EMPLOYMENT RELATIONS PROMULGATION 2007

(No. ---- OF 2007)

EMPLOYMENT RELATIONS (ADMINISTRATION) REGULATIONS 2007

IN exercise of the powers conferred upon me by Section 264 of the Employment Relations Promulgation 2007 (“the Promulgation”) and acting on the advice of the Employment Relations Advisory Board (“the Board”), I make these Regulations—

PART 1 — PRELIMINARY

Citation and commencement

1. - (1) These Regulations may be cited as the Employment Relations (Administration) Regulations 2007.

(2) These Regulations come into force on the 1st day of October 2007.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“Chief Mediator” means the person appointed as Chief Mediator under section 193 of the Promulgation;
“Employment Relations Agency Fund” means a special account established within the Ministry under section 20 of the Financial Management Act 2004 for the purposes of Part 6 of these Regulations;

“Mediation Services” means the Mediation Services established under section 193 of the Promulgation;

“Ministry” means the Ministry responsible for the administration of the Employment Relations Promulgation 2007 and its Regulations;

“Officer” means an officer of the Ministry responsible for the administration of the Promulgation and its Regulations;

“Permanent Secretary” means the Permanent Secretary of the Ministry;

“preliminary conference” means a meeting to deal with procedural or administrative matters in connection with a mediation.

For all other definitions, reference should be made to Part 1 Section 4 of the Promulgation.

PART 2 — EMPLOYMENT GRIEVANCES AND MEDIATION

Referral of employment grievance to Mediation Services

3.- (1) A referral of an employment grievance to the Mediation Services must be made in Form 1 set out in Schedule 1 of these Regulations.

(2) A copy of the referral in subregulation (1) must be sent to the employer to which the employment grievance relates.
Mediator to notify parties

4. - (1) As soon as possible but not later than 7 days of the Mediation Services receiving the referral under regulation 3, the appointed Mediator shall issue a notice to the parties that sets out -

   (a) the name of the appointed Mediator;

   (b) the time and place of any preliminary conference, if applicable; and

   (c) the time and place of the mediation.

(2) The notice referred to in subregulation (1) must be issued in Form 2 set out in Schedule 1.

(3) If a party wishes to request a change of date for the preliminary conference or mediation, the party must inform the Mediator at least 7 working days before the preliminary conference or mediation is due to take place.

(4) The Mediator may reschedule the preliminary conference or mediation if the Mediator is satisfied that one of the parties has a reasonable excuse for not attending the preliminary conference or mediation on the scheduled date.

(5) The Mediator may hold more than one mediation sessions if he or she believes that further mediation sessions are necessary to resolve the employment grievance or dispute.

(6) Further mediation conferences are to be scheduled by mutual agreement between the parties.
Mediator may request written statements from parties

5. - (1) The Mediator may request that each party submits a confidential statement prior to the mediation that sets out any matters that the Mediator considers relevant to the mediation, including -

(a) the issues in employment grievance or employment dispute;

(b) the claims and defences;

(c) relevant factual matters; and

(d) the remedy sought.

(2) The Mediator may request further information from the parties in the course of mediation.

(3) The parties may, of their own volition, provide further information to the Mediator during the course of the mediation.

Mediator may request attendance of non-parties

6. The Mediator may request that a person who is not a party to the employment grievance or employment dispute attend the mediation if the Mediator believes that the person’s presence would assist in the settlement of the employment grievance or employment dispute.

Mediator may meet with parties separately

7. The Mediator may meet and communicate separately with a party provided that information given at such meetings and in such communications may not be disclosed to the other party without the express authorisation of the party giving the information.
Mediator may make recommendations

8. At the request of both parties, the Mediator may make non-binding recommendations to assist the parties to resolve the employment grievance or employment dispute.

Timeframe for mediation

9. - (1) The Mediator and the parties must complete the mediation within 30 days from the date of the first mediation session.

(2) If a Mediator fails to resolve an employment grievance or employment dispute within the timeframe set out in subregulation (1)-
   (a) the parties may extend the timeframe by mutual agreement; or
   (b) the Mediator may refer the matter to the Employment Tribunal.

(3) If the Mediator determines that the employment grievance or employment dispute is unlikely to be resolved through mediation, the Mediator may refer the case to the Employment Relations Tribunal before the timeframe in subregulation (1) lapses.

Certificate of mediation

10. - (1) When a mediation has been completed, the Mediator must issue a certificate stating whether the employment grievance or employment dispute has been resolved or referred to the Employment Relations Tribunal.

(2) A copy of the certificate completed for the purposes of subregulation (1)-
   (a) must not contain confidential materials arising from the mediation; and
(b) must be served on the parties involved in the mediation.

(3) The Mediator must file the original of the certificate referred to in subregulation (1) with the Mediation Services.

(4) The certificate referred to in subregulation (1) must be issued in Form 3 set out in Schedule 1.

Referral of employment grievance or dispute to the Tribunal

11. When the Mediator refers an employment grievance or employment dispute to the Employment Relations Tribunal, the Mediator shall set out the details of the employment grievance or employment dispute as initially reported to mediation in Form 4 set out in Schedule 1.

PART 3 — EMPLOYMENT DISPUTES, TRIBUNAL AND COURT

Reporting of a dispute to the Permanent Secretary

12. - (1) A report of a dispute required under section 169(2) of the Promulgation must be made in Form 5 set out in Schedule 1.

(2) A copy of the report of the dispute in subregulation (1) must be provided within 3 days to the trade union or the employer to which the dispute relates.

Permanent Secretary to notify parties

13.- (1) Within 30 days after receiving the report of the dispute under regulation 12, the Permanent Secretary shall inform the parties or their representatives in writing that he or she accepts or rejects the dispute, and give reasons for rejecting the dispute.
(2) If a report of a dispute is accepted by the Permanent Secretary, it becomes an employment dispute, and he or she shall refer the employment dispute either to the Employment Relations Tribunal or the Mediation Services in accordance with section 170(4) of the Promulgation, with notification to the parties.

Referral of employment dispute to Mediation Services

14. - (1) A referral of an employment dispute by the Permanent Secretary to the Mediation Services must be made in Form 6 set out in Schedule 1.

(2) A copy of the referral in subregulation (1) must be sent to the trade union and employer to which the dispute relates.

Referral of employment dispute to Employment Relations Tribunal

15. - (1) A referral of an employment dispute by the Permanent Secretary to the Employment Relations Tribunal must be made in Form 7 set out in Schedule 1.

(2) A copy of the referral in subregulation (1) must be sent to the trade union and employer to which the dispute relates.

Matters to be heard by the Employment Relations Court

16. An application to refer an employment grievance or an employment dispute or other employment related matters to the Employment Relations Court and its resolution or decision by the Court, shall be in accordance with the relevant provisions of the Promulgation.
PART 4 — EMPLOYMENT RECORDS AND WAGES ORDERS

Wages and time record

17. - (1) An employer who employs a worker shall keep a Wages and Time Record, as required under section 45 of the Promulgation.

(2) The Wages and Time Record referred to in subregulation (1) shall include the gender of the workers, the details of the maternity leave payments, the record of leave and entitlements, and the conditions of employment of children specified under section 99 of the Promulgation.

(3) The requirement under subregulation (2) does not abrogate the requirement under section 99 of the Promulgation to keep a separate register for working children.

(4) All records are required to be kept by employers for at least 6 years, in accordance with section 45(2) of the Promulgation.

Employment Register

18. - (1) Pursuant to section 45(1)(j) of the Promulgation, an employer shall keep an Employment Register, comprising the Wages and Time Record for workers including children, required under regulation 17, the Record for Labour-Management Consultation and Cooperation Committee required under the Employment Relations (Labour-Management Consultation and Cooperation Committees) Regulations 2007, and additional employment particulars specified in subregulation (2).

(2) As part of the Employment Register of a worker, the employer shall provide a record of additional employment particulars specified in Form 8 set out in Schedule 1.
(3) An employer must make available the information in the Employment Register or any part of it upon request by the Permanent Secretary.

(4) The Employment Register required to be kept by an employer under subregulation (1) shall also include any other information prescribed to be kept by an employer under any provision of the Promulgation or its Regulations.

Wages Regulations Orders

19. - (1) Pursuant to section 54(5) of the Promulgation, where the Minister agrees to a Wages Regulation Order proposal submitted from a Wages Council, the Minister shall forthwith make the Order to be effective from the date of gazetting or any future date.

(2) Remuneration (including leave and holiday remuneration) fixed by a Wages Regulation Order shall be referred to as “statutory minimum remuneration”.

(3) The Wages and Time Record with respect to a Wages Regulation Order shall be kept by an employer in a form similar to that provided in Regulation 17.

PART 5 — TRADE UNIONS

Division 1 – General

Registrar to keep Register

20. The register of trade unions that is required to be kept under section 118 of the Promulgation must be kept in a form that includes the following information for each trade union -
(a) registered name of trade union;
(b) physical location of registered office;
(c) postal address of registered office;
(d) physical location of branch offices, if any;
(e) date of registration;
(f) a description of the industry, occupation or enterprise in relation to which the union operates;
(g) information that is required by section 118(1)(b) of the Promulgation;
(h) date and details of any cancellation of registration;
(i) date and details of any suspension of registration and the period of suspension; and
(j) other relevant matters.

Application form for trade union registration

21. An application to register as a trade union under section 119 of the Promulgation must be -

(a) made in Form 9 set out in Schedule 1; and
(b) accompanied by the fee set out in Schedule 2.

Certificate of registration

22. A certificate of registration of trade union under section 126 of the Promulgation must be issued in Form 10 set out in Schedule 1.
Notice of change of officers

23. If there is a change of officers or in the titles of officers of a trade union, the trade union must notify the Registrar of Trade Unions within 14 days of the change taking place.

Application for change of trade union name

24. If there is a change in the name of a trade union, the trade union must notify the Registrar within 14 days of the change taking place.

Dissolution of a trade union

25. A notice of the dissolution of a trade union must be sent to the Registrar within 14 days of such dissolution.

Constitution and rules to be available for public inspection

26. The constitution, rules and list of officers of a trade union must be available for public inspection at the office of the Registrar during office hours, upon payment of the fee set out in Schedule 2.

Division 2 – Amalgamation

Members to be informed of amalgamation proposal

27.- (1) If a trade union proposes to amalgamate with another trade union under section 123 of the Promulgation, the trade union must take all reasonable steps to inform its members of -

(a) the reasons for the amalgamation;

(b) the conditions under which the amalgamation will take place;

and

(c) the time and place of the secret ballot.
(2) For the purposes of subregulation (1), ‘all reasonable steps’ includes posting a notice that includes the information in subregulation (1) in the registered office of the trade union and all of its branches, and the notice to remain in place for at least two weeks before the secret ballot and until its completion.

Forwarding of results of secret ballot for amalgamation

28. - (1) The trade unions must send the following documents to the Registrar as soon as possible but within 30 days after the results of the secret ballots for amalgamation are known -

(a) signed certificate of the result of the ballot; and

(b) a copy of the notice of amalgamation with prescribed fee.

(2) The certificate of the result of the ballot in subregulation (1) must be provided in Form 11 set out in Schedule 1.

(3) The notice of amalgamation must be provided in Form 12 set out in Schedule 1.

Division 3 – Accounts

Annual return

29. The annual return of a trade union required under section 129(2) of the Promulgation must be made in Form 13 set out in Schedule 1, and accompanied by four copies of the rules of the trade union in force at the end of the calendar year in question.

Trade union to keep proper financial records

30.- (1) A trade union must -
(a) keep such financial records as correctly recorded and explain the transactions and financial position of the trade union;

(b) keep its financial records in a manner that will enable an annual return to be prepared under section 129 of the Promulgation; and

(c) keep its financial records in a manner that will enable the accounts of the trade union to be conveniently and properly audited.

(2) A trade union must retain the financial records kept under subregulation (1) for a period of 6 years after the completion of transactions to which they relate.

(3) A trade union that does not comply with subregulation (1) or (2) commits an offence.

Division 4 – Strike Ballots

Secret ballot procedure for strike action

31. - (1) This regulation sets out the procedures for conducting a secret ballot for strike action by a trade union.

(2) The secret ballot must be conducted by a returning officer of the union and supervised by an official of the Registrar of Trade Unions.

(3) The trade union must provide the returning officer with -

(a) a written list of the members who are eligible to vote in the secret ballot;

(b) an adequate supply of ballot papers; and
(c) a ballot box fitted with a lock and key.

(4) The ballot papers referred to in subregulation (3) must be in Form 14 set out in Schedule 1.

(5) Before the start of the ballot, the returning officer shall -
   
   (a) mark off on the list of eligible members, the member who collects a ballot paper;

   (b) ensure that there is a screen or similar device in place to enable members to mark their ballot papers in secret; and

   (c) instruct each member to fold the ballot paper before depositing in the ballot box.

Post ballot procedure

32. - (1) Once the ballot conducted under regulation 31 has closed, the returning officer, with the supervision of an official of the Registrar, must as soon as is practicable:

   (a) count the valid votes;

   (b) record the number of valid votes-

      (i) in favour of strike action;

      (ii) against the strike action; and

   (c) count the number of informal or invalid votes.

(2) Once the results of the ballot have been recorded, the returning officer must prepare and sign the certificate of the results of the ballot.
Forwarding of results of secret ballot for strike action

33. - (1) The returning officer must, as soon as possible and in writing, notify -

(a) the Registrar of the results of the ballots through a signed certificate of the results of the ballot; and

(b) the Permanent Secretary, of the trade union’s 28 days notice of strike in the case of essential service as provided for in section 186(1)(b) of the Promulgation.

(2) The certificate of the results of the ballot in subregulation (1) must be provided in Form 15 set out in Schedule 1.

(3) A trade union that does not comply with any of the procedures set out in subregulations (1) and (2) commits an offence.

PART 6 – FEES AND EMPLOYMENT RELATIONS AGENCY FUND

Prescribed Fees

34. - (1) The fees, for the purposes of the Promulgation, are listed in Schedule 2 and shall be payable in respect of the matters specified therein.

(2) All the fees prescribed under Schedule 2 shall be paid into the Employment Relations Agency Fund established within the Ministry.
(3) The fees listed under Schedule 2 shall be paid by the employer, trade union or any person representing or agent of the employer or trade union whichever is applicable or any other person or entity, before or at the time of the respective prescribed activity or employment relations (ER) training or productivity improvement (PI) training or other mediation services or consultancy services are undertaken by any officer of the Ministry or Mediator.

(4) No certificate of registration or other certificate of user-pay service shall be issued before payment in full of the applicable fee.

*The Employment Relations Agency Fund*

35. - (1) There shall be established within the Ministry a special account as the Employment Relations Agency Fund.

(2) The Fund shall consist of –

(a) the fees paid pursuant to these Regulations;
(b) any penalty payment paid in response to any Fixed Penalty Notice issued under section 263 of the Promulgation;
(c) any money provided by Parliament for the purpose of the Fund or required to be paid into the Fund by or under these Regulations or any other written law; and
(d) any donation to the Fund for the promotion of good faith employment relations or productivity improvement in Fiji.

(3) There shall be paid out of the Fund all amounts payable under regulation 36 and all other amounts required to be paid out of the Fund by or under these Regulations.
Payments from the Fund

36. - (1) The money standing to the credit of the Fund may be applied by the Permanent Secretary, on the advice of the Ministry of Finance, for the purposes of –

(a) promoting or ensuring good faith employment relations in workplaces;
(b) promoting or ensuring productivity improvements in workplaces;
(c) education or training or research in employment relations;
(d) education or training or research in productivity improvements;
(e) capacity building of Labour-Management Consultation and Cooperation Committees in private and public sector enterprises and organizations;
(f) capacity building of the Ministry to effectively administer, promote and enforce the policy framework and legal requirements of the Promulgation and its Regulations and Codes of Practice;
(g) capacity building of the Mediation Services of the Ministry to promote effective delivery of mediation services and related conflict resolution mechanisms; and
(h) capacity building of the Employment Relations Advisory Board to effectively fulfil its functions and roles.

Offences

37. - (1) Any person who contravenes a provision under these Regulations relating to this Part commits an offence.

(2) Under this Part, ‘person’ means an employer, a trade union or any person representing or agent of the employer or trade union or any other person or entity securing a prescribed user-pay service from the Ministry.
PART 7 — DEMAND AND PENALTY NOTICES

Demand Notice

38. - (1) A demand notice that is issued under section 19(4) of the Promulgation must be issued in Form 16 set out in Schedule 1.

(2) A Permanent Secretary, a labour officer or a labour inspector may serve a demand notice on an employer, a trade union or a person, for the purpose for ensuring compliance with any provision of the Promulgation or its Regulations.

Penalty notice

39. - (1) A fixed penalty notice that is issued under section 263(3) of the Promulgation must be issued in Form 17 set out in Schedule 1.

(2) A labour officer or a labour inspector may serve a penalty notice on an employer or a trade union or a person, if it appears to the labour officer or the labour inspector that the employer or the trade union or the person has committed an offence against any provision specified in Column 1 of Schedule 8 to the Promulgation.

(3) For the purposes of section 263(3) of the Promulgation, the fixed penalties to be issued for fixed penalty notices are set out in Column 2 of Schedule 8 to the Promulgation.

(4) Any penalty paid under a fixed penalty notice shall be paid into the Employment Relations Agency Fund.

(5) An employer or a person who is served with the penalty notice and pays the full penalty specified under the notice shall not be prosecuted for that particular offence.
Notices may include directions

40. - (1) A demand notice or penalty notice may include directions as to the measures to be taken to remedy the matters to which the notice relates.

(2) A direction under subregulation(1) may-

(a) refer to an approved code of practice or national policy; and/or
(b) offer the person to whom it is issued a choice of ways in which to remedy the matters to which the notice relates.

(3) For the purposes of this Part, a notice may be served personally or by post.

PART 8 — MISCELLANEOUS

Certificate of registration of a collective agreement

41. A certificate of registration of a collective agreement under section 166(4)(b) of the Promulgation must be issued in Form 18 set out in Schedule 1.

Record of strike or lockout

42. A record of a strike or lockout under section 183 of the Promulgation must be made in Form 19 set out in Schedule 1.
Power to issue duplicate copies

43.- (1) A person who is authorised to issue a document under the Promulgation or its Regulations may issue a duplicate of the document if—

(a) it is proven that such document has been lost or destroyed; and

(b) the prescribed fee is paid.

(2) If the document that was thought to have been lost or destroyed is found after a duplicate is issued, the document that was thought to be lost or destroyed must be surrendered to the Registrar of Trade Unions or the Permanent Secretary.

Penalties

44.- (1) Any person who contravenes a provision of these Regulations commits an offence and, unless otherwise provided, shall be liable for a fine not exceeding $20,000.

(2) Under these Regulations, a ‘person’ means an employer, a trade union or any person representing or agent of the employer or trade union or any other person or entity securing a prescribed user-pay service from the Ministry or other service prescribed to be undertaken under these Regulations.
PART 9 — REVOCATION, TRANSITIONAL AND SAVINGS

Definitions

45. In this Part -

“Arbitration Tribunal” means the body established under Section 20 of the Trade Disputes Act (Cap 97);

“Commencement date” means the date on which the Employment Relations Promulgation 2007 comes into force;

“completion date” means the day, on or after which the Arbitration Tribunal has disposed of all the proceedings in that Tribunal.

Transfer of jurisdiction

46. - (1) This regulation applies to jurisdiction and powers vested in or exercisable by the Arbitration Tribunal or a member of that Tribunal immediately before the commencement date in relation to an act or omission occurring before the commencement date, except in relation to matters for which the Arbitration Tribunal had begun the substantive hearing in proceedings.

(2) On and after the commencement date, the jurisdiction and powers to which this regulation applies -

(a) cease to be vested in or exercisable by the Arbitration Tribunal or a member of that Tribunal; and

(b) are vested in the Employment Relations Tribunal.
Transfer of proceedings

47. - (1) This regulation applies to proceedings commenced in the Arbitration Tribunal but in respect of which the Arbitration Tribunal had not begun the substantive hearing before the commencement date.

(2) On the commencement date, proceedings to which this regulation applies are transferred to the Employment Relations Tribunal.

(3) If proceedings to which this item applies are transferred under subregulation (2) -

(a) all documents filed in the Arbitration Tribunal in relation to the proceedings are to be transmitted to the Employment Relations Tribunal; and

(b) everything done in or in relation to the proceedings in the Arbitration Tribunal is taken to have been done in the Employment Relations Tribunal.

Arbitration Tribunal remains in existence

48. - (1) The Arbitration Tribunal continues in existence as if the Trade Disputes Act (Cap 97) is in force immediately before the commencement date and continued to be in force on and after that commencement.

(2) Subregulation (1) ceases to have effect on after the completion date.

Limited jurisdiction of the Arbitration Tribunal

49. - (1) This item applies to proceedings commenced in the Arbitration Tribunal in respect of which the Arbitration Tribunal had begun the substantive hearing before the commencement date.

(2) On and after the commencement date -
(a) the Arbitration Tribunal continues to have jurisdiction to deal with the proceedings to which this item applies as if the Promulgation had not been enacted; and

(b) the Trade Disputes Act (Cap 97) as in force immediately before the transfer day continues to have effect in relation to the Arbitration Tribunal’s exercise of its jurisdiction in relation to the proceedings.

(3) This regulation ceases to have effect after the completion date.

Terms and conditions of appointment of members of the Arbitration Tribunal

50. - (1) The Permanent Arbitrator and other members of the Arbitration Tribunal continue to hold office as members of that tribunal, on and after the commencement date.

(2) Subregulation (1) ceases to have effect after the completion date.

Revocation of regulations

51. Subject to section 265 of the Promulgation and Part 9 of these Regulations, the following Regulations are revoked -

(a) Employment Regulations (eg Regulations 1, 2 6 8)
(b) Employment (Application) Order
(c) Employment (Exclusion) Order
(d) Employment (Medical Treatment) Regulations
(e) Trade Disputes Regulations
(f) Trade Unions Regulations
(g) Trade Unions (Accounts) Regulations
DATED this ………………day of September 2007.

…………………………………………………………

BERNADEtte ROUNdS GANILAU

Minister for Labour, Industrial Relations, Tourism and Environment
# SCHEDULE 1

## FORMS

## FORM 1

**REFERRAL OF AN EMPLOYMENT GRIEVANCE TO MEDIATION**

[Section 200(1)(a), *Employment Relations Promulgation 2007 and Regulation3(1)]

<table>
<thead>
<tr>
<th><strong>Worker details</strong></th>
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<tr>
<td>Name</td>
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<tr>
<td>Address</td>
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<tr>
<td>Phone number/Mobile Number</td>
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<tr>
<td>E-mail Address</td>
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<tr>
<td>Occupation</td>
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<tr>
<td>Membership of trade union (Yes/No)</td>
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<tr>
<td>Has this grievance been reported by your trade union? (Yes/No)</td>
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</table>

<table>
<thead>
<tr>
<th><strong>Employer details</strong></th>
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<tbody>
<tr>
<td>Name of employer</td>
<td></td>
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<tr>
<td>Contact person (preferably someone who has been involved in the internal grievance procedure)</td>
<td></td>
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<tr>
<td>Type of business</td>
<td></td>
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<tr>
<td>Address</td>
<td></td>
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<tr>
<td>Phone number/Mobile</td>
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<tr>
<td>E-Mail Address</td>
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<tr>
<td>Fax Number</td>
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</table>
Details of employment grievance (the problem)

Please explain what caused your problem:

..................................................................................................................................................
..................................................................................................................................................
..................................................................................................................................................

Note: If the employment grievance or problem relates to a dismissal, please attach a copy of the employer’s statement that sets out the reasons for the dismissal. An employer is required to provide this statement under Section 114 of the Promulgation.

I declare that all internal grievance procedures, as applicable, have been exhausted in accordance with Sections 110 and 111, including Schedule 4 of the Employment Relations Promulgation 2007.

I now wish to refer this matter to mediation.

.................................................
Name of worker

.................................................
Signed

.................................................
Date

Note

• An employment grievance must be raised with the employer within 6 months of the relevant issue arising.
• If the grievance is not raised within this period and the employer does not agree to extend the period, the worker may apply to the Tribunal for an extension of this period. (See Section 111 of the Promulgation).
• A copy of this form must be sent to the employer to which the employment grievance relates.
• Case Number:...........................(to be filled by the Mediation Services)
FORM 2
NOTICE TO ATTEND MEDIATION

[Section 201, Employment Relations Promulgation 2007 and Regulation 4(2)]
(Case Number:.........................)

To the parties
Worker....................................... Employer......................................
Trade Union..................................

The Mediator appointed to mediate your case is...........................................

You will be required to attend:

1. Your preliminary conference (if applicable) on (date/time and place)---------
2. Your first mediation session on (date/time and place) -----------------------

The matter that will be mediated on is an employment grievance / employment dispute [cross out the one that is inapplicable]

The issues that will be mediated on (if possible to state) include:

........................................................................................................................................
........................................................................................................................................

If you fail to appear at mediation on this date without reasonable excuse, you commit an offence under Section 201 of the Promulgation and may have to pay a fine of up to $2,000.

If there is a good reason why you cannot attend the mediation on the above date, please advise the Mediation Services at least 7 working days before the mediation, and the Mediation Services will consider your request. You will be notified if there is any change to the above date.

............................................................................  ........................................
Signature of the appointed Mediator Name of the appointed Mediator

..................................................
Date
FORM 3

CERTIFICATE OF MEDIATION

[Regulation 10(4), Employment Relations (Administration) Regulations 2007]

(Case Number: .........................)

This is to certify that .................................. (insert name of worker or trade union) and ..................................................(insert name of employer) attended the Mediation Services on ..........................................(insert date(s)) to resolve an employment ..........................................(insert grievance or dispute, as applicable).

This matter was [cross out as applicable]-

  ▪ settled at the Mediation Services on ................. or
  ▪ referred to the Employment Relations Tribunal on .................

 ............................................................

Name of Appointed Mediator

............................................................

Signature of Appointed Mediator ............................................................

Date of Certificate


Note

• A copy of the Certificate must not contain confidential material arising from the mediation.

• A copy of the Certificate must be served on the parties involved in the mediation.

• The Mediator must file the original of the Certificate with the Mediation Services.
FORM 4
CERTIFICATE OF DECLARATION AND REFERAL OF EMPLOYMENT GRIEVANCE OR EMPLOYMENT DISPUTE TO EMPLOYMENT TRIBUNAL

[Section 194(5), Employment Relations Promulgation 2007 and Regulation 11]

Case Number: .....................

I hereby declare that the employment grievance(s)/employment dispute(s) outlined below has/have not been resolved in mediation held on .................................., and, in accordance with Section 194(5) of the Promulgation, I hereby refer the employment grievance(s)/employment dispute(s) to the Employment Relations Tribunal.

Outline of unsettled employment grievance(s)/employment dispute(s):

1. ..............................................................................................................................

2. ..............................................................................................................................

3. ..............................................................................................................................

4. ..............................................................................................................................

5. ..............................................................................................................................

6. ..............................................................................................................................

7. ..............................................................................................................................

---------------------------------    -------------- ----------
Name of Appointed Mediator    Date

-------------------------------------
Signature of Appointed Mediator

Note:
• Please attach corresponding Form 1 or Form 6
• Additional information can be also attached
• A copy of this Form and Form 1 to be sent to the Permanent Secretary
• A copy of this Form to be sent to the Mediation Services.
FORM 5
REPORT OF A DISPUTE TO THE PERMANENT SECRETARY
[Section 169(2), Employment Relations Promulgation 2007 and Regulation 12(1)]

<table>
<thead>
<tr>
<th>Trade Union details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
</tr>
<tr>
<td>Registered Address</td>
</tr>
<tr>
<td>Phone number/Mobile Number</td>
</tr>
<tr>
<td>E-mail Address</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Worker(s) details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of worker represented</td>
</tr>
<tr>
<td>Occupation of Worker</td>
</tr>
<tr>
<td>Is the worker a member of the trade union mentioned above (Yes/No)</td>
</tr>
<tr>
<td>Has this issue been reported by the worker as a grievance (Yes/No)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Employer details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of employer</td>
</tr>
<tr>
<td>Contact person (preferably someone who has been involved in the internal settlement of dispute or grievance procedure)</td>
</tr>
<tr>
<td>Type of business</td>
</tr>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>Phone number/Mobile:</td>
</tr>
<tr>
<td>E-Mail Address</td>
</tr>
<tr>
<td>Fax Number</td>
</tr>
</tbody>
</table>
Details of dispute (the problem)

Please explain what the dispute is about or list the matters in dispute:

........................................................................................................................................................................................................................................................................................................
........................................................................................................................................................................................................................................................................................................
........................................................................................................................................................................................................................................................................................................

Note: If the dispute relates to a dismissal, please attach a copy of the employer’s statement that sets out the reasons for the dismissal. An employer is required to provide this statement under Section 114 of the Promulgation.

I declare that all internal procedures for settling disputes, as applicable, have been exhausted in accordance with Section 168 and Schedule 6 of the Employment Relations Promulgation 2007.

I now wish to report this matter to the Permanent Secretary.

........................................................................................................................................................................................................................................................................................................................................................................

Name of Trade Union/Name of Employer (delete whichever applicable)

........................................................................................................................................................................................................................................................................................................................................................................

Signature of the Trade Union’s General Secretary/
Signature of Employer (delete whichever applicable)

........................................................................................................................................................................................................................................................................................................................................................................

Date

Note

• A report of a dispute is only entertained by the Permanent Secretary if it is within 6 months from the date on which the dispute arose “except where the delay to report was caused by mistake or other good cause” (Sections 170(6) and 170(9) of the Promulgation).

• The party reporting the dispute must, within 3 days, provide a copy of this Form and any attachment(s) to each party to the dispute.

• Additional attachment(s) to this Form can also be forwarded if the reporting party believes that the information is necessary to facilitate the decision of the Permanent Secretary e.g. copy of relevant collective agreement.

Case Number:.............................(to be filled by the Ministry)
FORM 6

REFERRAL OF EMPLOYMENT DISPUTE TO MEDIATION SERVICES BY THE PERMANENT SECRETARY

[Section 170(4)(b), Employment Relations Promulgation 2007 and Regulation 14(1)]

Case Number: ..................

I have accepted and hereby refer the employment dispute(s) outlined below to the Mediation Services, after exercising the decision making powers vested upon me under the relevant provisions of Section 170 of the Promulgation.

Outline of matters in employment dispute as reported by the aggrieved party:

1. .................................................................................................................................
2. .................................................................................................................................
3. .................................................................................................................................
4. .................................................................................................................................
5. .................................................................................................................................
6. .................................................................................................................................
7. .................................................................................................................................

----------------------------------    ------------- -----------
Name of Permanent Secretary     Date

--------------------------------------
Signature of Permanent Secretary    Official Stamp

Note:
• Please attach corresponding Form 5
• Additional information can also be attached
• A copy of this Form to be sent to all the parties in dispute.
• The mediation process must first be exhausted before the employment dispute is referred to the Employment Relations Tribunal (Section 170(5) of the Promulgation).
FORM 7

REFERRAL OF EMPLOYMENT DISPUTE TO EMPLOYMENT TRIBUNAL
BY THE PERMANENT SECRETARY

[Section 170(4)(a), Employment Relations Promulgation 2007 and Regulation 15(1)]

Case Number: .................

I have accepted and hereby refer the employment dispute(s) outlined below to the Employment Relations Tribunal, after exercising the decision making powers vested upon me under the relevant provisions of Section 170 of the Promulgation.

Outline of matters in employment dispute as reported by the aggrieved party:

1. ......................................................................................................................................

2. ......................................................................................................................................

3. ......................................................................................................................................

4. ......................................................................................................................................

5. ......................................................................................................................................

6. ......................................................................................................................................

7. ......................................................................................................................................

----------------------------------    -------------  ------------
Name of Permanent Secretary    Date

--------------------------------------
Signature of Permanent Secretary   Official Stamp

Note:
• Please attach corresponding Form 5
• Additional information can also be attached
• A copy of this Form to be sent to all the parties in dispute.
### Employment Information

- **Registered Name of Employer**: 
- **Trading Name (if different from above)**: 
- **Location Address**: 
- **Registered Postal Address**: 
- **City/Town**: 
- **District**: 
- **Tikina**: 
- **Province**: 
- **Contact Details**:  
  - **Phone**: 
  - **Fax**: 
  - **Email**: 
- **Type of Ownership**:  
  - Private  
  - Public  
  - State Owned Enterprise  
  - Multinational  
  - Others  
- **Parent Company/Holding Group**: 
  - **Name of Parent Company/Holding Group**: 
  - **Physical Address of Parent Company/Holding**: 
- **FNPF Reference Number**: 
- **Nature of Business (Type e.g. Paint retailers)**: 
- **Major Type of Work Undertaken**:  
  - Essential  
  - Non-Essential  
  - Mixed  
- **Industry Classification (By ISIC Standard)**: 
- **Name of Registered (or Recognized) Trade Unions**: 
- **Number of Union Members**: 
- **Workers Profile**:  
  - **By size**: 
    - Less than 10 workers  
    - 10 to 20 workers  
    - 21 to 50 workers  
    - 51 to 100 workers  
    - More than 100 workers  
  - **Number of People With Disability (PWD) Status**: 
  - **By Gender**:  
    - **Number of Male Workers**  
      - Permanent  
      - Casual
<table>
<thead>
<tr>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Female Workers</td>
</tr>
<tr>
<td>Permanent</td>
</tr>
<tr>
<td>Casual</td>
</tr>
<tr>
<td>Others</td>
</tr>
</tbody>
</table>

- **By Residency**
  - Local
  - Expatriate
    - China
    - Australia
    - New Zealand
    - United States of America
    - Canada
    - South America
    - Europe
    - Korea
    - Japan
    - India
    - Pakistan
    - Sri Lanka
    - Philippines
    - Ghana
    - Nigeria
    - United Kingdom
    - Russia
    - Tonga
    - Samoa
    - Cook Island
    - Papua New Guinea
    - Others

- **By Age Groups**
  - <15 years
  - >=15 and <18
  - >=18 and <21
  - >=21 and <55
  - >=55 and <60
  - >=60 and <70
  - >=70 years

- **By Ethnicity**
  - Fijian & Rotuma origin
  - Indian origin
  - European origin
  - Others
    - Part European origin
    - Chinese origin
    - Melanesian origin
    - Polynesian origin
    - Micronesian origin
    - Others
FORM 9

APPLICATION FOR REGISTRATION AS A TRADE UNION

[Section 119, Employment Relations Promulgation 2007 and Regulation 21]

Name of trade union or proposed trade union

........................................................................................................

Physical location of proposed registered office

........................................................................................................

Postal address of office

........................................................................................................

We, the undersigned members, have been authorised by the trade union to make this application on its behalf by a General Meeting held at

[insert address of meeting place]........................................................................................................

on [insert date] ........................................................................................................

We declare that none of us is a member of any other trade union.

We have attached the following documents, as required by Section 119 of the Employment Relations Promulgation 2007:

(a) A statement of the names of the officers of the trade union, including their titles, addresses, ages and occupations;

(b) Four copies of the rules of the trade union, authenticated by the president and the secretary; and

(c) A certified copy of the relevant extract from the minutes of the General Meeting.

Signed by the following members on [insert date]..............:

<table>
<thead>
<tr>
<th>Name of Member 1</th>
<th>Name of Member 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Address</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Phone number</td>
<td>Phone number</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Occupation</td>
<td>Occupation</td>
</tr>
</tbody>
</table>
Signed

Name of Member 3

Address

Phone number

Occupation

Signed

Name of Member 4

Address

Phone number

Occupation

Signed

Name of Member 5

Address

Phone number

Occupation

Signed

Name of Member 6

Address

Phone number

Occupation

Signed

Name of Member 7

Address

Phone number

Occupation

Signed

Notes on members and officers:

- No member may belong to more than one trade union.
- "Officer" includes any member of the Executive Committee and any officer of a branch.
- Only a citizen of the Fiji Islands may be an officer.
• An undischarged bankrupt may not be an officer.

• Officers must have worked for a period of at least 6 months in an industry, trade or occupation with which the union is concerned. This requirement does not apply to the secretary and the treasurer.

• If a person has been convicted of a criminal offence that carries a penalty of 6 months imprisonment or longer, that person cannot be an officer for 3 years after the date of conviction.

**Notes on registration:**

• The Registrar may refuse to register a trade union for the reasons set out in Section 125 of the *Employment Relations Promulgation 2007*.

• The trade union must notify the Registrar of any change to the physical location or the postal address of the registered office.
FORM 10
CERTIFICATE OF REGISTRATION OF A TRADE UNION
[Section 126, Employment Relations Promulgation 2007 and Regulation 22]

Registration No........

I, the Registrar of Trade Unions, certify that the [insert name of trade union] was registered as a trade union under Section 120 of the Employment Relations Promulgation 2007 on ...................... [insert date].

This certificate, unless it has been proven to have been cancelled or withdrawn, is conclusive evidence that the trade union is a duly registered trade union.

................................................... ...........
Name of the Registrar of Trade Unions

................................................... ...........
Signature of the Registrar of Trade Unions    Official Stamp

...................................................
Dated
FORM 11
CERTIFICATE OF RESULT OF BALLOT FOR AMALGAMATION

[Section 123, Employment Relations Promulgation 2007 and Regulation 28(2)]

<table>
<thead>
<tr>
<th>Name of trade union</th>
<th>.................................................................</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location of registered office</td>
<td>.......................................................................</td>
</tr>
<tr>
<td>Postal address of registered office</td>
<td>.......................................................................</td>
</tr>
</tbody>
</table>

We declare that the requirements of the Employment Relations Promulgation 2007 and its regulations have been complied with in relation to secret ballots for the amalgamation of registered trade unions.

Results

The total number of members entitled to vote was............

Number of papers issued.................................

Number of papers in the ballot box......................

Number of votes in favour of amalgamation..............

Number of votes against amalgamation..................

Number of informal/invalid votes........................

Final result: [strike out as applicable]

Amalgamation authorised / not authorised

Signed by Official 1 (union officer)  
Signed by Official 2 (member representative)

Name  
Name

Page 40
<table>
<thead>
<tr>
<th>Position</th>
<th>Occupation</th>
</tr>
</thead>
</table>

Date............................................

**Note**

- A signed copy of this certificate must be posted in the registered office of the trade union and in every branch office.

- A signed copy of this certificate must be sent to the Registrar together with the notice of amalgamation.
FORM 12

NOTICE OF TRADE UNION AMALGAMATION

[Regulation 28(3), Employment Relation (Administration) Regulations 2007]

To the Registrar

We, the undersigned, apply under Section 123 of the Employment Relations Promulgation 2007 for amalgamation of the following registered trade unions:

1 …………………………………………………..

2 …………………………………………………..

3 …………………………………………………..

The name of the new union formed by this amalgamation will be …………………………………………………..

Each trade union which is party to this application has conducted a secret ballot amongst it members as prescribed by Section 123(2) of the Employment Relations Promulgation 2007.

Three copies of the proposed rules of the new union are attached to this form.

Signed on [insert date]

TRADE UNION 1: [insert name] …………………………………………………..

Signed by Chairperson …………………………………………………..

Signed by Secretary …………………………………………………..

Name …………………………………………………..

Name …………………………………………………..

Signed by Treasurer …………………………………………………..

Signed by Member …………………………………………………..

Name …………………………………………………..

Name …………………………………………………..

Signed by Member …………………………………………………..

Signed by Member …………………………………………………..

Name …………………………………………………..

Name …………………………………………………..
TRADE UNION 2: [insert name] ..................................................

Signed by Chairperson

Name

Signed by Secretary

Name

Signed by Treasurer

Name

Signed by Member

Name

Signed by Member

Name

TRADE UNION 3: [insert name] ...............................................

Signed by Chairperson

Name

Signed by Secretary

Name

Signed by Member

Name
FORM 13

ANNUAL RETURN

[Section 129(2), Employment Relations Promulgation 2007 and Regulation 29]

Annual return of the [insert name of trade union] for the year ended 31 December [insert year].

General Information

1. Location of registered office.................................................................

2. Postal address........................................................................................................

3. Does the trade union have any branches? If yes, list each branch’s location and number of members.

<table>
<thead>
<tr>
<th>Branch name</th>
<th>Location</th>
<th>No. of members</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>...</td>
<td></td>
<td></td>
</tr>
<tr>
<td>...</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. In what trade, industry or occupation are the members of the union mostly employed?

..................................................

5. Total number of voting members at the end of the calendar year for which this annual return is prepared

..................................................

Details of the Executive Committee and Officers

<table>
<thead>
<tr>
<th>Title of officer</th>
<th>Name</th>
<th>Date of appointment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 President</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Secretary</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
3 Treasurer

4 ..................................

5 ..................................

6 ..................................

7 ..................................

[Note: Insert more rows in table as required]

**Income and Expenditure Account for the Year Ended 31 December [insert year]**

[Attach the income and expenditure account.]

**Balance Sheet as at 31 December [insert year]**

[Attach the income and expenditure account.]

**Declaration of Officer Bearers**

We declare that:

- None of the officers of the trade union has been convicted of any crime involving fraud or dishonesty during the past three years;

- None of the officers of the trade union is an officer of any other trade union; and

- All of the officers of the trade union (except the Secretary and Treasurer) are currently engaged in the industry or occupation of.............................. with which this trade union is directly concerned.

We declare that the information contained in this Annual Report is true and correct and in accordance with the *Employment Relations Promulgation 2007*.

-----------------------------------------------------------------------------------------------------
Signed by President Date

-----------------------------------------------------------------------------------------------------
Signed by Treasurer Date

-----------------------------------------------------------------------------------------------------
Signed by Secretary Date
Auditors’ Report

We declare that we:

• Have had access to all the books and accounts of the [insert name of trade union] ……………………………………(including its branches);
• Have examined the Annual Return and verified the related accounts and documents; and
• Find the Annual Return to be correct and in accordance with law.

Signed by First Auditor    Date
Address ............................................
Profession ..............................

Signed by Second Auditor    Date
Address............................................................
Profession...............................

Date of completion of audit.........................

Notes

• The return must be accompanied by four copies of the rules of the trade union in force at the end of the calendar year in question.
• If you make or cause to be made a false entry or omission to annual return, you commit an offence under the Employment Relations Promulgation 2007 and may be liable for a fine of up to $2000 and/or a term of up to 6 months imprisonment.
FORM 14

SECRET BALLOT PAPER FOR PROPOSED STRIKE ACTION

[Section 175, Employment Relations Promulgation 2007 and Regulation 31]

Name of union conducting secret ballot

..............................................................

Record your vote by marking a cross (X) or a tick (√) in the box next to your preferred option.
Mark only one square.
Do not sign your name.

<table>
<thead>
<tr>
<th>YES to strike action</th>
<th>□</th>
</tr>
</thead>
<tbody>
<tr>
<td>NO to strike action</td>
<td>□</td>
</tr>
</tbody>
</table>
FORM 15
CERTIFICATE OF RESULT OF STRIKE BALLOT
[Section 175, Employment Relations Promulgation 2007 and Regulation 33]

<table>
<thead>
<tr>
<th>Name of trade union</th>
</tr>
</thead>
<tbody>
<tr>
<td>................................................... ..................................</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Location of registered office</th>
</tr>
</thead>
<tbody>
<tr>
<td>................................................... .....................................</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Postal address of registered office</th>
</tr>
</thead>
<tbody>
<tr>
<td>..............................................................</td>
</tr>
</tbody>
</table>

We declare that the requirements of the Employment Relations Promulgation 2007 and its regulations have been complied with in relation to secret ballots for strike action in accordance with Section 175 of the Promulgation.

Results

The total number of members entitled to vote was............

Number of papers issued.................................

Number of papers in the ballot box.............................

Number of votes in favour of strike action......................

Number of votes against strike action.........................

Number of informal or invalid votes........................

Final result: [strike out as applicable]

Strike action authorised / not authorised

Signed by Official 1 (union returning officer)

Signed by Official 2 (member representative)

Name

Name
Position .................................................

Occupation ..............................................

Date .....................................................

Note

• A signed copy of this certificate must be sent to the Registrar as soon as possible.
FORM 16

DEMAND NOTICE

[Section 19(4), Employment Relations Promulgation 2007 and Regulation 38]

Demand Notice No……………………..

Under the provisions of Section 19(4) of the Promulgation and Regulation 42, I [........................insert name of enforcer] a Labour Officer or Labour Inspector appointed under the provisions of Section 16 of the Promulgation, do require you,

Name of Employer: .................................................................................................

Address of Employer: ............................................................................................

To produce the following original documents, by [insert date/time/place]-

........................................................................................................................................

........................................................................................................................................

........................................................................................................................................

........................................................................................................................................

Failing to produce such documents at the date, time and place specified above is an offence under the Promulgation and the Employment Relations (Administration) Regulations 2007, punishable on conviction by a fine not exceeding $20,000.

Signed: .................................................. Date: ..............................

[Labour Inspector/Labour Officer]

............................................................................................................................

Name of the Labour Officer/Labour Inspector Position
FORM 17

FIXED PENALTY NOTICE

[Section 263(3), Employment Relations Promulgation 2007 and Regulation 39]

<table>
<thead>
<tr>
<th>Part A</th>
<th>Notice number……………………</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of manager / trade union official / worker:</td>
<td>Name of relevant employer or trade union:</td>
</tr>
</tbody>
</table>

1. At [insert time] on [insert day of week and date] at [insert place], it is alleged that you have been found committing an offence against [insert relevant details or Section of Promulgation or Regulations].

[insert brief details]........................................................................................................

..........................................................................................................................

..........................................................................................................................

2. If you do not wish for the matter to be determined in a tribunal hearing, you may complete Part B attached to this notice and forward that form together with the prescribed sum by way of penalty to the Ministry of Labour and Industrial Relations before [insert date].

3. The penalty for the alleged offence is $ ..........................

4. You have the right to decline to proceed in the manner described in clause 2 above and to allow the matter to be determined in a tribunal hearing:–

   (i) if you wish to contest whether the offence alleged was actually committed;

   (ii) if you wish to submit to the tribunal matters in extenuation of the penalty; or

   (iii) or any other reason, in which event you need not reply or take further action in respect of this notice, and in such case court proceedings will be issued against you in due course.

5. As well as paying the penalty connected with this offence, you are required to remedy your non-compliance with the relevant provisions of the Employment Relations Promulgation by
Dated ..........................

Name of Labour Officer or Labour Inspector

<table>
<thead>
<tr>
<th>Part B</th>
<th>Notice number ............</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surname</td>
<td>Given names</td>
</tr>
<tr>
<td>Registered company name / name of registered trade union</td>
<td></td>
</tr>
<tr>
<td>Trading as:</td>
<td></td>
</tr>
<tr>
<td>Residential or business address:</td>
<td></td>
</tr>
<tr>
<td>Date of offence</td>
<td>Where the offence was committed</td>
</tr>
<tr>
<td>Penalty</td>
<td></td>
</tr>
<tr>
<td>$</td>
<td></td>
</tr>
</tbody>
</table>

I attach a cheque or money order of $ .................

Signed ........................................................................................................

Name ........................................................................................................

Date ........................................................................................................
FORM 18

CERTIFICATE OF COLLECTIVE AGREEMENT

[Section 166(4)(b), Employment Relations Promulgation 2007 and Regulation 41]

I, the Registrar of Trade Unions, certify that the collective agreement dated [insert date], made between [insert name of trade union] and [insert name of employer] was registered under Part 16 of the Employment Relations Promulgation 2007 on [insert date].

Signed

....................................................  ........................................
[Insert Name of Registrar]
Registrar of Trade Unions             Date
FORM 19
RECORD OF STRIKE OR LOCKOUT

[Section 183, Employment Relations Promulgation 2007 and Regulation 42]

1. Name of business ................................................

2. Main industry of your business...........................................

3. Type of work reduction
   [if the type changed during a continuous period of work interruption, tick each type]:
   - Complete strike: total withdrawal of labour by some or all workers
   - Partial strike: reduction in type of work; eg, “go slow”, work to rule, overtime ban, ban on particular types of work or similar
   - Lockout

4. Place of strike or lockout [nearest city or town] .................................

5. Number of workers involved in the strike/lockout
   [include non-striking workers suspended because of the availability of normal work during a strike/lockout] ........................................

6. Describe the group of workers involved according to their membership of a union, occupation or other relevant characteristic
   ........................................................................................................
   ........................................................................................................
   Do the workers involved include any— [please tick all that apply]:
   - part-time workers
   - shift workers
   - workers whose normal span of hours includes weekends

7. Start time of strike/lockout ........am/pm on ..........................................
   [day] [month] [year]

   Finish time of strike/lockout ...... am/pm on ..........................................
   [day] [month] [year]
8. On how many of these days was work affected by the strike/lockout?

.................................................................

Please answer questions 9 and 10 if the strike or lockout included

(a) a total withdrawal of labour by some or all of the workers; or
(b) a lockout; or
(c) wages or salaries deducted by you for the duration of the strike or lockout.

Otherwise go straight to question 11.

9. How many hours were lost in total by all workers during the strike/lockout? Include all hours normally worked at all times including regular overtime that would have been worked

.................................................................

[For example, total time lost = duration of strike/lockout (hrs) x workers involved. Include all hours normally worked at all times, including regular overtime and penal time that would have been worked.]

10. What was the total amount of wages and salaries lost by all workers during the total time of the strike/lockout?

$........................................

[Include all wages and salary normally earned at all times including regular overtime and penal time that would have been paid.]

11. What were the main reasons for the strike/lockout? [tick all that apply]

☐ dispute over whether the parties have acted in good faith
☐ dispute arising from negotiation of coverage of employment agreement
☐ dispute over wage provisions of an employment agreement
☐ dispute over a safety or health agreement
☐ dispute over the way the employment agreement is interpreted or applied
☐ dispute over alleged breach of agreement
☐ dispute over hours of work provisions of employment agreement
☐ dispute over redundancy provisions of employment agreement
☐ dispute over leave provisions of employment agreement
12. How was this underlying dispute finally resolved? [tick one only]

- not resolved
- negotiations between employer and workers or their representatives
- mediation services provided by the Ministry of Labour and Industrial Relations
- a determination / order of the Employment Relations Tribunal
- a decision of the Employment Court or other third party
- other [please describe] ...........................................

13. What was the method by which normal work was finally resumed? [tick one only]

- without negotiations or other action
- negotiations between employer and workers or their representatives
- mediation services provided by the Ministry of Labour and Industrial Relations
- a determination / order of the Employment Relations Tribunal
- a decision of the Employment Relations Court
- other [please describe] ............................................

14. Details of person completing this form

Name ........................................
Position ........................................
Business address ..............................
........................................
........................................

Telephone number ................................
Fax number ......................................
Notes

- A strike or lockout is an industrial action, whether it is lawful or not, that results in a total or partial reduction of labour for a continuous period of time.
- Complete one form for each strike or lockout.
- If the strike or lockout was in more than one location, complete one form for each location.
- Under the Employment Relations Promulgation 2007, you are obliged to keep a record of all of this information whenever there is a strike or lockout.
- When you have completed this form, please send a copy within one month after the end of each strike or lockout to the Ministry of Labour & Industrial Relations.
- The meanings of “strike” and “lockout” under Section 4 of the Employment Relations Promulgation 2007 are set out below:

A “strike” means the act of a number of workers who are or have been in the employment of the same employer or different employers—

(a) in discontinuing their employment either wholly or partially, or in reducing the normal performance of it;

(b) in breaching their employment contract which results in a reduction or discontinuance in the work of the employer;

(c) in refusing or failing after such discontinuance to resume or return to their employment;

(d) in refusing or failing to accept engagement for work in which the workers are usually employed; or

(e) in reducing their normal output or their normal rate of work with the intention of disrupting the work;

if the act is due to a combination, agreement, common understanding or concerted action, expressed or implied, made or entered into by the workers; but does not include a union meeting agreed to between a trade union and the employer.

A “lockout” means the act of an employer—
(a) in closing the employer’s place of business, or suspending or discontinuing the employer’s business;

(b) in discontinuing the employment of workers employed by the employer in consequence of a dispute;

(c) in breaking any of the employer’s employment contract; or

(d) in refusing or failing to engage workers for any work for which the employer usually employs the worker;

with a view of compelling the workers to accept terms or conditions of or affecting employment.
SCHEDULE 2

FEES

1.0 In this Schedule ‘ER’ means Employment Relations; ‘PI’ means Productivity Improvement; and ‘LMC’ means Labour-Management Consultation and Cooperation Committees.

2.0 **Administration of LMC** -

- Registration of a LMC: $150 per LMC
- Training of LMC committee members: as prescribed below.

3.0 **Administration of trade unions** -

- Registration of a trade union: $1,000 per union
- Registration of new rules and/or alteration of constitution: $50
- Public Inspection fee for Union Constitutions, Rules etc: $5
- Amalgamation registration fee: $10
- Photocopying lost documents: $0.20/page

4.0 **Mediation Services** –

All employment relations mediation service conducted by the Chief Mediator or Mediators of the Mediation Services constituted under Part 20 of the Promulgation are free of charge, with the exception of the following services, which may be conducted by the Mediators at the following basic fees specified below (these fees are part of the total charge rates for respective services as prescribed under Clause 8) –

- commercial mediation service: $150 per hour
- trade mediation service: $150 per hour
- consumer mediation service: $90 per hour
- community mediation service: $90 per hour
- family mediation service: $90 per hour
- counselling service: $90 per hour
- other mediation service: $90 per hour

5.0 **Training Courses, Lectures and other ER or PI Consultancy Services**

- conducting ER training course or lecture: $110 per hour
- conducting PI training course or lecture: $110 per hour
- conducting LMC training course or lecture: $110 per hour
- providing ER consultancy: $110/hour
- providing ER research and development service: $110/hour
- providing PI consultancy: $110/hour
- providing PI research and development service: $110/hour
- providing any other consultancy or training service: $110/hour
6.0 Selling of ER and PI information and publications

- selling ER Code of Good Faith: $0.40 per page
- selling ER Code of Ethics for Mediators: $0.40 per page
- selling ER National Policy on Sexual Harassment: $0.40 per page
- selling ER Code on HIV/AIDS Prevention in Workplaces: $0.40 per page
- selling ER Advisory Guides: $0.40 per page
- selling ER Guidance Notes: $0.40 per page
- selling Wage & Time Record: $0.50 per page
- selling ER Information Brochures/Posters: Free
- selling ER Information Pamphlets: Free
- selling ER Newsletter: Free
- selling ER Mediation Pamphlets, brochures, booklets etc: $0.20/page
- selling LMC Code of Practice: $0.40 per page
- selling LMC Advisory Guide: $0.40 per page
- selling LMC Guidance Notes: $0.40 per page
- selling LMC Information Brochures: Free
- selling LMC Information Pamphlets: Free
- selling LMC Newsletter: Free
- selling any other publication: $0.40 per page

accessing & supplying Ministry’s information: $0.50 per page

7.0 Administration Fees

For the purposes of determining a total charge for any of the services specified above, any part of an hour shall be regarded as an hour.

Where applicable, administration cost may be added to any of the charges under this Schedule where applicable.

8.0 Officers Overtime Charges and Payment

- After Normal Working Hours of Service

For the purposes of services listed above which are been undertaken by Ministry’s officers, normal working hours are from 8.00am to 4.30pm from Monday to Thursday and 8.00am to 4.00pm on Friday.

After normal working hours mean hours of work (including travelling time to and from the officer’s home or office whichever is applicable) outside the normal working hours specified above from Monday to Friday inclusive, in addition to Saturday, Sunday or any other Public Holiday or Special Public Holiday.

- Service conducted after Normal Working Hours

Where the employer or any person specifically requests that a user-pay service prescribed under this Schedule be carried out after normal
working hours, the fee to be charged in respect to any service so made shall be double the fee otherwise applicable and, in addition, the employer or person shall provide for the officer his or her travelling, meal and accommodation costs where applicable including the officer’s overtime pay in accordance with regulation below.

- **Officers Overtime Payment**

The officer’s overtime shall be calculated on the double-time basis. That is, by multiplying by two (2) the current officer’s equivalent hourly rate of pay with the number of ‘after normal working hours’ the officer has worked, including travelling time to and from home or office whichever is applicable. Any part of an hour shall be regarded as an hour.

- **Training Courses, Lectures and other Services**

For conducting a training course or lecture, the charge rate includes the basic fee as specified above, plus training material cost, travelling, meals and accommodation costs where applicable.

For providing a consultancy service or research and development service, the charge rate includes the basic fee as specified above, plus travelling, meals and accommodation costs where applicable.

For providing any other consultancy or training service, the charge rate includes the basic fee as specified above, plus training material cost, travelling, meals and accommodation costs where applicable.

The time charged for any training, research & development and consultancy service includes the actual time taken for the particular service provided plus travelling time.

For the hiring of any Ministry’s Training Centre or Conference Centre (inclusive of its training equipment) the charge rate is $50.00 per hour or part thereof.

For the purposes of determining a total charge for any of the services specified above, any part of an hour shall be regarded as an hour.

All fees and charges under this Schedule exclude Value Added Tax (VAT).