

MEMORANDUM FOR THE CABINET
BY THE HONOURABLE PRIME MINISTER

Strike action by members
of the Malta Government Clerical Union

Following the industrial action taken by the members of the Malta Government Clerical Union and the Postal employees it has been found necessary to decide how this period is to be recorded in the schedule of service of those who took part in the strike.

In the case of the Clerical Union strike, some Departments have recorded this period as 'absence without leave'. The Officials of the Union have now expressed their disappointment at this attitude and emphasised that they had been given to understand by both the Honourable Prime Minister and the Hon. Minister of Labour, Employment and Welfare, that the personal records of the officers concerned would not be marked in such a way. From the promises that they allege, had been made to them, they expect that the period would perhaps be recorded as "special leave on no pay". This they contend would eliminate the possibility of future misunderstandings when computing the pensions of the employees in question.

It is felt that the suggestion made by the Union to record the period as "special leave on no pay" is inappropriate. As the term 'leave' implies prior approval, the acceptance of the Union's request might give one to understand that the employees resorted to strike action with the approval, or perhaps the connivance of the Government.

The Crown Advocate General, whose advice has been sought, states that he personally disagrees with the term suggested by the Union. In terms of Estacode Section 4.5.3.1., special leave on no pay may only be granted when the staff have fully utilized their vacation leave entitlement. Though the word 'leave' is not desirable, if it were to be agreed to adopt the suggestion made by the Union, the covering approval of the Prime Minister would be required.

It has also been ascertained from the Crown Advocate General that if the absence is recorded as "absence without leave" or "absence on strike", the officers who took part in the strike would not be in danger of forfeiting their former pensionable service, even if no special note to this effect is entered in the record of service. The Crown Advocate General also advises that there would be no harm in having this recorded as being Government's decision. The very fact that, when the strike was called off Government accepted back these employees without going through the normal recruitment procedure as laid down by the regulations, implies that Government had not ceased to regard

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the striking employees as public officers.

Public Officers who absent themselves without prior approval are liable to disciplinary proceedings. Under the existing Public Service Commission (Disciplinary Procedure) Regulations, 1961, disciplinary proceedings have to be initiated by the Heads of Departments. These may therefore now or at some future date, be regarded as having failed in their duty to initiate disciplinary action, unless they are expressly authorised not to do so. In this connection the Crown Advocate General suggests that this contingency may best be covered by a Cabinet decision to the effect that in connection with these particular strikes no disciplinary action should be initiated. This decision would then be passed by Hon. Ministers to their respective Heads of Department.

Hon. Ministers are requested to state:-

- (a) whether the strike period should be recorded in the personal records as "absence without leave" or "absence on strike" or in any other modified form; and
- (b) whether Heads of Departments should be instructed not to initiate disciplinary action against the absentees in the two recent strikes.

13th June, 1967.

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