

## Industrial Relations Act 1996 No 17

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Chapter 3 > Part 4

### Part 4 Miscellaneous provisions relating to industrial disputes

#### 143 Strike pay prohibited

- (1) An employer who pays any remuneration or provides any other financial benefit to an employee in respect of time spent by the employee in engaging in industrial action is guilty of an offence.  
Maximum penalty: 100 penalty units.
- (2) The employer is not guilty of an offence if the payment of the remuneration or provision of the financial benefit was authorised or ordered by the Commission.
- (3) The Commission may, on the application of an industrial organisation of employees, authorise the payment of remuneration or the provision of financial benefits that would otherwise constitute an offence under this section. The Commission may, instead, order the employer to pay any such remuneration or provide any such benefit if it considers it appropriate in the circumstances.
- (4) The Commission may authorise or order an employer to do so:
  - (a) only if the applicant satisfies the Commission that the relevant industrial action was based on a reasonable concern for health or safety, and
  - (b) only to the particular employees whose health or safety caused that concern.
- (5) For the purposes of this section, industrial action is not based on a reasonable concern for health or safety if the employees whose health or safety is alleged to be involved have engaged in industrial action instead of complying with a direction by the employer:
  - (a) to move to a specified safe place in the work place or to another suitable workplace, and
  - (b) to do other appropriate and available work there if required.
- (6) In this section, *employer* includes a person acting on behalf of the employer.

#### 144 Determination of demarcation questions concerning occupations

- (1) The Commission may, for the purpose of resolving an industrial dispute during arbitration proceedings, determine any question as to the right of employees in particular occupations to do particular work in an industry to the exclusion of employees in other occupations.
- (2) Any such determination is to be made by an award of the Commission.
- (3) This section does not limit the power of the Commission to make an award relating to the occupations of employees who may do specified work in an industry to the exclusion of other employees.