

MEMORANDUM FOR THE CABINET
BY THE HONOURABLE PRIME MINISTER

Terms of Reference of an Independent Commission

Following the Cabinet decision of June 21, 1967, on the draft agreement concerning the Independent Commission (Memo No. 796A) the draft agreement was passed to the Chairman designate of the Commission and to the Staff Side. Both have made a number of comments on it.

2. The Chairman designate considers that in paragraph III (a) after the words "interested party" the words "in Government employment" should be inserted so as to make it clear that representations can only be made from a set category of organisations and people. In the Establishments view the addition of the phrase proposed would add clarity to the text and would ensure that the Commission would not be inundated with a mass of material from sources having no direct interest in this matter.

3. The Chairman designate has also raised the question of whether within the terms of reference as drafted the Commission would be free to consider salary claims in excess of the present upper limit of £1890. He has been advised that the wording of the text of the terms of reference does not appear to impose any limitation on the Commission in this respect, but that formal clarification of this could only be given after the Cabinet has considered the matter.

4. Staff Side have suggested the amendments shown below, all of these are of minor importance, and can therefore be accepted.

III (b) - deletion of the words "it will rest with the Commission to" in the first line and their replacement by "the Commission shall";

III (c) - replacement of the word "regulate" in the first line by "establish";

IV (b) - this is to become sub-paragraph (a) of this paragraph and to read as follows: "In making its recommendations the Commission shall use as a starting point the salary and wages scales submitted to it by Government". As far as can be gauged the idea behind this proposed amendment is to ensure that the salaries recommended would in no case be less than those actually in payment. Although acceptance of this

proposal would somewhat limit the Commission's freedom of action to recommend lower minima or downgrading in certain instances, these are likely to be so few in number that it would be hardly worth-while to continue to insist upon the draft already agreed which more or less says the same thing but in different language.

5. If these amendments are agreed to by Cabinet there will only be one point left before final agreement is reached. The outstanding point relates to the Staff Side request to insert the following "where a certain relativity has been established as a result of an express agreement with Government it shall not be disturbed". Staff Side have now made it clear that they are prepared to agree to the omission of this condition provided that, through an exchange of letters, they are given assurances in respect of the points raised in their letter of July 3. The relevant extracts read as follows:

"The first involves the hospital grades, Hospital Attendants, the State Enrolled Nurses and State Registered Nurses. These were the subject of a re-organisation scheme which the General Workers Union (Government Section) negotiated with the Hon. Minister of Health. As a result of these negotiations agreement was reached, inter alia, that State Registered Nurses, shall have parity with the Higher Clerical Officer grade and State Enrolled Nurses with the Clerical Officer grade. The present Hospital Attendant grade shall be absorbed in the new S.E.N. grade. This relativity, so recently established, shall not be disturbed.

The second case of more general application but of particular interest to the teaching grades refers to the qualifications required for appointment. Staff Side feel that Official Side should not seek to propose nor should the Commission recommend, different salaries for the same grade on the grounds of a difference in qualification on recruitment. For example, appointed primary school teachers should be considered as one grade independently of the length of the course they attended at the Training College. You have assured me verbally that there is no intention on the part of Official Side to seek such differentiation but confirmation of this point through an exchange of letters would set our minds at rest."

6. As regards the point concerning hospital grades, if the Hon. Minister of Health confirms that agreement as claimed by the General Workers Union has actually been reached, then there can be no objection to the written confirmation requested being given.

7. With regard to the second point there was never any intention on the part of Government of proposing different salaries for officers in the same grade, now enjoying the same salary scale, on the grounds of differences

in qualifications or recruitment. Confirmation in this sense can also be given.

8. Ministers are asked to advise whether:
- (a) the draft agreement as amended (cf. Appendix A) is acceptable;
 - (b) the clarification suggested at paragraph 3 above should be given to the Chairman designate; and
 - (c) the assurances suggested at paragraphs 6 and 7 should be given.

6th July, 1967.

Draft Agreement for the appointment of an
Independent Commission

I. 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., B. Litt., LL.D.	- Chairman
Lt. Col. J.V. Abela, O.B.E.	- Official Side Nominee
Prof. S. Busuttil, Ph.L.(Greg.) Ph.D. (Phil.)(Ang.), Oh.D. (Econ.) (Manch.)	- Staff Side Nominee

II. 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 pre-requisite qualifications, duties and responsibilities".

III. Procedure

- (a) Statements of case on any grade shall be made in writing to the Commission by any Union or interested party in Government employment, and by the Government. Representatives of Government and of the Union/Unions or interested parties concerned may appear before the Commission to make submissions in relation to their case or to give any explanation the Commission may require.

Provided that, subject to the overriding decision of the Commission, the making of any further or counter submissions or the giving of any explanations, if required by the Commission, shall be left in the hands of the Union

representing the majority or, by mutual agreement, by the Unions/Associations representing the particular grade to which the case refers.

- (b) The Commission shall be satisfied that all submissions made to it in writing or otherwise in respect of any particular grade or class of employees is made available to Government and to the Union/Unions or interested party concerned.
- (c) Otherwise the Commission shall establish its own procedure in arriving at their recommendations.
- (d) The Commission shall present its recommendations in one whole document concurrently to Government and to the various Associations/Unions concerned.

IV. Recommendations

- (a) In making its recommendations the Commission shall use as a starting point the salary and wage scales submitted to it by Government.
- (b) Any recommendation of the Commission shall be binding on both parties to this agreement and, without prejudice to claims for backdating, shall be implemented forthwith with retrospective effect as from 1st April, 1966 on the "corresponding points" system.

N.B. Words underlined show the amendments proposed.