

SUBSIDIARY LEGISLATION 452.18**INDUSTRIAL TRIBUNAL PROCEDURE RULES**

5th December, 1957

GOVERNMENT NOTICE 750 of 1957, as amended by Government Notice 326 of 1958; Emergency Ordinance VI of 1958; Ordinance XXV of 1962; and Legal Notice 55 of 1984.

- 1.** The title of these rules is the Industrial Tribunal Procedure Rules.

Title.
*Substituted by:
L.N. 55 of 1984.*
- 2.** In these rules, unless the context otherwise requires -

"Act" means the Employment and Industrial Relations Act;

"Chairman" means the Chairman of the Industrial Tribunal appointed under the Act;

"Minister" means the Minister from time to time in charge of the Department of Labour;

"secretary" means the Secretary of the Industrial Tribunal appointed under the Act;

"Tribunal" means the Industrial Tribunal appointed under the Act.

Interpretation.
*Amended by:
L.N. 55 of 1984.
Cap. 452.*
- 3.** All references made by the Minister to the Industrial Tribunal shall be addressed to the Chairman through the Secretary on one of the forms contained in the Schedule.

References to be addressed to the Chairman.
*Amended by:
EM. Ord. VI of 1958;
Ord. XXV of 1962;
L.N. 55 of 1984.*
- 4.** On receipt of a reference the Secretary shall inform the Chairman who shall fix a date for the hearing of the reference or for its consideration as the case may be.

Secretary to inform Chairman.
- 5.** The Secretary shall inform the parties to the dispute under reference of the date of hearing, and ask them to provide five true copies of the statement of case to reach the Secretary in a sealed cover seven clear days before the day set for the hearing. The Secretary shall on receipt give a copy of the statement of each party to the Chairman and cause one copy of the statement of each party to be served on the other at his last known address. Copies of the statements shall also be given to each of the other members of the Tribunal at the same time or as soon as they are nominated.

Parties to the dispute to be informed.
- 6.** The Secretary shall at the same time as he informs the parties of the date of hearing, ask them to inform the Tribunal of the persons who shall represent them before the Tribunal.

Representation before Tribunal.
- 7.** The Secretary shall inform the persons selected to form part of the Tribunal in terms of the provisions of the Act of their selection and the date of hearing. The names of the persons so selected shall also be communicated by the Secretary to the parties.

Selection of persons forming the Tribunal.
*Amended by:
L.N. 55 of 1984.*

List of witnesses.
Substituted by;
L.N. 55 of 1984.

8. (1) The statement of case shall contain a list of all the witnesses that the party intends to produce in support of his case. Besides the name and address of each witness such list shall contain an indication of the proof that it is intended to make by the production of each witness.

(2) No person whose name has not been included in the list of witnesses may be produced to give evidence, unless the Tribunal is satisfied that the omission of the name of such witness is justified on the grounds that the party intending to produce such witness did not know of such evidence on the date of the submission of the statement of case, or that the need to produce such evidence arose after the submission of the statement of case or for any other reason to the satisfaction of the Tribunal.

Proceedings.
Amended by;
L.N. 55 of 1984.

9. The party making the claim or seeking to alter the *status quo* shall open the case. On conclusion of the opening statement, he shall call the evidence. The opposite party then shall open his case, commenting, if necessary, on the case made by the other party, and thereafter shall call his evidence. If any further evidence is then necessary or a further statement is to be made, the Tribunal shall, in its discretion, allow such proceedings to take place. The party which opens the case shall have the right to reply, but if further points are raised, it will be open to the Tribunal to allow the other party to reply.

Case for
settlement.

10. Where the question in dispute is of a nature that neither party can be said to be making the claim or seeking to alter the *status quo* but is one which both parties are raising for settlement, the Tribunal shall decide which party should begin, as well as the procedure generally.

Summonses.
Substituted by;
G.N. 326 of 1958.

11. Summonses requiring the attendance of witnesses shall be served in Form C in the Schedule, and shall be signed by the Chairman of the Tribunal.

Decisions and
awards.

12. Decisions and awards of the Tribunal shall be in writing and shall not specify in detail the reason for such decision or award, but may make reference to the main evidence heard. The Tribunal, however, shall make it quite clear from its decision or award that all the relevant arguments put forward by both sides shall have been taken into consideration

SCHEDULE

FORM A

VOLUNTARY SETTLEMENT OF A TRADE DISPUTE

in terms of the Employment and Industrial Relations Act

*Amended by:
Em. Ord. VI of
1958;
Ord. XXV of 1962;
L.N. 55 of 1984.*

Ministry of

The Chairman,
Industrial Tribunal.

Trade Dispute between and

Parties in Dispute:

Employees:

Employers:

Terms of remit:

The parties in the above trade dispute have applied to me to
refer the dispute to the Industrial Tribunal for settlement by it in
terms of the Employment and Industrial Relations Act.

You are therefore hereby requested to proceed accordingly.

MINISTER

FORM B

COMPULSORY SETTLEMENT OF A TRADE DISPUTE

in terms of the Employment and Industrial Relations Act

*Amended by:
Em. Ord. VI of
1958;
Ord. XXV of 1962;
L.N. 55 of 1984.*

Ministry of

The Chairman,
Industrial Tribunal.

Trade Dispute between and

Parties in Dispute:

Employees:

Employers:

Terms of remit as submitted by

Steps taken in terms of the Employment and Industrial Relations
Act have not resulted in a voluntary settlement of the above trade

dispute.

..... has notified me accordingly and has requested me to refer the dispute to the Industrial Tribunal for settlement.

You are therefore hereby requested to proceed in terms of the Employment and Industrial Relations Act.

MINISTER

*Amended by:
G.N. 326 of 1958;
L.N.55 of 1984.*

FORM C

Summons of Witnesses

INDUSTRIAL TRIBUNAL
EMPLOYMENT AND INDUSTRIAL RELATIONS ACT

Trade dispute between and
To

Whereas in the above trade dispute the evidence of
is required.

You are therefore requested to summon the said witness to attend before this Tribunal at the Superior Courts, Valletta on and so on any other day to which the hearing may be put off, to give evidence and to produce the following documents
.....
.....

You will warn the said that he/she shall be liable to the penalties contemplated in the Act and in particular he may be compelled to attend by a warrant of escort and he shall be liable to all other consequences according to the provisions of the Code of Organization and Civil Procedure subject to the provisions of the above Act.

Given by order of the Industrial Tribunal.
