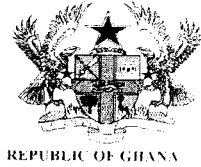


NLC

NATIONAL LABOUR COMMISSION



REPUBLIC OF GHANA

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Ministries, Accra-Ghana

Tel: 233-030 238737 / 238345

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Our Ref: NLC/TE 541/2014/016

Your Ref: _____

Date: 20th October, 2016

1. THE HON. MINISTER FOR JUSTICE & ATTORNEY-GENERAL
ATTORNEY-GENERAL'S DEPARTMENT
MINISTRIES ACCRA
2. THE HONOURABLE MINISTER
MINISTRY OF FINANCE
ACCRA
3. THE HONOURABLE MINISTER
MINISTRY OF EMPLOYMENT & LABOUR RELATIONS
ACCRA
4. THE CHIEF EXECUTIVE
FAIR WAGES AND SALARIES COMMISSION
ACCRA
5. MRS. FRANCISCA TETE-MENSAH
NATIONAL PRESIDENT
ASSOCIATION OF STATE ATTORNEYS
ACCRA



RE: IN THE MATTER OF THE ASSOCIATION OF STATE ATTORNEYS AND THE MINISTER FOR JUSTICE & ATTORNEY-GENERAL AND THE MINISTER FOR FINANCE/FAIR WAGES AND SALARIES COMMISSION (FWSC)

NOTICE OF INTENTION TO EMBARK ON LEGAL STRIKE

DIRECTIVE

The National Labour Commission on Wednesday the 19th day of October, 2016 met representatives of the Association of State Attorneys led by the President, Francisca Tete-Mensah, officials of the Ministry of Finance, the Chief Executive of the Fair Wages and Salaries Commission and the Ministry of Justice and Attorney General led by the Chief Director.

The meeting was in furtherance of an earlier meeting held on 12th October, 2016 with the parties to hear and resolve the issues, the subject matter of the Notice to Strike served on the Commission by the Association of State Attorneys.

The crux of the Complaint by the State Attorneys is to the effect that a compulsory arbitration award rendered by the Commission on 28th September, 2015 has not been complied with by the employers and hence the need to embark on a strike action to force the enforcement of the award.

The Commission after hearing the parties and evaluating the evidence adduced by the parties regarding the compliance or otherwise of the award of the Commission noted the following:

1. That the said compulsory arbitration award granted five (5) main reliefs, namely:
 - i. *"The salaries and benefits of the Complainants should be harmonized with those of the Lower Court Bench as communicated per the letter of September, 13, 2013 by the Chief of Staff (Exhibit ASA1) with effect from 2012.*
 - ii. *The Complainants should be paid the arrears of emoluments arising from the harmonizing by 31st December, 2015.*
 - iii. *The retention or otherwise of the Complainants on the Single Spine Pay Policy should be referred to the Supreme Court for determination.*
 - iv. *The Complainants should submit their SSNIT numbers to the 1st Respondent for onward transmission to the Controller and Accountant-General's Department.*
 - v. *The Complainants should submit their proposed Conditions of Service to the Legal Service Board for consideration".*
2. The Commission notes that reliefs, i, ii, and iv have been complied with by the employers.
3. The Commission further notes that the relief iii is capable of being triggered by the State Attorneys and hence the Commission directed the Association of State Attorneys to apply to the Supreme Court for the interpretation.
4. As regards relief v, the Commission notes that the claim by the Association of State Attorneys that they had presented proposed conditions of service to the Legal Service Board but had not received a response could not be substantiated because there was no evidence to prove same. The National Labour Commission has also not been copied with any such proposed conditions of service.

Consequently the Commission directs the Association of State Attorneys to re-submit the said proposed conditions of service to the Legal Service Board for consideration and serve the National Labour Commission a copy of the said proposals. The Commission further orders the Association of State Attorneys and the Legal Service Board to negotiate and complete the Conditions of Service for the Association of State Attorneys within two weeks from the date of receipt of the proposals failing which the Commission shall determine the conditions upon further hearing the parties.

The National Labour Commission further directs that while the Commission is ceased with the matter it shall not be lawful for either party to engage in any strike action or lock-out over the matter in line with the provisions of Section 161 (1) of the Labour Act 2003 (Act 651).

Consequently, any strike action embarked upon by the Association of State Attorneys in respect of this matter is illegal and unlawful and same ought to be called off with immediate effect.

The Commission further orders the Ministry of Finance and the Controller and Accountant General not to pay the remuneration of any member of the Association of State Attorneys who partakes in any such strike action in respect of the period during which they engage in the illegal strike action

The parties shall report back to the Commission on 16th November, 2016 at 3:00pm.

Parties are to act accordingly.



**CHARLES A. BAWADUAH
EXECUTIVE SECRETARY
FOR: COMMISSION**

CC: CONTROLLER & ACCOUNTANT GENERAL
ACCRA