

STATEMENT BY FRED MITCHELL MP  
OPPOSITION SPOKESMAN ON THE PUBLIC SERVICE

*15th July 2010*

The PLP is concerned about a number of troubling cases in the Public Service that require some public comment. The cases raise questions about due process for those who work in the Public Service. The cases suggest that in the absence of effective lobbying and legal support, the government as an employer is engaging in arbitrary and whimsical behaviour, which does not work to the benefit of the peace and good order of the Public Service.

I have said before that the FNM administration confuses reform with firing and disciplining public servants. You will remember my previously expressed concerns about the interdiction of 16 Customs Officers on offences of alleged corruption.

The interdiction and subsequent dismissal of these officers came against the background of the appointment of a Comptroller of Customs who was brought from a sojourn outside the department with the expressed and declared intention of cleaning up corruption. His early statements to the media about the state of the Department sullied the name of all officers of customs of which he is one as corrupt and indeed set the tone for an atmosphere of prejudice toward any attempt to reform the department.

I said then that against that background of prejudicial statements, it was difficult to see how any officer who was being disciplined could indeed get a fair opportunity to be heard.

Since that time, the Public Service Board of Appeal has heard at least two cases, and in two of those cases has ordered the reinstatement of the officers concerned. I learned by way of the Broadcasting Corporation of The Bahamas on Monday 12th July that the Government has not yet complied with the decision of the Board but is said to be reviewing the decision and weighing the options. With respect, if an order has been given for reinstatement it ought to be followed and followed forthwith.

The delay in following the decision does not however surprise the PLP.

It is typical of the arbitrary and capricious behaviour of the Public Service under this administration. They talk out of one side of their mouths about the rule of law and then proceed to break the law at every turn.

What other explanation can there be for the repeated failure of the Public Service in cases where there is a case that suggests dismissal, Regulation 41 of the Public Service Commission Regulations is not followed? The provision requires a hearing into the allegations, with the officers being given an opportunity to be heard at such a hearing. Despite the protests in the cases of these customs officers involved, none of them was provided with a hearing and each was dismissed in a formulaic approach that did not consider properly the representations made by them, nor the question of delay and of double jeopardy.

This behaviour by the government was rejected by the Public Service Board of Appeal in the case of Adrian Smith, the customs officer. His reinstatement has been ordered. The government has not reinstated him.

Further, it is clear that the government itself does not understand the rule against bias and the need for there to be transparent procedures for promotions and discipline in two egregious cases: the promotion of the sister-in-law of the Prime Minister, whose promotion to Permanent Secretary requires the sign off of the Prime Minister; and the case of discipline against a customs officer in which the Comptroller of Customs disciplined an officer who made an allegation against the Comptroller's wife. Both cases require the severest scrutiny as cases that fall far short of the standard of transparency and objectivity. They do not pass the smell test.

Similarly, the appointment of the new Director of Public Prosecutions for The Bahamas does not pass the smell test, and the antics of the administration in using the police to deny the current holder of the post of Deputy Director of Public Prosecutions access to her office. Cheryl Grant Bethell has been more than patient and extraordinarily courageous in the face of these unfair provocations. The issue of whether or not she has had fair hearing must be litigated in the courts without delay.

With regard to the position of the Director of Public Prosecutions, it is quite incredible that the government itself is discriminating against a Bahamian in seeking to fill and in filling the post. In the private sector, there are complaints that there are ads manufactured for the purpose of getting around our immigration requirements. But to have the government actually engage in the kind of deception where one set of terms and conditions are advertised for a Bahamian and then another set of terms offered to a non-Bahamian is reprehensible. The terms given to the incoming foreign DPP are materially different from those originally advertised for a Bahamian.

You will also remember that in addition to the cases I have already mentioned, there are cases of public servants who have been dismissed from their jobs, denied pensions, denied the bridging of service requests, all for reasons that appear to be political. Indeed, it appears that the idea is to make anyone who is remotely PLP or PLP suspected an endangered species in the Public Service.

It is therefore my view that should a PLP government return to power, an administrative position of an Advocate General may have to be created to assist the Public Service Commission and the government to clear up the backlog of complaints which will then be outstanding in the service of those who have been arbitrarily denied their rights and privileges during this FNM administration. Such an Advocate General would be an administrative post within the Office of the Attorney General to advise the government and the Public Service Commission on the resolution of specific complaints from public servants of their treatment by the administration and will have the authority to work out compromises to settle disputes and to settle wage claims, unfair dismissals and denial of pension claims. It is hoped that this will contribute to a better atmosphere of industrial relations within the service.

It is my hope that these proposals will find favour with the Bahamas Public Services Union. I believe that any PLP government will include them in an industrial contract with the Bahamas Government if the PLP is returned to power.

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I want to add my concern about the release of the so-called Barefoot Bandit and the question of the performance of the system of justice.

I noted this morning the Attorney General's defence of the government's decision, and I add that it is the government's decision, not that of the Commissioner of Police to allow this individual to get a slap on the wrist and then walk away scot-free from Bahamian justice.

The Attorney General's defence is foolishness. The country is unconvinced by his words. It smacks of a double standard between one kind of justice for young Bahamian males who look like us and another for foreign males who don't look like us.

This is particularly outrageous given the recent astonishing slap on the wrist for another foreign male student who beat up and seriously injured police officers and disturbed public order and was also allowed to walk away scot-free.

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