

## 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 1 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 1 month** after the end of each strike or lockout to:

**Work Stoppages Officer  
Employment Relations Service  
Department of Labour  
P O Box 3705  
Wellington  
Fax 0-4-915 4567**

1. Name of your business	<input style="width: 90%;" type="text"/>
2. Main industry of your business	<input style="width: 90%;" type="text"/>
3. Type of work reduction. <i>(If the type changed during a continuous period of work interruption, please tick each type).</i>	
total withdrawal of labour by some or all employees <i>(complete strike)</i>	<input type="checkbox"/>
reduction in work – e.g. “go slow”, work to rule, overtime ban, ban on particular types of work, or similar <i>(partial strike)</i>	<input type="checkbox"/>
lockout	<input type="checkbox"/>
4. Place of strike or lockout <i>(nearest city or town)</i>	<input style="width: 90%;" type="text"/>

5. Number of employees involved in the work stoppage. <i>(Include non-striking employees suspended because of the unavailability of normal work during a strike or lockout).</i>	<input style="width: 25%;" type="text"/>
6. Describe the group of employees involved according to their membership of a union, occupation or other relevant characteristic. .....	
Do the employees involved include any: part time employees? <input type="checkbox"/> shift workers? <input type="checkbox"/> employees whose normal span of hours includes weekends? <input type="checkbox"/> <i>(Please tick all that apply)</i>	

7. Start time of stoppage	<input style="width: 15%;" type="text"/> am/pm	on	<input style="width: 10%;" type="text"/>	<input style="width: 15%;" type="text"/>	<input style="width: 10%;" type="text"/>
			<i>Day</i>	<i>Month</i>	<i>Year</i>
Finish time of stoppage	<input style="width: 15%;" type="text"/> am/pm	on	<input style="width: 10%;" type="text"/>	<input style="width: 15%;" type="text"/>	<input style="width: 10%;" type="text"/>
			<i>Day</i>	<i>Month</i>	<i>Year</i>
8. On how many of these days was work affected by this stoppage? <input style="width: 15%;" type="text"/>					

**Please answer questions 9 and 10 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 Question 11.**

9. How many hours were lost in total by all employees during the strike/lockout? <i>Include all hours normally worked at all times, including regular overtime &amp; penal time that would have been worked. (For example, Total time lost = duration of strike/lockout (hrs) x (n) employees involved.</i>	<input style="width: 25%;" type="text"/>
10. What was the total amount of wages & salaries lost by all employees during the total time of the strike/lockout? \$	<input style="width: 25%;" type="text"/>

*(Include all wages & salary normally earned at all times, including regular overtime & penal time that would have been paid)*

11. What were the main reasons for the strike/lockout? *(Tick all that apply)*

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

12. How was this underlying dispute finally resolved?  
(Tick 1 only)

not resolved

negotiations between employer and employee or their representatives

mediation services provided by the Department of Labour

mediation provided by a private provider

a determination/order of the Employment Relations Authority

a decision of the Employment Court or other third party

other (please describe) .....

.....

13. What was the method by which normal work was finally resumed? (Tick 1 only)

without negotiations or other action

negotiations between employer and employee or their representatives

mediation services provided by the Department of Labour

mediation provided by a private provider

a determination/order of the Employment Relations Authority

a decision of the Employment Court or other third party

other (please describe) .....

.....

14. Details of the person completing this form

Name  Telephone no.

Position  Fax no.

Business address

Email address (optional)

15. Please sign here  Date

Signature

**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.

**Office use only**

File Reference      Regional District       Institutional sector

Reference No.      No. of employees

Associated Reference No.      ANZSIC

Stoppage No.      GEO/ENT No.