

MEMORANDUM FOR THE CABINET
BY THE HON. PRIME MINISTER

Proposed Amendment of the Constitution of
the Malta Government Joint Council

It was agreed in Cabinet on the 9th October, 1964, that the constitution of the Malta Government Joint Council should be amended as proposed in paragraph 4 of Memorandum for the Cabinet No. 297.

2. The proposed amendment was communicated to Staff Side on the 10th October, 1964, and discussed between Official Side and Staff Side of the Council at meetings held on the 16th October, 1964, and the 6th November, 1964. Official Side held two meetings on the 29th October, 1964, and the 11th November, 1964, to discuss Staff Side reactions and to consider what action should be taken in the circumstances. The position is given concisely in the following paragraphs.

3. Staff Side have, as expected, resisted strongly the proposed amendment as being an interference in the composition of their Side which, they argue, is a matter wholly for them to decide. They presented a prepared statement in which they asked how, where and why the Council required to be more representative. They also asked Official Side to indicate the area or areas which were not represented on the Council.

4. The Official Side countered that Staff Side are wrong in their assumption that they are fully representative, firstly because they do not form the General Body of Trade Unions specified in the present constitution, and secondly, because there is a list of associations which are not represented on Staff Side. Staff Side's view that they represented the general body of Trade Unions could not be agreed to by Official Side. The amendment proposed by Official Side was designed to ensure that all Associations representing Government employees would have a say in the nomination of Staff Side representatives on the Council.

5. An impasse has now been reached which calls for Government directions to Official Side on their next step. Official Side believe that it would not be advisable to amend the Constitution of the Council without prior agreement with the Staff Side. At the same time Official Side feel that a solution has to be found to ensure adequate representation of all recognised associations of Government employees in the Council.

6. One has to keep in mind that the present mood of the Staff Side is not such as to be amenable to reason. The 1959 agreement on arbitration on salaries has not been honoured and the question of the removal of anomalies is at a standstill because a limit has been imposed on the maximum expenditure up to which the cost has to be kept. Above all

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they suspect a political move in the Official Side's proposal to amend the Constitution. In these circumstances any move to impose an amendment to section 3 of the Constitution must be accompanied by some sort of concession likely to appeal not only to the Staff Side but to all the other Associations.

7. Staff Side have tabled a motion requesting the right of automatic arbitration for non-industrials. Under the present Constitution arbitration is resorted to only if both Sides agree. Official Side, relying on the Government's declared policy of avoiding arbitration of any sort, have negatived Staff Side's claims to go to arbitration on specific issues, apart, of course, from having vetoed arbitration on the main salary scales. The time has come for a reconsideration of this policy, especially in the light of the fact that the industrials, under the Joint Industrial Council's Constitution, can go to arbitration automatically. It is for consideration whether the same concession should not be allowed for non-industrials. In effect this would mean a very small concession as in practice any arbitration award for industrials is reflected as a matter of course on non-industrials. Official Side are therefore inclined to recommend the grant of this concession up to a specified limit. One more reason for granting arbitration up to a specified level is that no satisfactory solution can ever be reached on any salary claim based on so-called anomalies and relativities in the different levels of salary until that claim is decided upon by an independent arbitrator. The proper relativity of any salary scale within the whole structure of salaries is, in its final, logical analysis, purely a matter of opinion. In the view of Official Side the limit should not be above that of Higher Clerical Officer whose maximum salary is at present £655 yearly plus six per cent. This limit is being suggested because the Higher Clerical Officer represents the top of the clerical grades and also because the Higher Clerical Officer grade carries the same salary maximum as Executive Officer which is the basic recruitment grade of the Higher Division of the Civil Service.

8. Official Side consider that the Staff Side would not throw away such an important concession by not accepting the amendment to section 3 of the Constitution. If they do, Official Side feel that the Government would be in a stronger position to negotiate with all Associations a new Constitution which would incorporate these amendments together with a further important change the need for which has been felt for some time. This refers to the practice frequently adopted by the Staff Side to issue press statements unilaterally. Official Side would like to provide in the Constitution that "only statements issued under the authority of the Council shall be published". Another minor provision is that the Staff Side Secretary should take his place as a Joint Secretary in the Council. A similar provision is found in the Constitution of the Joint Industrial Council. Staff Side's request, in this connection, is that, if a Civil Servant, their Secretary should be seconded full time for Staff Side duties. This is a concession allowed also in the United Kingdom and Northern Ireland and may be granted administratively.

9. Hon. Ministers are requested to advise whether a "package offer" should not be made to Staff Side on these points simultaneously:

- (A) Staff Side to agree to the proposed amendment of section 3 of the Constitution of the Council as already proposed by Official Side.
- (B) Official Side to agree automatic right to arbitration up to, and including, the Higher Clerical Officer level.
- (C) Administrative arrangements to be made for seconding the Staff Side Secretary on a full time basis on Staff Side duties if and when he happens to be a Civil Servant.
- (D) Staff Side to agree that they should not have recourse unilaterally to public statements and to agree that the following additional clause be inserted in the Constitution of the Council as clause 17:-

"Publication of Proceedings of the Joint Council"

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

10. The Cabinet are invited also to agree that all Associations should be directly informed of the "package offer" and that if Staff Side persist in their disagreement, a new Constitution, incorporating the amendments dealt with in this Memorandum, should be negotiated with all Staff Associations.

17th November, 1964.