

FORM ER1

REFERRAL OF AN EMPLOYMENT GRIEVANCE TO MEDIATION

[Section 200(1)(a) of the Employment Relations Promulgation 2007 and Regulation3(1)]

Worker details

Name

Address.....

Phone number/Mobile Number.....

E-mail Address.....

Occupation

Membership of trade union (Yes/No)

Has this grievance been reported by your trade union? (Yes/No).....

Employer details

Name of employer

Contact person (preferably someone who has been involved in the internal grievance procedure)

.....

Type of business.....

Address:

Phone number/Mobile:

E-Mail Address.....

Fax Number.....

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 ER2

NOTICE TO ATTEND MEDIATION

[Section **201** of the 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 ER3

CERTIFICATE OF MEDIATION

[Regulation 10(4) of the 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 ER4

**CERTIFICATE OF DECLARATION AND REFERRAL OF EMPLOYMENT GRIEVANCE
OR EMPLOYMENT DISPUTE TO EMPLOYMENT RELATIONS TRIBUNAL**

[Section **194**(5) of the 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 ER1 or Form ER6
 - Additional information can be also attached
 - A copy of this Form and Form ER1 to be sent to the Permanent Secretary
 - A copy of this Form to be sent to the Mediation Services.

FORM ER5

REPORT OF A DISPUTE TO THE PERMANENT SECRETARY

[Section 169(2) of the Employment Relations Promulgation 2007 and Regulation 12(1)]

Trade Union details

Name

Registered Address.....

Phone number/Mobile Number.....

E-mail Address.....

Worker(s) details

Name of worker represented.....

Occupation of Worker

Is the worker a member of the trade union mentioned above (Yes/No)

Has this issue been reported by the worker as a grievance (Yes/No).....

Employer details

Name of employer

Contact person (preferably someone who has been involved in the internal settlement of dispute or grievance procedure)

.....

Type of business.....

Address:

Phone number/Mobile:

E-Mail Address.....

Fax Number.....

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 ER6

**REFERRAL OF EMPLOYMENT DISPUTE TO MEDIATION SERVICES BY THE
PERMANENT SECRETARY**

[Section 170(4)(b) of the 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 ER5
- 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 ER7

**REFERRAL OF EMPLOYMENT DISPUTE TO EMPLOYMENT RELATIONS TRIBUNAL
BY THE PERMANENT SECRETARY**

[Section 170(4)(a) of the 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 ER5
- Additional information can also be attached
- A copy of this Form to be sent to all the parties in dispute.

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 ER9

APPLICATION FOR REGISTRATION AS A TRADE UNION

[Section **119** of the 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].....:

Name of Member 1

Name of Member 2

.....
Address

.....
Address

.....
Phone number

.....
Phone number

.....
Occupation

.....
Occupation

.....
Signed

.....
Signed

Name of Member 3

Name of Member 4

.....
Address

.....
Address

.....
Phone number

.....
Occupation

.....
Signed

Name of Member 5

.....
Address

.....
Phone number

.....
Occupation

.....
Signed

Name of Member 7

.....
Address

.....
Phone number

.....
Occupation

.....
Signed

.....
Phone number

.....
Occupation

.....
Signed

Name of Member 6

.....
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.
- *Additional names of members may be submitted.*
- 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 ER10

CERTIFICATE OF REGISTRATION OF A TRADE UNION

[Section **126** of the 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 ER11

CERTIFICATE OF RESULT OF BALLOT FOR AMALGAMATION

[Section **123** of the Employment Relations Promulgation 2007 and Regulation 28(2)]

| |
|--|
| Name of trade union |
| Location of registered office |
| Postal address of registered office |

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

.....
Position

.....
Occupation

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 ER12

NOTICE OF TRADE UNION AMALGAMATION

[Regulation 28(3)of the 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

.....
Name

.....
Signed by Secretary

.....
Name

.....
Signed by Treasurer

.....
Name

.....
Signed by Member

.....
Name

.....
Signed by Member

.....
Name

.....
Signed by Member

.....
Name

.....
Signed by Member

.....
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

.....
Signed by Member

.....
Name

.....
Signed by Member

.....
Name

TRADE UNION 3: [insert name]

.....
Signed by Chairperson

.....
Name

.....
Signed by Secretary

.....
Name

.....
Signed by Treasurer

.....
Name

.....
Signed by Member

.....
Name

.....
Signed by Member

.....
Name

.....
Signed by Member

.....
Name

.....
Signed by Member

.....
Name

FORM ER13
ANNUAL RETURN

[Section 129(2) of the Employment Relations Promulgation 2007 and Regulation 31]

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.

| | Branch name | Location | No. of members |
|-----|--------------------|-----------------|-----------------------|
| 1 | | | |
| 2 | | | |
| ... | | | |
| ... | | | |

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

| | Title of officer | Name | Date of appointment |
|---|-------------------------|-------------|----------------------------|
| 1 | President | | |
| 2 | Secretary | | |
| 3 | Treasurer | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |

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 ER14

NOTICE OF SECRET BALLOT

[Section 175(2) of the Employment Relations Promulgation 2007 and Regulation 33]

To the Registrar of Trade Unions

The..... gives notice to hold a
(name of Trade Union)

secret ballot seeking mandate for strike action against

.....
(name of Employer)

Date of ballot:.....

Time of ballot:.....

Place of ballot:.....

Issues for the strike are the following:
(list the issues as they would appear on the ballot paper)

.....
(signed on behalf of the Union)

.....
(date of notice)

.....
(print name and position in the Union)

(The Regulation requires that a copy of this notice must be sent to the employer/employers to whom the secret ballot relates at the same time as the notice is sent to the Registrar)

FORM ER15

SECRET BALLOT PAPER FOR PROPOSED STRIKE ACTION

[Section 175(3) of the Employment Relations Promulgation 2007 and Regulation 34]

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.

| Issues | STRIKE ACTION | |
|--------|---------------|-------|
| | YES (√) | NO(X) |
| | | |

| Issues | STRIKE ACTION | |
|--------|---------------|-------|
| | YES (√) | NO(X) |
| | | |

FORM ER16

CERTIFICATE OF RESULT OF STRIKE BALLOT

[Section 175(3) of the Employment Relations Promulgation 2007 and Regulation 36]

| |
|--|
| Name of trade union |
| Location of registered office |
| Postal address of registered office |

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.....

Name of Supervising Officer
(Office of Registrar of Trade Unions)

- **Note:** A signed copy of this certificate must be sent to the Registrar as soon as possible.

FORM ER17

DEMAND NOTICE

[Section 19(4) of the Employment Relations Promulgation 2007 and Regulation 47]

Demand Notice No.....

Under the provisions of Section **19**(4) of the Promulgation and Regulation 47, 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 **within 14 days with effect from**
[insert date/time/ **at**

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

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 ER18

FIXED PENALTY NOTICE

[Section 263(3) of the Employment Relations Promulgation 2007 and Regulation 48]

Part A

Notice Number.....

| | |
|--|---|
| Name of manager / trade union official / worker: | Name of relevant employer or trade union: |
|--|---|

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 before insert date **within 21 days**.

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

Part B

Notice Number.....

| | |
|--|---------------------------------|
| Surname | Given names |
| Registered company name / name of registered trade union | |
| Trading as: | |
| Residential or business address: | |
| Date of offence | Where the offence was committed |
| Penalty \$ | |

I attach a cheque or money order of \$

Signed.....

Name

Designation

Date

(Note: Penalty must be paid directly to the Headquarters of the Labour Ministry or to the District or Divisional Office of the Labour Ministry nearest to you)

FORM ER19

CERTIFICATE OF COLLECTIVE AGREEMENT

[Section 166(4)(b) of the Employment Relations Promulgation 2007 and Regulation 51]

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 ER20

RECORD OF STRIKE OR LOCKOUT

[Section 183 of the Employment Relations Promulgation 2007 and Regulation 52]

1. Name of business

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

3. Type of work reduction

[if the type of work reduction 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/lockoutam/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
- dispute over overtime/shift provisions of employment agreement
- other [*please describe*]

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
- a determination / order of the Employment Relations Tribunal
- a decision of the Employment Relations 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
- a determination / order of the Employment Relations Tribunal
- a decision of the Employment Relations Court
- others [please describe]

14. Details of person completing this form

Name

Position

Business address

.....

.....

Telephone number

Fax number

Email address

15. Please sign here:

..... Date:

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.
- 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 |
| 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).

SCHEDULE 3

Wage Councils

The following are the Wages Councils referred to in Regulation 19(4):

1. Building and Civil and Electrical Engineering Trades
 2. Garment Industry
 3. Hotel and Catering Trades
 4. Manufacturing Industry
 5. Mining and Quarrying Industry
 6. Printing Trades
 7. Road Transport Industry
 8. Sawmilling and Logging industry
 9. Security Services
 10. Wholesale and Retail Trades
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