



Industrial Relations (Amendment) Act 2015

Labour Court (Exemption from Obligation to Pay Remuneration Prescribed by a Sectoral Employment Order) Rules 2015

Interpretation

In these Rules: -

“Act” means the Industrial Relations (Amendment) Act 2015

“applicant” means a person who makes an application pursuant to section 21(4) of the Act

“Court” means the Labour Court

“tax clearance certificate” has the meaning assigned to it by section 21(5)(a) of the Act

A word or expression used in these Rules which is also used in the Act has the same meaning in these Rules as it has in the Act unless a contrary intention appears

The Interpretation Act 2005 applies to these Rules

These Rules may be cited as “Labour Court (Exemption from Obligation to Pay Remuneration Prescribed by a Sectoral Employment Order) Rules 2015

Application for an Exemption

1. An application for an exemption in accordance with section 21(1) of the Act shall be made on a form provided for that purpose
2. The application shall be accompanied by
 - (a) A tax clearance certificate

- (b) A statement in writing made by the applicant setting out : -
 - (i)The basis upon which the application is grounded;
 - (ii)The period in respect of which the exemption is sought;
 - (iii)The nature of the severe financial difficulties relied upon in making the application;
- 3. The applicant shall state in writing whether the application is supported by:
 - (a) The majority of the workers concerned,
 - (b) The representatives of the majority of the workers concerned, or
 - (c) A trade union representing the majority of the workers concerned;
- 4. Where consent has not been received in a manner referred to in Rule 3, the applicant shall provide details of;
 - (a) Any consultation engaged in by the applicant with the workers to whom the application relates;
 - (b)The person or persons consulted;
 - (c) The outcome of the consultation.
- 5. The Court may request further information from the applicant and may give any directions that it considers appropriate in relation to the application:
- 6. Without prejudice to the generality of Rule 5 the Court may give directions in relation to: -
 - (a) The provision of further or better particulars of the severe financial difficulties relied upon in making the application;
 - (b) The provision of further or better particulars of the severe financial difficulties relied upon to the workers concerned;
 - (c) The notification to workers of the making of the application;
 - (d) The notification to workers of the date of the hearing to consider the application and of their right to appear and be represented at the hearing.

Representation of Parties

7. At a hearing held in accordance with section 21(6) of the Act a party may appear in person or be represented by a person of their choosing.