

## Form 3

# Record of strike or lockout

- A strike or lockout is an industrial action, whether it is lawful or not, that results in a total or partial reduction of labour for a continuous period of time. The meaning of strike under section 81 of the Employment Relations Act 2000 and lockout under section 82 of that Act are set out at the end of this form.
- Complete one form for each strike or lockout.
- If the strike or lockout was in more than one location, complete one form for each location.
- Under the Employment Relations Act 2000, you are obliged to keep a record of all this information whenever there is a strike or lockout.
- When you have completed this form, please return within one month after the end of each strike or lockout to:

**strike.notices@mbie.govt.nz**  
**Work Stoppages**  
**Employment New Zealand**  
**Ministry of Business, Innovation and Employment**  
**PO Box 1473**  
**Wellington**

1. Name of your business	<input style="width: 95%;" type="text"/>
2. Main industry of your business	<input style="width: 95%;" type="text"/>
3. Type of work reduction: <i>(If the type changed during a continuous period of work interruption, please tick each type).</i>	
Strike	<input type="checkbox"/>
Lockout	<input type="checkbox"/>
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: <i>(Tick as appropriate)</i>	
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	<input type="checkbox"/>
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	<input type="checkbox"/>
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	<input type="checkbox"/>
5. Place of strike or lockout: <i>(Nearest city or town)</i>	<input style="width: 95%;" type="text"/>

6. Number of employees involved in the strike or lockout: <i>(Include non-striking employees suspended because of the unavailability of normal work during a strike or lockout)</i>	<input style="width: 95%;" type="text"/>
7. Describe the group of employees involved according to their membership of a union, occupation or other relevant characteristic:	<input style="width: 95%; height: 20px;" type="text"/>
8. Do the employees involved include any: <i>(Please tick all that apply)</i>	
Part-time employees	<input type="checkbox"/>
Shift workers	<input type="checkbox"/>
Employees whose normal span of hours includes weekends	<input type="checkbox"/>

9. Start time of strike or lockout:	<input style="width: 95%;" type="text"/>	on	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
	Time (am/pm)		Day	Month	Year
10. Finish time of strike or lockout:	<input style="width: 95%;" type="text"/>	on	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
	Time (am/pm)		Day	Month	Year
11. On how many of these days was work affected by this strike or lockout:	<input style="width: 95%;" type="text"/>				

*Please answer Questions 12, 13 and 14 if the strike or lockout included:*

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

(b) A lockout; or

(c) Wages or salaries deducted by you for the duration of the strike or lockout

*Otherwise go straight to Questions 15.*

12. What was the duration of the strike or lockout: <i>(Duration in hours)</i>	<input style="width: 95%;" type="text"/>
13. How many hours were lost in total by all employees during the strike or lockout: <i>(Include all hours normally worked at all times, including regular overtime and penal time that would have been worked. For example, total time lost = duration of strike/lockout (hrs) x employees involved (n).)</i>	<input style="width: 95%;" type="text"/>
14. What was the total amount of wages and salaries lost by all employees during the total time of the strike or lockout: <i>(Include all wages and salary normally earned at all times, including regular overtime and penal time that would have been paid)</i>	<input style="width: 95%;" type="text"/> \$

15. What were the main reasons for the strike/lockout: (Tick all that apply)

Dispute over whether the parties have acted in good faith	<input type="checkbox"/>	Dispute over hours of work provisions of employment agreement	<input type="checkbox"/>
Dispute arising from negotiation of coverage of employment agreement	<input type="checkbox"/>	Dispute over redundancy provisions of employment agreement	<input type="checkbox"/>
Dispute over wage provisions of employment agreement	<input type="checkbox"/>	Dispute over leave provisions of employment agreement	<input type="checkbox"/>
Dispute over a safety or health issue	<input type="checkbox"/>	Dispute over overtime/shift provisions of employment agreement	<input type="checkbox"/>
Dispute over the way the employment agreement is interpreted or applied	<input type="checkbox"/>	Other ( <i>Please describe</i> ).....	
Dispute over alleged breach of agreement	<input type="checkbox"/>	.....	
		.....	

16. How was this underlying dispute finally resolved: (Tick one only)

Not resolved	<input type="checkbox"/>	A determination/order of the Employment Relations Authority	<input type="checkbox"/>
Negotiations between employer and employee or their representatives	<input type="checkbox"/>	A decision of the Employment Court or other third party	<input type="checkbox"/>
Mediation services provided by Ministry of Business, Innovation and Employment	<input type="checkbox"/>	Other ( <i>Please describe</i> ).....	
Mediation provided by a private provider	<input type="checkbox"/>	.....	
		.....	

17. How was the strike or lockout ended: (Tick one only)

Without negotiations or other action	<input type="checkbox"/>	A determination/order of the Employment Relations Authority	<input type="checkbox"/>
Negotiations between employer and employee or their representatives	<input type="checkbox"/>	A decision of the Employment Court or other third party	<input type="checkbox"/>
Mediation services provided by Ministry of Business, Innovation and Employment	<input type="checkbox"/>	Other ( <i>Please describe</i> ).....	
Mediation provided by a private provider	<input type="checkbox"/>	.....	
		.....	

18. Details of the person completing this form:

Name	<input type="text"/>	Business address	<input type="text"/>
Position	<input type="text"/>		<input type="text"/>
Email	<input type="text"/>	Telephone number	<input type="text"/>
Signature	<input type="text"/>	Date	<input type="text"/> <input type="text"/> <input type="text"/>
			Day Month Year

**Meaning of strike and lockout in the 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 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