

SUPPLEMENT to the Solomon Islands GazetteTuesday 27th October, 2009

S.I. No.39

[Legal Notice No. 64]

**ESSENTIAL SERVICES ACT
(Cap. 12)****ESSENTIAL SERVICES REGULATIONS 2009**

IN exercise of the powers conferred upon me by section 2(2) of the Essential Services Act, I make these Regulations –

- | | |
|---------------------------------|--|
| Citation | 1. These Regulations may be cited as the Essential Services Regulations 2009. |
| Service of notice on Government | 2. Where a notice referred to in section 2(2) of the Act is to be served on the Government, the notice shall also be given to the Permanent Secretary responsible for public service. |
| Distribution of notice | 3. The Permanent Secretary responsible for public service shall upon receipt of such notices provide copies thereof to the Permanent Secretaries responsible for the Ministries wherein the persons giving the notices are employed. |
| Forms | 4. (1) A notice given under section 2(2) of the Act for withdrawal of labour by an employee or lock out by an employee shall be in Form A for an employee and Form B for an employer, as set out respectively in the Schedule. |
| | (2) A notice given under section 2(2) of the Act by a trade union or association, for withdrawal of labour shall be in Form C set out in the Schedule. |
| | (3) A notice in Form C given by a trade union or association does not affect the right of the members of that union to also give a notice in Form A. |

Cessation of notice

5. Any notice issued under these Regulations shall, for the purposes of carrying out withdrawal of labour or lock-out, cease to have effect after the grievances stated in the notice have been negotiated or enquired into by way of conciliation, mediation or arbitration pursuant to law or agreed procedures.

Offence

6. A person who wilfully makes a statement false in a material particular and the statement is made in a Form set out in the Schedule (including the list of employees required in Form C) commits an offence and is liable to a fine not exceeding 5,000 penalty units or to imprisonment for a term not exceeding six months.

SCHEDULE

(Regulation 4)

FORM A - Notice of Withdrawal of labour by employee or lock-out by an employee

Date of Notice:

Name of employee:

Position or Occupation:

Place of employment:

To:

.....

Notice is hereby given by me, whose particulars are stated above, pursuant to section 2 of the Essential Services Act, that I shall after lapse of days from the date of this notice, [**withdraw my labour from my occupation and place of employment/cause to close the place of my employment/cause to suspend work relating to my occupation*] unless my grievance stated below are resolved.

The reason(s) for grievance is/are as follows:

(a)

(b)

(c)

Signature of employee:

In the presence of:

Note: Notice must not be earlier than 28 days nor be more than 48 days.

*Delete inapplicable

FORM B - Notice of Lock-out by an employer

Date of Notice:

Name of employer:

Place of employment:

To:

.....

Notice is hereby given by me, whose particulars are stated above, pursuant to section 2 of the Essential Services Act, that I/our company shall after lapse of days from the date of this notice, [**lock-out my/our employees from my/our place of employment or cause lock-out*] unless my/our grievances stated below are resolved before the lapse of the period of days stated above.

The reason(s) for my grievance is/are as follows:

(a)

(b)

(c)

Signature of employer:

In the presence of:

Note: Notice must not be earlier than 28 days nor be more than 48 days.

*Delete inapplicable

Form C - Notice of Withdrawal of Labour by a trade union/association

Date of Notice:

Name of Trade Union/Association:
.....

Address:

To (Employer):

Address:

Notice is hereby given, pursuant to section 2 of the Essential Services Act, on behalf of the employees mentioned in the list below that after lapse of days from the date of this notice, the employees shall [**withdraw their labour from my occupation and place of employment/cause to close the place of their employment/cause to suspend work relating to their occupation*] unless their grievances stated below are resolved before the lapse of the period of days stated above.

The reason(s) for grievance is/are as follows:

- (a)
- (b)
- (c)
- (d)
- (e)

The employees who are members of this Union or Association made the resolution at a meeting of members held on which was attended by all employees named in the list below.

Signature (for the Union/Association):

In the presence of:

Note: Notice must not be earlier than 28 days nor be more than 48 days.

*Delete in applicable

List of Employees

Sequence Number	Full Names	Occupation or Position	Place of Employment

MADE AT HONIARA this twenty-sixth day of October, 2009.

DR. DEREK SIKUA
PRIME MINISTER

Honiara, Solomon Islands
Printed under the authority of the
Solomon Islands Government

Printed by Solomon Islands Printers Limited.