

SECRET

MEMORANDUM FOR THE CABINET BY  
THE HON. PRIME MINISTER

Proposed amendment of the constitution of the Malta  
Government Joint Council

The 1962 Electoral Programme of the Nationalist Party contained the following provision:

"The Malta Government Joint Council should be re-organised in order to be more representative".

2. Staff Side membership of the Malta Government Joint Council is laid down in Section 3 of the Constitution of the Council - Appendix A. It reads as follows:

"The Staff Side - The Staff Side shall consist of persons who may or may not be civil servants, appointed by the undermentioned staff associations -

Malta Civil Service Association

Malta Union of Teachers

Malta Government Professional Officers Association

General Workers Union (Government Section)

and such other staff associations as are deemed by the general body of Trade Unions to be Trade Unions representing Government employees".

3. It should be mentioned that the Society of Administrative and Executive Civil Servants is co-opted by Staff Side as an interim measure until the question of salaries of non-industrial employees is finalised.

4. It is proposed that the above-mentioned Section 3 should be deleted and replaced by the following:

"The Staff Side:

(1) The Staff Side shall consist of persons, who may or may not be civil servants, appointed jointly by:

The General Workers' Union (Government Section)

The Malta Civil Service Association

The Malta Government Professional  
Officers Association

The Malta Union of Teachers

The Society of Administrative and  
Executive Civil Servants

Any other association which represents a substantial number (or a majority) of civil servants in each official class for which it claims to speak, provided that each of the five associations above named shall be directly represented on the Staff Side.

- (ii) No association will be, or remain, eligible for representation on the Staff Side if it does not, or ceases to, represent a substantial number (or a majority) of civil servants in each official class for which it claims to speak.
- (iii) The decision as to whether an association does, or does not, or ceases to, represent a substantial number (or a majority) of civil servants in each official class for which it claims to speak for the purposes of (i) and (ii) above shall rest with the Prime Minister."

5. The proposed amendment indicated above is, to some extent, parallel to the constitution of the Central Whitley Council for non-industrial classes in the Civil Service of Northern Ireland. The following extract from this constitution (Appendix B) is relevant:

"The Staff Side shall be appointed jointly by:

- (a) The Association of Civil Servants in the Government of Northern Ireland.
- (b) The Association of Professional and Technical Officers in the Civil Service of Northern Ireland.
- (c) The Northern Ireland Branch of the Prison Officers' Association.
- (d) Any other Association which satisfies the Ministry of Finance that it represents a substantial body of Northern Ireland civil servants, and has a substantial membership in each official class for which it claims to speak".

6. The following distinctions between the two constitutions may be made:

- (i) In the case of Northern Ireland, Staff Side is composed of ten (10) members. At present these are distributed thus:-

The Association of Civil Servants - five  
 The Association of Professional  
 and Technical Officers - four  
 The Prison Officers' Association - one

- (ii) Again in the case of Northern Ireland, the Staff Side are responsible for deciding the number of members to be supplied by each of the Associations, and if a fourth Association had to be accommodated there would have to be a re-distribution of the ten seats amongst the four Associations.

- (iii) It has never been laid down what constitutes a "substantial body of Northern Ireland civil servants" or a "substantial membership in each official class". Information has recently been obtained in the sense that "substantial" in this context would not necessarily mean a majority.

- (iv) In the case of the Malta Council, it is proposed that the decision for entry of a particular association on the Staff Side will be reached by the Prime Minister. In the case of Northern Ireland, this decision is vested in the Ministry of Finance which is there responsible for 'Establishments'.

- (v) In the case of the Malta Council, Staff Side have eight seats.

7. The two unions of the Social Action Movement have been making repeated requests to be represented on the Malta Government Joint Council. The question of their entry will have to be considered under the proposed amendment of the constitution. It is also known that other unions e.g. the Lyceum and Secondary School Teachers' Association have made claims in the past to be represented on the Council. All such and similar claims will be dealt with under the proposed amendment.

8. The Cabinet are invited to tender advice on the proposed amendment of the constitution of the Malta Government Joint Council.

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Constitution of the Malta Government Joint Council

1. Membership - The Council shall consist of 16 members to be appointed as to one-half by the Government (the Official Side) and as to the other half by the staff associations (the Staff Side).

2. The Official Side - The members of the Official Side of the Council may or may not be civil servants.

3. The Staff Side - The Staff Side shall consist of persons who may or may not be civil servants, appointed by the under-mentioned staff associations -

Malta Civil Service Association  
Malta Union of Teachers  
Malta Government Professional Officers Association  
General Workers Union (Government Section)

and such other staff associations as are deemed by the general body of Trade Unions to be Trade Unions representing government employees.

4. It shall be open to the authorities appointing the respective sides of the Council to vary their representatives.

5. Chairman and Vice-Chairman - The Chairman of the Council shall be a member of the Official Side; the Vice-Chairman shall be a member of the Staff Side of the Council.

6. Secretary - The Government shall appoint a secretary.

7. Quorum - The quorum shall be 4 members on each side of the Council.

8. Meetings etc. - The ordinary meetings of the Council shall be held as often as necessary and not less than once a month. An agenda shall be circulated to all members not less than 7 days before the ordinary meetings of the Council, but special meetings shall be convened by the Chairman and Vice-Chairman as required. Business not on the agenda or not stated on the notice summoning the meeting shall not be called.

9. The Council shall draw up such standing orders and rules for the conduct of its business as it may deem necessary.

10. General objects - The objects of the Council shall be to secure the greatest measure of co-operation between the state in its capacity as employer and the general body of government employees in matters affecting the public service, with a view to increased efficiency in the public service combined with the well-being of those employed; to provide machinery for dealing with grievances, and generally to bring together the experience and different points of view of representatives of all grades of government service.

11. The scope of the Council shall comprise all matters which affect the conditions of service of the staff.

12. Functions - The functions of the Council shall include the following:-

- (i) Provision of the best means for utilizing the ideas and experience of the staff;
- (ii) Means for securing to the staff a greater share in and responsibility for the determination and observation and observance of the conditions under which their duties are carried out;
- (iii) Determination of the general principles governing conditions of service, e.g. recruitment, hours, promotion, discipline, tenure, remuneration and superannuation, physical welfare;

In no circumstances shall individual cases be taken into consideration.

- (iv) The encouragement of the further training and education of the staff;
- (v) Proposed legislation so far as it has a bearing upon the position of civil servants in relation to their employment.

13. Committees - The Joint Council may appoint standing committees, special committees, and grade committees and may delegate special powers to any committee so appointed.

14. The members of standing committees shall be members of the Council. The Council may appoint on special committees such persons not necessarily being members of the Council as may serve the special purposes of the Council. Grade committees shall consist of representatives of the grade concerned and official representatives, such persons not necessarily being members of the Council.

15. Decisions - The decision of the Council shall be arrived at by agreement between the two sides, shall be signed by the chairman and vice-chairman, shall be reported to the Cabinet, and thereupon shall become operative.

16. Minutes - The Council shall keep minutes of its proceedings.

Constitution of Central Whitley Council  
for non-industrial classes in  
the Civil Service of Northern Ireland

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Membership

1. The Council shall consist of 20 members (including two Secretaries) to be appointed as to one half by the Government (the Official Side) and as to the other half by Staff Associations (the Staff Side).

2. Members of the Official Side of the Council shall be senior civil servants and shall include at least one representative of the Ministry of Finance and one representative of the Ministry of Labour and National Insurance.

3. The Staff Side shall consist of persons who may or may not be Civil Servants but who, if Civil Servants, shall not be members (either substantively or in an acting capacity) of a grade outside the scope of the Council. The Staff Side shall be appointed jointly by:

The Association of Civil Servants in the Government of Northern Ireland.

The Association of Professional and Technical Officers in the Civil Service of Northern Ireland.

The Northern Ireland Branch of the Prison Officers' Association.

Any other Association which satisfies the Ministry of Finance that it represents a substantial body of Northern Ireland civil servants, and has a substantial membership in each official class for which it claims to speak.

No Association will be, or remain, eligible for representation on the Staff Side if it is not, or ceases to be, recognised as an 'approved Association' by the Ministry of Finance.

4. It shall be open to the authorities representing the respective Sides of the Council to vary their representatives, and to appoint deputies who may act for these representatives in their absence. Casual vacancies on the Council shall be filled by the authority concerned.

5. The first Council shall be appointed to serve until the close of the Annual meeting in 1947.

Officers

6. The Chairman of the Council shall be a member of the Official Side; and the Vice-Chairman shall be a member of the Staff Side of the Council.

7. Each Side of the Council shall appoint one of its members to act as a Secretary.

Meetings, etc.

8. The ordinary meetings of the Council shall be held in the months of March, June, September and December unless the Chairman and the Vice-Chairman agree that any particular meeting is not necessary. The last meeting of the calendar year shall be the annual meeting. (21.12.1956)

9. An agenda, to be prepared in consultation between the Chairman and Vice-Chairman of the Council, shall be circulated to all members not less than seven days before the meeting of the Council. Business not on the agenda shall only be taken by permission of the Chairman and Vice-Chairman. (20.12.1948).

10. A special meeting of the Council shall be called if the Chairman and Vice-Chairman agree that it is necessary; and the business to be discussed at a special meeting shall be limited to matters stated upon the notice summoning the meeting.

11. The quorum shall be five members on each Side of the Council.

12. The Council shall draw up such standing orders and rules for the conduct of its business as it may deem necessary.

13. The Council shall keep minutes of its proceedings.

Publication of Proceedings

14. Only statements issued under authority of the Council shall be published, and such statements shall be as full and informative as possible.

Objects and Functions

15. The objects of the Council shall be to secure the greatest measure of co-operation between the State in its capacity as employer, and the general body of civil servants in matters affecting the Civil Service, with a view to increasing efficiency in the public service combined with the well-being of those employed; to provide machinery for dealing with grievances; and generally to bring together the experience and different points of view of representatives of the non-industrial classes in the Civil Service.

16. The functions of the Council shall include the following:-

- (i) Provision of the best means for utilising the ideas and experience of the staff.
- (ii) Consideration of means for securing to the staff a greater share in and responsibility for the determination and observance of the conditions under which their duties are carried out.

/ ...

- (iii) Determination of the general principles governing conditions of service, e.g., recruitment, hours, leave, grading, promotion, discipline, tenure, remuneration and superannuation.
- (iv) Encouragement of the further education of Civil Servants and their training in higher administration and organisation.
- (v) Improvement of office machinery and organisation and the provision of opportunities for the full consideration of suggestions by the staff on this subject.
- (vi) Proposed legislation so far as it has a bearing upon the position of civil servants in relation to their employment.

#### Scope

17. The scope of the Council shall comprise all matters which affect the conditions of service of officers on salaries, or on salary scales having maxima, below the maximum of the Principal scale for the time being. (21.12.1960).

Reference in this Constitution to the Civil Service or to Civil Servants shall be deemed to include references to the Service or Servants of the Houses of Parliament and to Clerks and Assistant Clerks of Petty Sessions. (21.12.1956).

#### Committees

18. The Council may establish Committees, and may refer any question for enquiry and report to any Committee so appointed. Representatives of each Side of the Council (not necessarily being members of the Council or of the Civil Service) may be appointed to serve on such Committees by the respective Sides, provided that no Civil Servant of any grade whose conditions of service are outside the scope of the Council shall be eligible for membership on the Staff Side of any Committee established under this Article. (20.12.1948).

#### Decisions

19. The decisions of the Council shall be arrived at by agreement between the two Sides, shall be signed by the Chairman and Vice-Chairman, or in the absence of either by another member authorised by the Side concerned, and shall then be referred to the appropriate Department for the necessary executive action. (31.12.1951).

#### Finance

20. Each Side of the Council shall be responsible for its own expenses; the common expenses shall be defrayed in equal proportions by the Government and the Staff Associations.



Amendments of the Constitution

21. The Constitution of the Council may only be amended at an Annual meeting. Any proposed amendment of the Constitution must be circulated to the members of the Council at least one month before the meeting.

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