

COMMONWEALTH OF DOMINICA

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COMMONWEALTH OF DOMINICA

ACT NO. 27 OF 1991

I assent

C. A. SEIGNORET
President.

24th December, 1991.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE PUBLIC SERVICE OF DOMINICA AND THE ESTABLISHMENT OF PROCEDURES FOR NEGOTIATION AND CONSULTATION BETWEEN THE GOVERNMENT AND MEMBERS OF THE PUBLIC SERVICE FOR THE SETTLEMENT OF DISPUTES AND CONNECTED MATTERS.

(Gazetted 27th December, 1991)

BE IT ENACTED by the Parliament of the Commonwealth of Dominica as follows –

**PART I
PRELIMINARY**

1. This Act may be cited as the –

PUBLIC SERVICE ACT 1991.

Short title. .

2. In this Act –

Interpretation.

“Arbitration Tribunal” means a tribunal empanelled under section 33(1);

“Board of Arbitration” means the Public Service Board of Arbitration established by section 31;

“Board of Management ” means the Public Service Board of Management established by section 19;

“classification” means the assignment of a class and grade to an office in the Public Service;

“classified document” means a document which is stamped with either the word “CLASSIFIED”, “SECRET”, “CONFIDENTIAL” or “RESTRICTED” and is initialled by a head of department or a Minister of Government;

“collective agreement” means an agreement executed pursuant to section 27(1) or pursuant to an order made under section 36(1);

“dispute” means any matter respecting public officers upon which agreement has not been reached with the Establishment, Personnel and Training Department and which is deemed to be a dispute under sections 24, 26 or 27(2) or is considered a dispute under a collective agreement for the purposes of section 29;

S.I. 1027 of 1978
(U.K.).
Schedule I.

“head of department” means a person appointed under section 86 of the Constitution, who is a Permanent Secretary or any of the following officers, that is to say, the Secretary to the Cabinet, Chief Personnel Officer, Financial Secretary, Development Co-ordinator, Director of Audit and Chief Elections Officer;

First Schedule.

“office” means any office of emolument in the Public Service specified in the First Schedule;

“posting” means the assignment of a public officer to duties in a Department not involving a change in office, pay or allowances;

First Schedule.

“public officer” means a person holding or acting in any office specified in the First Schedule;

“Public Service” means the Service in a civil capacity of the Government of Dominica established under section 4;

“representative body” means a body which is designated by the President under section 16 as the body representing the interests of public officers or any category of public officers.

Restriction on application of Act.

3. This Act does not apply in relation to the Dominica Police Force or to any person holding or acting in an office in that Force.

PART II

THE PUBLIC SERVICE FOR DOMINICA

Establishment of Public Service.

4. (1) There is hereby established a Public Service for Dominica consisting of persons who are public officers.

(2) Any public officer who, immediately before the coming into force of this Act, holds public office under the Civil Service Act 1973, whose office is not provided for in the First Schedule, shall be deemed upon the coming into force of this Act, to hold the office in the Public Service appearing in the First Schedule that has been designated to replace his former office.

Act 30 of 1973.
First Schedule.

(3) Any public officer who immediately before the coming into force of this Act holds or is acting in a public office, under the Civil Service Act 1973 and that office is provided for in the First Schedule then that public officer shall continue to hold or act in the like office in the Public Service.

First Schedule.

5. A public officer shall hold office subject to the provisions of this Act, the Pensions Ordinance and the Social Security Act 1975, and except where a period of employment is specified in any written law or agreement, may hold office for an indeterminate period.

Tenure of office
of public officers.
Cap. 235.
No. 38 of 1975.

6. A person who is appointed for a specified period to an office specified in the First Schedule shall cease to be a public officer at the expiration of that period.

Appointment for
specified period.

7. Subject to Regulations relating thereto increments that are prescribed within the limits of a class or in respect of any particular office shall be annual except where otherwise prescribed, and no increment shall accrue to any salary until the public officer in receipt of the salary has received the salary for a continuous period of twelve months.

Increments.

8. (1) Public officers may be posted to a Department by the Chief Personnel Officer of the Establishment, Personnel and Training Department as the exigencies of the service require.

Postings.

(2) Public officers may be posted within a Department by the relevant head of department as the exigencies of the service require.

(3) A public officer posted in a Department under subsection (1) or (2) shall perform the duties of his office in that Department.

(4) Where a public officer is posted –

(a) under subsection (1) he may lodge an objection with the Chief Personnel Officer; or

(b) under subsection (2) he may lodge an objection through the relevant head of department with the Chief Personnel Officer,

and such objection shall be transmitted forthwith by the Chief Personnel Officer to the Public Service Commission to determine whether the powers of the Commission have been infringed.

(5) For the purposes of this section "relevant head of department" means the head of the department within which the public officer is posted.

Abolition of
office.
First Schedule.

9. (1) Subject to subsections (2) and (3), where, pursuant to an Order made under section 41, an office is deleted from the First Schedule the office shall be treated as having been abolished.

(2) Subsection (1) does not apply in relation to any office established by the Constitution.

First Schedule.

(3) Notwithstanding subsection (1) before an Order is made pursuant to section 41 relating to the deletion of an office specified in the First Schedule, the Establishment, Personnel and Training Department shall consult the officer holding such office in order to treat with the officer or his representative body with a view to agreeing to a suitable alternative office to which the officer could be appointed by the Public Service Commission or subject to the powers of removal by the Commission to make provision for the payment of compensation.

Resignation.

10. A public officer who intends to resign his office shall give such period of notice as may be prescribed.

Misconduct.

11. A public officer who, without reasonable excuse, does an act which –

- (a) amounts to failure to perform in a proper manner any duty imposed upon him;
- (b) contravenes any of the provisions of this Act or any Regulations made thereunder;
- (c) is prejudicial to the efficient conduct of the Public Service or tends to bring the Public Service into disrepute,

S.R. & O. 31/
1975.

is liable to disciplinary proceedings for misconduct in accordance with the provisions of the Public Service Commission Regulations in respect of that misconduct.

Modes of leaving
Public Service.

12. The modes by which a public officer may leave the Public Service are–

- (a) on dismissal or removal in consequence of disciplinary proceedings;
- (b) on compulsory retirement;
- (c) on voluntary retirement;
- (d) on retirement for medical reasons;
- (e) on resignation after having given the prescribed notice;

- (f) on the expiry or other termination of an appointment for a specified period;
- (g) on the abolition of his office;
- (h) in the case of a public officer on probation, on the termination of appointment;
- ✕(i) in the case of a public officer holding a non-pensionable office, on the termination of appointment; or ✕
- (j) on retirement in the public interest.

13. (1) A public officer appointed in the Public Service on or after the first day of January 1970 shall vacate his office when he attains the age of fifty-five years. Retiring age for public officers.

(2) A public officer appointed in the Public Service before the first day of January 1970 shall vacate his office when he attains the age of sixty years unless he had opted to retire from office at an earlier age.

14. (1) A public officer shall not be qualified to be elected or appointed as a Representative or Senator to the House of Assembly. Political activities.

(2) Unless it is otherwise prescribed in a written law, a public officer shall not be qualified to be elected or appointed as a member of a City, Town, Urban or Village Council or the Carib Reserve Council.

(3) A public officer shall not –

- (a) except in the execution of his official duties –
 - (i) speak in public on matters that may reasonably be regarded as of national political controversy;
 - (ii) allow himself to be interviewed on questions of public policy;
 - (iii) act as editor of any newspaper, or take part directly or indirectly in the management thereof, without prior written permission from the Establishment, Personnel and Training Department;
 - (iv) write letters to the press or publish in any manner or participate in radio or television broadcast on any matter that may reasonably be regarded as of a political nature;
- (b) canvass for or against, or be an agent or a representative of, any candidate under the House of Assembly (Elections) Ordinance, or any law amending or replacing it or as an agent or assistant to an election agent in any City, Town, Urban or Village Council or the Carib Reserve Council elections; Cap. 183.

(c) hold office in any political party, or associate or involve his post in the Public Service in any political activity; or

(d) solicit funds for any candidate or any political party.

(4) This section shall not be construed as preventing a public officer from voting at any election in which he has the right to do so.

Oaths.

15. Every public officer shall, if and when required by his head of department or by the Secretary to the Cabinet to do so, subscribe to the Oath of Allegiance or the Oath of Secrecy, or both, set out in the Third Schedule.

Third Schedule.

Public officers' representative body.

16. The President may, acting in accordance with the advice of the Prime Minister, designate any body as a representative body in Dominica representing the interests of public officers or any category of public officers.

PART III

THE ESTABLISHMENT, PERSONNEL AND TRAINING DEPARTMENT AND THE PUBLIC SERVICE BOARD OF MANAGEMENT

The Establishment, Personnel and Training Department.

17. (1) There is hereby established a department of government to be known as the Establishment, Personnel and Training Department.

(2) The holder of the office of Chief Personnel Officer shall be the head of the Department.

(3) There shall be assigned to the Department such number of public officers as may be reasonably required to enable the Department to exercise and perform its functions.

Functions of the Establishment, Personnel and Training Department.
S.I. No.1027 of 1978 (U.K.).
Schedule I.

18. (1) Subject to sections 68 and 85 to 90 of the Constitution, the functions of the Establishment, Personnel and Training Department are to manage, direct and control the Public Service.

(2) Without derogation from the generality of subsection (1), the Department shall, in particular –

(a) maintain a classification of the offices in the Public Service and ensure that the classifications are observed;

(b) keep under review the pay and allowances payable to public officers;

(c) administer or ensure the administration of regulations made under section 39; and

- (d) establish procedures for treating with the representative body or with public officers as required or permitted by this Act, in respect of –
- (i) the classification of offices;
 - (ii) grievances;
 - (iii) pay and allowances; and
 - (iv) the terms and conditions of employment, including promotion.

(3) In the exercise and performance of its functions the Department shall ensure –

- (a) that efficiency is maintained in the Public Service; and
- (b) that there is opportunity in the Public Service for advancement on the basis of the recognition of merit, ability and integrity.

19. (1) There is hereby established a board to be known as the Public Service Board of Management which shall consist of –

The Public Service Board of Management.

- (a) a member of the Committee of Permanent Secretaries designated by the Prime Minister, who shall be Chairman;
- (b) the Chief Personnel Officer;
- (c) the Financial Secretary or his nominee;
- (d) a permanent secretary designated, from time to time, by the Chairman; and
- (e) a legal officer nominated by the Prime Minister.

(2) Three members of the Board of Management present at any meeting constitute a quorum.

(3) Decisions of the Board of Management shall be taken by a simple majority of the members present and voting.

(4) Notice of meetings of the Board of Management shall be given by the Chairman.

(5) Subject to subsections (2), (3) and (4), the Board of Management may determine its own procedures.

20. (1) The functions of the Board of Management are –

Functions of the Board of Management.

- (a) to advise the Minister on all matters affecting the management, direction and control of the Public Service; and

(b) to be a review agency in the Public Service in relation to any dispute referred to the Chairman pursuant to subsection (2).

(2) Whenever a head of department is unable to settle any dispute involving a public officer or the representative body, the public officer or, as the case may be, the representative body, or the head of department concerned, may refer the dispute to the Chairman of the Board of Management who shall summon a meeting of the Board within seven days of the receipt by him of the notice of reference.

(3) The Board of Management shall consider any dispute referred to the Chairman of the Board of Management and shall make recommendations for settlement of the dispute to the concerned parties.

The Committee
of Permanent
Secretaries.

21. (1) There is hereby established a committee to be known as the Committee of Permanent Secretaries which shall consist of the Secretary to the Cabinet, the Financial Secretary, the Chief Personnel Officer, the Development Co-ordinator and all Permanent Secretaries.

(2) The Committee of Permanent Secretaries shall meet at least once every three months.

(3) Seven members of the Committee of Permanent Secretaries present at any meeting constitute a quorum.

(4) Decisions of the Committee of Permanent Secretaries shall be taken by a simple majority of the members present and voting.

(5) The Secretary to the Cabinet and the Chief Personnel Officer shall be the Chairman and Deputy Chairman of the Committee of Permanent Secretaries.

(6) Notice of meetings of the Committee of Permanent Secretaries shall be given by the Chairman.

(7) Subject to subsections (3), (4) and (6), the Committee of Permanent Secretaries may determine its own procedure.

Functions of the
Committee of
Permanent
Secretaries.

22. The functions of the Committee of Permanent Secretaries are:

- (a) to coordinate the management functions of the Public Service;
- (b) to consider and make recommendations on any matter referred to it by the Chairman; and
- (c) to plan the implementation of career development and succession planning in the Public Service.

PART IV
TREATING WITH THE PUBLIC SERVICE

23. (1) The Establishment, Personnel and Training Department may, from time to time, treat with the representative body or with any public officer on any matter when requested to do so or when it considers it necessary or desirable to do so.

Treating with the representative body, etc.

(2) The Department may treat collectively with persons holding any office specified in the Second Schedule or with their representative with a view to reaching an agreement in respect of any of the matters mentioned in section 18(2)(d)(i),(ii),(iii) or (iv).

Second Schedule.

(3) Any agreement made pursuant to subsection (2) may provide that, subject to such conditions, variations and exceptions as may be specified, any identified collective agreement shall apply in relation to persons so employed.

(4) Nothing done under or pursuant to subsection (1) or (2) shall affect the operation of any collective agreement.

24. (1) Where under section 23, the parties are unable to reach agreement on any matter a dispute shall be deemed to exist between them as to that matter, and the dispute may be referred by either or both of the parties to the Board of Arbitration for decision in accordance with this Act.

Disputes in negotiations under section 23.

(2) Where a dispute, such as is referred to in subsection (1), is one which could be referred under section 20(2) to the Chairman of the Board of Management, or should, subject to the powers of the Director of Public Prosecutions under section 72 of the Constitution, be referred to the Attorney General, to advise whether prosecution should be instituted or whether disciplinary action should be taken or continued under the Public Service Commission Regulations, nothing in subsection (1) shall prevent it from being so referred.

S.I. 1027 of 1987 (U.K.)
Schedule I.

S.R & O. 31 of 1975.

25. (1) Twelve months before an agreement comes to an end the Establishment, Personnel and Training Department shall give notice to the representative body, or that body may give notice to the Department, stating its desire to negotiate with a view –

Notice of desire to negotiate collective agreement.

- (a) to making a collective agreement in respect of all or any of the matters mentioned in section 18(2)(d)(i),(ii), (iii) or (iv); or
- (b) to renewing, with or without modification, a collective agreement then in operation.

(2) Where a notice has been given under subsection (1) the parties shall meet within the prescribed period to begin negotiating in good faith for the making of a collective agreement or, as the case may be, for the renewal of a collective agreement.

(3) Where the parties are satisfied that it may assist their negotiations, they may refer any matter to a conciliator, nominated by them, for resolution within the prescribed period.

(4) A notice –

(a) under subsection (1) shall be in writing; and

(b) for the purposes of subsection (1)(b) shall give particulars of any proposed modifications.

(5) Subject to subsection (7), either party may nominate one or more than one person, to carry on negotiations on its behalf.

(6) A person nominated pursuant to subsection (5) may or may not be a public officer.

Second
Schedule.

(7) The representative body shall not nominate pursuant to subsection (5) a person holding or acting in an office specified in the Second Schedule.

(8) For the purposes of this section, “the prescribed period” means –

(a) in subsection (2), 90 days after the date on which the notice concerned was given, or such longer period after that date as the parties may agree; and

(b) in subsection (3), 30 days after the date on which the matter is referred for resolution.

Reference of
dispute to Board
of Arbitration.

26. (1) Where, pursuant to negotiations under section 25(2), the parties are unable within the prescribed period to agree on all or any of the terms which are to be included in a collective agreement, a dispute shall be deemed to exist between them as to the terms in respect of which there is no agreement.

(2) The Chief Personnel Officer shall forthwith refer such a dispute as is referred to in subsection (1) to the Board of Arbitration for decision in accordance with this Act.

(3) In subsection (1), “the prescribed period” means 90 days or such longer period as the parties may agree after the date on which negotiations began pursuant to section 25(2).

Execution of
collective
agreement.

27. (1) The parties to negotiations under section 25(2) shall, without delay, record in a document –

(a) the terms agreed by them in the negotiations; and

(b) where applicable, any terms decided by the Board of Arbitration pursuant to a reference to the Board under section 26(2),

and the document shall, as soon as possible after the terms are so recorded, be executed on behalf of the Government and on behalf of the representative body.

(2) Where subsection (1) is not complied with a dispute shall be deemed to exist between the parties and either of them may refer the dispute to the Board of Arbitration for decision in accordance with this Act.

28. (1) Subject to subsections (2) and (3), a collective agreement is binding on – Effect of collective agreement.

- (a) the Government;
- (b) the representative body; and
- (c) public officers.

(2) Subject to section 23(3), a collective agreement does not apply in relation to any person holding an office specified in the Second Schedule. Second Schedule.

- (3) Any provision in a collective agreement is void in so far as –
- (a) it purports to exclude or limit the operation of any provision of this Act; or
 - (b) it would require, either directly or indirectly, the enactment of any legislation, other than an appropriation law, for its implementation.

29. Every collective agreement shall be deemed to include a term providing that in the event that the parties are unable to settle any difference between them concerning the interpretation, application, administration or alleged breach of the agreement, the Government or the representative body may refer the matter to the Board of Arbitration for decision in accordance with this Act. Disputes under collective agreement.

30. (1) Subject to subsection (2), a collective agreement shall continue in operation – Term of collective agreement.

- (a) for such term, not being more than three years, as is specified in the agreement; or
- (b) if no term is specified, for a term of two years commencing on the date on which the agreement is executed.

(2) A collective agreement shall cease to operate if the Government and the representative body mutually agree.

PART V

PUBLIC SERVICE BOARD OF ARBITRATION

31. (1) There is hereby established a board to be known as the Public Service Board of Arbitration which shall consist of not more than eight members who shall be appointed in accordance with this section and section 32. The Public Service Board of Arbitration.

(2) The Minister shall appoint as members of the Board of Arbitration –

- (a) three persons nominated by the Board of Management; and
- (b) three persons nominated by the representative body.

(3) Where –

- (a) the Board of Management fails to nominate three persons; or
- (b) the representative body fails to nominate three persons,

within fourteen days of the date of a request by the Minister to do so, the Minister may appoint such number of persons, not exceeding three, as the circumstances require.

(4) Subject to this section, a member appointed pursuant to this section shall hold office for the period specified in the instrument of his appointment, commencing on the date of his appointment for a period not exceeding three years.

(5) A member appointed pursuant to this section shall be eligible for re-appointment.

(6) The appointment of a member made pursuant to this section shall be revoked if, in the case of a member nominated –

- (a) by the Board of Management, that Board so requests; or
- (b) by the representative body, that body so requests,

but a request so made in relation to a member who is then a member of an Arbitration Tribunal shall not take effect until the Tribunal has delivered its decision in relation to the dispute concerned.

(7) Where a vacancy occurs in the office of any member appointed pursuant to this section –

- (a) by reason of the death or resignation of the member;
- (b) on the expiration of the term for which the member was appointed; or
- (c) as a result of the revocation of his appointment pursuant to subsection (6),

the vacancy shall be filled by the Minister by the appointment of another member nominated by the Board of Management or, as the case requires, the representative body.

(8) Where a member appointed pursuant to this section tenders his resignation while he is a member of an Arbitration Tribunal, his resignation shall not take effect and no vacancy occurs in his office until immediately after the Tribunal has delivered its decision in relation to the dispute concerned.

(9) Where –

- (a) the Minister is required to fill a vacancy pursuant to subsection (7); and
- (b) the Board of Management or, as the case may be, the representative body fails to nominate a person within fourteen days of the date when the vacancy occurs,

the Minister shall appoint a person to fill the vacancy.

32. (1) The President, after consultation with the Minister and the representative body, may appoint a person to be –

- (a) Chairman; and
- (b) Vice-Chairman,

Chairman and
Vice-Chairman of
the Board of
Arbitration.

of the Board of Arbitration.

(2) The President, after consultation with the Minister responsible for Finance, may fix the terms and conditions of appointment of the Chairman or Vice-Chairman of the Board of Arbitration and those terms and conditions shall be stated in the instrument of his appointment.

(3) The Chairman and the Vice-Chairman of the Board of Arbitration are each members of the Board.

(4) Where for any reason the Chairman of the Board of Arbitration is unwilling or unable to exercise or perform his functions, the Vice-Chairman may exercise or perform those functions, but the Vice-Chairman shall not otherwise exercise or perform those functions.

(5) Any reference in any other provision in this Part to the Chairman of the Board of Arbitration shall be deemed to include a reference to the Vice-Chairman of that Board, but nothing in this subsection shall affect the limitation imposed by subsection (4) on the exercise or performance by the Vice-Chairman of the Chairman's functions.

33. (1) For the purpose of deciding any dispute referred to it, the Chairman of the Board of Arbitration shall empanel an Arbitration Tribunal consisting of the Chairman and two other members selected by the Chairman in accordance with subsection (2).

Empanelling of
Arbitration
Tribunal.

(2) The Chairman shall select –

- (a) one of the persons nominated by the Board of Management and appointed by the Minister; and
- (b) one of the persons nominated by the representative body and so appointed,

to be members of the Arbitration Tribunal.

(3) For the purposes of subsection (2), a person shall be treated as having been nominated by the Board of Management or, as the case may be, the representative body, notwithstanding that he was appointed pursuant to section 31(3) or (9).

Proceedings of
Arbitration
Tribunal.

34. (1) In proceedings before an Arbitration Tribunal in relation to any dispute –

- (a) the procedure is, subject to this Act and Regulations made thereunder, within the discretion of the Chairman, after consultation with the other members of the Tribunal;
- (b) the Tribunal is not bound to act in a formal manner and is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks just;
- (c) the Tribunal may, of its own motion or at the request of either or both of the parties, make such inquiries as it thinks desirable;
- (d) the Tribunal may summon and compel the attendance of witnesses to give evidence or produce documents; and
- (e) the Tribunal may administer oaths.

(2) Proceedings before an Arbitration Tribunal in relation to any dispute shall, except with the agreement of the parties, be held in public.

(3) The Chairman of an Arbitration Tribunal may determine the place, date and time for the hearing of any dispute.

(4) Subject to subsection (5), the parties to a dispute may appear before an Arbitration Tribunal personally or be represented by any person.

(5) In any case where the representative body is a party to a dispute, it shall not be represented by a person holding or acting in an office specified in the Second Schedule.

Second
Schedule.

(6) If it is reasonable so to do and within the ambit of the right to be heard and the Chairman of an Arbitration Tribunal so directs, the Tribunal may hear and determine a dispute notwithstanding the absence of –

- (a) any party to the dispute or the representative of any such party; or
- (b) any member of the Tribunal other than the Chairman.

Decisions of
Arbitration
Tribunal.

35. (1) An Arbitration Tribunal shall hear any dispute referred to it within a reasonable time and deliver a written decision on the dispute as soon as possible.

(2) Subject to subsection (4), a decision of the majority of the members of an Arbitration Tribunal in relation to any dispute referred to it is the decision of the Tribunal.

(3) Where, after a dispute referred to it has been heard by an Arbitration Tribunal, the Chairman is satisfied that, by reason of his conduct, any other member of the Tribunal is unlikely to give, within a reasonable period, a decision in relation to the dispute, he may so notify the parties to the dispute in writing.

(4) Where the Chairman of an Arbitration Tribunal has notified the parties to a dispute as provided in subsection (3), the decision of the Tribunal in relation to the dispute –

- (a) is that of the Chairman and the remaining member; or
- (b) if –
 - (i) they disagree; or
 - (ii) both of the other members have been referred to in such a notice,
 is that of the Chairman.

(5) A decision of an Arbitration Tribunal in relation to any dispute referred to it –

- (a) is final and shall not be challenged in any proceedings except on a point of law; and
- (b) is binding on the parties to the dispute.

36. (1) When, in proceedings in relation to a dispute such as is referred to in section 27(2), an Arbitration Tribunal decides that section 27(1) is not being complied with, the Tribunal may make such orders as it deems appropriate, including an order or orders to the effect that a record be prepared or executed, or both, in accordance with the order.

Orders in relation to a dispute under section 27.

(2) An Arbitration Tribunal may exercise the power to make orders under subsection (1) from time to time on the application of either of the parties to the dispute.

37. (1) When any party has failed to comply with any decision or order of the Tribunal under sections 35 and 36 respectively, any party affected thereby may, after fourteen days from the date on which the decision or order was made or the date provided in such decision or order for compliance, whichever is the later, file and register in the High Court a copy of the decision or order and apply to the High Court in accordance with the rules of Court for the grant of an appropriate order based on the decision or order of the Tribunal.

Decision or order of Tribunal may be filed in Court.

Cap. 5.
1961 Rev. Ed.

(2) Subject to the provisions of the Crown Proceedings Ordinance and the prerogatives of Parliament relating to the imposition of any charge upon the Consolidated Fund or any other public fund of Dominica, the High Court may, on an application made under subsection (1), make such order as it deems just in the circumstances.

Arbitration Act
1988 not to
apply.
No. 6 of 1988.

38. The Arbitration Act 1988 shall not apply in relation to proceedings before an Arbitration Tribunal or to any decision made by it.

PART VI MISCELLANEOUS

Regulations.

39. (1) Subject to subsection (2), the Minister may, after consultation with the Chief Personnel Officer and the representative body, make regulations prescribing all matters that by this Act are required or permitted to be prescribed or that he considers necessary or convenient to be prescribed for giving effect to this Act and, in particular, —

- (a) for prescribing administrative orders and instructions for the Public Service;
- (b) for prescribing the terms and conditions of employment in the Public Service;
- (c) for regulating the duties and conduct of public officers;
- (d) for prescribing the qualification and remuneration of public officers;
- (e) for regulating the hours of attendance of public officers and the keeping and signing of records of attendance or providing other methods of recording attendance;
- (f) for regulating the granting of leave to public officers;
- (g) for prescribing arrangements and procedures for providing, assisting in or co-ordinating staff development programmes;
- (h) for regulating the terms and conditions of temporary appointments;
- (i) for prescribing the probationary period on first appointment and for the reduction of the period in appropriate cases;
- (j) for prescribing and regulating —
 - (i) increments; and
 - (ii) merit awards based on merit, ability and integrity;
- (k) for prescribing fees and allowances to be paid to a member of the Board of Arbitration, other than the Chairman or the Vice-Chairman;

- (l) on the advice of the Board of Arbitration for regulating the proceedings of the Board including the procedure relating to the referral of disputes for decision and the giving of decisions by the Tribunal;
- (m) for prescribing the basis upon which the President is advised to designate a representative body under section 16; and
- (n) for the enforcement of a collective agreement or any other agreement made under this Act.

(2) If regulations are made under subsection (1) that conflict with the terms of an existing collective agreement between Government and the representative body then the terms of the relevant collective agreement shall prevail.

40. (1) A public officer shall not, without the prior written permission of his head of department or of the Secretary to the Cabinet, publish or disclose to any person, otherwise than in the course of his duty as a public officer, the contents of any classified document or information which has come to his knowledge in the course of his duty as a public officer. Duty of secrecy.

(2) A disclosure made by a person who is, or was, a public officer for the purposes of negotiations under Part IV, or in proceedings before the Board of Arbitration, shall, for the purposes of this section, be deemed to have been made by him in the course of his duty as a public officer.

(3) In this section "document" means –

- (a) any thing on which there is writing;
- (b) a map, plan, drawing or photograph; and
- (c) a thing from which sounds or visual images are capable, with or without the aid of a device, of being reproduced,

and also includes a part of, or an extract from, a document.

(4) Any person who contravenes this section commits an offence and is liable on conviction to a fine of one thousand dollars and one month imprisonment.

41. After consultation with the representative body the Minister may by Order published in the *Gazette* – Amendment of Schedules.

- (a) subject to section 9(3), amend the First Schedule;
- (b) amend the Second Schedule.

42. (1) The Civil Service Act 1973 is hereby repealed save that – Repeal and savings.
No. 30 of 1973.

- (a) all Orders, Rules and Regulations that continued in force under it in so far as they are not inconsistent with this Act, shall continue in force until revoked by Regulations made under this Act; and

(b) any administrative orders and instructions in use and which were in force immediately prior to the commencement of this Act shall be deemed to have been prescribed under section 37(a) of this Act.

(2) Any agreement of the kind referred to in section 21 of the Civil Service Act 1973, which had effect immediately prior to the commencement of this Act shall be deemed to be a collective agreement executed at the commencement of this Act for the unexpired term of the agreement, and the provisions of this Act shall apply accordingly.

(Sections 2, 4, 9
& 41).

FIRST SCHEDULE

Accountant
 Accountant General
 Accounts Clerk
 Administrative Assistant
 Administrative Cadet
 Administrative Officer
 Adult Education Aide
 Adult Education Officer
 Agricultural Assistant
 Agricultural Instructor
 Agricultural Officer
 Air Traffic Controller
 Airport Manager
 Architect
 Architectural Technician
 Assistant Accountant
 Assistant Adult Education Officer
 Assistant Airport Manager
 Assistant Architect
 Assistant Chief Welfare Officer
 Assistant Comptroller of Inland Revenue
 Assistant, Central Sterile Supplies Department
 Assistant Director of Audit
 Assistant Education Officer
 Assistant Government Printer
 Assistant Hospital Administrator
 Assistant Janitor
 Assistant Librarian
 Assistant Livestock Development Officer

Assistant Local Government Commissioner
Assistant Matron
Assistant Mechanical Superintendent
Assistant Office Attendant
Assistant Quantity Surveyor
Assistant Secretary
Assistant Superintendent of Prisons
Assistant Surveyor
Assistant Teacher (Unqualified)
Assistant Teacher (Unqualified Temporary)
Assistant Technician (Medical Laboratory)
Assistant Television Producer
Assistant Youth Development Officer
Attendant (Laboratory)
Attendant (Printery)
*Attorney General
Audit Clerk I
Audit Clerk II
Audit Officer I
Audit Officer II
Auditor, Cooperatives
Bailiff
Boatman
Budget Controller
Building Inspector
Building Maintenance Officer
Building Maintenance Supervisor
Bursar (Clifton Dupigny Community College)
Cadet
Caretaker/Messenger
Chauffeur/Attendant
Chauffeur/Projectionist
Chemist (Produce)
Chief Community Development Officer/Local Government
Commissioner
Chief Cultural Officer
Chief Dental Officer
Chief Education Officer
Chief Elections Officer
Chief Environmental Health Officer
Chief Fire Officer
Chief Fisheries Officer
Chief Information Officer
Chief Labour Officer
Chief Librarian

Chief Magistrate
Chief Medical Officer
Chief Nursing Officer (Hospital)
Chief Orderly
Chief Parliamentary Draftsman
Chief Personnel Officer
Chief Pharmacist
Chief Prison Officer
Chief Statistical Officer
Chief Statistician
Chief Technical Officer (Agriculture)
Chief Technical Officer (Economic Development Unit)
Chief Technical Officer (Social Services)
Chief Technical Officer (Establishment, Personnel and Training)
Chief Technical Officer (Trade)
Chief Technical Officer (Works)
Chief Welfare Officer
Chief Youth Development Officer
Clerk of Court
Clerk of the House of Assembly
Collector of Customs
Commissioner of Cooperatives
Community Health Aide
Comptroller of Customs and Excise
Comptroller of Inland Revenue
Computer Control Clerk
Cooperative Officer
Coordinator, In-service Education (Health)
Coordinator, Livestock Development
Coordinator, Special Programmes
Coordinator, Technical/Vocational Education
Coordinator, Women's Affairs
Craft Teacher (Blind)
Cultural Officer
Customs Guard
Customs Officer (Grade I)
Customs Officer (Grade II)
Customs Officer (Grade III)
Data Entry Clerk
Dental Auxiliary
Dental Hygienist
Dental Surgeon
Dental Surgery Assistant
Departmental Head (Secondary)
Departmental Sister

Deputy Accountant General
Deputy Chief Fire Officer
Deputy Chief Technical Officer (Works)
Deputy Comptroller of Customs and Excise
Deputy Comptroller, Inland Revenue
Deputy Director of Audit
Deputy Financial Secretary
Deputy Labour Commissioner
Deputy Principal/Programme Coordinator (Secondary School)
Deputy Registrar
Development Control Officer
Development Coordinator
Development Economist
Dietician
Director of Audit
Director of Finance and Development
Director of Forestry and Wildlife
Director, Law Commission
Director, Primary Health Care
Director of Projects
Director of Public Prosecutions
Director of Studies - Academic
Director of Studies - Medical
Director of Studies - Technical
Director of Surveys and Commissioner of Lands
Director Women's Bureau
Dispenser
District Development Officer
District Midwife
Draftsman
Draftsman/Trainee
Economist I
Economist II
Education Officer
Electrical Technician
Electrician
Engineer
Engineer (Electrical)
Engineer (Structural)
Engineering Technician
Environmental Education Officer
Environmental Health Officer
Environmental Protection Officer
Executive Officer
Field Officer, Adult Education

Field Officer, Women's Bureau
Financial Secretary
Fireman
Fisheries Assistant
Fisheries Development Adviser
Fisheries Liaison Officer
Fisheries Officer
Food Supervisor (Princess Margaret Hospital)
Foreman (Agriculture)
Forest Guard
Forest Officer
Forest Ranger
Forest Technician
Garage Foreman
Government Press Advisor
Government Printer
Graduate Teacher
Graphic Artist/Communications Officer
Headmaster/Headmistress
Health Educator
Health Statistical Officer
Health Visitor
Hospital Administrator
Hospital Services Director
Housekeeper, Nurses Hostel
Housing Officer
Income Tax Inspector
Indexer Assistant
Information Assistant
Information Officer
Inspector (Inland Revenue)
Instructor (Public Works Department Garage)
Instructor (Technical)
Instructor/Trainer, Youth Skills Programme
Intern
Janitor
Job Developer, Youth Skills Programme
Junior Accounts Clerk
Junior Clerk
Junior Control Clerk (Computer)
Junior Draughtsman
Junior Statistical Assistant
Laboratory Assistant
Laboratory Assistant (Produce)
Laboratory Superintendent

Laboratory Technician (Engineering Soils)
Laboratory Technician (Medical)
Labour Inspector
Labour Officer I
Labour Officer II
Land Use Planner
Land Valuer
Land Valuation Technician
Leading Fireman
Lecturer
Librarian
Librarian (Law Library)
Library Assistant
Local Government Commissioner/Chief Community Development
Officer
Magistrate
Maintenance Supervisor
Manager, Computer Center
Manager, Central Sterile Supplies Department
Manager/Engineer, Housing
Manager (Workshop for the Disabled)
Matron
Mechanic (Fisheries)
Mechanical Superintendent
Medical Director, Primary Care Services
Medical Director, Princess Margaret Hospital
Medical Officer
Mental Health Nurse
Messenger
Messenger/Attendant
Messenger/Cleaner
Meteorological Assistant
Nurse Practitioner/Anaesthetist
Nurse Practitioner/Family/Paediatrics
Nurse Practitioner/Registered Nurse
Nursing Assistant
Nursing Attendant
Nursing Officer
Nutritionist
Office Attendant
Operator (Computer)
Orderly/Orderly Driver
PBX Operator
Permanent Secretary
Pharmacist

Physical Planner
Physical Planning Assistant
Physiotherapist
Postman
Postmaster General
President's Secretary & A.D.C.
President's Orderly
Primary Care Nurse
Primary School Supervisor (Junior Section)
Principal (Clifton Dupigny Community College)
Principal (Junior Secondary School)
Principal (Primary School)
Principal (Secondary School)
Principal (Teachers' Training College)
Principal Land/Engineering Surveyor
Principal Nursing Officer
Principal Prison Officer
Principal Tutor (Clinical)
Prison Officer
Programme Officer
Programmer (Computer)
Project Development Officer
Project Manager
Project Officer
Property Valuation Draughtsman
Property Valuation Technician
Property Valuer
Puncher/Verifier (Computer)
Pupil Surveyor
Qualified Assistant Teacher
Quantity Surveyor
Quantity Surveyor Trainee
Radiographer
Reading Specialist
Records Officer
Regional Supervisor/Primary Care Services
Registrar of Cooperatives
Registrar, Registrar General and Provost Marshal
Registry Assistant/Library Technician
Research Economist
Revenue Officer I
Revenue Officer II
Revenue Officer III
Road Superintendent (Public Works Department)
Road Supervisor

Seamstress
Secretary
Secretary, Police Service Commission
Secretary, Public Service Commission
Secretary to the Cabinet and Head of the Public Service
Secretary to the Prime Minister
Senior Accounts Clerk
Senior Assistant, Central Sterile Supplies Department
Senior Clerk
Senior Control Clerk (Computer)
Senior Cooperatives Officer
Senior Cultural Officer
Senior Dental Auxiliary
Senior Development Control Officer
Senior Dispenser
Senior Draftsman
Senior Education Officer
Senior Engineer
Senior Environmental Health Officer
Senior Executive Officer
Senior Instructor (Academic)
Senior Instructor (Technical)
Senior Labour Officer
Senior Laboratory Technician
Senior Mechanical Operator (Marine)
Senior Meteorological Assistant
Senior Nurse, Psychiatric Unit
Senior Nursing Officer
Senior Orderly/Driver
Senior PBX Operator
Senior Pharmacist
Senior Physical Planner
Senior Postman
Senior Printing Technician
Senior Prison Officer
Senior Projects Officer
Senior Property Valuer
Senior Radiographer
Senior Seamstress
Senior State Attorney
Senior Statistical Assistant
Senior Supervisor (Primary Health Care)
Senior Technician
Senior Systems Analyst
Solicitor General

Special Fiscal Adviser
Specialist Teacher
Specialist Medical Officer
Sports Coordinator
Sports Development Officer
Sports Master/Mistress
Sports Officer
Staff Nurse
Staff Nurse/Midwife
State Attorney
State Lands Officer
State Lands Ranger
Station Officer
Statistical Assistant
Statistical Officer I
Statistical Officer II
Statistical Officer III
Statistician
Stenotypist I
Stenotypist II
Steward Dispenser
Storekeeper
Sub-Station Officer
Superintendent, National Parks
Superintendent of Prisons
Superintendent, Psychiatric Unit
Supervisor, Blood Bank
Supervisor (Customs and Excise)
Supervisor (Inland Revenue)
Supervisor, Typing/Stenography
Supplies Management Officer
Support Services Manager
Surveyor
Systems Analyst (Computer)
Technician (Architectural)
Technician (Computer)
Technician (Electrical)
Technician (Engineering)
Technician (Library)
Technician (Maintenance)
Technician (Plant Protection)
Technician (Printing)
Technician (Production)
Technician (Office Equipment)
Technician (Telecommunications)

Technician (Valuations)
Technical Officer (Agriculture)
Technical Officer (Trade)
Temporary Clerical Assistant
Tertiary Education Advisor
Trainee (Agriculture)
Training Officer
Tutor (Clinical)
Tutor, Teachers' Training College
T.V. Producer
Typist/Filing Clerk
Valuation Officer
Veterinary Officer
Ward Sister
Warehouseman/Driver
Welfare Officer
Wharf Supervisor
Workshop Technician (Junior Technical College)
X-Ray Assistant
Youth Officer
Youth Training Instructor
4-H Coordinator

SECOND SCHEDULE

(Sections 23(2),
25(7), 28(2),
34(5) & 41).

Accountant General
Airport Manager
Assistant Airport Manager
Assistant Secretary
Attorney General
Budget Controller
Chief Education Officer
Chief Elections Officer
Chief Personnel Officer
Chief Fire Officer
Chief Medical Officer
Chief Statistician
Chief Technical Officers

Clerk of the House of Assembly
Comptroller of Customs and Excise
Comptroller of Inland Revenue
Development Coordinator
Director of Audit
Director of Finance and Development
Director, Law Commission
Director of Public Prosecutions
Director of Surveys and Commissioner of Lands
Financial Secretary
Government Printer
Hospital Services Director
Housing Development Officer
Labour Commissioner
Manager, Computer Center
Mechanical Superintendent
Medical Director
Permanent Secretary
Postmaster General
President's Secretary and A.D.C
Quantity Surveyor
Registrar, Registrar General and Provost Marshal
Secretary to the Cabinet and Head of the Public Service
Solicitor General
Special Fiscal Advisor
Superintendent of Prisons.

(Section 15).

THIRD SCHEDULE

OATH OF ALLEGIANCE

I, do swear that I will be faithful and bear true allegiance to the Commonwealth of Dominica, according to law. So help me God!

AFFIRMATION OF ALLEGIANCE

I, do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to the Commonwealth of Dominica, according to law.

OATH OF OFFICE AND SECRECY

I, (A.B.) solemnly and sincerely swear that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in the Public Service and that I will not, without due authority in that behalf, in any manner whatsoever publish or communicate any facts or expressions of opinion based on such facts that come to my knowledge by reason of such employment. So help me God!

AFFIRMATION OF OFFICE AND SECRECY

I, (A.B.) solemnly and sincerely affirm and declare that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in the Public Service and that I will not, without due authority in that behalf, in any manner whatsoever publish or communicate any facts or expressions of opinion based on such facts that come to my knowledge by reason of such employment.

Passed in the House of Assembly this 28th day of November, 1991.

M. ALBERTHA JNO. BAPTISTE
Clerk of the House of Assembly.

DOMINICA

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