

24th March, 2010

Statement By Fred Mitchell MP Fox Hill

Opposition Spokesman on The Public Service

Overtime Pay and The Public Service - Government is Breaking the Law

The PLP has received complaints from public officers in the Departments of Immigration, Customs Department and the drivers of Ministers of the government over the Government's employment practices with regard to overtime pay.

The law is clear on the point: when one works over 40 hours in a week or 8 hours in a day, an employee is entitled to be paid time and half for every hour or double time if those overtime hours occur on a public holiday or on a day off. There are no exceptions.

When the Employment Act was passed and brought into force, the PLP pointed out at the time the far reaching implications that this would have for the public purse since it was not proposed to exempt government workers from its provisions. The exceptions order then in place was revoked and no new order has since replaced it. The result is that the provisions apply to all workers in the country who are not in management.

When in office, the PLP negotiated a contract with the Bahamas Public Services Union to switch to a shift system in the Department of Immigration and Customs as a job creating and cost saving measure. We lost office before it could be implemented. We are now told that the Union and the Government have agreed to abolish the shift system and overtime pay has also been eliminated.

The only difficulty is that some officers of Customs and Immigration continue to work overtime but they are not being compensated lawfully for their overtime work. The cases are particularly glaring in the Family Islands, where officers are called upon to work overtime hours but are not paid for it but cannot refuse to work because there is no alternative staff arrangement made.

The government therefore is in breach of the law in these circumstances if they do not pay overtime to these officers.

We have made the complaint before that the drivers of Ministers are not being paid overtime for the services that they provide for Ministers of the government.

The reports reaching us say that the government is offering time off in lieu of overtime pay for the overtime hours worked by customs officers, immigration officers and their drivers. This is not lawful compensation.

The officers themselves are afraid to take the matters before the Department of Labour or the Courts for fear that they will be penalized.

We call upon the government to rectify this situation forthwith in the best interest of the public service and follow the law.