

**PRESS STATEMENT ON THE REFERRAL OF NCC WORKERS
TO
EMPLOYMENT RIGHTS TRIBUNAL
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“Prime Minister Fails Yet Again”**

I have deliberately kept quiet while the events at the National Conservation Commission (NCC) have been unfolding over the last 3 to 4 weeks. I was of the view that the Government and the Unions should have been allowed to follow political and industrial relations processes to bring justice to the 200 workers being victimized by the NCC.

The Prime Minister's statements today are a public confession of his failure to use the weight of his office to correct the illegal and unconstitutional actions of the NCC.

I therefore have a duty to speak.

Two options were available to resolve this matter. One was legal. The other was political. The legal route is protracted and will consign the workers to a prolonged period, without money, and of course it may well be subject to appeal to the Court of Appeal.

But there are also existing deficiencies in resorting to procedures under the Employment Rights Act. Just to mention two:

1. Although the Act was passed in 2012, the Minister of Labour has not made Regulations as required by section 49.

2. The Employment Rights Tribunal was established in July 2013 but no prescribed forms have been published to assist employees in filing complaints in a standardized way. An aggrieved employee can begin a complaint by any method. This is unsatisfactory.

The Tribunal is simply not ready.

I am shocked that the Unions have agreed to go to the Tribunal at this stage when they must be aware of the further delay that is bound to ensue by invoking the procedures under Part VIII of the Act. The Unions started the political process by involving the Minister of Labour and now the Prime Minister. They have abandoned that process, shifted gears and reverted to the legal process - all to the emotional and financial detriment of the workers.

I had hoped that the Prime Minister would have rejected the improper, discriminatory and unfair decisions of the NCC, which are outlawed by the Constitution of Barbados and the Administrative Justice Act. The NCC is NOT an independent republic. It is a statutory board accountable to the people of Barbados through a Minister. The Prime Minister himself is sworn to uphold both the Constitution and the Laws of Barbados. He must act decisively. He cannot pass the buck to the Chief Labour Officer when the crux of the matter is the conduct of Minister Dennis Lowe in this unsavoury affair.

It was Mr. Lowe who stated publicly that he had the list of persons to be sent home for review. He was the one who placed himself at the center of the process and in a position to usurp the functions of the Board and Management of the NCC.

The Barbados Labour Party is reliably informed that there were three versions of the list and the final version was settled on National Heroes Day. Included in that version, were workers who had given long service and some of whom are sole breadwinners. On the other hand, persons employed almost exclusively from Mr. Lowe's constituency and hired during his tenure (including members of his family and relatives of certain persons in the management of NCC) are retained.

This is disgraceful, unfair and reprehensible. It is nepotism and political butchery bereft of any regard for due process or legal propriety.

The Prime Minister should have castigated the Management of NCC for their conduct in refusing to attend last Wednesday's meeting and flouting the directive of the Minister of Labour to provide the Unions with the criteria for retrenchment. The Country would wish to hear from the Prime Minister whether he condones that type of behavior, which disrespects good industrial relations practice.

This matter must now be resolved.

1. The victimised workers must be reinstated. And if the Government insists on cutting public expenditure by sending home people, then transparent criteria consistent with the Social Partnership Protocol and indeed promises last year of the Prime Minister himself, must be followed.
2. Minister Dennis Lowe must be fired for presiding over the disgraceful behavior of the NCC.
3. And the Board must also be removed for its complicit role in this nasty affair.

We call on the Private Sector, the Trade Union Movement, Civil Society and the public of Barbados to join the BLP in calling for the swift action that is now necessary.

In failing to resolve this matter today, Prime Minister Stuart has shown himself as being incapable of taking decisive political action and he has yet again bolstered his reputation for dithering, fumbling and indecisiveness. It is a political cop out by him - all to avoid disciplining one of his Ministers yet again because of an unworkable Parliamentary majority.

This is a watershed moment for the Public Sector workers in Barbados. A political charade and farce have gone too far.

Barbadians deserve more respect from a Government for whom they voted to represent their interests. Once again, this Government has failed its people.

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