

The NUPW view of the 'New Public Service Act'

General Secretary of the National Union of Public Workers, Dennis Clarke, recently spoke candidly to 'Challenge to Change' about the significance of this new Act. Here are some of his comments: "This Act is a welcome feature in the landscape of the industrial relations in the Barbados Public Service, and has been a long time coming. The Union was an active participant in the 'concept' of this Act. The Act itself will guide the public sector into a modern age."

The Union is happy that the Act gives the Head of the Civil Service a clearly defined role and place in the management of the public service. Clarke indicated that the Union had fought for four years to give definition to the role of the Head of the Civil Service. This will allow for a larger staff within Cabinet Office and, in essence, add research capacity to the organisation.

Clarke said there are some new features in the Act, such as the Code of Ethics and an attempt to introduce new Alternative Dispute Resolution (ADR) mechanism to help address grievance handling in the Public Service. Mr. Clarke did indicate however, that there is some uncertainty in respect to the procedures to be put in place to facilitate the ADR. He maintains that the Act states that ADR could be used 'if there is a violation of the person' but he questions what exactly does that mean, he claims that the phrase is far too vague; does it deal with sexual harassment? The General Secretary maintains, though, that the present system of grievance handling works once it is followed as laid out. (For timelines in Grievance Handling Procedures see **Chief Establishments Officer Circular of 16th June 1972**.)

Another aspect of the new Act that the Union is satisfied with is an improvement in disciplinary process. The Act now states that suspension on half-pay prior to a hearing cannot now exceed 4 months. Previously, if the matter was a police concern the officer would be suspended on half pay and would have to await the conclusion of the proceedings *before* the Public Service Commission can deal with it this is no longer the case. Clarke reiterated that the Union has always been of the opinion that no Officer should be suspended before a matter can be heard.

The Union is also pleased with the improved status of Temporary Officers. Temporary Officers now fall under the purview of the Public Service

Commission, giving them greater security of tenure under the Act. The General Secretary applauded a new feature of the Bill that effectively allows persons who have a criminal conviction to have the opportunity to work in the Public Service once that offence is not job related; this, essentially, promotes the doctrine of the right to work. He however cautioned that the provision needs fine tuning.

The General Secretary said that he was generally concerned about the safety at work section which implies that the Permanent Secretary is liable for health and safety in the organization. He stated that the Permanent Secretary is only the agent not the employer and it is the employer (government) not the agent that is responsible / liable for health and safety.

The Act has good intentions and brings greater transparency to matters relating to discipline, recruitment and training. It is therefore vitally important that all public officers make themselves familiar with the rules and regulations that govern their environment. In concluding, the head of Barbados largest Union representing public workers, said that “the Union is cognizant that they need workers’ support in the work that the Union is undertaking and there are some aspects of the Act that impinge on their constitutional rights. He said that the Union will make the necessary recommendation to get those matters clarified.