

CHAPTER 4

DEPARTMENTAL CONSULTATIVE MACHINERY

Departmental Consultative Committee

4.1 In our last review of civil service consultative machinery in 1980, we recommended the establishment of formal joint consultative bodies in all departments with a staff of 100 or more according to certain guidelines laid down by the Administration. The recommendation was endorsed by the Government in 1981 and since then, 70 Departmental Consultative Committees have been established in 52 departments.

4.2 The main objective of a Departmental Consultative Committee (hereafter referred to as "DCC") is to achieve better understanding and cooperation between management and staff through regular discussions on matters affecting the well-being of the staff in the department. It is also intended that such discussions should help to promote better efficiency in the department.

Topics discussed at the Departmental Consultative Committee

4.3 A DCC normally discusses matters connected with such topics as departmental consultative arrangements, salary scales, conditions of service, appointment and promotion criteria for individual grades within the department, departmental welfare and recreational activities, improvement of office organisation and methods, and productivity of staff, etc. Individual cases, matters concerning the Directorate, annual pay revision, pay trend survey and matters related to established public policies are considered inappropriate for discussion at DCC meetings. What should or should not be discussed in a particular DCC is worked out between management and staff in the department concerned.

Composition of the Departmental Consultative Committee

4.4 Departments may have one or more DCCs as necessary. Their number and composition depend on the structure of the department and on the organization of its

staff. A DCC normally has not more than twenty members, comprising both Official Side and Staff Side representatives.

4.5 Staff Side representatives are generally elected through : -

- (a) grade;
- (b) regional offices; or
- (c) a combination of (a) and (b).

Depending on practical circumstances, representatives may be elected from a combination of several related grades instead of from each separate grade in a department. A few departments additionally have grade-based consultative committees. In one of these departments, the Staff Side of the DCC is made up of representatives elected from each of the five grade-based consultative committees in that department.

4.6 The election of Staff Side representatives is usually conducted by secret ballot, and candidates are nominated by members of the staff themselves. Votes are counted by returning officers who are usually senior officers of the department.

4.7 A staff association is given representation on the DCC if its paid-up membership comprises at least 50% of the officers of the particular grade(s) within that department. As at 31 August 1988, 105 staff associations were represented on the 70 DCCs.

4.8 Official Side membership normally includes : -

- (a) the head of department or his deputy, who chairs the meeting;
- (b) the Assistant Director in charge of administration, or an equivalent officer;
- (c) the Departmental Secretary;
- (d) the officer dealing with staff relations and/or staff welfare;
- (e) an Official Side Secretary appointed by the head of department;

- (f) an officer from the Civil Service Branch, whose functions are to advise on consultative procedures, to assist generally in the running of the DCC and to provide a link between the DCC and the Civil Service Branch.

4.9 If the head of department, in consultation with the Staff Side where necessary, decides that a Staff Side Secretary is required, the staff representatives will nominate a person from among themselves to take up the post.

Operational Arrangements

4.10 Discussions at the DCC may be conducted in either English or Cantonese and interpretation service is provided where necessary. Minutes, if prepared in English, will be provided with Chinese translation.

4.11 Staff members are kept informed of the work of the DCC by periodic circulars or other means.

Effectiveness of the Departmental Consultative Committee

4.12 We note that a great majority of respondents to the Consultative Document indicate that the DCC is an effective forum for discussion between departmental management and staff on departmental matters affecting the well-being of the staff. Nonetheless, we have examined the structure and operation of the DCC in the light of responses with a view to further improving its effectiveness.

Discussion of Service-Wide Issues at the Departmental Consultative Committee

4.13 Responses to the Consultative Document on whether service-wide issues should be discussed at the DCC are evenly divided. The main arguments put forward by those against it are that : -

- (i) there will be an overlap in the role and functions of the central councils and DCCs;
- (ii) the discussion of service-wide issues at DCCs is ineffectual;

- (iii) the Administration may bypass the normal procedure of consulting staff unions on matters that affect the civil service by claiming that consultation has been made at the DCC level; and
- (iv) since the Administration is the only body that will collate staff opinions on service-wide issues expressed at each DCC, it is possible that the views of staff could be misrepresented or disregarded, especially those critical of the Administration's proposals.

4.14 Respondents who favour putting service-wide issues under the purview of the DCC base their argument on the following grounds : -

- (i) many matters of major concern to staff are service-wide issues. If they are excluded from the DCC, staff may regard the DCC as merely a showroom forum for trivial matters;
- (ii) the inclusion of service-wide issues for discussion at DCCs would provide an additional avenue for views of staff to be reflected to the Administration, particularly for views of those who do not belong to any staff association; and
- (iii) the Administration would be able to gauge the general reaction of staff on service-wide issues more accurately and on a wider front. DCCs could also be used for disseminating information on proposals or decisions of the Administration.

4.15 Some respondents, however, qualify their support with the condition that the subjects for discussion in a DCC should normally be confined to departmental issues. Only major service-wide issues requiring extensive consultation should be included on the agenda. It should also be made clear to all that the Administration would seek formal agreement with the Staff Side on any service-wide proposal at the central level and the discussion at a DCC only serves to reflect the views of staff of that department.

4.16 As already noted, the general objective of a departmental consultative committee is to achieve better understanding and cooperation between management and staff on matters affecting the well-being of staff in the department. So far as these matters affect the well-being of the members of staff concerned, the discussion of

service-wide issues is neither specifically precluded in the recommendations we made in our 1980 review nor in the model constitution for the DCC prepared by the Administration.

4.17 In fact service-wide matters have been discussed at DCC meetings. Some departmental managements and staff associations have cited the consultation exercise on the new pension scheme at DCCs as a good arrangement. Indeed, in our Report No. 4, we recommend that the Government should make extensive consultation more frequently, especially in dealing with issues which are of wide general interest to the civil service. The DCC, being an important consultative forum in the civil service, should hence be utilized more often as a channel for extensive consultation, particularly taking into account the advantage that non-unionized civil servants are also represented on DCCs.

4.18 Nevertheless, we are aware that matters with service-wide implications could not normally be resolved at the departmental level. In our view, discussions on service-wide issues at a DCC should only serve to reflect staff views and disseminate information about proposals of the Administration. In this regard, the Civil Service Branch representative should be in a good position to explain management's proposals as well as to collect views of staff. Agreement on any service-wide proposal between the management and staff will remain to be sought at the central level.

4.19 We therefore recommend that : -

- (i) the present arrangement that DCCs should primarily focus on departmental matters should remain unchanged;
- (ii) any service-wide matter which affects the well-being of staff in the department, with the exception of those connected with pay level and adjustment, could be discussed at DCC meetings; and
- (iii) subject to (ii), whether any subject should be discussed at a DCC meeting should be a matter to be decided jointly by the management and staff of the department concerned.

Union Representation on the
Departmental Consultative Committee

4.20 On the issue of union representation, some respondents are of the opinion that staff associations should as far as possible be included in the DCC. They hold that : -

- (i) this accords with our recommendation in paragraph 3.9(b) of our Report No. 4, which states that :
".... as far as possible all staff groups should be accommodated, and that the departmental consultative machinery should be sufficiently broad-based to enable the interests of all staff groups to be represented."; and
- (ii) staff unions, being organized groups, are in a better position to collect staff views and disseminate information than representatives directly elected from members of the grade in a department. Views taken by the staff association representatives are formed after careful deliberation and their suggestions are usually useful.

4.21 Some respondents suggest that any union having over 25% of all the officers in a grade as members should be allowed to join the DCC on which representation of that grade has been given. Moreover, unions with over 500 members should be accommodated irrespective of the percentage of union members in any particular grade.

4.22 A further view is that a union with over 50% of all the staff in a grade as members should be recognized by the department concerned as being the sole representative of the grade on the DCC. This would avoid a clash of views and unnecessary disputes between different representatives of the same grade.

4.23 We recommended in our 1980 review of the subject that the composition of the DCC should be sufficiently broad-based to enable the interests of all staff groups to be represented. We agree that an organized and sufficiently representative staff association is a good channel of communication through which members of staff could voice their concerns and suggestions effectively. Thought has been given to whether arrangements should be made to encompass a greater number of the more representative staff associations in the formal consultative machinery.

4.24 As at 31 August 1988, 105 grade or departmentally based associations could meet the criterion for obtaining representation on the DCC. The proposal to lower the membership rate requirement to 25 per cent would result in a further 12 associations in eight departments qualifying for representation on the DCC. We support this proposal on the grounds that it would enable the interests of more staff groups to be represented and would further demonstrate the Government's commitment to encourage dialogue between management and staff associations. Also, the proposal would not have much impact on the size of individual DCCs as the number of extra associations becoming eligible is small.

4.25 The proposal that a departmental staff association which has more than 500 members should be granted representation on the DCC concerned is also supported, since the interests of a sizable number of employees in the department are being represented by this staff association. To summarize, we recommend that the membership requirement for a staff association to be represented on a DCC should be lowered to 25 per cent of the officers in the particular grade(s) within that department or a minimum of 500 members in the department, whichever is the less.

4.26 However we consider that the interests of non-unionized staff members should also be adequately represented on the DCC. It is therefore necessary to retain the present election system, the arrangements of which appear to be generally satisfactory. We do not agree with the suggestion by a few respondents that representatives should all be elected on a salary band basis. We consider the present arrangements of election on a grade or regional office basis better than that on a salary band basis because the concerns and interests of different sections of staff in a department can be better reflected by representatives elected from such groupings.

4.27 Some respondents have pointed out that staff representatives should not be nominated by their supervisors. While we believe such instances are probably the result of no candidate having been nominated by the staff, heads of department should nevertheless be reminded by the Administration that the election of Staff Side representatives is a matter for the staff themselves. Departmental management should encourage members of the staff to make nominations instead of naming a candidate itself, thereby unnecessarily giving an impression of imposing a candidate on the staff.

4.28 We recognize the possibility of duplicate representation if most members of a grade are already represented through their staff association while concurrently an election is held to choose representatives from among almost the same group of civil servants. We consider that arrangements should be made to waive an election if a substantial majority (say 80 per cent) of the members of any grade in a department are members of a staff association which is represented on the DCC. This provision will also help to contain the size of the committee.

4.29 We consider that, if practical circumstances permit, the counting of votes in the election of DCC representatives should be done in the presence of all members of staff. Otherwise, at least the contestants should be invited to witness the counting process. This would ensure that the election is, and can be seen to be, fairly conducted.

General Structure and Membership
of the Departmental Consultative Committee

4.30 In some of the submissions, there are allegations that the posts of Staff Side Chairman and Staff Side Secretary have not been established in most of the DCCs. While we understand that the Staff Side of a DCC, unlike the central councils, does not have a chairman, the model constitution of the DCC does provide that a Chief Spokesman should be elected from among the Staff Side representatives. Each DCC has discretion to include such a provision in its constitution or to do otherwise. We take the view that if such a provision exists in the constitution, the head of department should see to it that the Staff Side Chief Spokesman is elected.

4.31 The Staff Side Secretary is an optional post which may not be filled. Such an arrangement is considered by us as reasonable. But we feel that this should be a matter for the head of department to decide always in consultation with the Staff Side instead of where necessary as presently recommended by the Civil Service Branch.

4.32 A submission draws attention to the fact that the contract staff in Radio Television Hong Kong are not permitted to have representation on the DCC because they are considered as non-civil servants and therefore should have a separate channel of consultation. The respondent claims that this arrangement has further alienated contract staff from the rest of staff in the department.

4.33 We have given thought to the general question of whether departmental contract staff should be allowed to have representation on the DCC, and concluded that as a matter of principle all staff in the employ of a department should be represented. As the most important objective of a DCC is to promote better cooperation and efficiency in the department through improved communication between management and staff, the fullest range of staff should be accommodated in the DCC. Moreover, most items listed in the topics for discussion at the DCC in the model constitution are equally relevant to the contract staff. We appreciate the special circumstances of Radio Television Hong Kong which employs a large number of staff on a daily rate or per programme basis and that for practical reasons, representatives of such staff could not be readily elected. Nevertheless, we recommend that arrangements should be made to enable contract staff on yearly or month-to-month terms or being regularly employed by the department to be represented on the DCC.

4.34 We recognize that in some departments certain grades may need to be combined for the purpose of electing a representative to the DCC. This could be due to various reasons. But it would be undesirable that some grades are under-represented because of the need to contain the size of a DCC. This essentially defeats the spirit of our recommendation in Report No. 4 that where a departmental council becomes too large and unwieldy, it should be split into smaller groups to afford adequate opportunities for individual grades to express their views. We therefore suggest that the Administration should look into the matter where appropriate, especially with respect to the larger departments to examine whether their DCCs should be split up to ensure that all staff groups are given adequate representation on them.

Relationship with the Central Consultative Machinery

4.35 A few respondents have submitted that the ties between DCCs and the central consultative councils should be strengthened in order to improve the representativeness of the latter. One suggestion is to have a representative from each DCC to sit on the central councils. An alternative view is to set up a separate central body to reflect the views of staff in each department.

4.36 The suggestion that each DCC should send a representative to sit on the central council seems to be unnecessary and impracticable. The primary concern of DCCs is to solve problems within a departmental context, whereas

the central councils deal with service-wide matters. Having DCC representatives on the central councils would also make the latter unwieldy and ineffective. Nor is there any strong justification to create a separate central body to represent the views of staff in particular departments considering that the function of such a body would overlap with that of the existing central councils. Under the present system, views of departmental staff on service-wide matters can be reflected to the Administration either through the Civil Service Branch representative on the DCC or through the respective heads of department.

Operational Arrangements and Publicity

4.37 It is apparent from the submissions received by us that representatives on the DCC have not liaised sufficiently with their constituents. Many respondents suggest that improvements should be made to enhance communication between Staff Side representatives and their constituents. We share their view. In particular, we recommend that arrangements should be made to ensure that the agenda or minutes of DCC meetings are circulated among staff members for information. They should also be sent to the relevant staff associations which are not represented on the DCCs.

4.38 It has also been suggested that official leave, say, one half-day for every DCC meeting should be given to Staff Side representatives so that they can solicit or exchange views with their colleagues. There is at present no provision for Staff Side representatives at either the central or departmental levels to take official time-off save for attending recognized meetings of the consultative bodies. We conclude, after careful deliberation, that this arrangement is reasonable and adequate. It is in the public interest that during office hours, the needs of the civil service and the efficiency of the individual officers in performing their normal duties should generally take priority over other matters. As a general rule, consultation with constituents should be conducted outside office hours.

4.39 To improve further the effectiveness of the DCC, we feel that departmental management, particularly middle managers such as section heads or supervisors, should be made to understand the rights and duties of DCC members and be encouraged to support the staff representatives as far as possible in carrying out their work. The managers should be made to realise that the DCC is a help to departmental operation, not a device to reduce their authority. We also

consider that the staff should be better informed of how the DCC operates in order that they can make better use of it. We therefore recommend that the functions and role of the DCC be publicized periodically.

4.40 Some respondents take the view that it is more appropriate generally to have separate DCC meetings for individual grades unless an issue involves all grades. We consider the issue of grade representatives having to sit through a discussion on matters not concerning them a technical problem which may largely be tackled by either splitting up a DCC into smaller groups or forming sub-committees in accordance with our recommendation contained in 3.9(c) of our Report No. 4.