

MEMORANDUM FOR THE CABINET BY THE  
HONOURABLE PRIME MINISTER

Agreement with Staff Associations  
For the Appointment of an Independent Commission

The Staff Side of the Malta Government Joint Council have submitted a draft of an agreement for the appointment of the Independent Commission. This draft is attached at Appendix A.

The Official Side is not in agreement on all points with the draft as submitted by the Staff Side and propose instead the draft attached at Appendix B.

The main points of difference are the following:  
(Paras referred to are those at Appendix A)

- 1) Composition. No changes. Agreement on this matter has already been reached.
- 2) Terms of reference. It is considered preferable that the terms of reference should be substantially the same as those under which negotiations were held with sub-committees of the Official Side by both unions forming part of the Staff Side as well as those that do not. This will make it far easier to secure agreement by all associations concerned.

Staff Side's draft limits the ground which the Commission may cover to claims submitted by Unions to the exclusion of claims by grades not represented by a Union. This is not considered correct as the Commission should not be excluded from looking into the whole salary structure. The limitation would also make it necessary that all employees should belong to a union.

Reference to the 'Official counter-proposals is not desirable' as it would make it imperative for the Government to make further counter-proposals. In discussions with Staff Associations the Prime Minister has only pointed out that Government was free to improve on any offers already made.

3) Procedure

(a) A slight addition has been made which, it is understood is acceptable to the Staff Side.

(b) and (c) These are objectionable for the following reasons:-

Para (b) This would make it necessary for the Government to decide which grades will be represented by each association. There are

rivalries between associations representing Professional Officers, i.e. M.G.P.O.A., P.E.U., M.A.M.; Clerical Grades, i.e. M.C.S.A. and M.G.C.U., and other grades represented jointly by the G.W.U. and M.A.S.

This is a very controversial matter and in view of the fact that many officers and employees are members of more than one association, the Government would certainly be embarrassed if it were to decide one way or the other. Moreover it should be kept in mind that Associations would only be presenting a case to the Independent Commission and not negotiating with it.

Para (c) A copy of any representations made by Government to the Commission is made available to the Association concerned. It is felt that, whether the minutes of the Commission or records of procedure should also be made available, should be left to the discretion of the Commission itself.

#### 4) Recommendations.

Para (a) This is copied from sub-section 14 (8) of the Conciliation and Arbitration Act, 1948. To insert in an agreement of this nature does not appear necessary and may be interpreted as already showing lack of confidence in the Commission. The Staff Side expect a copy of the agreement to be given to the Commission.

Para (b) The words "with the exception of those grades not reported upon by Mr Elwood and whose case has not been considered separately" should be deleted. The Associations concerned want retrospection in respect of these grades to the 1st April, 1959. It does not appear that arrears beyond 1st April, 1966, should be allowed to any grade of employees.

Para (c) If this condition were accepted it would mean that if one grade were found to be overgraded by one step, all other grades in the structure would also have to be upgraded by one step. The Staff Side should not insist on this condition as downgrading has never, in the past, been made to affect the actual holder of a post.

Para (d) This para is entirely objectionable and has been deleted in the Official draft at Appendix B. An anomalies exercise is possible only because no relativity between one grade and another can be said to be permanent. Moreover on the strength of this condition unions could attempt to exclude other grades of employees to be given similar improvements obtained by any one Association through strike action.

Para (e) This condition appears acceptable and has been included in the Official draft.

Ministers are requested to state whether Staff Side's draft at Appendix 'A' should be amended as proposed at Appendix 'B'.

6th June, 1967.

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L-ARKIVI NAZZJONALI TA' MALTA

Agreement for the appointment of  
an Independent Commission

1. Composition

The Official Side and the Staff Side do hereby agree that the Malta Government is to appoint during the month of June, 1967, an Independent Commission composed of:-

- |   |                         |
|---|-------------------------|
| The Hon. Mr. Justice W. Harding, C.B.E.,<br>B.Litt., LL.D.                      | - Chairman              |
| Lt. Col. J.V. Abela, O.B.E.   | - Official Side Nominee |
| Prof. S. Busuttil, Ph.L.(Greg),<br>Ph.D.(Phil.)(Ang.), Ph.D.(Econ.)<br>(Manch.) | - Staff Side Nominee    |

2. Terms of Reference

The Commission is to consider the claims submitted to it by Unions/Staff Associations and the official counter-proposals and make recommendations for the rectification of anomalies existing in the salaries and wages of those categories of Government employees whose designation is shown on the attached agreed list. In so doing the Commission shall bear in mind the need of suitable relativities between the pay of the various grades and classes according to their pre-requisite qualifications, duties and responsibilities.

3. Procedure

- a) In conducting the hearings the Commission shall, as far as practicable, follow the 'Arbitration Rules of Procedure, 1967'.
- b) The Commission may receive statements of case on any grade from any union. However, discussions on any particular grade shall be conducted either by the union representing the majority or, by mutual agreement, jointly by the unions/associations representing that grade.
- c) The accredited associations with representation of a particular grade, shall have access to all records and documents relating to that grade.

4. Recommendations

- a) In its recommendations and decisions the Commission shall be guided by equity and the substantial merits of the case and, subject to the rules of natural justice, may inform its mind on any matter in such manner as it deems fit.

/ .....

- b) Any recommendation of the Commission shall be binding on both parties to this agreement and shall, with the exception of those grades not reported upon by Mr. Elwood and whose case has not been considered separately, be implemented forthwith with retrospective effect as from 1st April, 1966, and on the 'corresponding points' system.
- c) The Commission shall not recommend any salary scales which may be, at any point, below those proposed by Government in the list of counter-proposals on salary anomalies as submitted to the Commission.
- d) Where a certain relativity has been established as a result of an express agreement with Government, it shall not be disturbed.
- e) The Commission shall present its recommendations in one whole document concurrently to Government and to the various associations/unions concerned.

Appendix B.

Draft Agreement for the appointment of an  
Independent Commission

1. Composition

The Official Side and the Staff Side do hereby agree that the Maltese Government is to appoint during the month of June, 1967, an Independent Commission composed of -

The Hon. Mr Justice W. Harding, C.B.E., B.Litt., LL.D.	- Chairman
Lt. Col. J. V. Abels, O.B.E.	- Official Side Nominee
Prof. S. Busuttill, Ph.D. (Agric.), Ph.D. (Phil.) (Ang.), Ph.D. (Econ.) (Nanch)	- Staff Side Nominee

2. Terms of reference

The terms of reference of the Commission shall be as follows:-

"To consider and make recommendations on any anomalies that may be found to exist in the salaries and wage scales of Government employees detailed on the attached lists, bearing in mind the need for suitable relativities between the pay of the various grades and classes vis-a-vis their respective duties and responsibilities".

3. Procedure

In conducting the hearings the Commission shall regulate its own procedure being guided as far as practicable, by the 'Arbitration Rules of Procedure, 1957'.

4. Recommendations

- (a) Any recommendation of the Commission shall be binding on both parties to this agreement and shall be implemented forthwith with retrospective effect from 1st April, 1966, on the corresponding points system.
- (b) The Commission shall present its recommendations in one whole document concurrently to Government and to the various associations/unions concerned.