

THE JUDICIAL SERVICE STAFF ASSOCIATION OF GHANA

JUSAG

FOR IMMEDIATE RELEASE



DATED: MAY 24, 2023

DECLARATION OF INDEFINITE STRIKE

Good Evening Ladies and Gentlemen of the Press.

- (1) Gallant staff of the Judicial Service; we thank you for your hard work and sacrifices to mother Ghana and the Judicial Service. Despite the clear unfairness and injustice meted out to you by the Government, you still had the patience to endure, and gave your all in the delivery of justice to the good people of Ghana. Your reward is with the Good Lord in heaven.
- (2) Ladies and Gentlemen, Per Article 149 and 158(2) of the 1992 Constitution of the Republic of Ghana, salaries, allowances and other conditions of service of staff of the Judicial Service, whose mandate JUSAG represents, are determined by the President of the Republic of Ghana upon an advice of the Judicial Council acting in consultation with the Public Services Commission.
- (3) Conventionally, salaries and related allowances of staff of the Service are reviewed every two years pursuant to the provisions of the Constitution referred supra. The last review of salaries of staff of the Service was in 2021 and implemented from 1st January 2021 to 31st December 2022. By implication, we were due for another review to be implemented from 1st January 2023 to 31st December 2024.
- (4) Colleagues may recall that the Government of Ghana introduced the Cost of Living Allowance (COLA) in July 2022 for all public sector workers including staff of the Judicial Service due to the adverse economic condition the country was and is still undergoing.
- (5) JUSAG submitted its proposal for review of salaries for 2023-2024 on 31st October 2022 to the Judicial Council for consideration in its advice to the President for determination in accordance Article 149 and 158(2) of the 1992 Constitution of Ghana.
- (6) In November 2022, the Judicial Council set up a committee comprising representative of JUSAG, the Fair Wages and Salaries Commission (for their expertise advice), the Public Services Commission, the Judicial Secretary, and three other members of the Judicial Council.

- (7) The Committee completed and submitted its work to the Judicial Council in February 2023, and the report was approved by the Judicial Council on 29th March 2023. The Report was forwarded to the President of the Republic of Ghana on 20th April 2023 for consideration in line with Article 149 of the Constitution.
- (8) It must be noted that in January 2023, the Government withdrew the COLA for all public sector workers, increased the salaries of other public sector workers by 30% and left staff of the Judicial Service without any adjustment in their salaries.
- (9) JUSAG made an appeal to the Government for the COLA to be maintained in the interim whilst Government works to approve and implement the new salaries to replace the COLA. Unfortunately, that was not heeded to, and we were saddened by the position of Government.
- (10) JUSAG then implored Government to expedite action on the approval of the review of the salaries for implementation with all the necessary arrears from January 2023. This was necessary due to the rising inflation, cost of borrowing, exchange rate and the withdrawal of the COLA.
- (11) Upon receipt of the Judicial Council's recommendation, the Presidency will often contact the Judicial Council and JUSAG for reconsideration if it was minded to make adjustments to the recommendation. This was, and is still not done.
- (12) On 1st May 2023 at the May Day Parade in Bolgatanga in the Upper East Region, staff of the Judicial Service held placards with inscriptions calling on the President to approve and pay the new salaries. Same was replicated in all regional May Day parades. JUSAG also granted media interview to draw Government's attention to the plight of staff of the Judicial Service.
- (13) On 5th May 2023, JUSAG sent a resolution to His Excellency the President of Ghana praying him to expedite action for the approval and implementation of the new salaries since members were and are still experiencing excruciating economic hardships. JUSAG gave the Government up to 12th May 2023 for the approval, failing which members will embark on industrial action.
- (14) On the same 5th May 2023, JUSAG wrote to the National Labour Commission (NLC) in accordance with Sections 159-161 of the Labour Act, 2003 (Act 651) notifying the Commission of our intention to embark on industrial action if the

approval of the salaries review was not received from the President by 12th May 2023. The notification was copied to Minister of Labour and Employment Relations, the Minister of Finance and Economic Planning, and the Judicial Secretary.

- (15) The intended industrial actions were wearing of red arm bands from 15th to 19th May 2023; and If the approval was still not done, we were to embark on indefinite strike from 22nd May 2023.
- (16) The NLC summoned JUSAG, the Minister of Finance and Economic Planning, the Minister of Labour and Employment Relations, and Management of the Judicial Service, and copied the Chief of Staff at the Office of the President for a meeting to be held on 10th May 2023.
- (17) On 10th May 2023, JUSAG and Management of the Judicial Service appeared before the Commission for hearing to commence at 11:30am. Unfortunately, Labour Minister, Finance Minister and Office of the Chief of Staff failed to show up at that time. The meeting delayed and commenced after 2pm when JUSAG and Management were ushered in.
- (18) The meeting proceeded without any representative of the three important Respondents (i.e. Chief of Staff, Ministry of Finance, and Ministry of Labour) who holds the solution to the demands of JUSAG. JUSAG raised red flag and expressed worry about the deliberate failure of the Government side to turn-up for the important meeting.
- (19) In the course of the deliberation, the presiding Chairman of the Commission who was supposed to be neutral and exercise fairness and impartiality made remarks apparently holding brief for the absentee parties from the Government side.
- (20) The Chairman justified their absence citing their (Respondents') busy schedules, and that the President received the recommendation of the Judicial Council '**just 20-days ago**' and needed time to consult and study it before action. For his information, 20days is not *just...* It is a sufficient time for the President to have given us the approval.
- (21) This was in spite of the absence of the President and his representatives. We wondered where the Chairman and his Committee members were getting the briefing from when no body from the Office of the President appeared at that time,

and since the Government did not even find the need to write to the Commission to explain their absence.

(22) At the tail end of the meeting, one Daniel Sakyi Asiedu who introduced himself as a Deputy Director at the Labour Ministry joined the meeting. His responses to the Committee did not show that he was privy to the facts of the issues been considered at the Committee.

(23) At the end of the meeting, the Executive Secretary of the NLC, Hon. Ofosu Asamoah granted an interview to the media which was aired on CitiFM Eyewitness News between the hours of 5:30pm – 7:00pm on the 10th of May 2023. His remarks were the same justification the Commission was making on behalf of Government during the meeting. Portions of his remarks are transcribed below:

'...the Commission looked at the chronology of events, and their letter (recommendation of the Judicial Council) to the President was delivered on the 20th of April. And it is just 20days. The commission took the view any ordinary office, or dealing with the Minister is different from dealing with the Presidency who is in-charge of virtually all the Ministries and all the numerous problems you and I have in this country.'

Who has given the Executive Secretary of the Labour Commission the mandate to speak on behalf of the President when he is supposed to be neutral and impartial when resolving dispute between parties?

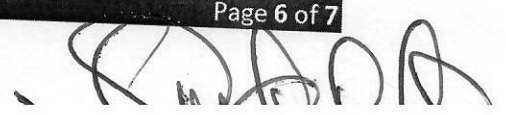
(24) In the course of the meeting, the JUSAG requested for short adjournment to Friday, 12th May 2023 to enable parties settle and report outcome or progress of settlement. The Commission disagreed and was virtually speaking for the absentee Respondents (Government). JUSAG further suggested that giving the exigencies of the matter, Parties should meet on days including weekends, and report on Monday, 15th May 2023, yet the Commission declined and justified for the absentee Respondent (Government).

(25) The Commission insisted on two weeks adjournment to Wednesday 24th May 2023 citing the busy schedules of the absentee Respondent (Government). JUSAG prayed for a **one-week** adjournment to next Wednesday 17th May 2023 since the Commission sits only on Wednesdays. It was also of the view that the short adjournment will afford the Parties a reasonable opportunity to meet and report progress after the week.

- (26) The Commission failed to heed to our plea, and made submissions in favour of the absentee Party (Government), and adjourned the meeting for **two whole weeks (i.e. 24th May 2023)**.
- (27) It is clear to us that Commission had a predetermined mindset planned with the Government to frustrate the efforts of JUSAG in demanding what is due its members. The ruling of the Commission was prepared and dated on **Tuesday, 9th May 2023** prior to the meeting on **Wednesday, 10th May 2023**. The Commission's ruling was prejudiced. The Commission was bias in favour of the Government. They virtually violated all the principles of natural justice and the whole proceedings at the Commission and the ruling had occasioned miscarriage of justice.
- (28) In a bit to cover the injustice visited on JUSAG, the Commission wrote a letter dated 12th May 2023 to JUSAG withdrawing its ruling on the grounds of supposed error they had detected in their ruling. By the withdrawal therefore, there was technically and there is still technically, no ruling or directive preventing JUSAG from proceeding with our industrial action since they had not replaced the withdrawn ruling with another one, or serve same on JUSAG.
- (29) Besides, the President of Ghana who is constitutionally mandated to determine the salaries of staff had not expressly appointed any of the Respondent parties (i.e. Chief of Staff, MoELR, or MoFEP) to act on his behalf in respect of the discharge of the duty imposed on him by Article 149 of the 1992 Constitution. Therefore, the ruling by the Commission contravenes Article 149 of the 1992 Constitution as it attempts to strip the President of the authority vested in him by the 1992 Constitution. The ruling also contradicts the Supreme Court ruling in the case of JUSAG vs. The Attorney General & 2 Ors in 2016.
- (30) Despite these apparent violations of the rules of natural justice by the Commission, and its flawed ruling, we placed the interest of the Judiciary and Ghana high and exercised patience hoping that Government will exercise good faith and initiate steps to resolve our grievances. Unfortunately, **NO BODY** in Government invited us for a meeting or attempted to resolve our concerns. The Labour Minister who was directed to lead the resolution went and slept on the job, yet we remained patient for **14 days**. As our elders say, '*the moon moves slowly, but day breaks*'. 24th May has come and our demands are still not met.

[Handwritten signature]

- (31) With all the May Day noise and the placards, media attention, letters to the President himself, the threats of strike and the meetings with the Labour Commission, **NO ONE** in Government has engaged us to know what we are going through. The Jubilee House does not even see the need to at least acknowledge receipt of our letter. It has become apparently clear to us that the Government is not interested in the resolution of the matter.
- (32) You can't remove the COLA and push us to suffer hardship for five months without salary increase and expect us to keep quite. You can't increase other public sector workers incomes by 30% and leave us to suffer and die in silence. *What is good for the goose is good for the gander.*
- (33) In addition to our salaries review, we are asking Management of the Judicial Service to conduct promotion and upgrade for staff to take effect from January 2023. Two reminders have been sent to Management and we want to use this medium to call Management attention to that.
- (34) Drivers and security men in the service have not received their overtime allowances for more than 12 months now. Tools allowances for artisans, maintenance allowances, ADR Mediators allowances and other fringe benefits due staff have also been in arrears for more than 12 months now.
- (35) It will interest you to know that the Judiciary, apart from its core mandate of resolving disputes, interpreting and enforcing the laws of Ghana, also generates substantial revenues for the state. For the past 10 years, we have generated over Ghs 2.00 billion in revenue through fees, fines, etc. to the state. Unfortunately, our basic demands are yet to be met.
- (36) The current salaries review we are pushing for the President to approve and pay us does not affect only administrative staff of the service. Directors are part, District Court Magistrates are part, and the Circuit Court Judges are part. All these people serving the third arm of government have been subjected to this mistreatment by the Government.
- (37) We have suffered enough. We can no longer bear it. *An empty sack cannot stand up right.* The National Executive Council of JUSAG, upon consultations with the Judicial Service Ladies Association of Ghana (JUSLAG), Senior Staff Association (SSAJUG), Driver Association, Finance Staff Association, and all stakeholders who matter, **HEREBY DECLARE AN INDEFINITE STRIKE.**



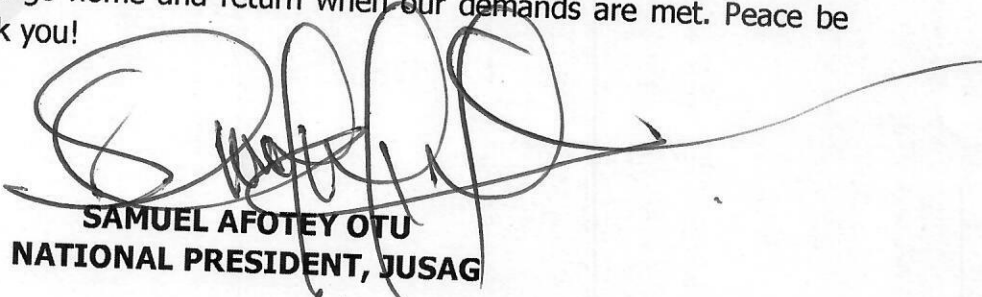
(38) By this declaration of strike, **ALL** staff of the service are immediately directed not to report to work from today onwards unless and until the President of Ghana complies with Article 149 of the Constitution by approving and paying our new salaries with all the arrears from January to date.

(39) All staff are also to note the following:

- a. The Security Men and women are to stay at post, but make sure that all entrances to the Courts and other offices are locked to prevent entry into the Courts or any premises of the service.
- b. All drivers are directed to hand over the official vehicles in their custody to the transport department. No driver shall drive any office vehicle or any officer or any judge during the period of the strike.
- c. No Court Registrar should open or be compelled to open any registry or Court for use during the period of the strike.
- d. Regional Executive Board and Committee members of JUSAG are to be on the lookout to ensure compliance.
- e. If any staff of the service receives any threat from any Management member to report to work or perform any official duty during the strike shall decline same and report the matter to JUSAG.
- f. Let no one in Government or Management unlawfully coerce any staff or intimidate staff during the strike. If any member is inflicted with any injustice in this course, we shall deem it as all members have been inflicted. Consequently, we shall respond in equal proportion.

(40) The leadership of the Association of Judges and Magistrates are hereby implored to join the strike since majority of their members (i.e. the Circuit Judges and Magistrates) are also affected by the injustice and suffering we are undergoing.

(41) JUSAG wish to thank staff once again for their hardwork, dedication, sacrifices and patience. Let's go home and return when our demands are met. Peace be unto you all! Thank you!


SAMUEL AFOTEY OTU
NATIONAL PRESIDENT, JUSAG

24/05/23