Version
as at 5 April 2026

Employment Relations (Prescribed Matters) Regulations 2000

(SR 2000/185)

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 18th day of September 2000

Present:
His Excellency the Governor-General in Council

Pursuant to section 237 of the Employment Relations Act 2000, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Contents

		Page
1	Title	2
2	Commencement	2
3	Interpretation	2
4	Application to register society as union to be made by officer of society in prescribed form	2
5	Certificate of registration of society as union	2
6	Record of strike or lockout	2

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

7 Demand notice 2

Schedule 3
Forms

Regulations

1 Title

These regulations are the Employment Relations (Prescribed Matters) Regulations 2000.

2 Commencement

These regulations come into force on 2 October 2000.

3 Interpretation

(1) In these regulations, **Act** means the Employment Relations Act 2000.

(2) In these regulations, a reference to a numbered form is a reference to the form so numbered in the Schedule.

(3) Any term or expression that is defined in the Act and used, but not defined, in these regulations (for example, lockout, strike, and union) has the same meaning as in the Act.

Regulation 3(3): inserted, on 28 June 2020, by regulation 4 of the Employment Relations (Prescribed Matters) Amendment Regulations 2020 (LI 2020/108).

4 Application to register society as union to be made by officer of society in prescribed form

An application under section 13(2) of the Act by a society to the Registrar of Unions to be registered as a union must be in form 1 and be made by an officer of the society.

5 Certificate of registration of society as union

A certificate of registration required under section 15(2) of the Act must be in form 2.

6 Record of strike or lockout

A record of a strike or lockout required under section 98(a) of the Act must be in form 3.

7 Demand notice

A demand notice served under section 224(1) of the Act must be in form 4.

Schedule
Forms

rr 4–7

Form 1
Application for society to register as a union

r 4

Section 13(2), Employment Relations Act 2000

Name of the society: [*insert name*]

Date of application: [*insert date*]

1 This application is made by [*insert name*] of [*insert address*].

2 I hold the position of [*insert office held*] in the society.

3 Accompanying this application are—

(a) a copy of the society's certificate of incorporation under the Incorporated Societies Act 1908 or the Incorporated Societies Act 2022; and

(b) society's rules or constitution as registered under an Act referred to in paragraph (a); and

(c) a statutory declaration made by myself (*or* another officer of the society) setting out the reasons why the society is entitled to be registered as a union.

.....

Signature of officer

Schedule form 1 item 3(a): amended, on 5 April 2026, by section 270(2) of the Incorporated Societies Act 2022 (2022 No 12).

Schedule form 1 item 3(b): amended, on 5 April 2026, by section 270(2) of the Incorporated Societies Act 2022 (2022 No 12).

Form 2
Certificate of registration as a union under the Employment Relations Act 2000

r 5

Section 15(2), Employment Relations Act 2000

Registration No: .....

This is to certify that on [*insert date*], [*insert name of society*] was registered as a union under the Employment Relations Act 2000.

Dated at ..... this ..... day of ..... 20....

.....
Registrar of Unions

Form 3
Record of strike or lockout

r 6

Section 98(a), Employment Relations Act 2000

Instructions to employer for completing this form

1 Complete 1 form for each strike or lockout.

2 If the strike or lockout was in more than 1 location, complete 1 form for each location.

3 Return the completed form within 1 month after the end of each strike or lockout to:

strike.notices@mbie.govt.nz

or

Work Stoppages

Ministry of Business, Innovation, and Employment

PO Box 1473

Wellington 6140

Information to be provided

1 Name of the business:

2 Main industry of the business:

3 What type of industrial action was involved? *(tick the type that applies and use a separate form for each type)*

□ a strike (*see* notes below)

□ a lockout (*see* notes below)

4 If the industrial action was a strike involving partial non-compliance with employees' terms and conditions of employment, what type or types of action were involved? *(tick as appropriate)*

□ a partial discontinuance of work through a refusal or failure to accept engagement for work that forms part of the employees' normal duties, for example, a ban on particular types of work, an overtime ban, or similar

□ a reduction in the employees' normal performance of work, normal output, or normal rate of work, for example, a "go slow", a "work to rule", or similar

□ employees breaking their employment agreement, whether or not that act involves any reduction in the employees' normal performance of work, normal output, or normal rate of work

5 Where did the strike or lockout take place? [*name of nearest city or town*]

6 How many employees were involved in the strike or lockout? [*number, including non-striking employees suspended because of the unavailability of normal work during a strike or lockout*]

7 Describe the group of employees involved according to their membership of a union, an occupation, or other relevant characteristic:

8 Do the employees involved include any of the following? *(tick as appropriate)*

□ part-time employees

□ shift workers

□ employees whose normal span of hours includes weekends

9 When did the strike or lockout begin? [*date and time*]

10 When did the strike or lockout end? [*date and time*]

11 On how many days was work affected by the strike or lockout? [*number of days*]

Answer questions 12 to 14 if the strike or lockout included—

(*a*) *a total withdrawal of labour by some or all of the employees; or*

(*b*) *a lockout; or*

(*c*) *wages or salaries deducted for the duration of the strike or lockout.*

Otherwise, go to question 15.

12 What was the duration of the strike or lockout? [*duration in hours*]

13 How many hours were lost by all employees during the strike or lockout (including all hours normally worked at all times and regular overtime that would have been worked)? [*For example, total lost time = duration of strike or lockout (in hours) × number of employees involved. Include all hours normally worked at all times and regular overtime and penal rates that would have been worked.*]

14 What was the total amount of wages and salaries lost by all employees during the total time of the strike or lockout? [*amount, including all wages and salary normally earned at all times and regular overtime and penal rates that would have been paid*]

15 What were the main reasons for the strike or lockout? *(tick all that apply)*

□ dispute over whether the parties 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 issue

□ 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 or shift provisions of employment agreement

□ other [*describe*]

16 How was this underlying dispute finally resolved? *(tick 1 only)*

□ not resolved

□ negotiations between employer and employees or their representatives

□ mediation services provided by the Ministry of Business, Innovation, and Employment

□ mediation services provided by a private provider

□ a determination or an order of the Employment Relations Authority

□ a decision of the Employment Court or other third party

□ other [*describe*]

17 How was the strike or lockout ended? *(tick 1 only)*

□ without negotiations or other action

□ negotiations between employer and employees or their representatives

□ mediation services provided by the Ministry of Business, Innovation, and Employment

□ mediation provided by a private provider

□ a determination or an order of the Employment Relations Authority

□ a decision of the Employment Court or other third party

□ other [*describe*]

18 Details of person completing this form:

Name:

Position:

Business address:

Telephone number:

Email address:

Date:

Signature:

Notes

1 The meanings of strike and lockout in the Employment Relations Act 2000 are set out at the end of this form.

2 Under the Employment Relations Act 2000, an employer is obliged to keep a record of all this information whenever there is a strike or lockout.

Meanings of strike and lockout in Employment Relations Act 2000

81 Meaning of strike

(1) In this Act, **strike** means an act that—

(a) is the act of a number of employees who are or have been in the employment of the same employer or of different employers—

(i) in discontinuing that employment, whether wholly or partially, or in reducing the normal performance of it; or

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

(iii) in breaking their employment agreements; or

(iv) in refusing or failing to accept engagement for work in which they are usually employed; or

(v) in reducing their normal output or their normal rate of work; and

(b) is due to a combination, agreement, common understanding, or concerted action, whether express or, as the case requires, implied, made, or entered into by the employees.

(2) In this Act, **strike** does not include an employees' meeting authorised—

(a) by an employer; or

(b) by an employment agreement; or

(c) by this Act.

(3) In this Act, **to strike** means to become a party to a strike.

82 Meaning of lockout

(1) In this Act, **lockout** means an act that—

(a) is the act of an employer—

(i) in closing the employer's place of business, or suspending or discontinuing the employer's business or any branch of that business; or

(ii) in discontinuing the employment of any employees; or

(iii) in breaking some or all of the employer's employment agreements; or

(iv) in refusing or failing to engage employees for any work for which the employer usually employs employees; and

(b) is done with a view to compelling employees, or to aid another employer in compelling employees, to—

(i) accept terms of employment; or

(ii) comply with demands made by the employer.

(2) In this Act, **to lock out** means to become a party to a lockout.

Schedule form 3: replaced, on 28 June 2020, by regulation 5 of the Employment Relations (Prescribed Matters) Amendment Regulations 2020 (LI 2020/108).

Form 4
Demand notice

r 7

Section 224(1), Employment Relations Act 2000

To [*insert full name of employer*], of [*insert address*].

1 This demand notice is being served on you in your capacity as the employer (*or* former employer) of [*insert full name of employee*] (the **employee**).

2 I have received from the employee a complaint that the employee has not received an amount payable by you to the employee under the Minimum Wage Act 1983 (*or* the Holidays Act 2003).

or

2 I believe on reasonable grounds that the employee has not received an amount payable by you to the employee under the Minimum Wage Act 1983 (*or* the Holidays Act 2003).

3 The amount payable is $..... , being [*specify details of the money payable, including whether the money is payable under the Minimum Wage Act 1983 or the Holidays Act 2003*].

4 I have given you not less than 7 days to comment on the complaint (*or* the grounds for my belief).

5 I am satisfied, after having considered any comments made by you, that the employee is entitled to the amount specified.

6 I am satisfied that you are not willing to pay the amount specified in a reasonable manner or within a reasonable time.

Demand

7 I demand by this notice that you pay to the employee the amount specified.

Objection

8 Both your right to lodge an objection to this demand notice and the consequences of this notice are specified in the **additional information for the employer** that is supplied with this notice.

Dated at ..... this ..... day of ..... 20....

.....
Labour Inspector

Additional information for the employer Your right to lodge an objection

(1) You may lodge with the Employment Relations Authority, within 28 days after this demand notice is served on you, an objection to this demand notice.

Consequences of this demand notice

(2) This demand notice has the consequences specified in paragraphs (3) to (6)—

(a) if no objection is lodged before the close of the period of 28 days specified in paragraph (1); or

(b) if any objection lodged before the close of that period is withdrawn (whether before or after the close of that period).

Imposition of legal requirement

(3) This demand notice imposes a legal requirement on you to comply with it.

Evidence of amount owed

(4) This demand notice is prima facie evidence before the Employment Court or the Employment Relations Authority (or, for the purposes of paragraph (6), before a District Court) that you owe to the employee the amount specified in this notice.

Enforcement by compliance order

(5) This demand notice may be enforced by the making by the Employment Relations Authority of a compliance order under section 137 of the Employment Relations Act 2000.

Enforcement as judgment debt

(6) This demand notice is enforceable as a judgment debt under section 141 of the Employment Relations Act 2000.

Schedule form 4: amended, on 1 April 2004, by section 91(2) of the Holidays Act 2003 (2003 No 129).

Martin Bell,
for Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 21 September 2000.

Notes

1 General

This is a consolidation of the Employment Relations (Prescribed Matters) Regulations 2000 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Incorporated Societies Act 2022 (2022 No 12): section 270(2)

Employment Relations (Prescribed Matters) Amendment Regulations 2020 (LI 2020/108)

Holidays Act 2003 (2003 No 129): section 91(2)

Wellington, New Zealand:

Published under the authority of the New Zealand Government—2026