

Amending Directive 9.1 – Delegation of Authority to Conduct Industrial Relations and to Conduct Selection Processes and Make Appointments in the Malta Public Service

Publish Date: 01/06/2018

Office of the Principal Permanent Secretary

Amending Directive No. 9.1

DELEGATION OF AUTHORITY TO CONDUCT INDUSTRIAL RELATIONS AND TO CONDUCT SELECTION PROCESSES AND MAKE APPOINTMENTS IN THE MALTA PUBLIC SERVICE

Issued on 1 June 2018 by the Principal Permanent Secretary in terms of the Public Administration Act.

1. Applicability

1.1 This directive adds to Directive 9 with regard to the delegation of authority to conduct Industrial Relations, and applies to all Ministries and government departments through their respective Permanent Secretaries.

2. Delegating the authority to conduct Industrial Relations

2.1 The Industrial Relations Unit (IRU) within the People and Standards Division is the central regulatory body with regard to industrial relations in the Public Service. The process concerning negotiations with employees' representatives with respect to Classification Agreements or any other negotiating processes is being delegated as explained hereunder.

2.2 The IRU is to be informed, at the very initial stages, of any negotiation processes to be undertaken with employees' representatives, through the respective Permanent Secretary. Heads of Department may decide, after consultation with the respective Permanent Secretary, to engage the IRU in negotiations undertaken with employees' representatives. The Head of Department and IRU will then agree on an official position and the IRU will help the Head of Department throughout the negotiating process. The responsibility of the outcome will hence still remain that of the Head of Department through the respective Permanent Secretary.

2.3 Where the IRU is not to be involved in negotiations, the respective Head of Department after consulting the Permanent Secretary is to propose and seek approval from the IRU on a negotiation position. The IRU is to inform the respective Head of Department and the Permanent Secretary on whether, in its opinion, the intended negotiating position conforms to central policies adopted across the Public Administration and informs the Ministry for Finance accordingly. The respective Permanent Secretary is obliged to ensure that the process is concluded within the parameters established by the IRU.

2.4 On completion of the negotiating process and in the absence of IRU's direct involvement in the negotiating process, the Head of Department concerned, through the respective Permanent Secretary, needs to report the outcome of the negotiating process back to IRU, which confirms its position and informs the Ministry for Finance accordingly.

2.5 IRU sanctioning is invariably binding, even in cases where IRU are directly involved in negotiations by the Head of Department after consulting the respective Permanent Secretary. The Ministry for Finance will be informed of any position taken by IRU. The responsibility to ensure availability of funds rests with the respective Head of Department.

2.6 A revised “Manual on Industrial Relations and the Selection and Appointment Process under Delegated Authority in the Malta Public Service” (Version 4) is attached to this directive.

3. Implementation

3.1. The People and Standards Division shall retain its assigned regulatory, monitoring and auditing role with a view to ensure strict compliance with the provisions of the Manual, which is to be abided with and supersedes earlier versions.

3.2 The contents of Directive 9 remain in force.

3.3. This Directive shall come into force on **1 June 2018**, and is indefinitely applicable unless otherwise withdrawn.

Attached:

Manual on Industrial Relations and the Selection and Appointment Process under Delegated Authority in the Malta Public Service

Mario Cutajar
Principal Permanent Secretary