

NIE - R/PBI/V9/468



## NATIONAL LABOUR COMMISSION



REPUBLIC OF GHANA

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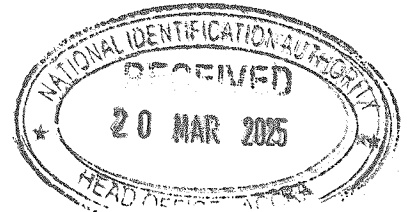
Our Ref: NLC/C-317/023/025/04<sup>D</sup>

Your Ref: \_\_\_\_\_

Date: 13 - 03 - 2025

THE CHIEF EXECUTIVE SECRETARY  
NATIONAL IDENTIFICATION AUTHORITY  
NO.8 NELSON MANDELA AVENUE  
OFF GULF HOUSE STREET  
SOUTH LEGON - ACCRA

MR. MARTIN AKOWUAH  
P.O. BOX CT 4623  
CANTONMENTS - ACCRA



### RULING

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MARTIN AKOWUAH

VS.

NATIONAL IDENTIFICATION AUTHORITY

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We forward to you, the Ruling of the Commission in the above-named dispute.

*B.W.D.*

DR. BERNICE A. WELBECK  
DIRECTOR, ADMIN/HR  
for: EXECUTIVE SECRETARY

P.T.O.

## RULING

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**MARTIN AKOWUAH**

**vs.**

**NATIONAL IDENTIFICATION AUTHORITY**

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### INTRODUCTION

The Complainant Martin Akowuah filed the instant complaint against the Respondent, National Identification Authority on 21 August 2023 for a case of unfair dismissal.

The complaint was forwarded to the Respondent for its reaction, which was responded to on 21 October 2023. The matter went through facilitation and attempts to amicably settle the matter failed, resulting in the case being put before the Commission for summary settlement on 11 April 2024.

**COMPLAINANT'S CASE:** The Complainant submitted that:

1. He was a District Registration Officer for La Nkwantanang - Madina Municipal Office of the National Identification Authority (NIA).
2. On the 11<sup>th</sup> March, 2022, the Executive Secretary on his nationwide tour visited his office to find out about the challenges he and his team were facing.
3. He told the Executive Secretary that his office was a busy one requiring him and his team to start earlier than the usual working hours.
4. He was sent a query and interdicted for breach of the Authority's Standard of Operating Procedures.
5. On 6<sup>th</sup> July, 2022 he was invited before a Disciplinary Committee hearing.
6. On the 16<sup>th</sup> of May, 2023 he wrote to the Executive Secretary about his interdiction for over 14 months.
7. On the 1<sup>st</sup> July, 2023 he received dismissal letter via whatsapp.
8. He petitioned the governing board of the Authority to appeal the decision of management which he is yet to receive a response.

### RELIEFS SOUGHT:

1. Reinstatement
2. Salary arrears
3. Interest
4. Damages



**RESPONDENT'S CASE:** The Respondent submitted that:

1. The Complainant was appointed as a District Registration Officer (DRO) and posted to NIA District office at La Nkwantanang - Madina.
2. The Complainant established a novel operational procedure which he described as his "protocol" from 6:00am to 10:00am without management's knowledge and approval.
3. This novel operational procedure was discovered during the Executive Secretary's routine monitoring on the 11<sup>th</sup> of March, 2022.
4. The Executive Secretary enquired from a National Service personnel and he was informed that, work starts at 6:00am to serve the "protocol clients of the DRO". The Complainant confirmed that, that information was accurate when he was asked.
5. Management after assessing the implication, issued the Complainant a query and later interdicted him for further investigation.
6. On 24<sup>th</sup> May 2022, Management constituted a Disciplinary Committee of Enquiry to investigate a series of alleged misconduct of 10 staff, including the Complainant.
7. The Committee met the Complainant on 26<sup>th</sup> July 2022 at NIA head office and heard him in his defense.
8. On 9<sup>th</sup> May, 2023, management reviewed the report of the committee and concluded that the Complainant's conduct amounts to major offense under NIA conditions of service and that he should be dismissed.
9. The Complainant was then dismissed by a letter dated 26<sup>th</sup> June, 2023.
10. In their letter dated 20<sup>th</sup> November, 2023, Complainant did not exhaust all the internal disciplinary grievance processes available to him prior to petitioning the National Labour Commission for redress

## **ANALYSIS OF FACTS AND EVIDENCE**

From the evidence before the Commission, the Complainant unilaterally, irregularly altered opening hour of the Respondent's Organisation to 0600 without authorization and approval. The Complainant caused the Staff to commence work at 0600 instead of the official commencement time of 0800 and devoting the time from 0600 to 1000 to persons he described as protocols.

The action of the Complainant resulted in the Office operating from 1000 to the general public instead of the official opening hour of 0800. The Complainant caused the Staff to



work on weekends and not facilitating the just and lawful compensation of the staff for the extra hours work done

As per the Human Resource Management Policy Framework and Manual of the Ghana Public Service and NIA's Standard Operating Procedures (SOP) on registration, all applications are to be treated fairly, justly and without discrimination.

Contrary to the standard and expectation, and without approval or lawful authorization from Management, the Complainant pursued the following actions in breach of Public Service Rules and Regulations, and the SOP of NIA:

1. Instituted a work schedule that required employees at the La-Nkwantanang Municipal Office of NIA to commence work at 0600 daily and work till 1000 exclusively enrolling and issuing the NIA Ghana Cards to applicants the Complainant described as protocol clients for himself, family and friends.
2. Created a situation where members of the public who had queued for services were left unserved for hours until his protocol clients had been served.
3. Willfully, voluntarily and without caution, flouted established human resource management rules and regulations on staff working in healthy and safe environment to ensure efficiency and effectiveness.
4. Knowingly, willfully and persistently operated and superintended over an unapproved protocol system over a three-month period which adversely affected the work of NIA in breach of Public Service Rules, Regulations and NIA's SOP's on the registration of applications.
5. Indulged in activities that brought the public service in general and the NIA in particular into disrepute

### **DISCIPLINARY PROCESS**

The Respondent instituted disciplinary process and caused the interdiction of the Complainant to enable further investigations to be conducted into the matter in line with Section 9.4.12.1 of the HR Manual as stipulated:

Where the Disciplinary Authority considers that it is in the interest of the organization that an accused officer shall cease forthwith to exercise the powers and functions of that officer's office, the Disciplinary Authority may interdict that officer.

The Management constituted a Disciplinary Committee of Enquiry to investigate the alleged misconduct of the Complainant and met him on 26 July 2022 to present his defense.

The Disciplinary Committee recommended that the Complainant was very aware of the standard operational rules and regulations of the NIA but went ahead and flouted them. The conduct of the Complainant was grave, compromised the National Identification System and as such, the Complainant should be summarily dismissed from the employment of NIA.



The Management unanimously accepted the Disciplinary Committee's recommendation and dismissed the Complainant from the employment of NIA via a Dismissal Letter dated 26 June 2023.

## **FINDINGS**

Having reviewed the final submissions and reviewed all evidence and documents pertaining to the case, the Commission makes the following findings:

The Complainant unilaterally, irregularly altered opening hour of the Respondent's Organisation to 0600 without authorization and approval. The Complainant caused the Staff to commence work at 0600 instead of the official commencement time of 0800 and devoting the time from 0600 to 1000 to persons he described as protocols.

The action of the Complainant resulted in the Office operating from 1000 to the general public instead of the official opening hour of 0800. The Complainant caused the Staff to work on weekends and not facilitating the just and lawful compensation of the staff for the extra hours work done.

As per the Human Resource Management Policy Framework and Manual of the Ghana Public Service and NIA's SOP on registration, all applications are to be treated fairly, justly and without discrimination.

Contrary to the standard and expectation, and without approval or lawful authorization from Management, the Complainant pursued the following actions in breach of specified Public Service Rules and Regulations, and the SOP of NIA.

## **ISSUES FOR DETERMINATION:**

- Whether or not the complainant is entitled to the following reliefs:
  - a. Salary Arrears
  - b. Interest
  - c. Damages

### **Salary Arrears**

In line with the sanctions, the Complainant was to forfeit 50% of his salaries withheld by the Controller & Accountant General's Department. NIA has to produce evidence that the 50% of the salaries withheld had been paid to the Complainant.

### **Interest**

The Relief for interest has no basis and it is hereby dismissed as been unmeritorious.

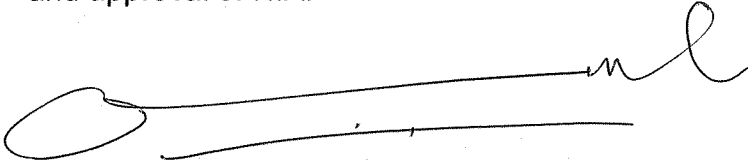
### **Damages**

The Commission has no mandate to adjudicate on Relief for damages.



## **CONCLUSION**

It is the decision of the Commission that the decision of the Respondent to dismiss the Complainant was in line with the Human Resource Management Policy Framework and Manual for the Ghana Public Service and NIA's SOP on registration, for the unlawful, unilateral and irregular alteration of the working hours of NIA without the due authorization and approval of NIA.

A handwritten signature in black ink, appearing to read 'K. Asuman-Adu', written over a horizontal line.

**JUSTICE KWABENA ASUMAN-ADU  
CHAIRMAN, NATIONAL LABOUR COMMISSION  
FOR: COMMISSION**

**DATED THE 5<sup>TH</sup> DAY OF MARCH, 2025**