

# GPSU takes Govt. court for disregarding collective bargaining rights

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*...seeks \$3M in damages for oppressive conduct*

**Kaieteur News** – The Guyana Public Service Union (GPSU) has brought a legal suit against government for not observing various conventions, laws and regulations that ensure the rights of public service workers, and more specifically, their right to collective bargaining on wages and salaries.



GPSU President Patrick Yarde (centre) with senior members of the union

GPSU President, Patrick Yarde told the media at a press conference yesterday, that the union is upping its tactics to get the government to respect the rights of public servants, and the court matter is the first in efforts to ensure same.

According to the legal document seen by this newspaper and filed in court yesterday, the GPSU is asking for government agents, the office of the Attorney General and the Permanent Secretary of the Public Service Ministry, to show reason why they should not be ordered to immediately convene discussions relating to the bargaining of wages and salaries for public workers. The GPSU as well as other unions have decried for years, the behaviour of government to ignore the collective bargaining requirements, and arbitrarily impose increases on state workers.

The GPSU said that based on a Memorandum of Agreement (MoU) with the Public Service Ministry for the Avoidance and Settlement of Disputes, as contained in Appendix Q1 of the Public Service Rules 1987, and the Memorandum of Agreement between the GPSU and the Federated Union of Government Employees and the Public Service Ministry Terms of Resumption of Work dated the June 23, 1999, the Public Service Ministry is required to have meaningful negotiations concerning the terms and conditions of employment of all persons employed within the public service.

The document continued that for the government to impose a seven percent increase for workers, which was done last year, is contrary to the existing Memorandum of Agreements and public service rules.

The document said too that the seven percent increase in salaries for persons employed in the public service in Guyana without the required discussions with their union representative is also contrary to the provisions of the International Labour Organization Conventions ILO C151: Labour

Relations (Public Service) Convention 1978, and ILO C098: Right to Organise and Collective Bargaining Convention 1949. The action by the government to impose the increase is therefore unlawful, the document highlighted.

As such, the defendants are told that the legal proceedings have been brought against them and if they wish to defend the proceedings they may do so by preparing defense in Form 10A prescribed by the Civil Procedure Rules 2016 and among other things, serve it on the attorney of the aggrieved. Should the government fail to do so, the document has noted that judgment may be given against them in its absence without further notice.

Yarde told the media that it is because of various circumstances, including discrimination in the distribution of grants and aid, as well as the issues surrounding the prevailing COVID-19 pandemic that the union has sought legal intervention against the Peoples Progressive Party / Civic Government's continued disregard for the rule of law, and its obligation to ILO Conventions that arrangements are being made to challenge Government's obstinacy in the Courts of Law "of which GPSU has its trust and confidence, hoping that justice would be served, soonest."

The union head reminded that it was the PPP while in opposition that chided the then APNU+AFC administration for a seven percent increase and promised in 2016 a 50 percent increase for public workers. He told the media operatives that public servants are facing a hard time and many of them are leaving their jobs and heading abroad. He pointed to the departure of many certified nurses and now even nursing assistants to foreign countries. He said it is understood that these nursing assistants are even being paid to have their family migrate with them. Yarde reiterated that many public servants are having it tough and that even when they visit the GPSU office they must sometimes be assisted with small sums as they have no transportation and meals money. All of this he said is happening even as the government draws down on the oil profits earned and incorporated in the 2022 budget.