

WHITLEY COUNCIL FOR THE ISLE OF MAN PUBLIC
SERVICE (MANUAL WORKERS) CONSTITUTION 1971.

CONSTITUTION

Title

1. The Council shall be known as the Whitley Council for the Isle of Man Public Service (Manual Workers) (hereinafter referred to as "the Council").

Scope

2. The functions of the Council as specified in Clause 7 hereof shall relate to all manual workers in the employment of Boards of Tynwald, Government departments and local authorities other than manual workers employed by the Douglas Corporation's Electricity and Transport Departments.

Membership

3. The Council shall consist of twenty members of whom ten shall be appointed to represent Boards of Tynwald, Government departments and local authorities (hereinafter referred to as the Official Side) and ten to represent manual workers (hereinafter referred to as the Trade Union Side).

4. The members of the Official Side shall be a chairman, being a member of Tynwald, to be appointed by the Lieutenant Governor, four members of Tynwald, to be elected by Tynwald, one of whom shall be a member of the Legislative Council and three of whom shall be members of the House of Keys, one to be appointed by the Isle of Man Municipal Association, two to be appointed by the Douglas Corporation and the Government Secretary and the Government Treasurer ex officio but without voting powers. The term during which the four members of the Council so elected (hereinafter referred to as the elected members) shall hold office shall be three years, computed from the first day of January 1972. The retiring elected members of the Council shall, on the expiration of their term of office, continue to act as members until their successors be elected. If any elected member of the Council ceases to be a member of Tynwald or ceases to be a member of the Branch of

Tynwald of which he was a member at the time of his election, his appointment as a member of the Council shall, ipso facto, become vacated. A retiring elected member shall be eligible for re-election, if otherwise qualified. Any elected member of the Council may be removed by Resolution of Tynwald. A casual vacancy on the Council of an elected member may be filled up at any time by a member of Tynwald elected by Tynwald, but any person appointed to fill a casual vacancy shall hold office during the residue of the then current term only.

5. The members of the Trade Union Side shall be seven to be appointed by the Transport and General Workers Union and three to be appointed by the National Federation of Construction Unions.

6. Except for the ex-officio members of the Official Side, namely, the Government Secretary and the Government Treasurer, and except in the case of elected members, representation on either side may be varied at will by the appointing authority, by whom also casual vacancies may be filled.

FUNCTIONS

7. The functions of the Council shall be to secure the largest possible measure of joint consideration and determination of the wages, hours and working conditions of the workers within its scope.

It shall be permissible for the Council to take any action that falls within the scope of the foregoing general definition. Amongst the more specific objects are the consideration of the following matters:-

- (a) Provision of machinery for the regular consideration of wages, hours and working conditions;
- (b) Measures for securing recognition by all Boards of Tynwald, Government departments and local authorities and employees of agreements relating to wages, hours and working conditions;

- (c) Settlement of such differences between Boards of Tynwald, Government departments and local authorities and their workers as may be referred to the Council, and the establishment of machinery, where it does not exist, with the object of preventing disputes and securing the speedy settlement of such differences. The Council shall appoint for such purposes a Disputes Committee consisting of an equal number of representatives of each side.

CONDUCT OF BUSINESS

Committees

8. The Council may appoint from its own members such standing or sectional committees as may be considered necessary. The Council shall also have the power to appoint other Committees for special purposes. All such committees shall consist of an equal number of representatives from each side of the Council. The Council may delegate special powers to any such committee and, subject thereto, the reports of all committees shall be submitted to the Council for approval. Such approval may be given with or without modification.

Co-opted Members

9. The Council may appoint on any committee or allow any committee to co-opt such persons of special knowledge, not being members of the Council, as may serve the special purposes of the Council, provided that persons thus appointed or co-opted shall serve only in a consultative capacity.

The Council may also allow a committee to invite the attendance of any persons whose special knowledge would be of assistance but such person shall not have the power to vote.

Chairman and Vice-Chairman

10. The Chairman of the Council shall be the member of Tynwald appointed by the Lieutenant Governor as Chairman of the Official Side and the Vice-Chairman of the Council shall be appointed by the Trade Union Side. The Chairman, or in his

/absence

absence the Vice-Chairman, shall preside at all meetings of the Council and shall have a vote but not a casting vote. The Chairman and Vice-Chairman shall be ex-officio members of all Committees referred to in paragraph 8.

Officers

11. Each side shall appoint its own secretary and the two secretaries shall be the Joint Secretaries of the Council and shall be jointly responsible for its Minutes.

Meetings

12. The Ordinary meetings of the Council shall be held not less than once a quarter. Other meetings shall be arranged at the request of the Chairman of either side on reasonable cause shown.

Agenda

13. The Agenda shall be agreed between the secretaries and circulated not less than seven days before the meeting. Business not on the Agenda shall only be taken by permission of the Chairman and Vice-Chairman.

Special Meetings

14. The Chairman shall call a special meeting of the Council if so requested by a requisition signed by four members of either side of the Council. The requisition and also the notice summoning the meeting shall state the nature of the business proposed to be transacted, and no other matters shall be discussed. The meeting shall take place within fourteen days after the receipt of the requisition or request by the Chairman.

Voting

15. The voting on the Council and on all committees shall be by show of hands or otherwise at the Council or Committee, as the case may be, shall determine. No resolution shall be regarded as carried unless it has been approved by a majority of the members present on each side of the Council, or Committee, as the case may be.

Quorum

16. The quorum shall be ten members of the Council divided as to five representatives of each side. In the absence of a quorum, the Chairman shall vacate the chair, and business then under consideration shall be the first business to be discussed either at the next ordinary meeting or at a further special meeting to be held within 14 days after the date fixed for the first special meeting as the case may be.

The quorum of a committee shall, subject to any directions given by the Council, be determined by the Committee.

FINANCE

17. Each side shall be responsible for its own expenses, and common expenses shall be borne equally from public and Trade Union funds. Attendance at meetings of the Council or of any of its Committees by staff representatives during office hours shall be treated as special leave with pay.

DECISIONS

18. The decisions of the Council shall be arrived at by agreement between the two sides, shall be signed by the Chairman and Vice-Chairman, shall be reported to the Lieutenant Governor and thereupon shall be operative.

REPORTS TO TYNWALD

19. The Lieutenant Governor shall, from time to time, and not less frequently than quarterly, lay before Tynwald a report of the decisions of the Council.

ARBITRATION

20. Where agreement by negotiation between the two sides of the Council cannot be reached, it shall be open to either side to refer the matter in dispute to His Excellency the Lieutenant Governor for appropriate action under the Trade Disputes Act, 1936.

/Amendment

AMENDMENT OF THE CONSTITUTION

21. This constitution may only be amended by agreement between the two sides at a meeting of the Council after notice of amendment has been circulated to all members of the Council not less than fourteen days before the meeting, and with the approval of Tynwald.

INTERPRETATION

22. Where the context so admits, the Interpretation Act, 1970, shall apply to the foregoing provisions.

CITATION

23. This constitution may be cited as the Whitley Council for the Isle of Man Public Service (Manual Workers) Constitution 1971.

The foregoing constitution was approved by Tynwald
on 15 MAY 1971