

Guyana Public Service Union



PRESS STATEMENT: Conduct in Conflict with Constitutional Oath of Office of Members of Cabinet

- Negotiation for Wages, Salaries & Allowances & other Conditions of Service for Public Officers
 - Breaches of the Rule of Law
 - Issuance of Ultimatum to the Government of Guyana
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The Guyana Public Service Union (GPSU) is moving steadfast to safeguard the rights of workers as provided for under the Constitution of the Cooperative Republic of Guyana at Article 147, Section 23(1) of the Trade Union Recognition Act cap. 98:07; Section 8(1)(f) of the Termination of Employment and Severance Pay Act Cap. 97:06, the Agreement for the Avoidance of Settlement of Disputes, between the Government of Guyana and the GPSU (1987), the Ratified Conventions of the International Labour Organization (ILO). Including Convention No 87 concerning Freedom of Association and Protection of the Right to Organize, Convention No 98 on the Right to Organize and Collective Bargaining, and Convention No 151 on Labour Relations (Public Service), ILO Declaration on the Fundamental Principles and Rights at Work of 1998 - and amended in 2022, espouse minimum standards of conduct, that are in force and all other applicable Laws.

The Union has been earnestly exercising all means of engaging the Government of Guyana (GOG) in accordance with the existing legally binding Agreement for Avoidance and Settlement of Disputes that exists between the Government of Guyana and GPSU which was reaffirmed, and saved in the Public Service Rules of 1987. The GPSU also relied on other procedures set out in the Law to achieve an amicable resolution to the deadlock engineered by the Government of Guyana; to wit, to ignore the Constitutional right of workers to be represented, to disregard the role of trade unions and collective bargaining, and to unilaterally impose conditions of service and adjustments to the salaries, allowances, and conditions of service of Public Servants in a manner that is procedurally irregular, improper, and grossly violates the law.

In light of the COVID 19 pandemic, the Union exercised great restraint in dealing with the Government of Guyana (GOG) intransigence.

The GPSU takes this opportunity to succinctly promulgate the historical developments which led to reaffirming our ultimatum directed to the Government of Guyana initially by correspondence.

The GPSU held high optimism that the newly elected Government which ought to have been headed by President Ali, with high hopes of a new beginning for industrial relations in Guyana. On September 1, 2020 we submitted proposals for Salaries, Wages, and Allowances etc. to the Government of Guyana. In keeping with the government's manifesto promise, we proposed 50% across the board increases for all Public Servants. A reminder was sent on September 24, 2020 and a circular issued to members on September 25, 2020 to apprise them of the situation. The correspondence of September 1, 2020 was acknowledged on September 4 and 7, 2020.

The proposals made on behalf of the public servants were otherwise completely ignored. A meeting of November 4, 2020 failed to move the conscience of government representatives present, to account for the hardships which faced Public Servants and their families during the COVID 19 pandemic, which was one of the worse years of modern times. The meeting was then adjourned for the government to consider the GPSU's proposals. Here I must state that not one cent was offered to increase the earnings of Public Servants.

On March 11, 2021, the GPSU wrote the Permanent Secretary of the Public Service Ministry once more, seeking collective bargaining after the union received no response in relation to its proposals. On March 30, 2021, a gentle reminder was given to the Permanent Secretary, Public Service Ministry, but all these requests made on behalf of the hard working public servants were ignored.

In a further letter sent on April 27, 2021, the GPSU informed the Public Service Ministry that:

"...there is still absolutely no communication emanating from the Ministry in relation to the Union's legitimate request for an urgent meeting to commence negotiations on wages, salaries, and allowances for the years 2020, and 2021." This letter also was ignored by the Public Service Ministry.

Hence, on July 7, 2021, a follow up request was made to the Permanent Secretary, Public Service Ministry for collective bargaining. In that letter, the GPSU cited government's contempt for the hardworking public servants, and its disposition towards the laws on Collective Bargaining and Good Faith Negotiations. The International Labour Organization (ILO), General Secretary, Public Service International were sent copies of the letter.

Within six (6) days, the Public Service Ministry scrambled a response, and informed that they were unavailable to meet on the dates the GPSU had proposed. Instead, the Public Service Ministry promised to "inform the Union in a subsequent missive" of a date for a meeting to commence the collective bargaining process. This created hope, and

legitimate expectation on the part of the GPSU, that the government would now sit at the bargaining table, to address the issues contained in our proposal.

Not hearing from the Permanent Secretary, PSM, on July 13, 2021, the GPSU wrote the Trade Union Recognition & Certification Board, seeking its intervention to break the stalemate created by the government. The Board on August 30, 2021, refused jurisdiction over the matter, and directed that the grievance procedure under the Collective Labour Agreement for the Avoidance and Settlement of Disputes between the Government of Guyana and the GPSU be followed. GPSU disagreed with the conclusion offered by the Trade Union Recognition and Certification Board.

The GPSU had cause to write to the Public Service Ministry once again to request collective bargaining. On September 16, 2021, a letter was sent to Ms. Soyinka Grogan, Permanent Secretary of Ministry of Public Service outlining the Union's displeasure with its scant regard for the legally binding Agreement for Avoidance and Settlement of Disputes that exists between the Government of Guyana and GPSU. The Public Service Ministry (PSM) had disregarded the stipulated time period for engagement according to this agreement and in fact two (2) months had elapsed. At paragraph three (3) of page two (2) of this letter, the Union reluctantly informed the Government that it was constrained to give notice of taking:

1. **Take legal action to enforce the Agreement for the Avoidance and Settlement of Disputes between the Government of Guyana and the Guyana Public Service Union.**
2. **To issue an ultimatum of Industrial Action this correspondence was copied to President Ali, P.M. Mark Phillips, A.G Nandall etc.**

On December 10, 2021, a few days before the Christmas Season, and at a time when commodities in the market place had skyrocketed, the Ministry responded and proposed a meeting in the third week of January, 2022. However, the Union pressed its case for an early meeting, and the first meeting was convened on December 19, 2023.

Within moments of the start of the meeting on December 19, 2023, a door was opened, and the then Minister of Public Service, Hon. Sonia Parag barged into the room, and declared the meeting to be over in the absence of any reason. Thereafter, a number of letters and calls were placed to the Minister's office, and the Permanent Secretary to reconvene the meeting but to no avail. The GPSU declared a deadlock in keeping with the provisions of the *Agreement for Avoidance and Settlement of Disputes made between the Government of Guyana and the GPSU*, and *applicable laws*.

On July 29, 2022, the Union approached the Supreme Court for orders mandating the Permanent Secretary, of the Public Service Ministry, a public authority to comply with the law. The Union specifically asked the Court to direct the Permanent Secretary to enter into collective bargaining with the GPSU as is required by **Article 147 (3) Constitution of Guyana and the Agreement for Avoidance and Settlement of**

Disputes made between the Government of Guyana and the GPSU. This court action, *albeit* urgent, is still to be heard.

In addition, on September 26, 2023, the GPSU wrote Mr. Daneshwar Deonarine, the Chief Labour Officer (CLO) copied to the PS, PSM requesting conciliation between GPSU, and the Public Service Ministry.

The breakdown of Industrial Relations between the parties were set out in great detail as they are now. A letter of even date was addressed to the Permanent Secretary of the Public Service Ministry, where the Union made its position known that it considered the matter at deadlock.

It took one hundred and forty-eight (148) days for the CLO, a lawyer by profession, to even acknowledge receipt of our letter formally. Ironically that advice, and acknowledgement came two (2) days after the Union explained the reasons why it lost confidence in the office of the CLO, and that the continued breakdown between the GPSU and PSM, and the non- response of the CLO would be a substantive item on the agenda of its Statutory Executive Council Meeting for February 21, 2024.

The reply from the CLO came late the afternoon of February 21, 2024; while the Executive Council had unanimously agreed earlier in the day to reissue an ultimatum to the Government of Guyana to pursue industrial action since the Government of Guyana continues to refuse to enter into collective bargaining in good faith with the GPSU.

The CLO in his justification for the delay, informed the Union that he had sent a letter to another lawyer, who happens to be the Solicitor General, Nigel Hawke on October 6, 2023, for advice on whether he was prevented from honoring the request for conciliation in light of the Court action alluded to above. Great irony arises from the CLO's dilemma, in that the CLO, who has a legal function to perform under the Labour Act, wrote the lawyer representing another party in the said matter for advice.

This comical error continued, when the Ministry of Legal Affairs through the Solicitor General after days replied by saying "*...the Guyana Public Service Union is seeking the exact remedy in its request for conciliation with your office. In all respectful opinion the Court is duly and properly engaged to determine this issue and you should yield to the Court's jurisdiction.*" Notwithstanding this acknowledgement, the Public Servants of Guyana, and their families await either a Court Ruling or the CLO's decision to conciliate in order for their Constitutional Right to Collective Bargaining be restored.

The GPSU expresses alarm that the Solicitor General, who works within the Ministry of Legal affairs, and whose employer holds a vested interest in the outcome of the decision of the CLO to conciliate or not, would proceed to give advice on the matter without recognizing the conflicting position in which he found himself. Likewise, the CLO seems to be relinquishing the impartiality and authority of his office, while fettering the discretionary powers handed to him by law, by relying on the opinion of an opposing party to the litigation.

The GPSU or any other organization would be hard pressed to deem 148 days without even an official acknowledgement for a request, particularly on the serious issue of conciliation with respect to a matter that affects thousands of workers as professional conduct burgeoning of responsible and good governance in our emerging democracy. It is utterly disrespectful, especially when the CLO, a public officer, acting under Statute, failed to recognize that a request under the Agreement for the Avoidance and Settlement of Disputes between the Government of Guyana and the GPSU ought to be actioned within fourteen (14) days. Yet, the GPSU urged upon its members to exercise patience. However, over the past months, there have been increasing calls from branch representatives all across the country, informing that our members can no longer exercise patience when the economic realities facing their families are taken into account.

The GPSU is constrained to recognize that a state of despondency, and duress among public servants have arisen as a direct result of the government's disdain, and deliberate refusal to meet at the bargaining table to negotiate in good faith necessary reliefs, and end the unilateral impositions of inadequate salary increases which fails to cushion rising inflation, AND END DISCRIMINATORY MEASURES WHICH PRIORITISE ROADS, BRIDGES AND BUILDINGS FOR THE SOLE BENEFIT OF THE RULING RICH.

In addition, the predictable, loose, and asinine statements by the Vice President in response to the Union's Press Statement, made on February 22, 2024, where the Union outlined its position regarding an ultimatum to take industrial action, if collective bargaining is not met, is most unhelpful to improving industrial relations. THE VICE PRESIDENCY IS A POSITION WITH LITTLE FORMAL RESPONSIBILITY UNDER THE CONSTITUTION.

In practice, Vice Presidents are the ones who reach across, build coalitions, and repair damage relations. However, in Guyana's context, the Vice President in his usual manner, attempted to label the GPSU, and the ultimatum issued as political, opportunistic, and convenient. The Vice President instead of offering words of comfort and hope of reconciliation, leveled threats to the Public Servants and the GPSU that any strike action would be met with resistance.

These reckless, and most egregious lamentations by the Vice President are made in his own deliberate ignorance of the fact that the GPSU has made efforts to engage the government in collective bargaining over the years, and that the government's reluctance to meet at the bargaining table led to the Union pursuing legal avenues which we were entitled to at all material times. Similarly, the Vice President, more than anyone else, is aware of the Government and PPP/C failure to honour all the terms of the Memorandum of Agreement to end the 1999 strike, as well as, the agreed process to be followed in the future should there be an industrial dispute. Yet Public Servants returned to their offices, and steadfastly served their country.

The Union also calls to remembrance that on September 18, 2021, sugar workers were burning tires at the Albion estate over improved wages, and the GOG clamored to

engaged the Guyana Agricultural and General Workers Union (GAWU) to come to a mutually agreeable solution. Notwithstanding, this form of protest, the President swiftly announced that the GOG will imminently meet with GAWU to engage in collective bargaining in 2024. On the other hand, the GOG through its Vice President expresses reluctance to negotiate with certain unions, namely Guyana Teachers Union (GTU), and the GPSU on the basis of his own perceived, and false claims of political affiliations, and unreasonable demands of these unions. All this double standard is on full display while the government hypocritically promotes One Guyana, AND BUILD ROADS, BRIDGES AND BUILDINGS FOR THE BENEFIT OF THEIR RICH FRIENDS.

In fact, on February 5, 2024, the Vice President is reported in the daily Kaieteur News of February 5, 2024 as citing “volatile oil prices for not increasing public servant’s wages by 50%”, contrary to his ranting in December, 2023 that “a sustained approach” was being taken.

Earlier in September, 2021, Attorney General Anil Nandlall was quoted in the Kaieteur News as saying “...in my office, I am pleased to say, I have a good bunch of young, energetic, inspired young people, young professionals. They are not being paid a lot. In fact, they are being paid a deplorable rate of remuneration and I hope we can address that across the Public Sector, in terms of all our professionals or else they will continue to hemorrhage outwards.”

The Guyana Public Service Union rejects President Ali's position that Public Sector Employees must wait another two (2) years to benefit from improved remuneration. These improvements are overdue and must be immediately addressed. They are merited - affordable and sustainable.

The Union will be fully justified to take whatever means are at its disposal, to exhaust all options available to attain social justice, and a better life for all public servants, and their families. While the GPSU understands the constraints face by Judicial Officers in the speedy disposal of matters, including the shortage of staff plaguing the Judiciary, the GPSU most humbly and respectfully bemoans the delay in the hearing of this matter which touches on a Constitutional issue of general importance, and the survival of the working poor which consists of more than 25,000 Guyanese employees in and out of uniform, who work in the Public Sector including the Judiciary.

Those who suffer under the yoke of starvation wages, injustice, and wide spread discrimination at the hands of this government, must be given justice speedily by all means.

April 4, 2024