

RULES OF PROCEDURE OF THE TRIPARTITE LABOUR ADVISORY COUNCIL

Preamble

The Rules of Procedure for the Tripartite Labour Advisory Council, (hereinafter referred to as 'the Council') have been developed pursuant to section 61 (1) of the Labour Relations Act, Cap 54:01 of the laws of Malawi, in order to ensure that the business of the Council is conducted in an atmosphere of mutual respect and in an orderly, effective and efficient manner.

1. INTERPRETATION

In these Rules, unless the context otherwise requires,

“day” means any day other than a Saturday, Sunday or public holiday.

“appointed” means appointed by the Minister.

2. MEETINGS OF THE COUNCIL

2.1 The secretariat of the Council shall invite the tripartite constituents to submit their proposed agenda items to be considered by the Council for inclusion on the agenda of the meeting of the Council within 15 days of such invitation.

2.2 The secretariat of the Council shall consolidate the proposed agenda items received and thereafter circulate to the secretariats of the tripartite constituents. The circulation shall be done within 5 days after the expiry of the deadline set for receipt of the proposed agenda items.

2.3 A meeting of the Council shall be convened by the Chairperson within 10 days after the circulation of the consolidated agenda items.

2.4 Adoption of the agenda shall be done by consensus only, with no option for a vote. There will be a proposer and then a seconder, provided that the two shall not belong to the same constituency.

3. CHOOSING OF ACTING CHAIRPERSON

3.1 The Chairperson of the Council shall be appointed pursuant to section 56(1) of the Labour Relations Act.

3.2. In the absence of the Chairperson, members appointed pursuant to section 55(1)(a) shall recommend one member from amongst themselves as acting Chairperson who shall be endorsed by consensus by the members present.

Provided that in the event of consensus not being reached, a vote shall be taken. Voting shall be on the basis of constituency and not on the basis of the individual members present. The secretariat of the Council shall preside over the voting.

4. ISSUES FOR DECISION

4.1 The Council's decisions shall normally be taken on the basis of consensus. Provided that in the event of consensus not being reached, a vote shall be taken where this is specified to be an option. Voting shall be on the basis of constituency and not on the basis of the individual members present.

5. MINUTES OF MEETINGS

5.1 The Secretary shall take minutes of the meetings of the Council.

5.2 Minutes shall be circulated to members within 10 days of the meeting having taken place.

5.3 Minutes of any meeting of the Council shall be adopted at the next meeting that follows and signed by the Chairperson or Acting Chairperson, as the case may be.

6. COMMUNICATING THE WORK OF THE COUNCIL TO CONSTITUENTS AND THE PUBLIC

6.1 The Chairperson shall be the official spokesperson of the Council when it becomes necessary to communicate the business of the Council to the public or any interested party.

6.2 Secretariats of the tripartite constituents shall be responsible for communicating the outcome of any business transacted by the Council, of which they were a part, to their respective members.

6.3 Except as provided by law, no member shall disclose to a third party any confidential information obtained in the course of performing the work of the Council.

7. WORK PLAN OF THE COUNCIL

7.1 The Council shall draw up a work plan, cost and submit it to the Ministry responsible for labour for inclusion in the budget estimates for the Other Recurrent Transactions (ORT) budget of the Ministry. The Council shall prepare a calendar of its meetings and other activities.

8. PARTICIPATION OF EXPERTS

8.1 The Chairperson may, after consulting with the other members of the Council, invite experts to a Council meeting to give their expert views and opinions on specific matters. Such experts shall not be entitled to take part in decision making or to vote on matters of the Council.

9. COMMITTEES OF THE COUNCIL

9.1 The Council shall establish Standing Committees based on thematic areas. The thematic areas shall be subject to review at the beginning of the term of office of the members of the Council.

9.2 The Chairperson, in consultation with the other members of the Council, may constitute an ad hoc committee to deal with an issue of national interest that does not fall within any of the existing Standing Committees.

9.3 Chairing of meetings of Standing Committees shall be on rotational basis, based on constituency and not on individual members.

9.4 The Chairperson of an ad hoc Committee shall be chosen by the members of that Committee by consensus. Provided that in the event of consensus not being reached, a vote shall be taken. Voting shall be on the basis of constituency and not on the basis of the individual members present. The secretariat of the Council shall preside over the voting.

10. URGENT ISSUES

10.1 An urgent issue of national interest may be reported by any tripartite constituent to the TLAC secretariat in writing. The Chairperson shall, after consulting the other members of the Council, convene a meeting or assign an appropriate committee to convene a meeting within 5 days after receipt of the report.

11. REPORTS

11.1 The Chairperson shall report at every meeting on action taken towards implementation of the previous recommendations of the Council.

11.2 The Council shall compile an annual report of its work within 3 months after the end of the financial year.

12. SETTLEMENT OF DISPUTES

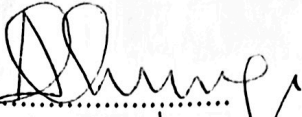
12.1 Any disputes arising between the tripartite constituents in connection with the business of the Council shall be settled through negotiations and conciliation.


13. AMENDMENT OF THESE RULES


13.1 These Rules may be amended as and when members deem it necessary.

A decision to amend the Rules shall be taken by consensus only, with no option for a vote.

Adopted this 7th day of October, 2020

Signed: 
Name: DECHURIZ
Chairperson

Signed: 
Name: L. MAMBALA
Worker Representative

Signed: 
Name: BIXTON M. KAYUN I
Employer Representative