He was really astound. So it says that we need more people to come in and feel part of our democracy. I think this is something we should try as a Senate to try and embark on in 2025.

Of course, we want to tell all our farmers and everyone in the folk system let us be ready for 2025, let us go out there notwithstanding everything. I want to wish them and their family... Things will be better, but to make things better we have to put in the work, you know, we have to make the commitment. No task is too daunting. We have to take it one day at a time but we shall overcome. That's the message I want to leave with us to 2025. I thank you.

Madam President: Thank you, Senator St. Clair, and I thank you for your stewardship and your journey-ship throughout the year. Admit your own personal tragedies and your continuing sense of deep commitment to your farmers and fishers. Thank you for your contributions all year long. Senator Seville Francis.

Sen. the Hon. Seville Francis: Thank you, Madam President. I believe it would be very remiss of me if I don't utilise this opportunity to thank everyone, within the hearing of my voice, my colleagues on "Both Sides" of the House, the staff of the Ministry of Youth and Sport and by extension, the division of Youth and the staff of the Parliament, you all have made my journey, for the last four months... for five months, an easy transition. I must admit. Thank you for the confidence that you have given to me to deliberate and to represent the young people of this dear nation who, of course, as we know, are the future.

I wish to see everyone back here in 2025, safe, as we conduct the nation's business to the best of our ability and to the highest standard that we can. Also, it is my wish to see us continue to maintain the decorum of this Honourable House. And I think

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Adjournment

it might be just a little biased of me to say that this is the best House **(laughter)** in Parliament and I wish that we continue to be an example for the fellow Youth Parliamentarians who have been elected and will serve come 2025. I look forward to all of the great things that we have in store to contribute and to everyone again thank you and all the best for 2025.

Madam President: Thank you, Senator, and thank those who sent you to us. **(Laughter)** We did not send you, but we are happy to receive you and we hope that you have been well-settled in here among your colleagues. Thank you for your contributions in the past five months. Senator Claudette Joseph? No. I think it is Senator Adrian Thomas.

Sen. the Hon. Adrian Thomas: Thank you much, Madam President. I did not get the opportunity in the last Sitting to express season greetings to all the people throughout Grenada, Carriacou and Petite Martinique, so I want to take this opportunity, now, to wish them all the best for 2025; all the citizens of Grenada home and abroad, Carriacou and Petite Martinique. I wish that they have a very progressive year and they continue to support the Government as they have been doing in the past. I think this Administration has done our very best to make sure that we deliver to the people and I think they have appreciated that and for this, we are very grateful. So wish them all the best in 2025.

Saint David in particular, the people of Saint David, are very dear to me and I want to wish the MP for Saint David and all the citizens in Saint David all the best for 2025. They have been a tremendous bunch of people. I feel so happy when I'm in Saint David; whether I'm in Vincennes, Windsor Forest, Dudmar or Champfleurs, you name it I feel like a village boy in every community and for that, I think that the people of Saint David I look forward to working with them for the year 2025.

To my colleagues here, we've had a very, and I'm talking about "Both Sides" of the House, we've had a very good time in 2024 and I look forward to the exciting debates that

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Adjournment

we usually put on here. I think that we have a critical role to play in explaining to the Grenadian people what we are doing inside of this Honourable House and I believe 2025 will be an even more exciting year for us here. We have a responsibility to do the people's work and I believe that 2024 was a very good year for this Honourable House.

So I wish all my colleagues the very best. Madam President, to you and your staff, you all have been of tremendous importance to us. We have been able to work together. We've all had our little ups and downs but I think at the end of the day, we get to work done. Sometimes even though we go an extra, couple of hours **(laughter)** we don't normally see that in the Lower House, per se, so I want to join with my colleague and say, this is the better House. **(Laughter)** So I wish you all the best for 2025 and I look forward to working with everybody. Once again, Christmas greetings and a bright and prosperous new year.

Madam President: Thank you, thank you, Senator Adrian Thomas. Thank you for your senatorial leadership for the Government. We do hope you consider that you have been successful again, tell your bosses, that you've done your best, I say, **(laughter)** and that they will return you to us next year. Thank you. Senator Claudette Joseph, you have the floor.

Sen. the Hon. Claudette Joseph: Thank you, Madam President, I rise to join the chorus in wishing you, Madam President, the staff of this Honourable House, my colleagues in the Chamber and the people of Grenada, but especially, the people of the town of Saint George, happy holidays, Merry Christmas and all the best for 2025. I look forward, together with my colleagues, to being back here in the New Year about the people's business, bringing more benefits to the people and cementing those benefits in the laws that we advance and pass in this Honourable House.

I also take a moment, Madam President, to extend my sympathies to the five businesses that sustained, well, total loss in almost all cases, in the fire that took place last Wednesday... Not last Wednesday... Friday, in the Town of Saint George,

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Adjournment

Wednesday was Christmas, right? **(Laughter)** In the Town of Saint George where, unfortunately, in this season, you know, it would be the worst time for them to have sustained such extensive loss, and the Government stands in solidarity with the business owners. We will support them however and wherever we can, and we wish the business owners and the people affected in the area a full, a full and speedy recovery and hope that when they do get to reopen and resume business, it will be even better than before.

And so, with that, I am and will be in and about the Town so I continue to be in solidarity with the people of the city and to wish everyone, including the elderly, shut-ins, and the people who are hospitalised, all the best for the season and a very bright and prosperous 2025. Thank you, Madam President.

Madam President: Thank you, Senator. Thank you for your continuing excellence along with all your colleagues. Thank you for your solidarity with the business persons who lost in the fire. I know you speak on all of our behalf, and please continue to be on and about, you say, Saint George's. Senator André Lewis.

Sen. the Hon. Mondy André Lewis: Thank you very much, Madam President. Before I join the chorus, it may be a good thing because I'm not known for the ability to sing. **(Laughter)** Yes. But, I was...

Madam President: Repeat that, I can't hear you.

Sen. the Hon. Mondy André Lewis: Asked...

Madam President: I can't hear you, please repeat.

Sen. the Hon. Mondy André Lewis: Sorry. I said before I joined the chorus, I have two things to raise, it may be a good thing because I'm not known for the ability to sing.

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Adjournment

(Laughter) Yes. So I can't harmonise or anything like that, other people may be good at that.

I've been asked to raise the following for clarity purposes. One of the Former Leaders of the Union, based on something that was said in the "Other Place", wanted me to clarify that the dispute with the pension in 2017 or thereabout, 2017, 2018, did not come about because the Unions walked away. It came about because the then Administration reneged and was not truthful about what took place, and that's a fact. Yes. In other words, it may have been said that it is the Union, so I just wanted to clarify that. So that is responded to.

On the question of gratuity, the issue when it broke down, and I think the whole of Grenada who are around ought to remember that. So I don't know, it could be said, well shouldn't say I don't know it could be said because we know how those things go sometimes.

Secondly, AG, thanks for what you have said you have done in the background. I know that there was some writing, and it was not you alone. There were other people writing. There were a lot of debates at that time. As a matter of fact, new thought processes came out. Right. I remember you refining some of your positions as we were going along, and I'm saying us, and I'm doing this because I also want to give credit without calling names to those who would have helped because, remember, there are different movements, and there were different moving parts. So for instance, as I said, I'm not going to go into names, but as you have identified yourself...

It was also mentioned to me and highlighted to me last weekend that someone recalled quite clearly the meeting held with the teachers in the GBSS Auditorium. I was not present, but I'm reporting from former Leader that I have accepted what you have said, and it was important when the teachers, because we're always concerned, as you would know, because as you said, things can be dragged out in Court, when the teachers said that, "Look go to Court, regardless if we have to dead before this matter is finalised..." because that's after everything has happened, so there are different moving parts, and I

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Adjournment

know you would recognise this because there are a number of discussions taking place...

I also want to commend you, I'll be late; I wouldn't belabour the point, and I also know that you spoke before Senator Andrew, my good friend, for basically saying that you were aware that we wanted certain, that the TUC and Labour, wanted certain commitments in relation to Glasgow's judgment. Yes? And I feel certain that had it been before 2022, and if I had engaged colleagues like yourself and others, we may have been advised to seek certain assurances. We may disagree on what the content should be, even if it comes only today, right, you know, for just mentioning that, I mean, I'm glad for the chance to encounter that took place outside probably about five hours ago, and I remain committed to what they said in the manner in which I deal with a certain issue. Right? I just wanted to put this on record.

And I was also asked to also highlight that the discussions on pension in the past involved all the separate organisations, and the records will show that, as I'm sure you would have seen. GUT, Bank and General, TAWU, Haize and CIWU, the police had two contingents because you had the Police Welfare Association and the gazetted officers and the Prison Welfare Officers, and we were all together, not as a separate or single entity. I am just placing that there for whatever context because everything has context everything has context; there are times when some things are said, but all the details are not given. So having dispensed with that, I wish to **(inaudible comment by a Senator)** thank... No, no, no. I know my colleague, Senator Andrew, has a very good singing family background. Yes.

But I want to thank everyone, my colleagues on the "Other Side" we are just separated by two tables, but we do interact very well. I wish to thank you, Madam President, for your continued stewardship, and I have indicated before, and I will do it again that for me and, I guess, the broader Grenadian community as I begin to know and continue to know more of you, as a matter of fact, I was reading something probably two weeks ago with your signing as Grenada, I think, permanent representative, it may not be permanent representative, but to the OAS, I think it is the OAS... I think it may have been as early as 1979, as early as 1979... Yes... So...

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Adjournment

Madam President: When I was a toddler. **(Laughter)**

Sen. the Hon. Mondy André Lewis: ... and it is a reflection, it is a reflection that young people are capable of providing leadership, but ought to find that blend. Yes. And Grenada has that history and part of that history is to recognise that we have to find that blend. I am sure we are accustomed to those things even when we travel and we go to different organisations; the age gap is so wide, sometimes they are surprised at the youthfulness of some of our representatives.

Today, police officers, security officers, the Clerk, the parliamentary assistant, and legal support who have been there with us through thick and thin, we wish to thank you. I wish to also thank everyone in the Labour Movement, organised labour and unorganised labour and to offer a word, if I may, of caution and advice that when the Christmas is over as our stalwart from La Digue, Elwyn "Black Wizard" Mc Quilkin, from the village of Malcolm X who admonished us that the serious aspect of life continues after this activities.

I wish to ask everyone in different workplaces who got bonuses, although the Government didn't get them, I don't think they gave (laughter) and whoever it is got payouts that please do not spend out everything on Christmas. I know that with the bimonthly payment come January there'll be an earlier payment than the end of January, but at the same time, we have to be wise with how we are spending. We all need to be reminded of that from time to time: go easy on the consumption of alcohol, which is something that will come to the House at some stage because the Labour Movement intends to have a national discussion on the impact and influence of alcohol on the wider community. Right. It happens at the workplaces, at the schools. It's something we need to address collectively and I use this opportunity to ask us to be careful. I do not believe it is because of social media. I'm seeing so many reports of accidents; I believe it's because there are more accidents. I do not know the root causes, but please let us be careful. Please let us be careful.

So, I wish everyone all the very best. I know Christmas has passed, but we are heading into the new year, and sometimes people feel that, let me do everything that I

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Adjournment

am accustomed to doing before the new year comes, but let us be mindful that the New Year the only difference is that it is the 1st of January 2025, but is part of our ongoing life. So let us all be careful, take care of each other and I look forward to the continuing engagement, useful engagement in this Upper House. All the very best, everyone, for 2025 to you and your family. Thank you very much.

Madam President: Thank you, Senator André Lewis. Thank you very much. Senator Gloria Thomas, is this your light? You have the floor, Senator.

Sen. the Hon. Gloria Thomas: Thank you, Madam President. I rise to join my other colleagues in wishing you, the staff and everyone here all the best for the rest of the season. It has been a good year for us here in the Senate, and I trust that with 2025 we will do even better.

I just want to also extend thanks and appreciation to the staff at the Ministry of Housing, Social Development, Community Development and Gender Affairs for a very productive and well-deserved work for the last year. I also want to extend greetings to the people of Saint Andrew North West and to reassure them that I'm there for them, I will continue to provide services for them and we will continue to work to develop that constituency.

To the parents, I want to encourage parents to supervise their children during this festive season, ensure that they know where they are, provide guidance and leadership for them, spend money wisely and ensure that they have enough remaining for when school opens. **(Laughter)** So, with all the festivity, let us remember our responsibility as parents to guide and to train our children and also to exercise some restraint as parents so that we're a good example to them. So, all the best for this season, and continue to enjoy. Thank you.

Madam President: Thank you, thank you, Senator Gloria Thomas. Thank you so much. All your reports are often, and I'll say it while they're paying attention: your reports

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Adjournment

from Social Development have often overshadowed the other guys. **(Laughter)** Social Development is really the core of our nation in many ways, not minimising Finance, Education, roads, and Agriculture, but you've really been a good steward for the people's well-being. Thank you for your reports and your work. Pass the floor to Senator Quinc Britton.

Sen. the Hon. Quinc Britton: Madam President, thank you. As it was in the beginning, so shall it be in the end. I rise earlier on to give my greeting from the Saint Mark constituency. Madam President, I'd just like to take the opportunity to thank you and the staff and join with the sentiments expressed to our colleagues, thank you very much. It was a very challenging year, I must say, in every respect, and I look forward to many more challenges in 2025.

Let me also take the opportunity to thank the people of Saint Mark constituency and also wish the MP for the constituency, my goodly neighbour, a fruitful 2025 and I look forward to us continuing to make a mark in Saint Mark **(laughter)** as we move forward, Madam President. And my family, my friends, all those who are viewing and listening online, I wish you all the best for 2025 and beyond.

Thank you again to the staff, security, everyone present who always keeps us safe, the police officers and so on and most of all, Madam President, to the Prime Minister of Grenada, to him and his family and our fellow Cabinet members for affording me the opportunity to deliberate here and being part of this team. Thank you. **(Applause)**

Madam President: Thank you, Senator. Thank you. I see a request from Senator Seville Francis.

Sen. the Hon. Seville Francis.: Madam President, if I may just beg your indulgence. It may be a bit unorthodox, but through you, I would like to use this opportunity to wish my mother a very happy birthday. **(Laughter)** I know this will mean the world to her, and if you recall, during my Maiden Speech, I gave her all the credit and

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Adjournment

commendation for her being a pillar in my life and where I am now. The prayers that she has offered to me and continues... So, I look forward to longevity on her behalf so that I can continue to get those prayers. **(Laughter)** They really did keep me going, so I know she looks at every opportunity she gets where I am being seen publicly, so I know she will see this. So, to my mother, Susan Francis, a happy birthday to you. **(Inaudible comment)** No, we're not going to sing. **(Laughter)**

Madam President: Happy Birthday, Ms. Francis, Susan Francis, and there's always space for greeting one's loved one in the Senate.

Ladies and gentlemen, it was a momentous year. We started with the 50th Anniversary, which was one of the grandest we've had because it lasted 10 months, mobilise the population, brought our images of resilience-building, spectacular increases in cuisine, in arts, in culture, in community mobilisation, in reporting, brought all of that to our citizens here in Grenada, to our people abroad and to the rest of the world. So it was bookended at the start with this 50th Anniversary and I would say it's ended now with this historic day, to borrow your phrase concerning the passage of the Pension Act that will allow 4000 plus persons to no longer retire into poverty. We will hold the Government accountable for that, we look forward to that, for poverty to be removed from the working people who have retired.

And so, in between we've had, of course, Hurricane Beryl and we want to continue to support the people of Grenada, Northern Grenada, people of Carriacou and Petite Martinique for all the efforts they're making and to thank all those who've supported them, that's been an example of resilience building. Well done, Grenadians, Carriacou people and Petite Martinique people; well done, well done. Thank you for saving yourselves and allowing us to be a part of that.

I want to reach out to all the young people who came here today and others. A little of a brag, they came principally from Saint Andrew **(laughter/applause)** and they are our ongoing participants in the Grenada Education and Development Programme and I want to thank all the Senators who made time to speak with them and to receive them

***Sitting of the Senate
held on Friday 27th December, 2024
at the Parliament Chamber, Mt. Wheldale, St. George's***

Adjournment

and to remind them that their place is in this House as much as it is in their classrooms. Thank you all for coming, young people, and thank you all for meeting with them, Senators.

And to the women of Grenada, we did find ourselves with two new women in the Senate. Thank you very much, Senator Myanna Charles and Senator Seville Francis; and we did find ourselves as a country with the new leader of the NNP, MP Emmalin Pierre. I would say “women’s leadership in politics” it’s a good and desirable human right and sustainable development around the world, let it be that here in Grenada. So congratulations, MP Pierre, and to all the women of Grenada who have achieved over the year, continue going forward. A democracy in which women are held back is an incomplete democracy. So we go forward.

I want to thank the staff and support persons of the Senate for supporting our work all year, the Clerk, his team, police officers, security, gardeners, and secretaries, and particular thanks to my secretary, Ms. Janelle Palmer, and on your behalf, I send greetings to the “Other Place”, Speaker, Leo Cato and the Lower House, House of Representatives, greetings from us here at the Senate. Thank you for your work, and we look forward to more joint sessions, more togetherness and more democratic expansion in 2025. Happy New Year.

Question put and agreed to.

The Sitting of the Senate adjourned sine die at 7:14 p.m.

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