

REJOINDER: TWO LAWYERS SUSPENDED AFTER GETTING PREGNANT

It has come to the attention of the Management of Legal Ink that two pupils undergoing mandatory 12-month training with the Firm, who had been requested to defer their pupillage due to absence and irregular attendance for training on account of ill-health associated with pregnancy, have caused various discussions on social media and other circles alleging or creating the impression that they had been "sacked" or "suspended" by the Firm. An article authored by Mr. Manasseh Azure Awuni and posted on theghanareport.com with a caption which sought to create the false impression that the Firm had suspended or punished the said pupils by reason of pregnancy.

Ours is a Firm, which has a progressive policy towards women and has almost always had more female lawyers than men. The Firm has always accorded assistance and facilities to pregnant and nursing female staff of the Firm. Two important management positions in the Firm are occupied by nursing mothers.

We wish to state unequivocally that Legal Ink has not terminated, dismissed nor suspended any pupil from the Firm for being pregnant nor has it acted in a discriminatory manner against the said pupils. In keeping with the Firm's obligations towards the General Legal Council and considering the health and welfare of both the mother and baby as a priority, Legal Ink opted to defer the mandatory 12-month pupillage to be resumed after delivery.

It must be noted that upon successfully passing the Ghana Bar exams and after being called to the Bar, a law student is required under regulations 22 of the Legal Profession (Professional and Post-Call Law Course) Regulations (2018, LI 2355) to undergo a mandatory pupillage of 12 months before a Licence to practise as a lawyer in Ghana is issued. This forms part of the training of lawyers. Upon completion of such pupillage, the supervisor/pupil master is to attest that s/he has taken the pupil through 12 months pupillage and the pupil is now fit to be issued a licence by the General Legal Council (GLC).

During the period of pupillage, pupils may be given allowances to cater for their transport expenses and may be retained as Associates at the Firm after the pupillage upon accepting an offer to be retained. We wish to

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emphasise that until a pupil is retained by the Firm after the training, she/he is not an employee of the Firm.

In a situation where a pupil undergoing training for a period of 12 months is unable to be physically present in the Firm for training due to ill-health associated with pregnancy, with the Expected Date of Delivery (EDD) falling within the 12 months mandatory pupillage period, the Supervisor/Pupil Master owes an obligation to ensure that the pupil will be able to undertake the mandatory pupillage within the continuous 12 month period. In a situation like that, to expect that at the end of the period the Supervisor/Pupil Master would sign off that this pupil has undergone pupillage when that was not the case will amount to dishonesty unbefitting of a lawyer. The fair, objective and reasonable thing to do is to ask the pupil to defer the training and continue the training when that pupil is physically able to do so.

If the health/wellbeing of mother and child is juxtaposed with the responsibility of the Firm to give an honest evaluation after the period of pupillage, it would be highly unethical to require that the Firm puts its integrity on the line and sign off that a pupil has undergone pupillage when that is false. We wish to reiterate that the same policy would apply to a pupil, whether male or female, who for ill-health is unable to meet the requirements of the 12 -month mandatory pupillage under the law.

It is our firm belief that the affected pupils, as lawyers, ought to know the right forum to seek redress if they are of the view and/or conviction that their rights have been violated. Engaging Mr. Manasseh Azure Awuni, who has a personal interest due to a close personal relationship he and his wife have with one of the pupils is unprofessional. It is for this personal interest that the report failed to capture accurately the discussions between the Management of the Firm and himself. This conflict of interest situation led to a skewed report filled with accusations and name-calling seeking to tarnish the image of the Firm. For example, Mr. Awuni failed to capture in his report the fact that, apart from the pupils absenting themselves from chambers to be trained, there were times they slept in the office and virtually incapable of undertaking training even when they were present. He also failed to disclose that on one occasion, one of them was dizzy in the office and was unable to stand on her feet and had to be driven home by another lawyer.

It is pertinent to add that, a licenced lawyer would be usually asked: “who trained you?” and the answer would either bring shame or glory to the Firm and the Firm has an obligation not to produce substandard lawyers. It also has a vested interest in not producing half-baked lawyers.

The practice of certifying a trainee as having undergone a mandatory training or service is not peculiar to lawyers. Doctors undergoing housemanship are required to be certified as having been present and trained before they are licenced to practice medicine. Law Students at the Ghana School of Law, who absent themselves from class for 28 days are required to defer the course.

As a Firm, we are fully committed to protecting women’s rights and will at all times remain an all-inclusive professional law firm providing equal and fair opportunity to male and female lawyers.

Signed

MANAGEMENT

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