



NATIONAL IDENTIFICATION AUTHORITY

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8th March 2024

Our Ref: NIA-R/PSWU/V1/015

Public Services Workers' Union of TUC (Ghana)
NIA Division
Ghana

COPY

Dear Sir,

RE: NOTICE OF INDUSTRIAL ACTION

The following constitute the response of the Management of the National Identification Authority (NIA) to your letter No. PSWU-NIA D/P/24/V2 dated 4th March 2024 by which you served "*formal notice of [your] intention to embark on an indefinite strike action commencing 25th March 2024*":

A. Unresolved Issues

1. Full Implementation of Existing Conditions of Service (CoS)

You contend that "*none of the allowances due to staff as provided for in the current CoS document have reflected on [your] pay slips since at least November 2021, when most of [you] were employed by the Authority*".

First, it must be noted that some of the allowances such as Responsibility Allowance and Risk Allowance have been consolidated into employees' salaries under the Single Spine Salary Structure to which NIA has been migrated since 2014 and, hence, are not available to staff. Other allowances such as Staff Housing Allowance, Clothing Allowance, Utility Allowance, Entertainment Allowance and Fuel Allowance are now termed as Category 4 Allowances under the Single Spine Salary Structure and are available only to Directors and above in NIA (see Ministry of Finance letter dated 14th February 2014 attached as "Appendix 1").

Other allowances, termed as Category 2 and 3 Allowances under the Single Spine Salary Structure, have been identified, negotiated, and agreed upon by the Public Services Joint Standing Negotiating Committee. The said allowances are paid based on the evidence of performance of a required task or the occurrence of an event and paid based on an application by a qualified staff and authorized by the Head of an Entity. These allowances include:

- a. Acting Allowance;
- b. Out of Station/Night Allowance;
- c. Day Trip Allowance;
- d. Warm Clothing Allowance;
- e. Grant/Transfer Allowance;
- f. Mileage/Kilometric Allowance;

- g. Uniform Allowance;
- h. Tools Allowance;
- i. Vehicle Maintenance Allowance;
- j. Protective Clothing Allowance;
- k. Medical Subsidy which is paid to employees in the following circumstances:
 - i. Employee's spouse and four (4) children of 18 years and below to be covered by NHIS;
 - ii. Payment of 50% of the cost of management of illness not covered by NHIS; and
 - iii. Where a child is above 18 years but below 23 years and is still in school, he or she shall be covered by the medical scheme.
- l. And other core allowances.

As explained to staff during training and during the Executive Secretary's tours of the 16 Regional Offices of NIA in 2023, not all staff are entitled to the allowances listed above at the same time. Vehicle Maintenance Allowance, for example, is paid following application for same by a worker who owns a vehicle which is road worthy and registered in his or her name, and who drives the vehicle to work for his official duties. Currently, payment is being made to qualified staff who apply for same and meets the specified criteria. The payment of these allowances does not reflect on employees' pay slips.

Second, the payment of an allowance reflects on an employees' pay slip only when that allowance has been negotiated and approved by the Government of Ghana (represented by the Fair Wages and Salaries Commission and the Ministry of Finance) and the parent Union of the entity concerned, e.g., Public Service Workers' Union (PSWU) Ghana. A typical example of such an allowance is the Government Machinery Allowance (Neutrality Allowance) which is paid to Civil Servants.

2. Implementation of Proposed Conditions of Service (CoS)

In an effort to improve the Conditions of Service of staff, Management submitted proposals to the Fair Wages and Salaries Commissions (FWSC) by letter dated 18th April 2023 a copy of which is attached as "Appendix 2" for your perusal. In response, the FWSC requested NIA to submit the following documents: (a) NIA's Scheme of Service, (b) NIA Act, (c) Employment data of staff and (d) Most recent pay slips of staff. Management has since worked assiduously with the Management Services Division (MSD) of the Public Services Commission (PSC) to enhance NIA's Scheme of Service document.

Following the validation of the Scheme of Service document by the PSC and the development and inclusion of a new Mission Statement, Vision Statement and Core Values in the SoS document as advised by the MSD of the PSC and its subsequent approval by the NIA Governing Board, the said document has been duly sent to the PSC for its final review and endorsement. Attached as "Appendix 3" is a copy of the

Entry of Submission and receipt from the dispatched book at the Records Management Unit of the NIA evidencing the submission of said document to the PSC on Friday, 1st March 2024.

3. Negotiations of Collective Bargaining Agreement (CBA)

You and your rival Union at the NIA, namely the Industrial and Commercial Workers Union (ICU), have recognized the need to reconstitute your membership of the Joint Standing Negotiating Committee (JSNC). Management has no need to reconstitute its membership of the JSNC, or to do so jointly at a meeting with you and the ICU. Management duly communicated this position to you and the ICU through your *bona fide* representatives stationed at the NIA Head Office at a meeting held on Monday, 26th February 2024. During the said meeting your representative explained that the purpose of the meeting you requested for in your letter dated 20th February 2024 was for Management and the Unions to jointly reconstitute the JSNC. Management did not have a reason to reconstitute its membership in the JSNC together with the Union and it so advised you through your representative. Management further informed you and your counterpart that you were at liberty to add or remove from your membership if you so wished, and to simply inform Management of the decision. This development made the meeting you were requesting unnecessary for Management to communicate in writing the obvious decisions which had been jointly made with your representatives.

4. Approval of Scheme of Service (SoS)

As noted in paragraph 2 of Item No. 2 above, work on SoS commenced on 20th July 2023 and has just been completed and submitted on 1st March 2024 to the PSC as evidence by Attachment No. 3. The preparation of the said technical document required the expertise and considerable time of personnel from the Management Services Department of the PSC, whose limited availability combined with the sheer enormity of the task, significantly impacted the pace at which the 343-page SoS documents could be completed.

5. Conclusion

It is evident from the foregoing that no staff allowance or just entitlement has been withheld or denied by Management. Management cannot pay staff allowances to which they are not entitled. For example, allowances classified as Category 4 Allowances as stated above, can now not be paid to staff below the rank of Director in the public service. Currently, officers at NIA who are Directors and above are being paid the said Category 4 Allowances.

Management and the Governing Board of NIA have not been indolent or tardy in working on the SoS document, but rather have been conscientious, efficient, and effective in its production.

It must be evident from the foregoing that there are no unresolved issues at NIA warranting your recourse to industrial action.

B. Demands and Ultimatum

1. Implementation of Proposals Submitted to FWSC

Management is not in the position to implement proposals it has submitted to a third party i.e., FWSC, which alone is the statutory body to duly consider and act on the proposals. Following the receipt of the proposals, the FWSC requested NIA to furnish it with additional documents for necessary action. The requirement, as noted above, included the SoS document. The PSC is now seized with the SoS document and once it grants approval, NIA will promptly forward same, together with the other required documents, to FWSC. Upon receipt of the requisite documents from NIA, the FWSC will negotiate NIA's proposals with the Ministry of Finance and the Union concerned.

In these circumstances, your demand for the implementation of NIA's proposals to the FWSC and for same to be reflected in the **March 2024** pay slip of staff is unrealistic and cannot be met.

2. Payment of Allowances Due with Arrears

As no allowances due any employee remains outstanding or unpaid, this demand has no foundation and cannot be met.

Management rejects your contention that some staff at NIA, including members of your Union, are entitled to allowances pursuant to "section 2.3.2, 2.3.3, 9.4.5iv, & 9.4.10". As explained and demonstrated above these specified allowances in the NIA Conditions of Services document have either been consolidated under the Single Spine Salary Structure on which NIA has been placed or are otherwise unavailable to staff. As a result, Management is unable to accede to your demand.

3. Approval of Scheme of Service by 25th March 2024

It is evident from *Item No. (2) and Item No. (4)* that the conditions precedent for the implementation of the SoS cannot be met by **25th March 2024** as same is completely beyond the control of Management. If NIA receives the final approval of the SoS from PSC before **25th March 2024**, it will implement it.

4. Negotiation of Draft Collective Bargaining Agreement (CBA)

A high-powered Management Sub-Committee is concluding a review of the draft CBA of the two Unions for Management's consideration. Rest assured that Management will convene an emergency meeting to consider the Sub-Committee's report as soon as it is received and will promptly engage you for negotiation. Be further assured that Management is committed to doing all things reasonably necessary to ensure the speedy negotiation of the CBA before or after your deadline of 25th March 2024.

Finally, Management wishes to assure you that it is deeply concerned about the welfare and wellbeing of all its staff across the country; it has manifested this ardent commitment through a number of proactive measures it has pursued to improve the conditions of service of its staff prior to the formation of your Union at NIA. Management has fully welcomed and appropriately supported the Unions; it will continue to partner with them to achieve our mutual interests. Management has worked with the leadership of your mother Union and jointly established the Joint Management-Union Committee (JMUC) chaired by a senior Management member with the standing assurance of technical, secretarial, logistical, and other support to provide a viable platform for fostering cooperation and collaboration in addressing all your concerns. This commitment will be sustained and deepened as we work together to build mutual trust.

As a result, we ask that you call off your intended strike and withdraw the notice of intended industrial action slated to commence on 25th March 2024 as same has no factual evidentiary or legal foundation; your intended action will only cause undue hardship to the public, particularly prospective consumers of NIA's registration services across the country; it will cause needless maximum harm to the Republic of Ghana, and inflict avoidable reputational damage on NIA and the Government of Ghana, in addition to spelling major revenue losses for the State.

In these circumstances, Management looks forward to your exercising good faith, good judgement, and moderation in your approach to this matter in these volatile times. Management also looks forward to your calling of your planned industrial action as we work together harmoniously, speedily, and sincerely to improve the conditions of service of NIA within the bounds of law and public policy.

Yours truly,



Jay Awuah-Peasah
Head, Administration and Human Resource

FOR EXECUTIVE SECRETARY

CC: The Chief of Staff, Office of the President, Republic of Ghana
The Vice President, Office of the Vice President, Republic of Ghana
The Minister for the Interior
The Minister of Employment and Labour Relations
The Minister of National Security
The Chairman, Public Services Commission (PSC)
The Chairman, Governing Board of NIA
The Executive Secretary, National Labour Commission
The General Secretary, PSWU of TUC
The Secretary General, TUC
The Chairman, ICU, NIA- Local
All Media Houses