

[20 May 2019]

The Chief Labour Officer of Ghana
Labour Department
Accra

Dear Sir,

**RE: IN THE MATTER OF ILLEGAL LOCKOUT OF STAFF BY FIRST ATLANTIC BANK PENDING
NEGOTIATION OF REDUNDANCY UNDER ACT 651**

Please, accept our warm compliments.

We write in respect of the above subject matter in which we were copied. We deem it important to clarify the facts presented by Labour Matters Advisor, representing some of our ex-workers who were affected under the redundancy exercise we undertook.

As you are aware, we notified you of our intention to undertake a redundancy exercise in accordance with section 65(1) of the Labour Act, 2003. In consultation with our advisors, we proposed the following redundancy package to the affected workers:

- a. One (1.0) month basic salary for every year of service completed on pro-rata basis.
- b. One (1) month basic salary in lieu of notice period.
- c. Transportation amount.
- d. Pay in lieu of any unused leave entitlement up to the Exit Date.
- e. Offer of a twenty percent (20%) discount on your total outstanding loan amount.

After receiving feedback from majority of the affected workers, we revised the redundancy package upwards as follows:

- a. One and half (1.5) months basic salary for every year of service completed on pro-rata basis.
- b. One (1) month basic salary in lieu of notice period.
- c. Transportation amount.
- d. Pay in lieu of any unused leave entitlement up to the Exit Date.
- e. Offer of a twenty percent (20%) discount on your total outstanding loan amount.

The redundancy payments were made to the affected workers by May 3, 2019, which was their final day of work. Redundancy letters were emailed to both private and official emails of the affected workers. And, all affected workers were asked to obtain hard copy letters from our Human Resource Department. So, as far as we are concerned, we have complied with all our legal and commercial obligations in respect of the redundancy.

It is important to clarify that the Labour Matters Advisor, Mr. John Esiape, does not represent all the workers who were affected by the redundancy exercise, contrary to the impression he seeks to create in his letter. The compulsory redundancy affected eighty-three (83) workers. Mr. Esiape only represents fifty-three (53) of the affected workers.

Some of the affected workers have accepted the redundancy package and have exited the Bank peacefully. It is also important to note that apart from the workers who were initially earmarked to be affected by the redundancy, an additional number of eleven (11) workers, acknowledging the fairness of the redundancy package, voluntarily approached the Bank to be given the same package. These workers have since received their redundancy package and have also exited peacefully.

While strongly believing in the fairness of the redundancy package paid to the affected workers, the Bank, in the spirit of engagement, goodwill and transparency, negotiated an enhanced redundancy

package by way of settlement with Mr. Senyo Adjabeng, the first Consultant engaged by the group of affected workers, who was relieved of his appointment when we appeared to have reached a mutually acceptable position and a draft agreement already in circulation for review/execution. The enhanced package which we negotiated with Mr. Senyo Adjabeng was as follows:

- a. One and half (1.5) months basic salary for every year of service completed on pro-rata basis.
- b. One (1) month basic salary in lieu of notice period.
- c. Transportation amount.
- d. Pay in lieu of any unused leave entitlement up to the Exit Date.
- e. Offer of a twenty percent (20%) discount on total outstanding loan amount.
- f. Extension of employee's medical cover for a six (6) months period.
- g. Provision of a day's training session for affected employees.

We understand that the enhanced package was rejected. On Monday, 13 May 2019, we were informed that Mr. Senyo Adjabeng had been replaced with Mr. John Esiape. And, in the same spirit of engagement, goodwill and transparency, our legal advisors met with John Esiape on Tuesday, 14 May 2019 to discuss the concerns of the group of ex-workers being represented by him.

Mr. John Esiape presented our legal advisors with an estimated number of twenty-one demands on Thursday May 16, 2019, which the Bank is considering. Thus, it has come as a surprise to us that Mr. John Esiape would serve this complaint on your high office considering that we are still in discussions with him.

That notwithstanding, we are ready to submit to the National Labour Commission or any other competent adjudicatory body for the speedy resolution of this matter in the overall interest of both parties.

The Bank is committed to fair dealings with all stakeholders including its staff and has approached the matter in a conciliatory manner despite the resort to unwarranted media attacks on it and its management.

We thank you.

Yours faithfully,
First Atlantic Bank Limited

Head, Human Resource

Head, Legal

Cc. Labour Matters Advisor, John Esiape