

IN THE SUPERIOR COURT OF JUDICATURE, IN THE LABOUR
DIVISION OF THE HIGH COURT OF JUSTICE ACCRA, HELD ON
MONDAY THE 20TH DAY OF JANUARY, 2025. BEFORE HER
LADYSHIP JUSTICE ENYONAM ADINYIRA

SUIT NO.IL/0085/2024

PROFESSIONAL ASSOCIATION OF
PSYCHIATRIC NURSES-GHANA

...

PLAINTIFFS

V.

GHANA REGISTERED NURSES AND
MIDWIVES ASSOCIATION & ORS

...

DEFENDANTS

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PARTIES: REV. RICHARD ANNAN DONKOH (NATIONAL PUBLIC RELATIONS
OFFICER) REPRESENTS PLAINTIFF
PHILIMON GYAPONG (ASS. PUBLIC RELATIONS OFFICER)
REPRESENTS THE 1ST DEFENDANT PRESENT
REST OF DEFENDANT ABSENT

COUNSEL: VALERIE AGYEI-MENSAH WITH, EDEM TUSAH AND KWAME
BOAMAH DAKO OLIVER BARKER-VORMAWOR H/B FOR THE
PLAINTIFF PRESENT

DR. PATRICE SEDDOH WITH VALERIE ASMAH FOR THE 1ST
DEFENDANT PRESENT

KOFI ADWABOUR FOR THE 2ND DEFENDANT PRESENT

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Report On Settlement Discussions

Counsel for Plaintiff: My Lady we are pleased to inform the Court that the parties
have engaged in fruitful discussions and have amicably resolve the issues in dispute.

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COURT "1" ACCRA. G/R

Pursuance to this we filed our Terms of Settlement on 20/1/25 which have been duly executed by all parties.

Counsel for Defendant: My Lady we confirm this position.

BY COURT: Case stood down.

Case recalled at 10:21 a.m.

Counsel for Plaintiff: My Lady we pray that this honorable Court adopts the Terms of Settlement filed on 20/1/25 as consent judgment in this matter.

Counsel for 1st Defendant: My Lady we associate ourselves with the submission. All the Counsel are aware of this Terms of Settlement which has been filed to be adopted by the court.

CONSENT JUDGMENT

By a Writ of Summons and Statement of Claim issued at the High Court Accra on 25th June, 2024, the Plaintiff claimed against Defendant the following reliefs:

- A. A declaration that the 1st Defendant has engaged in a persistent series of conduct calculated to sabotage the operations of the Plaintiff by obstructing its certification, onboarding process and ability to function effectively as a trade union.
- B. A declaration that the persistent actions of sabotage and obstruction by the 1st Defendant offend the Plaintiff's constitutional rights to form an and join any trade union of their choice under Article 24 of the 1992 Constitution.
- C. A declaration that the Plaintiff was entitled to be consulted and where appropriate to participate in the negotiations towards reaching a collective agreement.
- D. A declaration that by failing or refusing to consult the Plaintiff or inviting it to participate in the negotiations for the collective Agreement, the 1st Defendant had violated the rights of the Plaintiff to advocate for the rights and welfare concern of its members.

- E. A declaration that the purported collective agreement, which the 1st Defendant claims to have negotiated on behalf of the Plaintiff and its members, is null and void to the extent that it violated statutory provisions mandating prior consultation and participation of other unions.
- F. An award of 1 million Ghana cedis against the 1st Defendant for the violation of the economic rights of the Plaintiff under Article 24 of the 1992 Constitution through consistent acts calculated to sabotage and frustrate the exercise of the Plaintiff's constitutional rights.
- G. An award of three hundred thousand Ghana cedis (GHS 300,000) against the 1st Defendant being legal fees incurred by the Plaintiff in bringing this claim
- H. An award of such other general, aggravated, punitive or exemplary damages against the 1st Defendant that the Court may in the circumstances consider just.
- I. An order of perpetual injunction directed at the 2nd, 3rd, 4th and 5th Defendants preventing them from implementing the purported collective agreement.
- J. Costs.
- K. Any other order(s) that this Honourable Court may deem fit and just

NOW THESE TERMS OF SETTLEMENT ARE WITNESSED AS FOLLOWS:

1. The Ghana Registered Nurses and Midwives' Association (GRNMA) and the Professional Association of Psychiatric Nurses – Ghana (PAPNG) shall, not later than, the 28th day of January 2025 release a joint statement acknowledging that the GRNMA should have involved PAPNG in the negotiations for the executed Collective Agreement which involvement is PAPNG's legal right.
2. Both parties mutually agree to end the suit and implement the said Collective Agreement in good faith for the general welfare of all public sector nursing and midwifery professionals across Ghana.

3. The Parties agree that PAPNG shall waive its objections to the implementation of the Collective Agreement, and that PAPNG's proposals shall be given due consideration during the mid-term review of the Agreement.
4. The GRNMA as the holder of the Collective Bargaining Certificate for nurses and midwives shall unconditionally comply with Regulation 10 of the Labour Regulations, 2007 (L.1. 1833) by ensuring involvement of all registered trade unions including the PAPNG covered by the Collective Bargaining Certificate in negotiating salaries and conditions of service for all public sector nurses and midwives in Ghana.
5. Copies of the Collective Agreement shall be given to the leadership of all registered unions who shall have the responsibility to educate their members on the contents.
6. The Parties shall continue to be decorous in their communications and adopt usage of appropriate expressions and conduct towards the enhancement of inter-union harmony and collaboration.
7. As a gesture of goodwill and good faith GRNMA shall in conclusive settlement of this suit give a sum of One Hundred Thousand Ghana Cedis (GHS 100,000.00) to PAPNG on or before the 28th day of March 2025.
8. There shall be no order as to costs.
9. These terms of settlement shall be filed in court for adoption as consent judgment.

Wherefore these terms are hereby adopted as the Consent Judgment of the Court and given under my hand and seal this 20th day of January, 2025.

[SGD]
 JUSTICE ENYONAM ADINYIRA
 JUSTICE OF THE HIGH COURT

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 REGISTRAR
 LABOUR COURT "1" ACCRA, G/R

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