

**P.N.D.C.L. 309**  
**PUBLIC SERVICES (NEGOTIATING COMMITTEES) ACT, 1992**

ARRANGEMENT OF SECTIONS

1. Public services negotiating committee.
2. Functions of a negotiating committee.
3. Composition of a negotiating committee.
4. Meetings of a negotiating committee.
5. Co-opted members.
6. Quorum.
7. Secretaries of a negotiating committee.
8. Sub-committee of a negotiating committee.
9. Secretarial services for a negotiating committee.
10. Decisions to be by consensus.
11. Failure to agree.
12. Funds for the committees.
13. Interpretation.

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**P.N.D.C.L. 309**  
**PUBLIC SERVICES (NEGOTIATING COMMITTEES) ACT, 1992(1)**

**AN ACT to establish public services negotiating committees and to provide for related matters.**

**1. Public services negotiating committee**

(1) For the purpose of negotiating the conditions of service of officers in the Public Services and performing the functions specified in section 2 there shall be appointed negotiating committees which the President considers necessary.

(2) Where an issue arises that relates to the functions specified in section 2 in respect of a public service as defined in section 13, a negotiating committee consisting of the members specified in section 3 shall be appointed.

**2. Functions of a negotiating committee**

The functions of a negotiating committee are,

- (a) to negotiate salaries, wages and any other matters connected with the employment, non-employment and any other conditions of service in the public service in respect of which the committee is appointed;
- (b) to make proposals to the Public Services Commission for the improvement of the public

service for which the committee is appointed with a view to increasing efficiency and productivity in that public service; and

- (c) to make proposals to the Public Services Commission on policies that will promote the wellbeing of officers in that public service.

### **3. Composition of a negotiating committee**

(1) A negotiating committee appointed under section 1 in respect of a public service shall be composed of

- (a) the chairman appointed by the President,
- (b) six other persons appointed by the President as the representatives of the Government, and
- (c) six other persons appointed by the relevant organisation or branch of the Public Service to which the negotiations relate.

(2) The chairman appointed under subsection (1) shall be the chairman for every negotiating committee.

(3) The chairman shall be appointed for a period of three years subject to renewal and on any other terms and conditions determined by the President.

### **4. Meetings of a negotiating committee**

(1) A negotiating committee appointed under this Act shall meet at the times and the places determined by the chairman.

(2) A meeting of a negotiating committee may be called by a written request for the meeting addressed to the chairman by the Government or the representatives of the public service requesting the meeting.

(3) The chairman shall call a meeting of a negotiating committee composed of the appropriate membership in accordance with section 3 within seven day of the receipt of the request.

(4) The request for a meeting shall specify the subject for the meeting.

(5) The chairman shall preside at meetings of the negotiating committee and in the absence of the chairman one member from the Government side shall be elected by the members from among their number to preside.

(6) The minutes of a meeting of a negotiating committee shall be prepared and kept by the joint secretaries and shall be circulated to the members of the negotiating committee within fourteen days after the meeting.

(7) The approved minutes of a meeting of a negotiating committee shall be signed by the chairman of the meeting.

(8) Except as otherwise provided in this Act, a negotiating committee shall regulate its own procedure.

### **5. Co-opted members**

For the efficient performance of its functions, a negotiating committee may co-opt a person from the Public Services and outside the Public Services to act as an adviser at its meeting and that person shall participate fully in a matter for discussion before the committee but shall not vote on a matter for

decision.

## **6. Quorum**

The quorum for a meeting of a negotiating committee is eight persons of whom at least three members are from the Government side and three from the staff side.

## **7. Secretaries of a negotiating committee**

A negotiating committee shall have two joint secretaries one of whom shall be appointed by the Government side and the other by the staff side.

## **8. Sub-committee of a negotiating committee**

A negotiating committee may for the performance of its functions appoint the sub-committees which it considers necessary.

## **9. Secretarial services for a negotiating committee**

A negotiating committee shall be provided by the Minister with the requisite secretarial services.

## **10. Decisions to be by consensus**

(1) Decisions of a negotiating committee shall be by consensus and the decisions shall be reported through the Minister to the Government for implementation, where necessary.

(2) Where a decision of a negotiating committee arrived at during its meeting requires implementation before the minutes on it are approved, the negotiating committee shall specify that the decision requires immediate implementation.

## **11. Failure to agree**

(1) Where a negotiating committee fails to arrive at a consensus in respect of a matter before it for determination, it shall notify the Minister of the failure.

(2) The Minister shall, within two weeks after the notification, take the necessary steps to resolve the matter.

(3) Where the Minister fails to resolve the matter, the Minister shall submit a report on it to the President stating the full facts and the circumstances of the matter, especially the areas of persistent disagreement.

(4) The President may after receiving the report referred to in subsection (3), submit the matter to arbitration for settlement in accordance with the Arbitration Act, 1961 (Act 38).

## **12. Funds for the committees**

The expenses incurred in respect of negotiating committees under this Act shall be a charge on the Consolidated Fund.

## **13. Interpretation**

In this Act, unless the context otherwise requires,

**“Government side”** means the six members of the negotiating committee appointed by the President under paragraph (b) of subsection (1) of section 3;

**“Minister”** means the Minister responsible for Social Welfare;

**“staff side”** means the six members of the negotiating committee appointed under paragraph (c) of subsection (1) of section 3;

**“public service”** includes a civil service office of the Government, the emoluments attached to which are paid directly from the Consolidated Fund or directly out of moneys provided by Parliament and service with a public corporation, but does not include a public service which immediately before the coming into force of this Act has in existence a machinery for the negotiation of salaries and other conditions of service of its employees.

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## Endnotes

### 1 (Popup - Footnote)

1. The Act was issued as the Public Service (Negotiating Committees) Law, 1992 ([P.N.D.C.L. 309](#)) made on the 30th day of September, 1992, and notified in the *Gazette* on 5th February, 1993.