

MEMORANDUM FOR THE CABINET
BY THE HONOURABLE PRIME MINISTER

Following the Cabinet decision of the 9th June, 1967, the "draft agreement for the appointment of an Independent Commission" then approved by Cabinet and reproduced herewith as Appendix A, has been discussed informally with representatives of the Staff Side of the Malta Government Joint Council.

The progress made is shown in the draft agreement attached at Appendix B, wherein words added to the draft already approved by Cabinet, are shown underlined, and clauses or words still insisted upon by the Staff Side are shown in square brackets.

The draft in question has also been discussed with the Hon. Minister of Labour, Employment and Welfare.

The following observations are made (References are to paras. at Appendix B.

I. Composition

Agreement on this matter has already been reported.

II. Terms of Reference

Staff Side appear to have agreed to Official Side's version of this item with the addition of the words underlined.

3/III. Procedure

Staff Side have agreed to the deletion of item (a) of their version (shown bracketed), but insisted on the insertion of provisions at (b) and (c).

It is proposed to meet Staff Side on this point as proposed at III (a) to (d), which is totally in addition to draft originally approved by Cabinet (Appendix A).

The Official Side proposal ensures that an officer not belonging to any union may make submissions to the Commission. It also ensures that whether only the union alleged to represent the majority will be allowed to make further representations, will be left to the "overriding decision of the Commission".

The Hon. Minister of Labour, Employment and Welfare has agreed to the proposals of the Official Side concerning this matter. Official Side have reasons to believe that their proposals will meet substantially the Staff Side's wishes.

4/IV. Recommendations

- (a) The Staff Side have agreed to the deletion of this condition.
- (b) Staff Side insist on insertion of the provision concerning arrears of certain grades to the 1st April, 1959. In the press release of the 3rd August, 1965, it had been agreed that "without prejudice to claims for backdating, the salary adjustments from the forthcoming negotiations would be given effect to from the 1st April, 1966". In view of this, Staff Side's wishes may be met by insertion of the underlined words in Official Side's version of this item at IV (a).
- (c) Staff Side are also adamant on insertion of this item. Establishments are strongly of the view that in an anomalies exercise, such a condition should never be accepted. Indeed it involves that, if one grade were found to be overgraded by one step, all other grades in the structure would have to be upgraded by one step to maintain correct relativities.

Establishments, having been informed by the Hon. Minister of Labour, Employment and Welfare that Government is committed in this respect, propose to meet the Staff Side's wishes as suggested at IV (b). This will ensure freedom of action by the Commission.

- (d) On being informed of Official Side's objection to this item, Staff Side proposed the alternative shown at (dd) which is considered even more objectionable by all concerned.

Establishments mainly object because of the vagueness of the word "agreement" in this item. Indeed, if this condition were accepted, Staff Side could, wherever they disagreed with any recommendation of the Commission, invoke this item by quoting any letter, extract of minutes or even alleged verbal commitments as being an agreement. So much so that Staff Side seem here to be referring, not to a specific written agreement but to an alleged verbal commitment said to have been made by a Minister.

- (e) This item had been approved by Cabinet and is now inserted under item III (d).

Ministers are asked to state whether they agree to the draft agreement as now proposed by the Official Side.

20th June, 1967.

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Appendix "A"

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

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.

Draft Agreement for the appointment of an
Independent Commission

I. Composition

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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".

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.

III. Procedure

- (a) Statements of case on any grade shall be made in writing to the Commission by any Union or interested party, 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) It will rest with the Commission to be satisfied that all submissions made of 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 regulate 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.

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.
- OR
- (dd) The salary scales of S.R.N.s, S.E.N.s and Hospital Attendants shall be considered by the Commission for the determination of age-pay only, and Official Side will not differentiate between the qualifications within the grade.
 - (e) The Commission shall present its recommendations in one whole document concurrently to Government and to the various Associations/Unions concerned.

IV. Recommendations

- (a) 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.
- (b) Government will not accept any recommendation for salary scales which may be, at any point, below those already agreed to by it as submitted to the Commission.
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