

ANTIGUA AND BARBUDA



INDUSTRIAL COURT (PROCEDURE) RULES, 2015
STATUTORY INSTRUMENT

2015, No. 61

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ANTIGUA AND BARBUDA

THE INDUSTRIAL COURT (PROCEDURE) RULES 2015

ARRANGEMENT OF SECTIONS

PRELIMINARY

1. Short Title
2. Abbreviation
3. Commencement
4. Repeal of 1980 Rules
5. Transitional Provision

FUNDAMENTALS

6. Purpose
7. Application of Rules
8. Interpretation
9. Time
10. Court Procedure

THE PROCESS

11. Court Register
12. Form of Reference to Court
13. Conciliation Certificate
14. Six Copies of to be filed
15. Registration of Reference
16. Service of Reference
17. Memorandum of Claim/ Employee's Memorandum
18. Affidavit of Service
19. Memorandum of Defence / Employer's Memorandum)

20. Content of Memorandum
21. Amendments
22. Further Particulars
23. Intervention by the Attorney General
24. Witness Statements
25. Evidence
26. Court's power to obtain evidence
27. Extensions of Time
28. Supporting Documents
29. Agreed Facts
30. Collective Agreements
31. Case Management
32. Pre-Trial Review
33. Directions Order
34. Judgment in Default
35. Summary Judgment
36. Striking out Reference
37. Interim Remedies
38. Stay of Proceedings
39. Discontinuance
40. Applications
41. Contempt of Court
42. Registrar's Summons
43. Suspense List
44. Conciliation

PROCEEDINGS IN COURT

45. Constitution of the Court
46. Representation of Parties
47. Procedure in Court

- 48. Preliminary Submissions
- 49. Opening Submissions
- 50. Examination of Witnesses
- 51. Dealing with Contempt
- 52. Adjournments
- 53. Judgments, Decisions and Rulings

MATTERS ARISING AFTER TRIAL / HEARING

- 54. Correcting Clerical Mistakes
- 55. Registrar's Certificate
- 56. Enforcement of Judgments, Orders & Awards
- 57. Appeals to Court of Appeal

PRESCRIBED FORMS

- 58. Description and use of Forms

THE SCHEDULE

Forms 1 - 14

ANTIGUA & BARBUDA

THE INDUSTRIAL COURT (PROCEDURE) RULES, 2015

2015, No. 61

THE INDUSTRIAL COURT (PROCEDURE) RULES made by the President of the Industrial Court in exercise of the powers conferred upon him by section 12 of the Industrial Court Act, Cap. 214.

PRELIMINARY

1. Short Title

These Rules may be cited as the Industrial Court (Procedure) Rules 2015.

2. Abbreviation

The abbreviation ICPR 2015 may be used to refer to these Rules.

3. Commencement

These Rules shall replace the Industrial Court (Procedure) Rules made in 1980(S.R.O. (16/1980) and come into operation on the 1st day of February, 2016 (the Commencement Date).

4. Repeal of the 1980 Rules

The Industrial Court (Procedure) Rules made in 1980 (S.R.O. 1980) are hereby repealed.

5. Transitional Provision

Proceedings commenced before the Commencement Date shall be deemed to have commenced under these Rules and will proceed accordingly.

FUNDAMENTALS

6. Purpose

(1) The main purpose of these Rules is to provide a framework for the just, efficient and expeditious determination of complaints, disputes and other matters referred to the Court.

(2) When applying these Rules, the Court will have particular regard for:

- (a) Individual party interests
- (b) National and local community interests

- (c) The Antigua and Barbuda Labour Code
- (a) Principles of Natural Justice
- (e) Good industrial relations principles and practices

7. Application of the Rules

- (1) These Rules apply to all proceedings in the Industrial Court.
- (2) The Court may make an order of its own initiative in respect of the compliance with any of these Rules.
- (3) The Court may vary, waive or dispense with the application of or compliance with any of these Rules.
- (4) Where these Rules are silent on any procedural issue affecting the determination of any matter before it, the Court may be guided by the Eastern Caribbean Supreme Court Civil Procedure Rules 2000

8. Interpretation

- (1) In these Rules, unless the context otherwise requires-

“the Act” means the Industrial Court Act; Cap. 214 of the Laws of Antigua and Barbuda.

“the Chairman” means the Member of the Court appointed by the President to preside as chairman over any particular proceedings.

“the Claimant” means an employee, or an employer or a group of either employees or employers who/which files a Reference.

“the Court” means the Court established under the Act;

“Form” means a Form in the Schedule or such other forms as the President may approve;

“Memorandum of Claim” means a Claimant’s Memorandum and includes an Employee’s Memorandum or such other document setting out the Claimant’s case;

“Memorandum of Defence” means a Defendant’s Memorandum and includes an Employer’s Memorandum or such other document setting out the Defendant’s case;

“Minister” has the meaning ascribed to it in section A 5 of the Antigua and Barbuda Labour Code;

“President” means the President of the Court;

“Reference” means a trade dispute, industrial action, complaint or other matter referred to the Court in the prescribed form;

“Reference Date” means the date on which a Reference is presented to the Registry and indorsed with the Court Stamp;

“the Register” means the Court Register described in Rule 10 below;

“Registrar” means the Registrar of the Court;

“the Registry” means the Court Office including the Registry of the Court;

“Representative” means a legal practitioner, an official of a trade union, an official of an organization of employers, and official of an organization of workmen or any other person duly appointed to represent a party to the proceedings before the Court ;

“Rule” means one of these Rules;

“Schedule” means the Schedule to these Rules.

9. Time

(1) The days in any period of time limited by these Rules or any order of the Court must be counted in clear days.

(2) If the time limited by these Rules or any order of the Court is 7 days or less, Saturdays, Sundays and public holidays are not included.

10. Court Procedure

(1) The procedure of the Court shall be governed by all relevant statutory provisions of the Act.

(2) Subject to the Act and these Rules, the Court may regulate its own procedures.

(3) The President may issue such practice directions and guidelines as may be necessary to give full effect to the provisions of the Act and these Rules.

THE PROCESS

11. Court Register

(1) The Register shall be kept under the supervision of the Registrar.

(2) The Registrar shall enter the following particulars in the Register: the date on which a Reference to the Court is filed, the names of the parties to the dispute with which the Reference is concerned, the nature of the dispute, the date and place of hearing, and such other particulars as the President may direct.

(3) References entered in the Register must be numbered sequentially in the order in which they are filed.

12. Form of Reference to Court

A Reference to the Court shall be in accordance with Form 1, Form 2 Form 3, 4 or 5 or as near thereto as the President may approve:

- ❖ Form 1 must be used in matters of Trade Disputes referred by a party other than the minister.
- ❖ Form 2 must be used in matters of Trade Dispute referred by the Minister.
- ❖ Form 3 must be used in matters of Industrial Action.
- ❖ Form 4 must be used when proceedings are commenced by the Minister for an injunction.
- ❖ In all other matters, including cases of Unfair Dismissal, Form 5 must be used.

13. Conciliation Certificate

Each Reference must be endorsed with or accompanied by a Conciliation Certificate which must be in Form 6 of the Schedule.

14. Six Copies of Reference to be filed

(1) Each party desirous of filing a Reference must present 6 identical copies to the Registry, four of which will be retained by the Registrar for the use of the Court.

(2) A Reference may be accompanied by an Employee Memorandum or other Memorandum of Claim.

15. Registration of Reference

When a Reference is filed in the Registry under the provisions of Rule 11, the Registrar shall assign a sequential Reference Number and enter the same in the Register in accordance with Rule 10 above.

16. Service of Reference

(1) Within 7 days after the Reference date, the Claimant or his Representative must serve a true copy thereof with or without a Memorandum on the other party or his Representative.

(2) For the purposes of this Rule, service may be effected personally by delivery of the Reference to the hand of or by registered post or by leaving the Reference at, or addressing it to, the principal place of business of the opposing party named in the Reference.

17. Memorandum of Claim / Employee's Memorandum

(1) If it is not filed with the Reference, the Claimant must file and serve on the other party or his Representative, an Employee's Memorandum or other Memorandum of Claim within 21 days after the date of filing of the Reference.

(2) An Employee's Memorandum or other Memorandum of Claim may be accompanied by such Witness Statements on which the Claimant intends to rely.

18. Affidavit of Service

(1) In the absence of any written acknowledgement of service of the Reference and the Memorandum of Claim, within 21 days after the date of service, the Claimant must file an Affidavit of Service before taking any further step in the proceeding.

(2) The Affidavit of Service must state the method, time and place of service of the Reference and Memorandum.

19. Memorandum of Defence / Employer's Memorandum

(1) A party wishing to defend himself against any claim made against him must file a Employer's Memorandum or other Memorandum of Defence within 21 days after the date of service of the Employee's Memorandum or other Memorandum of Claim.

(2) An Employer's Memorandum or other Memorandum of Defence may be accompanied by such Witness Statements as the person filing it intends to rely.

20. Content of Memorandum

(1) The Memorandum filed by or on behalf of an employee or employer or groups thereof shall be headed Employee's Memorandum or Employer's Memorandum as the case may be and shall set out such full particulars of his case on which the party filing it intends to rely by way of claim or defence.

(2) A Memorandum filed by the Attorney General or Minister shall be headed Attorney General's Memorandum or Minister's Memorandum as the case may be.

21. Amendments

(1) A party may amend his statement of case without the Court's permission at any time before the other side has taken any step or further step after the Memorandum was served on him.

(2) A party wishing to change his statement of case after the other side has taken any further step in the proceeding must apply to the Court for permission to do so.

22. Further Particulars

(1) When the President considers that a Memorandum does not set forth adequately the particulars required to be contained therein, or when the President requires clarification or

amplification of any matter relevant to the dispute, he may require the party concerned to provide such further details as he may consider necessary within such period as he may determine.

(2) Any Further particulars by way of clarification or amplification filed at the request of the President must be served on the other party.

23. Intervention by the Attorney General

(1) The Attorney General may intervene at any stage in any proceeding in which a question of public importance or a matter affecting the Public interest has risen.

(2) Where he intends to intervene, the Attorney General must file and serve a Notice of Intervention in Form 7 of the Schedule.

(3) Subject to the directions of the Court, the Notice of Intervention must be supported by a Memorandum of Intervention.

24. Witness Statements

(1) If they are not filed before, each party must file and serve his Witness Statements within 14 days after the filing of the Memorandum of Defence.

(2) Witness Statements shall serve as evidence-in-chief of the witness called to give evidence, provided that, in the absence of agreement between the parties and subject to the directions of the President, no Witness Statements shall be accepted as evidence unless the Witness makes himself available for cross-examination.

25. Evidence

(1) The Court may control the form and content of the evidence to be given in any proceedings by making and giving orders and directions prior to or during any trial or hearing.

(2) The Court may on its own initiative summon any witness, order the production of any document or otherwise obtain such evidence as may be necessary for the just and expeditious determination of any proceedings.

(3) In any proceedings before the court evidence may be given orally upon the personal attendance of the witness.

(4) Subject to the orders and directions of the Court, evidence may also be taken by:

(a) Witness Statements, personally verified on oath.

(b) Sworn Affidavit

(c) Video link

(a) Telephone conference

(e) Such other method as the Court deems appropriate.

(5) At any stage in any proceedings the Court may require the deponent of any Affidavit, the author of any written statement or the maker of any photographic or electronic record to attend Court for the purpose of the determination of the facts.

(6) Each witness whose evidence is tendered in any proceedings must personally attend the trial or hearing for cross examination unless the Court orders or allows otherwise.

(7) A party intending to rely on documentary evidence in any proceedings must produce the original document and may be required to give sworn evidence as to its authenticity and origin.

(8) The Court may admit evidence stored in electronic files provided that the party relying on them prove their origin and authenticity.

(9) Subject to Rule 22(1) the Court may require the parties to file and serve Witness Statements within a specified time.

(10) Where a party is not able to obtain a witness statement from an intended witness, he may file a Witness Summary which must include a statement of the reason why the Witness Statement could not be obtained

26. Court's Power to obtain Evidence

In addition to the evidence adduced by the parties, the Court may, on its own initiative, summon any person to give and /or produce oral and /or documentary evidence towards the just and expeditious determination of any matter before it.

27. Extension of Time

(1) The time limit for filing any documents under these Rules may be extended by the President on an application in writing by the party requiring such extension stating the reason why the extension is necessary.

(2) An application for an extension of time by one party must be served on the other party.

(3) The President may grant an extension of time without a hearing or the consent of the other party.

(4) A party served with an Application for an Extension of Time may indicate in writing to the President that he consents to or has no objection to or opposes the application.

(5) An application for an extension of time may be granted although the application is not made until after the expiration of the period originally fixed for filing and serving the document.

28. Supporting Documents

(1) Documents being submitted by either party in support of his Memorandum of Claim or Memorandum of Defence should be original or, a certified or photocopy of the original where the original is not available.

(2) The documents submitted pursuant to paragraph (1) of this Rule shall be annexed to the Memorandum, and be referred to therein and identified in sequence by letters or numbers or a combination of both.

(3) A party intending to rely on documents not attached to either Memorandum must file and serve a “Bundle of Additional Documents” at least 14 days before the trial or hearing of the matter.

(4) A Bundle of Additional Documents must have a cover page listing the documents in the order in which they appear in the bundle and each document must be clearly numbered in the corresponding sequence.

(5) Instead of filing separate bundles, the parties may jointly file a single Bundle of Additional Documents to be used at a trial or hearing.

29. Agreed Facts

The Court may require the parties to file a joint a Statement of Agreed Facts at least 14 days before the trial or hearing of a matter.

30. Collective Agreements

(1) Where a document submitted by party under Rule 26 is a Collective Agreement it shall have two certificates endorsed thereon by the Labour Commissioner to show that it has satisfied the requirements of the relevant sections of the Labour Code . The certificates shall respectively be to the effect that:

- a.* the Collective Agreement is a true copy of the Collective Agreement filed with the Labour Department under section G 20 (1), or as the case may be, section H 8 (9) of the Labour Code;
- b.* the Collective Agreement is a lawful contract in all respects as required by section K 25 (2) (v) of the Labour Code.

(2) A party or any other interested person may apply to the Court for the interpretation of any collective agreement or any part thereof.

(3) An application under this Rule must be in Form 8 of the Schedule

31. Case Management

(1) The President may direct that Case Management conferences be held to deal with any matter referred to the Court.

(2) In addition to its statutory powers and the powers exercisable under any of these Rules, the Court may hold, make and give such hearings, orders and directions as may be appropriate for the just and expeditious final determination of matters before it.

(3) At a Case Management conference the Court may exercise its powers on the application of a party or on its own initiative.

32. Pre-Trial Review

(1) Each party must complete, file and serve a Pre-Trial Questionnaire at least 7 clear days before the trial date. When appropriate, additional information and /or explanations must be annexed to the Questionnaire.

(2) The Pre-trial Questionnaire shall be in accordance with Form 9 of the Schedule to these Rules.

(3) The President may require the parties to attend a Pre-Trial Review hearing at any time before the trial date.

33. Directions Order

The President may at any stage of any proceedings, on the application of any party or on his own initiative, make a Directions Order giving such directions as he sees fit towards the just and expeditious determination of the matter before the Court

34. Judgment in Default

(1) The party which files a Reference may apply to the Court for a Judgment in Default without a trial when the other party has failed to file its Memorandum of Defence.

(2) A Default Judgment shall be in respect of liability only.

(3) When an application for Judgment in Default is granted the Court will fix a date for the assessment of compensation or other relief to which the successful party is entitled.

(4) The Court will not grant a Default Judgment unless the applicant has proved service of the Reference and Memorandum of Claim.

(5) A party against whom a Default Judgment has been entered may apply to the Court for an order setting it aside.

(6) A party against whom a Default Judgment has been entered is entitled to be heard at the assessment of compensation or other relief to which the successful party is entitled.

(7) An application under this Rule should be in Form 10 of the Schedule.

35. Summary Judgment

(1) The Court may grant summary judgment on any matter or any particular issue before it if the Court determines that a party has no real prospect of success with its claim or defence generally or on a particular issue.

(2) A party may apply to the Court for a Summary Judgment based on the contents of the Memorandum of Claim, the Memorandum of Defence and the supporting documents.

(3) A Summary Judgment may be granted on application or on the Court's own initiative.

(4) A summary Judgment shall be in respect of liability only.

(5) An application under this Rule must be in Form 10 of the Schedule and be supported by affidavit evidence.

36. Striking Out a Reference

(1) The Court may, on the application of any party or on its own initiative, strike out a Memorandum of Claim or a Memorandum of Defence or any part thereof if:

- (a) it discloses no reasonable ground for commencing the proceedings
- (b) it constitutes an abuse of the process of the Court
- (c) there has been a failure to comply with any of these Rules or any direction or Order of the Court.

(2) An application under this Rule must be in Form 10 of the Schedule and be supported by evidence on affidavit.

37. Interim Remedies

(1) The Court may at any stage of the proceedings grant interim remedies including Declarations, Injunctions and the payment of specified sums of money.

(2) An application for an interim remedy must be in Form 10 of the Schedule and be supported by evidence on affidavit.

38. Stay of Proceedings

(1) On the application of any party or on its own initiative, the Court may grant a stay of proceedings pending the determination of any relevant case or issue by the Court, the High Court, the Court of Appeal or the Privy Council.

(2) An application under this Rule must be in Form 10 of the Schedule and be supported by evidence on affidavit.

39. Discontinuance

(1) A party who files a Reference to the Court may discontinue the proceedings at any stage without giving reasons therefor by filing a Notice of Discontinuance.

(2) A notice of Discontinuance must be in Form 11 of the Schedule or such variation of it as the President may require or allow.

40. Applications

(1) Unless otherwise stipulated in these Rules, an application to the Court must be in writing in Form 10 of the Schedule or such variations thereof as the President may require or allow.

(2) The Court may dispense with the requirement for an application to be in writing.

(3) An application must state the grounds on which the applicant relies.

(4) An application must be supported by evidence on affidavit unless the Court at its own discretion allow supporting evidence, if necessary to be given orally.

(5) The President may determine any application without a hearing.

41. Contempt of Court

(1) Proceedings for Contempt of Court may be initiated by the President or a Member of the Court on his or her own initiative or on an application of a party to the proceedings.

(2) Where proceedings are initiated by the President or Member of the Court, the Registrar must prepare and serve a summons of contempt proceedings supported by a written statement of the alleged contempt and the circumstances in which it was committed.

(3) Where a party alleges that a person has committed a contempt, he must file and serve an application supported by affidavit evidence for an order that person be charged with and be punished for his contempt.

(4) Upon the hearing of the Summons or Application the Court may declare that a person has committed the contempt and order that he or she pay a fine in accordance with the Act.

(5) An application commencing contempt proceedings under section 7 of the Act must be in Form 10 with such variations as the President may require or allow.

(6) Upon the filing of an application commencing contempt proceedings the Registrar may issue a summons to the party or other person (named in the application) against whom the allegation of contempt was made.

42. Registrar's Summons

(1) A summons to a party or other person accused of contempt under section 7 of the Act must be in Form 12 of the Schedule with such variations as the President may require or allow.

(2) A summons to a witness issued under section 8 (4) of the Act, must be in Form 13 of the Schedule with such variations as the President may require or allow.

43. Suspense list

(1) If a Reference has remained dormant for a period of 3 months after the last step taken by a party thereto, the President may, on his own initiative or on the application of a party, direct that a Reference be placed on a Suspense list.

(2) If after one month of receipt of a Notice that a Reference has been placed on a suspense list, a party shows no cause to the contrary, the President may dismiss the Reference for want of prosecution.

44. Conciliation

(1) On the application of any party or on its own initiative, the Court may invite the parties to attend a conciliatory hearing in Chambers before the President or any Member provided always that each party shall be entitled to decline the invitation.

(2) Subject to the consent of the parties, the terms of any agreement reached at a conciliation hearing shall be reduced to writing and may be converted to or accompanied by an order of the Court which shall be enforced in the like manner as if the matter had been determined after a trial.

PROCEEDINGS IN COURT**45. Constitution of the Court**

(1) Any application may be determined by the President sitting in Chambers.

(2) Apart from when the President sits in Chambers, the Court must be constituted by no less than two members, one of which must be the President or a Chairman appointed by him for a particular matter.

(3) Where the President, Chairman or Member, having commenced the adjudication at a trial or hearing, dies or becomes incapacitated due to illness or other cause before the completion of a trial or other proceeding, the parties may consent to the continuation of the proceedings before the remaining President, Chairman, Member or Members, as the case may be, provided that no less than 2 Members, one being the President or Chairman, shall adjudicate trade disputes.

46. Representation of Parties

(1) Any party to any proceedings may appear in person without a representative at any trial or hearing.

(2) Any party to any proceedings may be represented by a legal practitioner, any official of a trade union, an official of an organization of employers, an official of an organization of workmen.

47. Procedures in Court

(1) At the commencement or at any stage of any proceedings the Court may give such directions as may be necessary for the just and expeditious determination of all issues before it.

(2) The Court is not bound to follow any particular order of proceedings but may adopt such order as it sees fit at the commencement or at any later stage in the proceedings.

(3) The Court shall not be bound to follow the rules of evidence set out in the Evidence Act but may apply or adopt as many of them as may be appropriate in particular proceedings.

(4) The Court shall conduct any trial or hearing in such manner as it considers most suitable avoiding legal technicalities and formalities when appropriate for the just determination of the proceedings before it.

(5) The Court may on its own initiative or at the request of any party use video and audio equipment and other aids and facilities to display photographs, maps or other physical or electronic material to assist with the determination of the facts.

(6) Upon completion of a trial or hearing the parties shall be entitled to make oral and or written submissions on the evidence and the relevant law.

(7) After completion of a trial or hearing the Court may on its own initiative or on the application of any party reopen any proceeding to take fresh evidence when it considers it just and expedient to do so.

48. Preliminary Legal Submissions

Before the commencement of a trial each party is entitled to make preliminary legal submissions provided that adequate notice thereof is given on the Pre-Trial Questionnaire

49. Opening Submissions

At the commencement of a trial each party or his representative may, at the invitation of the Court, make opening submissions highlighting and directing the Court's attention to selected aspects of his case.

50. Examination of Witnesses

(1) Subject to Rule 22, each witness shall first give his evidence-in-chief on oath and thereafter be cross examined and re-examined in sequence.

(2) On the application of any party or on its own initiative, the Court may recall a witness to answer particular questions after which he may be subject to further cross examination and re-examination.

(3) The Court may interrupt any proceedings for the purpose of summoning any witness it deems desirable to give evidence or produce documents towards the just determination of a Reference or any part of it.

51. Dealing with Contempt

On the application of any party or on its own initiative, the Court may interrupt or adjourn any trial or hearing for the purpose of dealing with any contempt of court arising during the proceeding.

52. Adjournments

On the application of any party or on its own initiative, the Court may adjourn any trial or hearing for such period of time as it sees fit.

53. Judgments, Decisions and Rulings

(1) Subject to the Act and these Rules, at any time during the conduct of its proceedings the Court may on the application of any party or on its own initiative make such orders as it sees fit, including any of the following:

- (a) An injunctive order
- (b) A prohibitory order
- (c) A declaratory order
- (a) An order for specific performance
- (e) An order for the payment of costs
- (j) An order for the payment of interest on severance pay
- (g) Any other order as the Court sees fit to meet the end of justice

(2) As soon as practicable after the completion of a trial or hearing, the Court shall deliver a judgment, decision or ruling or order after considering the evidence, the law and the submissions of the representatives of the parties

(3) A written Judgment, Decision or Ruling of the Court must be signed by the President or Chairman and other Members who adjudicated the matter

(4) An order of the Court may be signed by the President, the Chairman, a Member or the Registrar of the Court

MATTERS ARISING AFTER TRIAL

54. Correcting Clerical Mistakes

On the application of any party or on its own initiative the Court may rectify clerical or arithmetical errors in any Judgment, Decision, Order or Award.

55. Registrar's Certificate

(1) On the application of any interested party the Registrar shall issue a certificate under Section 13 (2) of the Act specifying the amount(s) due and payable under an Award or Order of the Court.

(2) Where no amounts are due and payable under any award or order, the Registrar may issue a certificate as to the outcome of any proceedings before the Court.

(3) The Registrar's Certificate must be in Form 14 or such amendment or variation thereof as the President may determine.

56. Enforcement of Judgments, Orders and Awards

The Order or award specified in the Registrar's Certificate may be filed and enforced in the High Court upon application to that court pursuant to the appropriate rule of the Civil procedure Rules 2000.

57. Appeals to the Court of Appeal

(1) Any party dissatisfied with the Judgment, Order or Award of the Court may apply to the Court of Appeal of the Eastern Caribbean Supreme Court in accordance with the relevant rule of the Civil Procedure Rules 2000.

(2) A party appealing against the Judgment, Decision, or Order of the Court must provide the Court with a copy of the Notice of Appeal filed in the High Court.

(3) After its determination, the party who filed the appeal must notify the Court of the Decision or Judgment of the Court of Appeal.

PRESCRIBED FORMS

58. Description and use of Forms

The Forms prescribed in the Schedule to these Rules must be used for the respective to which they apply, viz:

Form 1 (Rule 12): Reference of Trade Dispute:

Trade Disputes referred by groups of Employees or Employers.

Form 2 (Rule 12): Reference of Trade Dispute by Minister:

Trade Dispute referred by the Minister.

Form 3 (Rule 12): Reference of Industrial Action:

Industrial Action in the form of strikes or lockouts referred by groups of Employees or Employers.

Form 4 (Rule 12): Application by Minister for Injunction

Application by the Minister to stop commencement or continuation of a strike or lockout.

Form 5 (Rule 12): Reference of Complaint:

Complaints of Unfair Dismissal, Suspensions and similar matters of unfair treatment or conduct referred by employees or employers.

Form 6 (Rule 13): Conciliation Certificate (Rule

Certificate to be endorsed on or filed with the Reference

Form 7 (Rule 23 (2)): Notice of Intervention by Attorney General:

Intervention by the Attorney General in matters of public interest.

Form 8 (Rule 30 (3)): Application for Interpretation of Order, Award, Collective Agreement

Form 9 (Rule 32) (2): Pre-Trial Questionnaire

Questionnaire to be completed by each party at least 14 days before trial.

Form 10 (Rules 34 (7), 35(5), 36(2), 37(2), 38 (2), 40 (1), 41) (5): Application

Application by party for an Interim Remedy, Summary Judgment, Judgment in Default and Striking out a Reference

Form 11 (Rule 39) (2): Notice of Discontinuance

Notice by the party who filed a Reference of his intention to discontinue the proceedings.

Form 12 (Rule 42 (1)): Summons to attend Contempt Proceedings

Summons on the application of a party for order imposing a penalty for contempt.

Form 13 (Rule 42 (2)): Witness Summons:

Summons by the Registrar requiring witnesses to attend Court to give evidence and produce documents.

Form 14 (Rule 55 (3)): Registrar's Certificate

Certificate by Registrar specifying amounts due and payable to a party pursuant to an Order or Award of the Court upon the determination of a Reference.

THE SCHEDULE

FORM 1

(Rule 12)

THE INDUSTRIAL COURT OF ANTIGUA AND BARBUDA

REFERENCE NO.: TD _____ of 20 ____

BETWEEN:

AB

*Employees (Represented by Union)/ *Employer

And

CD

*Employer/*Employees (Represented by Union)

REFERENCE OF TRADE DISPUTE

Pursuant to **Section 19 (2) of the Industrial Court Act**, notification is hereby given of a Trade Dispute between of and of

The Court is required to exercise its jurisdiction under Section 7 (1) (a) the Act.

The said *Employees/ *Employer*is/*are represented at this Reference by whose address for service is

The main issue(s) in dispute between the parties *is/*are:-

- 1)
- 2)

This Reference is (*not) accompanied by a Memorandum of Claim.

Dated day of 20 ..

.....

Representative of *Employee/*Employer

*Delete if not applicable

This Reference was filed by _____ whose address for service is _____

Telephone: _____ Fax: _____ Email: _____

The Industrial Court Office is at the 3rd Floor, Aflak Building, Corner of Redcliffe St. and Friendly Alley, St John’s, Antigua Telephone 462 3928/ 562 2427; Fax: 562 2878; Email: _____

FORM 2

(Rule 12)

THE INDUSTRIAL COURT OF ANTIGUA AND BARBUDA

REFERENCE NO.: TD/M _____ of 20 ____

BETWEEN:

A B

*Employees (Represented by Union)/ *Employer

And

C D

*Employer/*Employees (Represented by Union)

REFERENCE OF TRADE DISPUTE BY MINISTER

Pursuant to **Section 19 (1) of the Industrial Court Act**, notification is hereby given by the Minister of the existence of a Trade Dispute between of and of

The Court is required to exercise its jurisdiction under **Section 7 (1) (a) of the Act**.

The said *Employees/*Employer*is/*are represented at this Reference by whose address for service is

The main issue(s) in dispute between the parties *is/*are:-

- 1)
- 2)

This Reference is (*not) accompanied by a Memorandum of Claim.

Dated day of 20 ..

.....

*Minister/*Representative of Minister

*Delete if not applicable

This Reference was filed by _____ whose address for service is _____

Telephone: _____ Fax: _____ Email: _____

The Industrial Court Office is at the 3rd Floor, Aflak Building, Corner of Redcliffe St. and Friendly Alley, St John’s, Antigua Telephone 462 3928/ 562 2427; Fax: 562 2878; Email: _____

FORM 3

(Rule 12)

THE INDUSTRIAL COURT OF ANTIGUA AND BARBUDA

REFERENCE NO.: IA/ _____ of 20 ____

BETWEEN:

AB

*Employees (Represented by Union)/ *Employer

And

CD

*Employer/*Employees (Represented by Union)

REFERENCE OF INDUSTRIAL ACTION

Notification is hereby given of the existence of an Industrial Action by way of a *strike/ *lockout by, the *Employees/*Employer, against, the *Employer/Employee* at the Employer’s premises situated at in Antigua & Barbuda

The Court is required to exercise its jurisdiction under **Section 7 (1) (b) of the Industrial Court Act.**

The said *Employees/*Employer *is/*are represented at this Reference by whose address for

service is

The main issue(s) in dispute between the parties *is/*are:-

1)

2)

This Reference is (*not) accompanied by a Memorandum of Claim.

Dated day of 20

.

Representative of the *Employees/*Employer

*Delete if not applicable

This Reference was filed by

whose address for service is

Telephone:

Fax:

Email:

The Industrial Court Office is at the 3rd Floor, Aflak Building, Corner of Redcliffe St. and Friendly Alley, St John's, Antigua Telephone 462 3928/ 562 2427; Fax 562 2878; Email

FORM 4

(Rule 12)

THE INDUSTRIAL COURT OF ANTIGUA AND BARBUDA

REFERENCE NO.: IA/M _____ of 20 ____

BETWEEN:

AB

*Employees (Represented by Union)/ *Employer

And

CD

*Employer/*Employees (Represented by Union)

APPLICATION BY MINISTER FOR INJUNCTION

Pursuant to Section 21 (1) of the Industrial Court Act application is hereby made by the

Minister for an injunction restraining of , the
*Employees/*Employer from *commencing/*continuing their/its *strike/*lockout.

The grounds of this application are:

- 1)
- 2)

This Application is accompanied by a Minister’s Memorandum and a Supporting Affidavit.

Dated the day of , 20
.

*Minister/*Representative of Minister

*Delete if not applicable

This Reference was filed by whose address for service is

Telephone: Fax: Email:

The Industrial Court Office is at the 3rd Floor, Aflak Building, Corner of Redcliffe St. and Friendly Alley, St. John’s, Antigua Telephone 462 3928/ 562 2427; Fax 562 2878; Email

FORM 5

(Rule 12)

THE INDUSTRIAL COURT OF ANTIGUA AND BARBUDA

REFERENCE NO.: C/_____ of 20__

BETWEEN:

AB

*Employees (Represented by .. . Union)/ *Employer

And

CD

*Employer/*Employees (Represented by .. . Union)

REFERENCE OF COMPLAINT

Notification is hereby given of the existence of a Complaint by A .. B of Antigua and Barbuda, the *Employee/*Employer, against C .. D of , the *Employer/*Employee.

The Court is asked to exercise its jurisdiction under Section 7 (1) (c) of the Industrial Court Act.

The said *Employee/*Employer is represented at this Reference by whose address for service is

The main issue(s) in dispute between the parties *is/*are:-

- 1)
- 2)

This Reference is (*not) accompanied by a Memorandum of Claim.

Dated day of 20

.....
Representative of *Employee/*Employer

*Delete if not applicable

This Reference was filed by

whose address for service is

Telephone:

Fax:

Email:

The Industrial Court Office is at the 3rd Floor, Aflak Building, Corner of Redcliffe St. and Friendly Alley, St John’s, Antigua Telephone 462 3928/ 562 2427; Fax 562 2878; Email

FORM 6

(Rule 13)

THE INDUSTRIAL COURT OF ANTIGUA AND BARBUDA

REFERENCE NO.: _____ **of 20**_____

BETWEEN:

AB

*Employees (Represented by Union)/ *Employer

And

CD

*Employer/*Employees (Represented by Union)

CONCILIATION CERTIFICATE

I/ WE, _____, the above-named Employee(s) / Employer(s) Claimant(s) herein, hereby certify that Conciliation Proceedings at the Labour Department in respect of the relevant issue(s) have been completed no less than 30 days before the filing of this Reference.

Signed:

.....

The Employee(s) / Employer(s)

This Certificate was filed by

whose address for service is

Telephone: Fax: Email:

The Industrial Court Office is at the 3rd Floor, Aflak Building, Corner of Redcliffe St. and Friendly Alley, St John’s, Antigua Telephone 462 3928/ 562 2427; Fax: 562 2878; Email

FORM 7

(Rule 23 (2))

THE INDUSTRIAL COURT OF ANTIGUA AND BARBUDA

REFERENCE NO.: _____ of 20 ____

BETWEEN:

A B

*Employees (Represented by Union)/ *Employer

And

C D

*Employer/*Employees (Represented by Union)

NOTICE OF INTERVENTION BY ATTORNEY GENERAL

TAKE NOTICE that the Attorney General hereby intervenes in this Reference pursuant to Section 18 (1) of the Industrial Court Act on the ground that it involves:

- 1) *A question of public importance;
- 2) *A matter affecting the public interest.

This Notice *is/*not accompanied by a Memorandum of Intervention.

Dated the Day of, 20

.

*Attorney General/ *Representative of Attorney General

*Delete if not applicable

This Notice was filed by _____ whose address for service is _____

Telephone: _____ Fax: _____ Email: _____

The Industrial Court Office is at the 3rd Floor, Aflak Building, Corner of Redcliffe St. and Friendly Alley, St John’s, Antigua. Telephone: 462 3928/562 2427; Fax: 562 2878; Email: _____

FORM 8

(Rule 30 (3))

THE INDUSTRIAL COURT OF ANTIGUA AND BARBUDA

REFERENCE NO.: I/ _____ of 20 ____

BETWEEN:

AB

*Employees (Represented by .. . Union)/ *Employer

And

CD

*Employer/*Employees (Represented by .. . Union)

APPLICATION FOR INTERPRETATION OF

ORDER, AWARD, COLLECTIVE AGREEMENT

Pursuant to Section 15 *(i) *(ii) of the Industrial Court Act, application is hereby made by *the Minister, *Trade Union, *Employer for determination of question as to the interpretation or application of the attached *order *award and *collective agreement.

The *Minister, *Trade Union, *Employer is represented at this Reference by
whose address for service is

This reference is accompanied by _____

Dated the day of, 20

..

Representative of *Employee/*Employer

*Delete if not applicable

This Application was filed by _____ whose address for service is _____

Telephone: _____ Fax: _____ Email: _____

The Industrial Court Office is at the 3rd Floor, Aflak Building, Corner of Redcliffe St. and Friendly Alley, St John’s, Antigua. Telephone: 462 3928/562 2427; Fax: 562 2878; Email: _____

FORM 9

(Rule 32) (2)

THE INDUSTRIAL COURT OF ANTIGUA AND BARBUDA

REFERENCE NO.: _____ **of 20** ____

BETWEEN:

AB

*Employees (Represented by .. . Union)/ *Employer
And

CD

*Employer/*Employees (Represented by .. . Union)

PRE-TRIAL QUESTIONNAIRE

TAKE NOTICE that this Pre-Trial Questionnaire is an important Court document. It must be completed filed and served by The information submitted will be used by the Court to assist it with the timely and efficient conduct of the trial.

When your answers are followed by an asterisk (*) symbol, additional information must be provided on a separate page and attached to this questionnaire.

- 1 Has Employee’s /Employer’s Memorandum been filed and served? Yes No *
- 2. Have all the Witness Statements been filed and served? Yes No *
- 3. Have all Exhibits been filed and served? Yes No *
- 4. Are there any outstanding Applications to be heard? Yes * No
- 5. Will any preliminary applications be made at the commencement of trial? Yes * No

6 Are there any “housekeeping” matters to be addressed at the commencement of trial? Yes☐* No☐

7. Is the trial estimated to last more than one (1) day? Yes☐* No☐

8. The Representative whose name and signature appears below will represent the Employee/Employer at trial. Yes☐ No☐*

9. Are you ready for trial? Yes☐ No☐*

10. Are you aware of any circumstances which may delay the Commencement/completion of the trial? Yes☐* No☐

Dated the day of , 20

.....
Name of Attorney-at-Law/Representative
of the Employee/Employer

.....
Signature

This Questionnaire was filed by _____ whose address for service is _____

Telephone: _____ Fax: _____ Email: _____

The Industrial Court Office is at the 3rd Floor, Aflak Building, Corner of Redcliffe St. and Friendly Alley, St John’s, Antigua. Telephone: 462 3928/562 2427; Fax: 562 2878; Email:

FORM 10

(Rules 34(7), 35 (5), 36(2), 37(2), 38 (2), 40(1) 41(5))

THE INDUSTRIAL COURT OF ANTIGUA AND BARBUDA

REFERENCE NO.: _____ of 20 ____

BETWEEN:

A B

*Employees (Represented by Union)/ *Employer

And

C D

*Employer/*Employees (Represented by Union)

APPLICATION

I/We the Employee/Employer
Representative of hereby apply for an order that

.

The grounds of this application are

1)

An Affidavit in support is filed with this application

Dated the day of , 20

.

Representative of *Employee/*Employer

*Delete if not applicable

This Application was filed by _____ whose address for service is

Telephone: _____ Fax: _____ Email: _____

The Industrial Court Office is at the 3rd Floor, Aflak Building, Corner of Redcliffe St. and
Friendly Alley, St John’s, Antigua. Telephone: 462 3928/562 2427; Fax: 562 2878; Email:

FORM 12

(Rule 42 (1))

THE INDUSTRIAL COURT OF ANTIGUA AND BARBUDA

REFERENCE NO.: _____ **of 20** ____

BETWEEN:

A B

*Employees (Represented by Union)/ *Employer

And

C D

*Employer/*Employees (Represented by Union)

SUMMONS TO ATTEND CONTEMPT PROCEEDING

To of

Name Address of person to be served with notice

TAKE NOTICE that you are required to attend the Industrial Court Sitting at in St John’s, Antigua and Barbuda on the day of 20 at . . o’clock in the *morning/*after noon on the hearing of an application for an order to impose a penalty on you for contempt of Court.

Details of Contempt

This application is accompanied by an Affidavit in Support.

Dated the day of, 20

REGISTRAR

*Delete if not applicable

This Summons was filed by _____ whose address for service is _____

Telephone: _____ Fax: _____ Email: _____

The Industrial Court Office is at the 3rd Floor, Aflak Building, Corner of Redcliffe St. and Friendly Alley, St John’s, Antigua. Telephone: 462 3928/ 562 2427; Fax: 562 2878; Email: _____

FORM 13

(Rule 42 (2))

THE INDUSTRIAL COURT OF ANTIGUA AND BARBUDA

REFERENCE NO.: _____ **of 20**__

BETWEEN:

A B

*Employees (Represented by Union)/ *Employer

And

C D

*Employer/*Employees (Represented by Union)

WITNESS SUMMONS

To

Insert name and address of person summoned

YOU A HEREBY SUMMONED TO APPEAR before the Industrial Court sitting at in St John’s, Antigua and Barbuda on the day of at o’clock in the *morning/*afternoon to give evidence in relation to the above named Reference.

You are required to bring with you and produce the following documents:

- 1)
- 2)

Dated the day of, 20

REGISTRAR

*Delete if not applicable

This Summons was filed by _____ whose address for service is _____

Telephone: _____ Fax: _____ Email: _____
The Industrial Court Office is at the 3rd Floor, Aflak Building, Corner of Redcliffe St. and _____

Friendly Alley, St John’s, Antigua Telephone 462 3928/ 562 2427; Fax: 562 2878; Email:

FORM 14

(Rule 55 (3))

THE INDUSTRIAL COURT OF ANTIGUA AND BARBUDA

REFERENCE NO.: _____ of 20 ____

BETWEEN:

A B

*Employees (Represented by Union)/ *Employer

And

C D

*Employer/*Employees (Represented by Union)

**REGISTRAR’S CERTIFICATE AS TO AMOUNTS PAYABLE
UNDER COURT ORDER/AWARD**

I HEREBY CERTIFY that the *compensation/*damages fine amounting to \$..... *is/*are due and payable by to pursuant to the *order/*award of the Industrial Court dated the day of 20 whereby it was *adjudged/*ordered that

Dated the day of , 20

.....
Registrar of the Industrial Court

The Industrial Court Office is at the 3rd Floor, Aflak Building, Corner of Redcliffe St. and Friendly Alley, St John’s, Antigua Telephone: 462 3928/ 562 2427; Fax: 562 2878; Email:

THE INDUSTRIAL COURT (PROCEDURE) RULES 2015

Made the 18th day of December, 2015

Charlesworth O. D. Brown
President
The Industrial Court of Antigua and Barbuda