

**LAWS OF DOMINICA**

**PUBLIC SERVICE ACT**

**CHAPTER 23:01**

**Act**  
**27 of 1991**  
Amended by  
32 of 1995

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**Note  
on  
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

## CHAPTER 23:01

## PUBLIC SERVICE ACT

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## CHAPTER 23:01

## PUBLIC SERVICE ACT

**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.** 27 of 1991.

[27th December 1991]

Commencement.

## PART I

## PRELIMINARY

1. This Act may be cited as the –

Short title.

**PUBLIC SERVICE ACT.**

2. In this Act –

Interpretation.  
[32 of 1995].

“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 section 24, 26 or 27(2) or is considered a dispute under a collective agreement for the purposes of section 29;

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- 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.
- 30 of 1973.  
First Schedule.
- (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.
- 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.

5. A public officer shall hold office subject to the provisions of this Act, the Pensions Act and the Social Security Act, 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.  
Ch. 23:80.  
Ch. 31:01.

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.  
First Schedule.

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.

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.

Abolition of  
office.  
First Schedule.

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

(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,

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 1st 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 1st 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) Act, or any law amending or replacing it or as an

Ch. 2:01.

agent or assistant to an election agent in any City, Town, Urban or Village Council or the Carib Reserve Council elections;

- (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. 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.

Functions of the  
Board of  
Management.

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

- (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.

**22.** The functions of the Committee of Permanent Secretaries are – Functions of the Committee of Permanent Secretaries.

- (a) to co-ordinate 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

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

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Notice of desire  
to negotiate  
collective  
agreement.

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.

**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 –

- (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.

(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 –

Second  
Schedule.

- (a) in subsection (2), ninety 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), thirty days after the date on which the matter is referred for resolution.

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.

Reference of  
dispute to Board  
of Arbitration.

(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 ninety days or such longer period as the parties may agree after the date on which negotiations began pursuant to section 25(2).

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

Execution of  
collective  
agreement.

- (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.

Second  
Schedule.

(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.

(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.

Disputes under  
collective  
agreement.

**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.

Term of  
collective  
agreement.

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

- (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

The 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.

(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.

Chairman and  
Vice-Chairman  
of the Board of  
Arbitration.

**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,

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.

Empanelling of  
Arbitration  
Tribunal.

**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).

(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).

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

Proceedings of  
Arbitration  
Tribunal.

- (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.

Second  
Schedule.

(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.

(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.

(2) Subject to the provisions of the State Proceedings Act 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.

Ch. 7:80.

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

Arbitration Act not to apply.  
Ch. 4:50.

## PART VI MISCELLANEOUS

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 –

Regulations.

- (a) for prescribing administrative orders and instructions for the Public Service;
- (b) for prescribing the terms and conditions of employment in the Public Service;

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- (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) anything 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; First Schedule.
- (b) amend the Second Schedule. Second Schedule.

**42.** (1) The Civil Service Act 1973 is hereby repealed save that – Repeal and savings.  
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 39(1)(a) of this Act.

30 of 1973.

(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  
and 41).

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#### 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



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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  
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  
Deputy Comptroller, Inland Revenue

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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

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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

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President's Secretary and 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

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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)  
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

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SECOND SCHEDULE

(Sections 23(2),  
25(7), 28(2),  
34(5) and 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  
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

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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).

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### 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.

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