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LOCAL GOVERNMENT NEGOTIATING
MACHINERY - THE TANZANIAN SOLUTION ^{1/}

^{1/} This paper has been contributed by Mr. A. G. Stephen, Principal Assistant Secretary, Ministry of Agriculture, Tanzania. The opinions expressed herein are not necessarily those of the United Nations.

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1. The first step in the process of the investigation is the identification of the problem. This is done by the investigator who is assigned to the case. The investigator will then gather information about the problem and the people involved. This information will be used to develop a plan of action. The plan of action will be implemented and the results will be evaluated. If the results are not satisfactory, the plan will be revised and the process will be repeated. The process of the investigation is a continuous one and it is important to keep the information up to date. The investigator will also keep the people involved in the process informed of the progress of the investigation. This will help to build trust and cooperation between the investigator and the people involved. The process of the investigation is a complex one and it requires a lot of time and effort. However, it is a necessary part of the process of solving problems and it is important to do it right the first time.

Negotiating Machinery

Prior to the introduction of the Unified Local Government Service which took effect from the 1.1.63 each of the 60 odd Local Authorities was a separate entity. It recruited its own staff, decided its own terms and conditions of service within certain broad limits imposed by financial considerations and the Ministry for Local Government. Promotion prospects were very poor and salary scales varied widely. Richer Authorities were able to attract staff of a much higher calibre than the poorer ones. In an attempt to improve conditions the Tanganyika Local Government Workers' Union negotiated with individual Councils but found it an uphill task owing to the wide diversity in conditions of service and the number of Authorities. In the final resort strike action was possible, but often dangerous, as the number of jobs available in Local Government on a strictly local basis was very limited. Also a vigorous attempt to raise the salaries of employees generally would often result in the Authority being quite unable to pay, leading to redundancies or heavier taxation.

As far as the Union was concerned their position became increasingly frustrating after the Local Government Service was established. The Local Government Service Commission had the sole power to vary conditions of service and had only delegated to Authorities the power to employ, promote and terminate employees on salaries less than £210 per annum without reference to the Commission. The salary scales themselves could not be modified by the Authorities. Representations could be, and were often, made to the Local Government Service Commission but there was no machinery whereby formal negotiations on specific claims could be started with the Commission with supporting regulations to enforce implementation of decisions. Strike action was still possible until September 1962 when Labour Legislation made strikes illegal until certain consultative processes had taken place. Then in February 1964 all Trade Unions were regrouped under the National Union of Tanganyika Workers (NUTA) which covered both private and public Sectors.

The need for negotiating machinery was now imperative in the Local Government Service, particularly as an earlier Bill had already established such machinery for the Civil Service. The Local Government Service (Negotiating Machinery) Act (No. 66/63) was passed in December 1963. It was identical to the Civil Service Act except where it was necessary to take into account the third party position of the Local Government Service Commission. We shall see that this led to some apparent weaknesses in practice which will be discussed in detail later.

The aim of the Act was to provide a machinery for representing the views of junior local Government employees on their terms and conditions of service (Senior local Government employees defined as Executive Officers or Town Clerks, Heads of Departments and their Deputies were excluded as they were expected to have their own association in due course). The Act established a National Joint Staff Council of not less than 10 and not more than 20 members. 15 was the final figure laid down in supporting Regulations, i.e. 8 on the Employers' side, one of whom was to be Chairman and 7 on the Union's side of whom one was to be Vice Chairman. All were to be appointed by the Commission from nominations for the Employers' side by the Association of Local Authorities and for the Union's side by NUTA. Terms of Reference were defined as follows:

- (a) to negotiate on matters relating to the terms and conditions of service of junior local government officers of any class, grade or group thereof;
- (b) to discuss and submit advice to the Commission on any matters on which the Commission seeks the advice of the Council;
- (c) to discuss and make recommendations to the Commission on any matter concerning the interests, well-being and efficiency of junior local government officers; and

(d) generally to assist in the furtherance of good relations between the statutory authority, employing authorities and junior local government officers.

This meant that apart from dealing with individual cases which were specifically excluded, the Council was free to discuss all conditions and terms of service as they affected junior local government employees. Meetings were to be held at least twice a year.

Perhaps the most interesting provisions are those concerned with implementing decisions and dealing with disputes so that action can follow instead of stalemate. If the Council agree on a resolution and it is signed by the Chairman and Vice Chairman it must be accepted and implemented by the Commission, Local Authorities and all employees concerned for a period of 12 months from the date of signing. There is no appeal nor can the matter be brought up again before the Council for 12 months except with the prior approval of the Commission.

When the Council cannot agree they can refer the matter to the Commission. The Commission can either refer it back to the Council for further consideration or appoint a Board of Enquiry. On receipt of the Board's Report the Commission makes an award which is binding on all concerned for a minimum period of 12 months. A similar procedure is provided for in the case of disputes between an Authority and its employees or between the Commission and certain Employees.

So much for the main provisions of the Act. How has it worked out in practice in Tanzania? It is fair to say that we have had "teething troubles" and learned some valuable lessons. Perhaps the most important lesson we have learned is that if the Council is to have the power to enforce its joint decisions for 12 months without appeal both sides must have high powered and well briefed representatives who are fully aware of all the implications of the decisions made. For the Civil Service Council the Minister appointed

Members to the Employers' side who were mainly of Principal Secretary level and others with special knowledge of the problems involved. For the Local Government Council the Associations of Local Authorities (Urban/Rural) nominated Councillors and they were appointed by the Commission as laid down by the Act. The NUTA Representatives were experienced negotiators who had studied Local Government problems over a considerable period. Unfortunately the Councillors with little or no knowledge of staff Regulations and general conditions of service of employees and therefore unable to appreciate the implications, found the negotiations very hard going. The result was that on a number of matters no decisions were reached, while on others joint decisions were taken which it is unlikely would have been reached if the employers' side had been fully briefed and had had more experience. This, as you can imagine, caused some embarrassment when the resolutions conflicted with Government policy.

Another lesson learned was that the Commission itself, with no power to review decisions, had no representative on the Council. This meant that the body best equipped to discuss the issues raised had no voice. On the Civil Service Council the Central Establishments Division, which is responsible for drafting and amending terms of service, was represented by a Junior Minister as Chairman and the Principal Secretary. In these circumstances there was a real danger that the authority of the Commission would be challenged as its decisions on Staff Regulations etc., could easily be overruled by a Council thus constituted.

One answer to these difficulties, though not a complete solution, appears to be to amend the Act to give power to the Minister to appoint suitable persons to the employers side representing all the interests involved. These could be the Ministry represented by the Principal Secretary, the Commission by the Secretary and one Member, Civil Service Council by one Member, Associations of Local Authorities by two Members each and perhaps a Representative of the Ministry of Labour. Representation on this level, and with such a coverage, would ensure that the employers side had adequate negotiating strength.

There remains, however, the power conferred by the Act on the Council to implement their joint decisions for 12 months without review by or appeal to higher authority. Immediately after Independence and under pressure from the Unions it may have been thought wise to include this provision. Nonetheless I feel sure that many of you will query whether in Tanzania today it is right to grant such power which binds even the Minister responsible for Local Government matters who is answerable to the President and the National Assembly. It would seem more appropriate now to amend the Act to give the Minister power to review all resolutions and if not to veto outright at least to refer them back for further consideration by the Council where they conflicted with Government policy.

Frequent references have been made to the Civil Service Joint Staff Council. A question that arises is the degree of coordination there should be between the two Councils. Indeed one might go further and ask if in fact the terms and conditions of service in the two Services are very similar is there any need for two Councils. After all NUTA should not be inconvenienced as it is an all-embracing Union covering both Services.

Broadly speaking the Staff Regulations drawn up by the Commission for the Local Government Service are very similar to General Orders which regulate the Civil Service. This is perhaps inevitable to a certain extent as the Central Establishments Division of Government has built up a vast reservoir of experience and decisions coping with staff problems over many years. Salary scales also are identical based as they are on the Adu Salaries Commission ^{1/} except for posts such as Executive Officer/Town Clerk, Heads of Department, etc., for which there are no comparable posts in Government. In fact the then Minister for Local Government on introducing the Local Government Service (Negotiating Machinery) Act to the National Assembly said inter alia that it was the

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The Tanganyika Civil Service Salaries Commission, 1961.

intention to bring the Salary Scales of the new service to a level comparable with those of the Civil Service. Also on subsequent occasions it has been made clear that recommendations to raise salary scales of one Service significantly above the other would not be approved. Recent important policy declarations have undoubtedly supported this view.

On the other hand the two Services in Tanzania are quite separate and perform different functions. Administrative and financial procedures are different from those of Government and require separate training arrangements. The fact that terms and conditions of service are very similar should not necessarily mean that there are no other matters with which a separate Local Government Council could usefully deal. The terms of reference quoted earlier refer to "making recommendations concerning the interests, well-being and efficiency of junior local government officers" and also "the furtherance of good relations between the Commission, employing authorities and junior local government officers". Surely these matters would require the attention of a Council appointed for its special knowledge of local government affairs.

In your discussions you will have considered the advantages and disadvantages of the three main types of Local Government Service. Tanzania has adopted the Unified type which is an important part of the Public Service but not a subsidiary of the Civil service. Negotiating machinery is an essential part of this service. I would put it to you therefore in answer to the question posed above that the Local Government Service requires its own National Joint Staff Council but it should have cross representation on the Civil Service Council so that salaries and the more important conditions of service are kept in step in accordance with Central Government policy. This is especially relevant in Countries formulating a National Wages and Incomes policy.

Briefly then that is the story of the birth of the negotiating machinery for the Local Government Service in Tanzania. It has not been an easy delivery but we are confident we have now identified the main snags and found the way

round them. It is our hope that those of you who are ahead of us in this aspect of Local Government will be able to give valuable advice while others just venturing into this tricky field will benefit from our experience.