Version
as at 20 December 2023

Employment Relations Authority Regulations 2000

(SR 2000/186)

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 and section 98 of the Screen Industry Workers Act 2022, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Enacting statement: amended, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

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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.

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Regulations

1 Title

These regulations are the Employment Relations Authority Regulations 2000.

2 Commencement

These regulations come into force on 2 October 2000.

3 Interpretation

(1) In these regulations, unless the context otherwise requires,—

Act means the Employment Relations Act 2000

address for service, in relation to any party, means the address from time to time given by or on behalf of that party in accordance with regulation 15

Authority means the Employment Relations Authority established by section 156 of the Act

bargaining notice means a bargaining notice provided to the Authority with an application for approval to initiate bargaining for an occupational contract (*see* section 36(3) of the Screen Industry Workers Act 2022), and published by the Authority on an Internet site in accordance with section 38(2)(a) of that Act

court means the Employment Court established by section 186 of the Act

officer of the Authority means any employee of the department designated by the chief executive under section 185 of the Act to act as an officer of the Authority

overseas party means a party—

(a) who is to be served out of New Zealand; or

(b) who has been served out of New Zealand

registered post includes any postal service providing a system of recorded delivery, whether provided by New Zealand Post Limited or not.

(2) In these regulations, unless the context otherwise requires,—

(a) any word or expression that is defined in the Act or the Screen Industry Workers Act 2022 and that is used, but not defined, in these regulations—

(i) has the same meaning as in the Act, for the purpose of any matter that relates to the Act; and

(ii) has the same meaning as in the Screen Industry Workers Act 2022, for the purpose of any matter that relates to the Screen Industry Workers Act 2022:

(b) a reference to a numbered form is a reference to the form so numbered in Schedule 1.

Compare: SR 1991/227 r 2

Regulation 3(1) **bargaining notice**: inserted, on 30 December 2022, by regulation 5(1) of the Employment Relations Authority (Screen Industry Workers) Amendment Regulations 2022 (SL 2022/298).

Regulation 3(1) **overseas party**: inserted, on 10 December 2004, by regulation 3 of the Employment Relations Authority Amendment Regulations 2004 (SR 2004/423).

Regulation 3(2)(a): replaced, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

4 Application

(1) These regulations are not to be strictly interpreted or applied, but are to be interpreted and applied in a way that best enables the Authority—

(a) to support successful employment relationships and the good faith obligations that underpin them; and

(aa) to support successful workplace relationships under the Screen Industry Workers Act 2022 and the good faith obligations that underpin them; and

(ab) *[Revoked]*

(b) to determine the substantial merits of any case, without regard to technicalities; and

(c) to deliver speedy, informal, and practical justice to the parties to any matter before it.

(2) Subclause (1) does not limit the power of the Authority to give, in relation to any case before it, any directions that are necessary or expedient in the circumstances of the case.

Compare: SR 1991/227 r 3

Regulation 4(1)(aa): inserted, on 30 December 2022, by regulation 6 of the Employment Relations Authority (Screen Industry Workers) Amendment Regulations 2022 (SL 2022/298).

Regulation 4(1)(ab): revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

Commencement of proceedings

5 Commencement of proceedings

(1) Any person may commence proceedings before the Authority if that person wishes the Authority to resolve any matter, being—

(a) an employment relationship problem; or

(b) any other matter in respect of which the Authority has jurisdiction.

(2) A person commences proceedings by lodging with an officer of the Authority an application that complies with these regulations.

(3) Except as provided in regulations 9A, 10, 12, 26A, 26G, and 26I, the application must be in form 1.

Regulation 5(2): amended, on 28 June 2020, by regulation 4 of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Regulation 5(3): amended, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

Regulation 5(3): amended, on 30 December 2022, by regulation 7 of the Employment Relations Authority (Screen Industry Workers) Amendment Regulations 2022 (SL 2022/298).

6 Statement of problem or matter

(1) The application must—

(a) include a statement of the problem or matter to which the application relates; and

(b) be accompanied by the prescribed fee.

(2) The statement may deal with more than 1 problem or matter.

7 Undertaking in relation to application for interim reinstatement

(1) If an employee applies, under section 127(1) of the Act, for an order for the interim reinstatement of the employee, the employee must, at the time of lodging the application, lodge a signed undertaking that the employee will abide by any order made by the Authority in respect of damages—

(a) that are sustained by the other party through the granting of the order for interim reinstatement; and

(b) that the Authority decides that the employee ought to pay.

(2) The undertaking must be in form 2.

Regulation 7(1): amended, on 28 June 2020, by regulation 5 of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Statement in reply

8 Statement in reply

(1) Subject to any directions given by the Authority in relation to any particular case, a party who has been served with an application lodged under regulation

5, 10, 12, 26G, or 26I and who intends to reply or respond to the application must, within 14 days after the date of the service of the application on that party, lodge with an officer of the Authority a statement in reply.

(1A) Subclause (1B) applies to a controlling third party—

(a) who has been served with an application lodged with the Authority in accordance with regulation 9A; and

(b) who intends to reply or respond to the application.

(1B) The controlling third party must lodge with an officer of the Authority a statement in reply within 14 days after the date of the service of the application on that party.

(1C) Subclauses (1A) and (1B) apply subject to any directions given by the Authority.

(2) The statement in reply must—

(a) be in form 5 if it relates to an application for joining a controlling third party to proceedings to resolve a personal grievance:

(b) be made in accordance with regulation 26H, if it relates to an application for determination of a dispute under the Screen Industry Workers Act 2022:

(c) be made in accordance with regulation 26J, if it relates to an application for the Authority to fix disputed terms under the Screen Industry Workers Act 2022:

(ca) *[Revoked]*

(cb) *[Revoked]*

(cc) *[Revoked]*

(cd) *[Revoked]*

(d) be in form 3 in any other case.

(3) If a party fails to lodge a statement in reply within the time specified in subclause (1) or (1B), that party is entitled to reply or respond to the application only with the leave of the Authority.

(4) Leave may be granted on such terms and conditions as the Authority thinks fit.

(5) In subclauses (1) and (1B), **days** does not include any day in the period beginning with 25 December in any year and ending with 5 January in the following year.

Regulation 8(1): amended, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

Regulation 8(1): amended, on 30 December 2022, by regulation 8(1) of the Employment Relations Authority (Screen Industry Workers) Amendment Regulations 2022 (SL 2022/298).

Regulation 8(1): amended, on 28 June 2020, by regulation 6(1) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Regulation 8(1A): inserted, on 28 June 2020, by regulation 6(2) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Regulation 8(1B): inserted, on 28 June 2020, by regulation 6(2) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Regulation 8(1C): inserted, on 28 June 2020, by regulation 6(2) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Regulation 8(2): replaced, on 30 December 2022, by regulation 8(2) of the Employment Relations Authority (Screen Industry Workers) Amendment Regulations 2022 (SL 2022/298).

Regulation 8(2)(ca): revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

Regulation 8(2)(cb): revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

Regulation 8(2)(cc): revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

Regulation 8(2)(cd): revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

Regulation 8(3): amended, on 28 June 2020, by regulation 6(4) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Regulation 8(5): amended, on 28 June 2020, by regulation 6(5) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

9 Commencement of investigation

The Authority may, in a particular case, if it considers it appropriate, commence investigating a matter, or hold an investigation meeting, whether or not—

(a) a statement in reply has been lodged under regulation 8(1) or (1B); or

(b) the period of time specified in regulation 8(1) or (1B) for the lodging of a statement in reply has still to expire.

Regulation 9(a): amended, on 28 June 2020, by regulation 7 of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Regulation 9(a): amended, on 10 December 2004, by regulation 4 of the Employment Relations Authority Amendment Regulations 2004 (SR 2004/423).

Regulation 9(b): amended, on 28 June 2020, by regulation 7 of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Joining controlling third party to personal grievance

Heading: replaced, on 28 June 2020, pursuant to regulation 8 of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

9A Joining controlling third party to personal grievance

Every application under section 103B of the Act for joining a controlling third party to proceedings to resolve a personal grievance must—

(a) be lodged with an officer of the Authority; and

(b) be in form 4.

Regulation 9A: replaced, on 28 June 2020, by regulation 8 of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Reopening investigation

10 Application to Authority to reopen investigation

Every application under clause 4 of Schedule 2 of the Act to reopen an investigation must—

(a) be lodged with an officer of the Authority; and

(b) be in form 6; and

(c) be accompanied by the prescribed fee.

Regulation 10(b): amended, on 12 March 2015, by regulation 7 of the Employment Relations Authority Amendment Regulations 2015 (LI 2015/13).

Referral of question of law

11 Referral of question of law to court

If, under section 177 of the Act, the Authority refers a question of law to the court for its opinion, the reference must—

(a) state fully but concisely the material facts of the problem or matter to which the question of law relates; and

(b) state fully but concisely the question of law; and

(c) be signed by the relevant member of the Authority.

Compare: SR 1991/227 r 22

Removal of matters

12 Removal of matters to court

Every application under section 178 of the Act for the removal of a matter, or part of a matter, to the court must—

(a) be lodged with an officer of the Authority; and

(b) be in form 7; and

(c) be accompanied by the prescribed fee.

Compare: SR 1991/227 r 23

Regulation 12: amended, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

Regulation 12(b): amended, on 12 March 2015, by regulation 8 of the Employment Relations Authority Amendment Regulations 2015 (LI 2015/13).

Lodging documents

Heading: replaced, on 28 June 2020, by regulation 9 of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

12A How to lodge documents

Originating documents commencing proceedings, and other documents in respect of proceedings that have been commenced, may be lodged—

(a) by submitting the document online in the manner set out on the Authority's Internet site; or

(b) by posting or delivering the document to the appropriate office of the Authority (*see* regulations 13 and 14).

Regulation 12A: inserted, on 28 June 2020, by regulation 9 of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

13 Place for lodging originating document

(1) Every application or other originating document lodged with an officer of the Authority must be lodged in such office of the Authority (being an office in Auckland, Wellington, or Christchurch)—

(a) as the person lodging the application or other originating document considers to be nearest by the most convenient route to the place at which the events that gave rise to the problem occurred; or

(b) as is agreed on by the parties and noted on the application or other originating document.

(2) An officer of the Authority or member of the Authority may, of his or her own motion, or upon application, direct the transfer of any proceedings from any office of the Authority to any other office of the Authority.

Compare: SR 1991/227 r 33

14 Place for lodging other documents

Every document to be lodged in proceedings that have been commenced must be lodged—

(a) in the office of the Authority in which the originating document in the proceedings is lodged; or

(b) if those proceedings have, pursuant to a direction under regulation 13(2), been transferred from one office of the Authority to another, in the office of the Authority to which the proceedings have been transferred.

Compare: SR 1991/227 r 35(1)

Service

15 Address for service

(1) Every document lodged with an officer of the Authority must contain at its foot a memorandum stating by whom the document was lodged and, if lodged on behalf of any person, the name of that person.

(2) The memorandum must also state an address for service, being an address at which any document may be left for, or sent to, the party lodging the memorandum.

(3) Any party may change that party's address for service by—

(a) lodging with an officer of the Authority a notice of the change showing the new address for service; and

(b) serving a copy of the notice on the opposing party.

(4) Every memorandum or notice giving an address for service must set out a sufficient address for service, which must be the full postal address of either—

(a) a place in New Zealand; or

(b) a postal box provided in New Zealand by New Zealand Post Limited or some other provider of a postal service.

(5) Every memorandum or notice may, in addition to giving the full postal address required by subclause (4), give—

(a) *[Revoked]*

(b) *[Revoked]*

(c) an email address for service; and

(d) a telephone number of the person by whom or on whose behalf the document is lodged.

Compare: SR 1991/227 r 38

Regulation 15(5)(a): revoked, on 28 June 2020, by regulation 10 of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Regulation 15(5)(b): revoked, on 28 June 2020, by regulation 10 of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

16 Service of notices and documents

(1) Except where the Authority or an officer of the Authority otherwise orders, every notice, order, or other document which is required to be served under the Act or these regulations must be served—

(a) by an officer of the Authority; or

(b) by an authorised agent of the Authority; or

(c) with the consent of an officer of the Authority, by any party to the proceedings before the Authority.

(2) If a party lodges a document under any provision of regulations 5, 9A, 10, 12, 26G, and 26I, a copy of that document must, as soon as practicable after the lodging of that document, be served on the other party to the proceedings.

(3) Except where an Act, or these regulations, prescribes a particular or exclusive mode of service, service of a notice, order, or other document required to be served by the Act or these regulations may be effected,—

(a) if the person to be served has not given an address for service,—

(i) by leaving the notice, order, or document with the person to be served or, if that person does not accept it, by putting it down in that person's presence and bringing it to that person's notice; or

(ii) by sending the notice, order, or document by registered post to the last known residence or place of business of the person to be served; or

(iii) if the person to be served is a company or an organisation (including a union), by sending the notice, order, or document by registered post to the registered office of that company or organisation or to any postal box held in New Zealand by that company or organisation and provided by New Zealand Post Limited or some other provider of a postal service; or

(iv) in such other manner as the Authority or an officer of the Authority directs:

(b) if the person to be served has given an address for service,—

(i) by leaving the notice, order, or document with the person to be served or, if that person does not accept it, by putting it down in that person's presence and bringing it to that person's notice; or

(ii) by leaving the notice, order, or document at that address for service at any time between 9 am and 5 pm; or

(iii) *[Revoked]*

(iv) *[Revoked]*

(v) if the person to be served has given an email address for service, by sending the notice, order, or document to that email address; or

(vi) by sending the notice, order, or document by registered post, ordinary post, or courier to that address for service; or

(vii) if a person, being a barrister, solicitor, or other representative, represents in writing that that person is authorised to accept service of any notice, order, or document on behalf of the person to be served, by serving the notice, order, or document on that barrister, solicitor, or other representative in accordance with subparagraphs (i) to (vi); or

(viii) in such other manner as the Authority or an officer of the Authority directs.

(4) Nothing in this regulation applies to the service of a witness summons.

Compare: SR 1991/227 r 39

Regulation 16(1): amended, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

Regulation 16(2): amended, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

Regulation 16(2): amended, on 30 December 2022, by regulation 9 of the Employment Relations Authority (Screen Industry Workers) Amendment Regulations 2022 (SL 2022/298).

Regulation 16(3): amended, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

Regulation 16(3)(b)(iii): revoked, on 28 June 2020, by regulation 11(2) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Regulation 16(3)(b)(iv): revoked, on 28 June 2020, by regulation 11(2) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

17 Service on New Zealand corporations

(1) Service of a notice, order, or other document required to be served by the Act or these regulations may be effected on a corporation incorporated in New Zealand (including a union)—

(a) by service in accordance with regulation 16(3)(a)(i) or regulation 16(3)(b)(i) on—

(i) the mayor, chairperson, president, principal administrative officer, managing director, secretary, treasurer, or other similar officer of the corporation; or

(ii) any member, officer, or employee of the corporation at the corporation's head office or principal place of business; or

(b) by leaving the notice, order, or document at the corporation's registered office; or

(c) by serving the notice, order, or document on a member, officer, or employee of the corporation in such manner as the Authority or an officer of the Authority directs.

(2) Subclause (1) is in addition to any provision made by or under any Act or these regulations for service of a notice, order, or other document on a corporation unless the provision so made is expressed to be exclusive of any other mode of service.

Compare: SR 1991/227 r 40

Regulation 17(1): amended, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

18 Service on unincorporated societies

(1) Service of a notice, order, or other document required to be served by the Act or these regulations may be effected on an unincorporated society by service in accordance with regulation 16(3)(a)(i) or regulation 16(3)(b)(i) on the president, chairperson, or secretary or any similar officer of the society.

(2) Subclause (1) is in addition to any provision made by or under any Act or these regulations for service of a notice, order, or other document on an unincorporated society unless the provision so made is expressed to be exclusive of any other mode of service.

Compare: SR 1991/227 r 41

Regulation 18(1): amended, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

19 Service on partnership or apparent partnership

(1) Service of a notice, order, or other document required to be served by the Act or these regulations on a partnership or on a person carrying on business in the name of a firm apparently consisting of more than 1 person may be effected by service in accordance with regulation 16(3)(a)(i) or regulation 16(3)(b)(i)—

(a) on any partner or on any such person; or

(b) at the principal place in New Zealand of the business of the partnership or apparent partnership, on any person appearing to have control of the business there.

(2) Subclause (1) is in addition to any provision made by or under any Act or these regulations for service of a notice, order, or other document on a partnership or on a person carrying on business in the name of a firm apparently consisting of more than 1 person unless the provision so made is expressed to be exclusive of any other mode of service.

Compare: SR 1991/227 r 42

Regulation 19(1): amended, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

19A Service outside New Zealand

(1) This regulation applies when the Authority gives an applicant leave under clause 4A(a) of Schedule 2 of the Act to serve an application on an overseas party.

(2) The overseas party may lodge and serve—

(a) an objection to the Authority's jurisdiction in the proceedings; or

(b) a statement in reply.

(3) An overseas party lodging and serving under subclause (2) must do so within one of the following times:

(a) for a party served within the Commonwealth of Australia, 30 clear days after the date of service on the party; or

(b) for a party served elsewhere, 50 clear days after the date of service on the party; or

(c) wherever the party is served, the time specified by the Authority in an order made under subclause (4).

(4) The Authority may make an order varying the time for an overseas party to lodge an objection or a statement.

(5) An application that the Authority has given leave to serve on the overseas party must be accompanied when served by a notice in form 10.

(6) Regulations 15 to 19 apply to service on the overseas party, with any necessary modifications.

Regulation 19A: inserted, on 10 December 2004, by regulation 5 of the Employment Relations Authority Amendment Regulations 2004 (SR 2004/423).

Regulation 19A(5): amended, on 12 March 2015, by regulation 9 of the Employment Relations Authority Amendment Regulations 2015 (LI 2015/13).

19B Authority may decline jurisdiction

(1) The Authority may decline to hear and determine proceedings in which there is an overseas party if it is satisfied that—

(a) it is more appropriate for the matter to be resolved in a place outside New Zealand; and

(b) the applicant will have a fair opportunity in the place to make the applicant's case; and

(c) the applicant will receive proper justice in the place; and

(d) the respondent will suffer unfair disadvantage if the proceedings are heard in New Zealand.

(2) This regulation does not limit any rule of law.

Regulation 19B: inserted, on 10 December 2004, by regulation 5 of the Employment Relations Authority Amendment Regulations 2004 (SR 2004/423).

Investigation meeting or interview

20 Place of investigation meeting or interview

Every investigation meeting or interview must be held at such place as the Authority considers appropriate.

21 Notice of investigation meeting

(1) If the Authority is to hold an investigation meeting, an officer of the Authority must, unless the parties to the proceedings otherwise agree or the Authority otherwise orders, give at least 7 clear days' notice to those parties of the investigation meeting.

(2) The notice must be in form 8.

Regulation 21(2): amended, on 12 March 2015, by regulation 10 of the Employment Relations Authority Amendment Regulations 2015 (LI 2015/13).

Witness summons

22 Witness summons

(1) A summons issued under clause 5 of Schedule 2 of the Act (being a summons to a person to appear and give evidence before the Authority) must be in form 9.

(2) The summons must be in triplicate in respect of each person on whom it is to be served.

(3) Each copy need contain only the name and address of the person on whom it is to be served.

(4) An officer of the Authority must—

(a) sign the summons and the 2 copies; and

(b) seal them with the seal of the Authority.

(5) If the Authority is issuing the summons of its own volition, the officer of the Authority who signs the summons must retain both copies and arrange for service of the summons.

(6) If the summons is being issued on the application of a party to the proceedings, the officer of the Authority who signs the summons must retain 1 copy and issue the summons and the other copy to the applicant for service.

Compare: SR 1991/227 r 43

Regulation 22(1): amended, on 12 March 2015, by regulation 11 of the Employment Relations Authority Amendment Regulations 2015 (LI 2015/13).

23 Service of witness summons

(1) A summons issued under clause 5 of Schedule 2 of the Act must be served—

(a) by the applicant for the summons or the applicant's authorised agent; or

(b) if the Authority issues the summons of its own volition, by an officer of the Authority or by an authorised agent of an officer of the Authority.

(2) A summons is served by leaving it with the person to be served or, if that person does not accept it, by putting it down in that person's presence and bringing it to that person's notice.

(3) If a summons is served on a person within 3 clear days of the date fixed for the investigation meeting, the person who is served with the summons may apply, orally or in writing, to an officer of the Authority to be discharged from attending the investigation meeting.

Compare: SR 1991/227 r 44

24 Witnesses' expenses

At the time of the service of a summons in form 9, or at some other reasonable time before the date on which the witness is required to attend, there must be paid or tendered to the witness the sum fixed under clause 6(3) of Schedule 2 of the Act.

Compare: SR 1991/227 r 45

Regulation 24: amended, on 12 March 2015, by regulation 12 of the Employment Relations Authority Amendment Regulations 2015 (LI 2015/13).

Disbursements and witnesses' expenses

25 Power of officer to fix disbursements and witnesses' expenses

An officer of the Authority, upon being directed to do so by the Authority, may fix the amount of any—

(a) disbursements; and

(b) witnesses' expenses—

that are payable by any party to any proceedings to any other party to those proceedings or are payable by the department to any witness.

Certificate of determination

26 Power of officer to issue certificate of determination

(1) Where the Authority makes, in any proceedings properly brought before it, a determination or order requiring the payment of a sum of money, an officer of the Authority may issue a certificate of determination in relation to that determination or order.

(2) Every certificate of determination issued must be sealed with the seal of the Authority.

(3) The certificate of determination may be filed in any District Court, and the determination or order to which the certificate relates is then enforceable on the basis of that certificate in the same manner as an order made or judgment given by a District Court.

Compare: SR 1991/227 r 50

Applications under Screen Industry Workers Act 2022

Heading: inserted, on 30 December 2022, by regulation 10 of the Employment Relations Authority (Screen Industry Workers) Amendment Regulations 2022 (SL 2022/298).

26A Application for approval to initiate bargaining

(1) An application for approval to initiate bargaining for an occupational contract must be made in accordance with regulations 12A to 14.

(2) In addition to the information specified in section 36 of the Screen Industry Workers Act 2022, the applicant must include the following information in the application:

(a) the name of the applicant organisation:

(b) whether the applicant organisation is registered as a worker organisation or an engager organisation:

(c) the name of each proposed bargaining party:

(d) whether each proposed bargaining party is registered as a worker organisation or an engager organisation:

(e) the name of a contact person for the applicant organisation, and that person's postal address, phone number, and email address.

(3) The applicant must also use their best endeavours to include in the application the name of a contact person for each proposed bargaining party, and that person's postal address, phone number, and email address.

(4) The application must be dated and signed by the applicant.

Regulation 26A: inserted, on 30 December 2022, by regulation 10 of the Employment Relations Authority (Screen Industry Workers) Amendment Regulations 2022 (SL 2022/298).

26B Form of all submissions in response to application to initiate bargaining

(1) Submissions to the Authority in response to an application for approval to initiate bargaining for an occupational contract must be made in accordance with regulations 12A to 14.

(2) The submitter must include the following information in the submission:

(a) the name of the submitter:

(b) in the case of a submitter who is an engager organisation or a worker organisation, the name of the organisation:

(c) the submitter's phone number and email address:

(d) the applicable information specified in whichever of the following regulations applies (if any):

(i) in the case of an individual worker submitting in respect of a worker organisation's application to initiate bargaining, regulation 26C:

(ii) in the case of an individual engager submitting in respect of an engager organisation's application to initiate bargaining, regulation 26D:

(iii) in the case of a worker organisation submitting in respect of an application by another worker organisation to initiate bargaining, regulation 26E:

(iv) in the case of an engager organisation submitting in respect of an application by another engager organisation to initiate bargaining, regulation 26F.

(3) A submission may also contain other information, including the following:

(a) any comments the submitter wishes to make about the potential bargaining parties identified in the bargaining notice:

(b) the names of any worker organisations that are not identified in the bargaining notice and that the submitter believes have 1 or more members who are within the specified occupational group:

(c) the names of any engager organisations that are not identified in the bargaining notice and that the submitter believes have 1 or more members who engage workers who are within the specified occupational group:

(d) any comments the submitter wishes to make on how the ratification vote ought to be run to allow eligible voters to vote.

(4) The submission must be dated and signed by the submitter.

Regulation 26B: inserted, on 30 December 2022, by regulation 10 of the Employment Relations Authority (Screen Industry Workers) Amendment Regulations 2022 (SL 2022/298).

26C Individual worker's submission in respect of worker organisation's application to initiate bargaining

(1) This regulation applies to an individual worker who wishes to make a submission in respect of a worker organisation's application to initiate bargaining for an occupational contract.

(2) The worker must, in addition to the information specified in regulation 26B(2)(a) to (c), include the following information in their submission:

(a) the name of any worker organisations the worker is a member of:

(b) whether the worker works in the specified occupational group:

(c) whether the worker supports or opposes the initiation of bargaining for an occupational contract that will apply to the worker.

Regulation 26C: inserted, on 30 December 2022, by regulation 10 of the Employment Relations Authority (Screen Industry Workers) Amendment Regulations 2022 (SL 2022/298).

26D Individual engager's submission in respect of engager organisation's application to initiate bargaining

(1) This regulation applies to an individual engager who wishes to make a submission in respect of an engager organisation's application to initiate bargaining for an occupational contract.

(2) The engager must, in addition to the information specified in regulation 26B(2)(a) to (c), include the following information in their submission:

(a) the name of any engager organisations the engager is a member of:

(b) whether the engager engages workers in the specified occupational group:

(c) whether the engager supports or opposes the initiation of bargaining for an occupational contract that will apply to the engager.

Regulation 26D: inserted, on 30 December 2022, by regulation 10 of the Employment Relations Authority (Screen Industry Workers) Amendment Regulations 2022 (SL 2022/298).

26E Worker organisation's submission in respect of application by another worker organisation to initiate bargaining

(1) This regulation applies to a worker organisation that wishes to make a submission in respect of an application by another worker organisation to initiate bargaining for an occupational contract.

(2) The worker organisation must, in addition to the information specified in regulation 26B(2)(a) to (c), include the following information in its submission:

(a) how many members of the worker organisation are within coverage of the proposed occupational contract:

(b) whether a simple majority of its members who are within coverage support bargaining being initiated.

Regulation 26E: inserted, on 30 December 2022, by regulation 10 of the Employment Relations Authority (Screen Industry Workers) Amendment Regulations 2022 (SL 2022/298).

26F Engager organisation's submission in respect of application by another engager organisation to initiate bargaining

(1) This regulation applies to an engager organisation that wishes to make a submission in respect of an application by another engager organisation to initiate bargaining for an occupational contract.

(2) The engager organisation must, in addition to the information specified in regulation 26B(2)(a) to (c), include the following information in its submission:

(a) how many members of the engager organisation are within coverage of the proposed occupational contract:

(b) whether a simple majority of its members who are within coverage support bargaining being initiated.

Regulation 26F: inserted, on 30 December 2022, by regulation 10 of the Employment Relations Authority (Screen Industry Workers) Amendment Regulations 2022 (SL 2022/298).

26G Application for determination of dispute under Screen Industry Workers Act 2022

(1) An application for determination of a dispute under section 72 of the Screen Industry Workers Act 2022 must be made in accordance with regulations 12A to 15.

(2) The application must include the following information:

(a) the full name, address, phone number, and email address of the respondent:

(b) a statement of the facts that have given rise to the dispute:

(c) a statement of how the applicant wishes the dispute to be resolved:

(d) a list of all of the documents to be provided with the application in accordance with subclause (3):

(e) a statement of whether the parties have tried to resolve the dispute by using mediation services provided by the Ministry of Business, Innovation, and Employment (and, if so, the date or dates on which mediations took place):

(f) a statement of whether the parties have tried to resolve the dispute by using mediation services other than those provided by the Ministry of Business, Innovation, and Employment:

(g) if the parties have not attempted to resolve the dispute by using mediation services, a statement explaining why not:

(h) a description of any other steps taken to resolve the dispute.

(3) The applicant must provide the following, along with the application:

(a) a copy of the applicable individual contract or collective contract (if any):

(b) other documents that are relevant to the dispute (if any).

(4) The application must be dated and signed by the applicant.

Regulation 26G: inserted, on 30 December 2022, by regulation 10 of the Employment Relations Authority (Screen Industry Workers) Amendment Regulations 2022 (SL 2022/298).

26H Statement in reply to application for determination

(1) A statement in reply to an application for determination of a dispute under the Screen Industry Workers Act 2022 must be made in accordance with regulations 8 and 12A to 15.

(2) The statement must include the following information:

(a) the full name, address, phone number, and email address of the applicant:

(b) the respondent's view in relation to the dispute:

(c) the respondent's view of the relevant facts:

(d) any other comments the respondent wishes the Authority to consider:

(e) a list of all of the documents to be provided with the statement in accordance with subclause (3):

(f) a statement of whether the parties have tried to resolve the dispute by using mediation services provided by the Ministry of Business, Innovation, and Employment (and, if so, the date or dates on which mediations took place):

(g) a statement of whether the parties have tried to resolve the dispute by using mediation services other than those provided by the Ministry of Business, Innovation, and Employment:

(h) if the parties have not attempted to resolve the dispute by using mediation services, a statement explaining why not:

(i) a description of any other steps taken to resolve the dispute.

(3) The respondent must provide the following, along with the statement in reply:

(a) a copy of the applicable individual contract or collective contract (if any):

(b) other documents that are relevant to the dispute (if any).

(4) The statement in reply must be dated and signed by the respondent.

Regulation 26H: inserted, on 30 December 2022, by regulation 10 of the Employment Relations Authority (Screen Industry Workers) Amendment Regulations 2022 (SL 2022/298).

26I Application for Authority to fix disputed terms

(1) An application for the Authority to fix disputed terms in a collective contract under section 73 of the Screen Industry Workers Act 2022 must be made in accordance with regulations 12A to 15.

(2) The application must include the following information:

(a) the full name, address, phone number, and email address of the respondent:

(b) whether the parties have tried to settle the disputed terms by using mediation services provided by the Ministry of Business, Innovation, and Employment (and, if so, the date or dates on which mediations took place):

(c) whether the parties have tried to settle the disputed terms by using mediation services other than those provided by the Ministry of Business, Innovation, and Employment:

(d) if the parties have not attempted to resolve the dispute by using mediation services, a statement explaining why not:

(e) whether the parties have tried to settle the disputed terms by using facilitated bargaining provided by the Authority (and, if so, the date or dates of the facilitated bargaining):

(f) if the parties have not attempted to settle the disputed terms by using facilitated bargaining, a statement explaining why not:

(g) a description of any other steps taken to settle the disputed terms.

(3) The applicant must provide, along with the application, the applicant's signed statement as to the state of negotiations (including full particulars of the final offer being made by the applicant) as required by clause 3 of Schedule 4 of the Screen Industry Workers Act 2022.

(4) The application must be dated and signed by the applicant.

Regulation 26I: inserted, on 30 December 2022, by regulation 10 of the Employment Relations Authority (Screen Industry Workers) Amendment Regulations 2022 (SL 2022/298).

26J Statement in reply to application for Authority to fix disputed terms

(1) A statement in reply to an application for the Authority to fix disputed terms using the final offer arbitration process under section 74 of the Screen Industry

Workers Act 2022 must be made in accordance with regulations 8 and 12A to 15.

(2) The statement must include the following information:

(a) the full name, address, phone number, and email address of the applicant:

(b) whether the parties have tried to resolve the dispute by using mediation services provided by the Ministry of Business, Innovation, and Employment (and, if so, the date or dates on which mediations took place):

(c) whether the parties have tried to resolve the dispute by using mediation services other than those provided by the Ministry of Business, Innovation, and Employment:

(d) if the parties have not attempted to resolve the dispute by using mediation services, a statement explaining why not:

(e) whether the parties have tried to settle the disputed terms by using facilitated bargaining provided by the Authority (and, if so, the date or dates of the facilitated bargaining):

(f) if the parties have not attempted to settle the disputed terms by using facilitated bargaining, a statement explaining why not:

(g) a description of any other steps taken to resolve the dispute.

(3) The respondent must provide, along with the statement in reply, the respondent's signed statement as to the state of negotiations (including full particulars of the final offer being made by the respondent) as required by clause 3 of Schedule 4 of the Screen Industry Workers Act 2022.

(4) The statement in reply must be dated and signed by the respondent.

Regulation 26J: inserted, on 30 December 2022, by regulation 10 of the Employment Relations Authority (Screen Industry Workers) Amendment Regulations 2022 (SL 2022/298).

Applications under Fair Pay Agreements Act 2022

[Revoked]

Heading: revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

26K Definition of FPA reference number

[Revoked]

Regulation 26K: revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

26L Application to fix terms of proposed agreement: absence of bargaining side

[Revoked]

Regulation 26L: revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

26M Who may make statement in reply to application to fix terms of proposed agreement in absence of bargaining side

[Revoked]

Regulation 26M: revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

26N Statement in reply to application to fix terms of proposed agreement in absence of bargaining side

[Revoked]

Regulation 26N: revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

26O Application to fix terms of proposed agreement: bargaining sides' inability to agree

[Revoked]

Regulation 26O: revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

26P Statement in reply to application to fix terms of proposed agreement when bargaining sides unable to agree

[Revoked]

Regulation 26P: revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

26Q Application for non-binding recommendation for proposed variation or proposed agreement

[Revoked]

Regulation 26Q: revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

26R Statement in reply to application for non-binding recommendation for proposed variation or proposed agreement

[Revoked]

Regulation 26R: revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

26S Submission for compliance assessment

[Revoked]

Regulation 26S: revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

26T Submission for determinations relating to coverage overlap

[Revoked]

Regulation 26T: revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

26U Application for determination in relation to other matters

[Revoked]

Regulation 26U: revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

26V Statement in reply to application for determination in relation to other matters

[Revoked]

Regulation 26V: revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

26W Application for removal of matter to court

[Revoked]

Regulation 26W: revoked, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

Miscellaneous provisions

27 Fees

(1) The fees specified in Schedule 2 are payable to an officer of the Authority for the matters set out in that schedule.

(2) Every fee prescribed by these regulations is payable by the person commencing the proceeding in respect of which the fee is payable.

(3) The fees are exclusive of goods and services tax.

Compare: SR 1997/122 rr 3(1), 4, 5

Regulation 27(3): replaced, on 30 December 2022, by regulation 11 of the Employment Relations Authority (Screen Industry Workers) Amendment Regulations 2022 (SL 2022/298).

28 Revocations and saving

(1) The following regulations are revoked:

(a) Employment Tribunal Regulations 1991 (SR 1991/227):

(b) regulation 3, regulation 6(2), and Schedule 2 of the Employment Court and Employment Tribunal (Fees) Regulations 1997 (SR 1997/122).

(2) Despite subclause (1), the Employment Tribunal Regulations 1991 and the Employment Court and Employment Tribunal (Fees) Regulations 1997 continue to apply as if they had not been revoked to—

(a) any proceedings in respect of which the Employment Tribunal continues to have jurisdiction under any provision of sections 242 to 252 of the Act; and

(b) any proceedings in respect of which the Authority may, under section 252 of the Act, exercise, in the name of the Employment Tribunal, any jurisdiction or powers of the Employment Tribunal.

Schedule 1
Forms

r 3(2)(b)

Schedule 1: replaced, on 12 March 2015, by regulation 13 of the Employment Relations Authority Amendment Regulations 2015 (LI 2015/13).

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Form 1
Application to Authority

rr 5, 6

Section 158, Employment Relations Act 2000

Between [*full name, address, telephone number, email address*]

(applicant)

And [*full name, address, telephone number, email address*]

(respondent)

To the Employment Relations Authority

and

To the respondent

Statement of problem or matter

1 The problem or matter that I wish the Authority to resolve is: [*state details fully, fairly, and clearly*].

2 The facts that have given rise to the problem or matter are: [*state details fully, fairly, and clearly*].

3 I would like the problem or matter to be resolved in the following way: [*state details fully, fairly, and clearly*].*

*Please include reference to any specific remedy (being a remedy under any enactment or rule of law) that you are seeking. If the applicant is an employee who is seeking, by this application, an order, under section 127(1) of the Employment Relations Act 2000, for the employee's interim reinstatement, the applicant must, at the time of lodging this application, file a signed undertaking in form 2.

4 I attach a copy of the applicable employment agreement and the following documents that I think are relevant to the problem or matter:*

*List all the documents that you wish to rely on or refer to in making this application.

Mediation

5 Have the parties tried to resolve this problem or matter by using mediation services provided by the Ministry of Business, Innovation, and Employment? Yes/No*

*Select one.

If the answer to this question is "Yes", please provide the date or dates of the mediation: [*date(s)*].

6 Have the parties tried to resolve this problem or matter by using mediation services provided by someone other than the Ministry of Business, Innovation, and Employment? Yes/No*

*Select one.

7 If you, the applicant, have answered "No" to both the question in paragraph 5 and the question in paragraph 6, please indicate why you have not used mediation services to try to resolve the problem or matter: [*state details fully but concisely*].

8 Have you, the applicant, taken any other steps of any kind to resolve the problem or matter? Yes/No*

*Select one.

If the answer to this question is "Yes", specify the other steps taken: [*state details fully but concisely*].

Prescribed fee

9 This application is accompanied by the prescribed fee.

Address for service

10 This application is lodged by [*full name of applicant*]/[*name of representative*] on behalf of [*full name of applicant*]*.

*Select one.

11 The applicant's address for service is [*full physical or postal address to which any document may be sent*], telephone number is [*telephone number*], and email address for service is [*email address*].*

*A full address, a telephone number, and an email address must always be supplied.

Date:

Signature:

(applicant)

Notice to respondent

1 If you intend to respond to this application, you must, within 14 days after the date of the service of this application on you, lodge a statement in reply with an officer of the Employment Relations Authority.

2 The term **days** does not include any day in the period beginning with 25 December in any year and ending with 5 January in the following year.

3 You will be notified of the place, date, and time at which the Authority will conduct any investigation meeting in respect of this application.

Date:

Signature:

(Officer of the Employment Relations Authority)

Schedule 1 form 1: replaced, on 12 March 2015, by regulation 13 of the Employment Relations Authority Amendment Regulations 2015 (LI 2015/13).

Schedule 1 form 1: amended, on 28 June 2020, by regulation 12(1) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Schedule 1 form 1: amended, on 28 June 2020, by regulation 12(2) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Schedule 1 form 1: amended, on 28 June 2020, by regulation 12(3) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Schedule 1 form 1: amended, on 28 June 2020, by regulation 12(4) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Form 2
Undertaking in relation to application for interim reinstatement

r 7

Section 127(2), Employment Relations Act 2000

Between [*full name, address, telephone number, email address*]

(applicant)

And [*full name, address, telephone number, email address*]

(respondent)

1 I, [*full name*], am, by an application lodged at the same time as this undertaking, applying for an order under section 127(1) of the Employment Relations Act 2000 for interim reinstatement with my employer, [*full name of employer*], in the position of [*job title*].

2 I raised the grievance with my employer on [*date*].

3 I agree that I will abide by any order that the Employment Relations Authority may make in respect of damages—

(a) that are sustained by the respondent through the granting of the order for interim reinstatement; and

(b) that the Employment Relations Authority decides that I ought to pay.

Date:

Signature:

(applicant)

Schedule 1 form 2: replaced, on 12 March 2015, by regulation 13 of the Employment Relations Authority Amendment Regulations 2015 (LI 2015/13).

Form 3
Statement in reply

r 8

Employment Relations Act 2000

Between [*full name, address, telephone number, email address*]

(applicant)

And [*full name, address, telephone number, email address*]

(respondent)

To the applicant

and

To the Employment Relations Authority

1 The respondent's view in relation to the problem or matter specified in the application is: [*state details fully, fairly, and clearly*].

2 The respondent's account of the relevant facts is: [*state details fully, fairly, and clearly*].

3 The respondent makes the following comments and supplies the following further information: [*state details fully, fairly, and clearly*].

4 I attach copies of the applicable employment agreement and the following documents that I think are relevant to the problem or matter:*

*List all the documents that you wish to rely on or refer to in making this statement in reply.

Mediation

5 Have the parties tried to resolve this problem or matter by using mediation services provided by the Ministry of Business, Innovation, and Employment? Yes/No*

*Select one.

6 Have the parties tried to resolve this problem or matter by using mediation services provided by someone other than the Ministry of Business, Innovation, and Employment? Yes/No*

*Select one.

7 Have you, the respondent, taken any other steps of any kind to resolve the problem or matter? Yes/No*

*Select one.

If the answer to this question is "Yes", specify the other steps taken: [*state details fully but concisely*].

8 If you, the respondent, have answered "No" to both the question in paragraph 5 and the question in paragraph 6, please indicate why you have not used mediation to try to resolve the problem or matter: [*state details fully but concisely*].

Address for service

9 This statement in reply is lodged by [*full name of respondent*]/[*name of representative*] on behalf of [*full name of respondent*]*.

*Select one.

10 The respondent's address for service is [*full physical or postal address to which any document may be sent*], telephone number is [*telephone number*], and email address for service is [*email address*].*

*A full address, a telephone number, and an email address must always be supplied.

Date:

Signature:

(respondent)

Schedule 1 form 3: replaced, on 12 March 2015, by regulation 13 of the Employment Relations Authority Amendment Regulations 2015 (LI 2015/13).

Schedule 1 form 3: amended, on 28 June 2020, by regulation 12(5) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Schedule 1 form 3: amended, on 28 June 2020, by regulation 12(6) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Schedule 1 form 3: amended, on 28 June 2020, by regulation 12(7) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Form 4
Application for joining controlling third party to personal grievance

r 9A

Section 103B, Employment Relations Act 2000

Authority matter No (if known):

Between [*full name, address, telephone number, email address*]

(applicant)

And [*full name, address, telephone number, email address*]

(respondent)

To the Employment Relations Authority

and

To the applicant/the respondent*

*Select one or omit if application is lodged jointly by both the applicant and the respondent

and

To the third party [*full name, address, telephone number, email address*]

Application to join third party to proceedings to resolve personal grievance

1 The applicant/respondent/applicant and respondent* apply/applies* to the Employment Relations Authority to join the third party (named above) to the above-mentioned proceedings to resolve a personal grievance.

*Select one.

Grounds

2 This application is made on the following grounds:

(a) the third party named in this application is a controlling third party (within the meaning given to that term in section 5 of the Employment Relations Act 2000) for the following reasons: [*state details fully, fairly, and clearly*].

(b) the personal grievance in question relates to an action that occurred while the employee was working under the control or direction of the third party: [*state details fully, fairly, and clearly*].

(c) the third party's actions caused or contributed to the personal grievance referred to above, for the following reasons: [*state details fully, fairly, and clearly*].

Notification

3 Have you notified the third party about the matters described in paragraph 2? Yes/No*

*Select one.

If the answer to this question is "Yes", please state the following:

(a) the date on which the action alleged to amount to a personal grievance occurred or came to the notice of the employee (if known):

(b) the date on which the relevant personal grievance was raised with the employer:

(c) the date on which the third party was notified:

(d) whether the third party was notified within the relevant 90-day notification period (*see* section 115A(6) of the Employment Relations Act 2000): Yes/No*

*Select one.

Supporting documents

4 I/We* attach the following documents that I/we* think are relevant to the problem or matter: [*list all the documents that you wish to rely on or refer to in making this application and attach them to this application*].

*Select one.

Address for service

5 This application is lodged by [*full name of applicant or applicant's representative*]/[*full name of respondent or respondent's representative*]/[*full name of applicant or applicant's representative and full name of respondent or respondent's representative*]*.

*Select one.

6 The address for service of the person/persons* who lodged this application is [*full physical or postal address to which any document may be sent*], telephone number is [*telephone number*], and email address for service is [*email address*].†

*Select one

†A full physical address, a telephone number, and an email address must always be supplied.

Date:

Signature(s):

(applicant/applicant's representative/respondent/respondent's representative* applying to join third party to personal grievance proceedings)

*Select each that applies

Note to third party

1 If you intend to respond to this application, you must, within 14 days after the date on which you are served with this application, lodge a statement in reply with an officer of the Employment Relations Authority.

2 The term **days** does not include any day in the period beginning with 25 December in any year and ending with 5 January in the following year.

3 After considering this application and any statement in reply, the Authority may decide to join you to the proceedings to resolve the personal grievance referred to in this application. If the Authority decides to do so,—

(a) all parties may be directed to mediation; but

(b) if the matter is not resolved through mediation, you will be notified of the place, date, and time at which the Authority will conduct any investigation meeting in respect of these proceedings.

Date:

Signature:

(Officer of the Employment Relations Authority)

Schedule 1 form 4: replaced, on 28 June 2020, by regulation 12(8) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Form 5
Statement in reply to application for joining controlling third party to personal grievance

r 8

Section 103B, Employment Relations Act 2000

File No (if known):

Between [*full name, address, telephone number, email address*]

(applicant)

And [*full name, address, telephone number, email address*]

(respondent)

To the Employment Relations Authority

To the applicant (named above)

and

To the respondent (named above)

1 The view of the third party responding to the Application for joining controlling third party to personal grievance (**the Application**) is: [*state details fully, fairly, and clearly*].

2 The account of the relevant facts of the third party responding to the Application is: [*state details fully, fairly, and clearly*].

3 The third party responding to the Application makes the following comments and supplies the following further information: [*state details fully, fairly, and clearly*].

Supporting documents

4 I attach the following documents that I think are relevant to the problem or matter: [*list all the documents that you wish to rely on or refer to in making this application and attach them to this application*].

Address for service

5 This statement in reply is lodged by [*full name of third party responding to the Application/full name of third party's representative*].

6 The address for service of the third party responding to the Application/representative of the third party responding to the Application* is [*full physical or postal address to which any document may be sent*], telephone number is [*telephone number*], and email address for service is [*email address*].†

*Select one

†A full physical address, a telephone number, and an email address must always be supplied.

Date:

Signature:

(Third party responding to the Application/Representative of third party responding to the Application)

Schedule 1 form 5: replaced, on 28 June 2020, by regulation 12(9) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Form 6
Application for investigation to be reopened

r 10

Schedule 2, clause 4, Employment Relations Act 2000

Between [*full name, address, telephone number, email address*]

(applicant)

And [*full name, address, telephone number, email address*]

(respondent)

To the applicant/respondent*

and

To the Employment Relations Authority

*Select one.

1 I apply to the Employment Relations Authority for the reopening of the investigation to which the Authority's determination/order* of [*date*] relates.

*Select one.

2 The file number of the Authority's determination/order* is [*number*].

*Select one.

3 A copy of the Authority's determination/order* is attached to this application.

*Select one.

Grounds

4 This application is made on the following grounds: [*state grounds fully but concisely*].

Prescribed fee

5 This application is accompanied by the prescribed fee.

Address for service

6 This application is lodged by [*full name of applicant/respondent**]/[*name of representative*] on behalf of [*full name of applicant/respondent**]*.

*Select one.

7 The [*full name of applicant/respondent**] address for service is [*full physical or postal address to which any document may be sent*], telephone number is [*telephone number*], and email address for service is [*email address*].†

*Select one.

†A full address, a telephone number, and an email address must always be supplied.

Date:

Signature:

(applicant/respondent*)

*Select one.

Notice to other party

1 If you intend to oppose the application for the reopening of the investigation, you must, within 14 days after the date of the service of this notice on you, lodge a statement in reply with an officer of the Employment Relations Authority .

2 The term **days** does not include any day in the period beginning with 25 December in any year and ending with 5 January in the following year.

3 You will be notified of the place, date, and time at which this application will be considered.

Date:

Signature:

(Officer of the Employment Relations Authority)

Schedule 1 form 6: replaced, on 12 March 2015, by regulation 13 of the Employment Relations Authority Amendment Regulations 2015 (LI 2015/13).

Schedule 1 form 6: amended, on 28 June 2020, by regulation 12(10) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Schedule 1 form 6: amended, on 28 June 2020, by regulation 12(11) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Schedule 1 form 6: amended, on 28 June 2020, by regulation 12(12) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Schedule 1 form 6: amended, on 28 June 2020, by regulation 12(13) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Form 7
Application for removal of matter to Employment Court

r 12

Section 178, Employment Relations Act 2000

Between [*full name, address, telephone number, email address*]

(applicant)

And [*full name, address, telephone number, email address*]

(respondent)

To the respondent/applicant*

and

To the Employment Relations Authority

*Select one.

1 I apply to the Employment Relations Authority for the removal to the Employment Court for hearing and determination of the following matter/following part of the following matter* lodged under [*file number*].

*Select one.

Grounds

2 This application is made on the following grounds: [*state grounds fully but concisely*].

Prescribed fee

3 This application is accompanied by the prescribed fee.

Address for service

4 This application is lodged by [*full name of applicant/respondent**]/[*name of representative*] on behalf of [*full name of applicant/respondent**]*.

*Select one.

5 The [*full name of applicant/respondent**] address for service is [*full physical or postal address to which any document may be sent*], telephone number is [*telephone number*], and email address for service is [*email address*].†

*Select one.

†A full address, a telephone number, and an email address must always be supplied.

Date:

Signature:

(applicant/respondent*)

*Select one.

Notice to other party

1 If you intend to defend the application for removal, you must, within 14 days after the date of the service of this application on you, lodge a statement in reply with an officer of the Employment Relations Authority.

2 The term **days** does not include any day in the period beginning with 25 December in any year and ending with 5 January in the following year.

3 You will be notified of the place, date, and time at which this application for removal will be considered.

Date:

Signature:

(Officer of the Employment Relations Authority)

Schedule 1 form 7: replaced, on 12 March 2015, by regulation 13 of the Employment Relations Authority Amendment Regulations 2015 (LI 2015/13).

Schedule 1 form 7: amended, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

Schedule 1 form 7: amended, on 28 June 2020, by regulation 12(14) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Schedule 1 form 7: amended, on 28 June 2020, by regulation 12(15) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Schedule 1 form 7: amended, on 28 June 2020, by regulation 12(16) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Schedule 1 form 7: amended, on 28 June 2020, by regulation 12(17) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Form 8
Notice of investigation meeting

r 21

Employment Relations Act 2000

File No:

Between [*full name, address, telephone number, email address*]

(applicant)

And [*full name, address, telephone number, email address*]

(respondent)

To the applicant

and

To the respondent

Take notice that the Employment Relations Authority will hold an investigation meeting in relation to the problem or matter of [*describe problem or matter*] at [*address, date, time*].

Notes

1 If the applicant does not attend the investigation meeting, the matter may be dismissed and costs may be awarded against the applicant.

2 If the respondent does not attend the investigation meeting, the Authority may, without hearing evidence from the respondent, issue a determination in favour of the applicant.

3 Hearing fees may be payable. The first day is free. For the second and any subsequent day, hearing fees of [*fee*] per half day are payable by the party who started the proceedings.

4 Any legal costs incurred by the other party may be awarded should you not be successful in bringing or defending the claim.

5 If in doubt, contact an officer of the Employment Relations Authority at [*address*], [*telephone number*], or [*email address*] immediately.

Date:

Signature:

(Officer of the Employment Relations Authority)

Schedule 1 form 8: replaced, on 12 March 2015, by regulation 13 of the Employment Relations Authority Amendment Regulations 2015 (LI 2015/13).

Form 9
Witness summons

r 22

Schedule 2, clause 5, Employment Relations Act 2000

Between [*full name, address, telephone number, email address*]

(applicant)

And [*full name, address, telephone number, email address*]

(respondent)

To [*name, address*]

1 You are required to attend before the Employment Relations Authority at [*place, date, time*] and from then until you are no longer required to attend, to give evidence in relation to a matter before the Authority.

2 And you are ordered to bring with you and produce at the same time and place [*state details of the books, papers, documents, records, or things, in the person's possession or under the person's control, to be produced*].

3 This summons is issued by the Employment Relations Authority on the application of [*full name*], the [*party*]/of its own volition* under the seal of the Employment Relations Authority [*date*].

*Select one.

Date:

Signature:

(Officer of the Employment Relations Authority)

Schedule 1 form 9: inserted, on 12 March 2015, by regulation 13 of the Employment Relations Authority Amendment Regulations 2015 (LI 2015/13).

Schedule 1 form 9: amended, on 28 June 2020, by regulation 12(18) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Form 10
Notice accompanying application served outside New Zealand

r 19A

Schedule 2, clause 4A, Employment Relations Act 2000

1 The applicant named in the attached application has commenced proceedings against you by making an application to the Employment Relations Authority.

2 Even though you are outside New Zealand, the Authority may hear and determine these proceedings. It may do so if the proceedings come within its jurisdiction. The grounds on which the applicant says that the proceedings come within the Authority's jurisdiction are set out in the application.

3 Even if the proceedings come within the Authority's jurisdiction, it may decide not to hear and determine them. It may do so if it is satisfied that it is more appropriate for the matter to be resolved in a place outside New Zealand, that the applicant will have a fair opportunity in that place to make the applicant's case, that the applicant will receive proper justice in that place, and that the respondent will suffer unfair disadvantage if the proceedings are heard in New Zealand.

4 The notice to you on the application tells you that, if you want to respond to the application, you must lodge a statement in reply within 30/50/[*insert number if the Authority has varied the time*]* days after the date of the service of the application on you.

*Select one.

5 However, you may want to say that the proceedings do not come within the Authority's jurisdiction or that, even if they do, the Authority should decide not to hear and determine them. If so, do not lodge a statement in reply. Instead, lodge an objection to the Authority's jurisdiction. You must do this within 30/50/[*insert number if the Authority has varied the time*]* days after the date of the service of the application on you.

*Select one.

Schedule 1 form 10: inserted, on 12 March 2015, by regulation 13 of the Employment Relations Authority Amendment Regulations 2015 (LI 2015/13).

Schedule 1 form 10: amended, on 28 June 2020, by regulation 12(19) of the Employment Relations Authority Amendment Regulations 2020 (LI 2020/107).

Schedule 2
Fees

r 27

Schedule 2: replaced, on 30 December 2022, by regulation 12 of the Employment Relations Authority (Screen Industry Workers) Amendment Regulations 2022 (SL 2022/298).

		Amount ($) (excluding GST)
1	Lodging an application under regulation 5	62.22
2	Lodging an application for investigation to be reopened	133.33
3	Lodging an application for the removal of a matter, or part of a matter, to the Employment Court	133.33
4	Investigation meeting fee, for each half day or part thereof after the first day	133.33
5	Lodging an application under regulation 26G for the determination of a dispute under the Screen Industry Workers Act 2022	62.22
6	Lodging an application under regulation 26I for the Authority to fix disputed terms in a collective contract under the Screen Industry Workers Act 2022	62.22

Schedule 2: amended, on 20 December 2023, by section 7(2) of the Fair Pay Agreements Act Repeal Act 2023 (2023 No 65).

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 Authority 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

Fair Pay Agreements Act Repeal Act 2023 (2023 No 65): section 7(2)

Employment Relations Authority (Screen Industry Workers) Amendment Regulations 2022 (SL 2022/298)

Employment Relations Authority Amendment Regulations 2020 (LI 2020/107)

Employment Relations Authority Amendment Regulations 2015 (LI 2015/13)

Employment Relations Authority Amendment Regulations 2004 (SR 2004/423)

Wellington, New Zealand:
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