

## **PUBLIC SERVICE (GRIEVANCE AND DISPUTE PROCEDURES) REGULATIONS 2006**

### **Explanatory Note**

(This note does not form part of these Regulations and is intended only to explain its purpose and effect.)

These Regulations make provision for the resolution of individual employment grievances and collective employment disputes.

An important purpose of these Regulations is to recognise the industrial right of an employee to dispute individually or collectively, conditions of employment that is disadvantageous, discriminatory, unfair or detrimental to him.

#### **Employment Grievances**

The Regulations fix a process for workers to pursue employment grievances individually. In regulation 4 the aggrieved employee must give notice to the Public Service Commission within 10 working days from the date the alleged action occurred. Regulation 6 provides that the Commission shall within 5 working days of receipt of the notice, call a meeting with the employee.

If the grievance is not settled informally, a formal procedure is also fixed and a time frame set for determination of the employment grievance. Regulation 10 provides for the employee's right of appeal to Cabinet.

#### **Employment Disputes**

Employment Dispute procedure is fixed for the resolution of employment disputes between a collective employee organisation and the employer. Regulation 14 provides for an informal process where the Secretary and the association meet with an attempt to resolve the dispute. If the dispute is not resolved in that meeting, regulation 15 fixes a formal procedure and a time frame set for its determination.

## **PUBLIC SERVICE ACT 2002**

### **PUBLIC SERVICE (GRIEVANCE AND DISPUTE PROCEDURES) REGULATIONS 2006**

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**PUBLIC SERVICE ACT 2002**  
**(Sections 21 & 22)**

**PUBLIC SERVICE (GRIEVANCE AND DISPUTE PROCEDURES) REGULATIONS 2006**

In exercise of the powers conferred by sections 21 and 22 of the Public Service Act 2002, the Prime Minister with the consent of Cabinet makes the following Regulations:

**PART I PRELIMINARY**

- |                       |    |   |
|-----------------------|----|---|
| <b>Short Title</b>    | 1. | These Regulations may be cited as the Public Service (Grievance and Dispute Procedures) Regulations 2006.   |
| <b>Interpretation</b> | 2. | <p>In these Regulations, unless the context otherwise requires –</p> <p>“association” means an employee association registered according to law;</p> <p>“Commission” means the Public Service Commission established under the Public Service Act 2002;</p> <p>“designated officer” means any person designated by the Commission under these Regulations ;</p> <p>“employment dispute” means a dispute between the employer and an association, relating to terms and conditions of employment;</p> <p>“employee” means all persons employed in the Public Service;</p> <p>“employer” means the Commission on behalf of Government;</p> <p>“employment grievance” means a grievance that an employee, may have against the employer or another employee where he claims that -</p> <ul style="list-style-type: none"><li>(a) his employment, or one or more conditions of it, is or are affected to his disadvantage by unjustifiable action taken by the employer; or</li><li>(b) that his employment conditions disadvantage or discriminate against him.</li></ul> <p>“Head of Department” means any person in charge of the administration of a Ministry, who is employed under a fixed contract of employment under the Public Service Act 2002;</p> <p>“industrial action” means any collective action by an association with the purpose of improving wages, salaries or conditions of employment; and</p> <p>“Secretary” means the Secretary of the Public Service Commission appointed under the Public Service Act 2002.</p> |

**PART II EMPLOYMENT GRIEVANCE RESOLUTION**

- Interpretation** 3. For the purposes of this part of these Regulations –  
“employer” means the Head of Department or Commission.
- Notice of employment grievance** 4. (1) An employee, who has an employment grievance shall give notice to the –  
(a) Head of Department, where the employment grievance relate to another employee in the Public Service; or  
(b) Commission where the employment grievance relates to the Head of Department  
within a period of 10 working days from the date the action alleged occurred or the employee was notified or had knowledge.
- Confidentiality** 5. The employment grievance shall be kept confidential between the parties.
- Grievance Process: informal** 6. (1) The employer shall call a meeting with the employee within 5 working days from receipt of the notice.  
(2) The employer and the employee shall in the meeting called under this regulation discuss the employment grievances in the notice.  
(3) The purpose of the discussions under sub-regulation (2) is to resolve the employment grievances.  
(4) The outcome of the discussions and the meeting shall be recorded by the employer in writing.  
(5) Each party is entitled to have a third party for moral support and shall not participate in the discussion at such a meeting.
- Grievance Process: formal** 7. The employee shall, where the employment grievance is not resolved in the meeting called under regulation 5, within a period of 14 working days from the date of impasse, give to the employer a written statement setting out the –  
(a) nature of the grievance;  
(b) facts giving rise to the grievance; and  
(c) remedy sought.
- Response to employee’s statement** 8. The employer shall, within 10 working days of receipt of the employee’s statement of the employment grievance provide to the employee a written response setting out his–  
(a) understanding of the facts; and  
(b) decision with reasons.

**Remedies - employment grievances** 9. The employer may in resolving employment grievances under these Regulations –

- (a) reinstate the aggrieved employee;
- (b) reinstate the employee in a position equal to the former employment position;
- (c) reimburse of wages or salary lost;
- (d) make appropriate recommendations concerning future behaviour or actions of the parties involved;
- (e) maintain the status quo; or
- (f) give any other appropriate remedy.

**Right of appeal** 10. (1) The employee shall have a right of appeal to Cabinet against –

- (a) any decision of the employer; or
- (b) non-compliance by the employer with the procedural requirements of this Part of the Regulations.

(2) The employee shall, within 14 working days of receipt of the decision on the employment grievance file its appeal with the Secretary.

(3) The Secretary shall within 3 working days from the date the appeal was filed, submit the appeal to Cabinet.

**Determination of appeal** 11. The appeal shall be determined within 20 working days from the date the appeal was filed with the Secretary.

**PART III EMPLOYMENT DISPUTE RESOLUTION**

**Notice of employment dispute** 12. (1) In an employment dispute an association which is a party to the dispute shall give the Secretary written notice stating the –

- (a) facts;
- (b) grounds or basis; and
- (c) remedy sought.

**Commencement date of employment dispute** 13. An employment dispute commences from the date the association gives written notice of the employment dispute to the Secretary.

**Dispute Process: informal** 14. (1) The Secretary shall, call a meeting with the association within a period of 10 working days of receipt of the notice, discuss the employment dispute with a representative of the association with an attempt to resolve the employment

dispute.

- (2) Where the employment dispute is not resolved in discussion between the representative of the association and the Secretary, the Secretary shall, within a period of 14 working days from the date of impasse, forward the written notice of employment dispute with details to the Commission.
- Dispute Process: formal** 15. The Commission shall, within 15 working days of receipt of notice of an employment dispute, designate an officer to investigate the dispute.
- Investigation** 16. The designated officer shall –
- (a) commence investigation of the employment dispute, within 7 working days of his designation and meet with the association or their representative and Head of Department; and
  - (b) within 15 working days of his investigation, compile and forward a written report to the Commission and association.
- Determination of dispute** 17. The Commission shall, within 20 working days of receipt of the report from the designated officer–
- (a) determine the employment dispute; and
  - (b) give a written decision with reasons.
- Decision served on association** 18. The Secretary shall, within 3 working days of receipt of decision from the Commission, provide the association with a copy.
- Right of Appeal** 19. (1) The Association shall have a right of appeal to Cabinet against –
- (a) any decision of the Commission; or
  - (b) non-compliance by the employer with the procedural requirements of this Part of the Regulations.
- (2) The Association shall file its written appeal with the Secretary within 14 working days of receipt of the decision.
- Determination of appeal** 20. The appeal shall be determined within 20 working days from the date the appeal was filed with the Secretary.

#### **PART IV MISCELLANEOUS**

- Notice of participation in industrial action** 21. An employee who intends to participate in industrial action shall give written notice to the Head of Department, no less than 15 working days before participating in industrial action.
- Remedies - employment disputes** 22. The Commission may in resolving employment disputes under these Regulations –

- (a) maintain the status quo;
- (b) make appropriate recommendations concerning future behaviour or actions of the parties; or
- (c) give any other appropriate remedy.

**Sanction**

23. (1) The breach by an employee of any provision of these Regulations shall constitute a serious breach of discipline and such employee shall be dealt with under the Public Service (Disciplinary Procedures) Regulations.
- (2) Any association or employer who is in breach of these Regulations commits an offence and shall be liable to a fine not exceeding \$5000 for each breach.
- (3) Any fine under this Regulation shall be paid to General Revenue.

Made at Nuku'alofa this                      day of                      2006.

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**Hon. Dr. Feleti Sevele**  
Acting Prime Minister

# NGAAHI TU'UTU'UNI KI HE (FOUNGA NGAUE KI HE LOTO MAMAHI MO E VA TAMAKI) NGAUE FAKAPULE'ANGA 2006

## Fakamatala Fakahinohino

(Ko e fakamatala ni 'oku 'ikai ko ha kongia ia 'o e ngaahi Tu'utu'uni ni ka 'oku 'uhinga pē ke ne fakamatala'i 'a hono taumu'a mo hono ngaue'aki)

Ko e ngaahi Tu'utu'uni ni 'oku ne fa'u ha tu'utu'uni ki hono fakalelei'i 'o e ngaahi loto mamahi fakangaue fakafafo'ituitui mo e ngaahi va tamaki fakangaue fakatahataha.

Ko e taumu'a mahu'inga 'e taha 'o e ngaahi Tu'utu'uni ni ko hono fakatokanga'i 'a e totonu fakangaue 'a e taha ngaue ke ne 'eke'i fakafafo'ituitui pe fakatahataha, ha ngaahi tu'unga 'o e ngaue 'a ia 'oku kau kovi, fakakehekehe'i hala, filifili manako pe uesia kovi ki ai.

## Ngaahi Loto Mamahi Fakangaue

Ko e ngaahi Tu'utu'uni ni 'oku ne fa'u ha founga fakahoko ngaue ma'ae kau ngaue ke fakahoko'aki 'a e ngaahi loto mamahi fakafafo'ituitui. 'I he tu'utu'uni 4 kuo pau ke 'oatu 'e he taha ngaue loto mamahi ha tohi fakaha ki he Komisoni Ngaue Fakapule'anga 'i loto 'i he 'aho ngaue 'e 10 mei he 'aho na'e hoko ai 'a e ngaue 'oku fai ki ai 'a e tukuaki'i. 'I he tu'utu'uni 6, kuo pau ki he Komisoni 'i loto 'i he 'aho ngaue 'e 5 hili hono ma'u 'o e tohi fakaha, ke ne ui ha fakataha mo e taha ngaue.

Kapau ko e loto mamahi kuo te'eki ke fakalelei'i 'i hono talanoa'i pe, kuo toe fa'u pea mo ha founga ngaue 'oku lekooti 'a e me'a kotoa pea mo ha vaha'a taimi fe'unga ki hono fakamaau'i 'o e loto mamahi fakangaue. 'Oku 'i ai 'a e totonu ke tangi ki he Kapineti.

## Ngaahi Va Tamaki Fakangaue

Ko e founga ngaue ki he va tamaki fakangaue kuo fa'u ki hono fakalelei'i 'o e ngaahi va tamaki fakangaue 'i he va 'o ha kautaha ngaue fakatahataha pea mo e pule ngaue. 'I he tu'utu'uni 14 kuo fa'u ha founga ngaue 'a ia 'oku fakataha ai 'a e Sekelitali mo e kautaha 'i he feinga ke fakalelei'i 'a e va tamaki. 'Okapau 'e 'ikai fakalelei'i 'a e va tamaki 'i he fakataha ko ia, 'oku fa'u 'e he tu'utu'uni 15 'a e founga ngaue ki hono lekooti pea mo ha vaha'a taimi ki hono fakamaau'i.



**LAO KI HE NGAUE FAKAPULE'ANGA 2002**

**NGAAHI TU'UTU'UNI KI HE (FOUNGA NGAUE KI HE LOTO MAMAHI MO E VA TAMAKI) NGAUE FAKAPULE'ANGA 2006.**

**Fokotu'utu'u 'o e Ngaahi Tu'utu'uni**

**Konga I Talateu**

1. Hingoa nounou
2. 'UHINGA'I LEA

**Konga II Fakalelei ki he Ngaahi Loto Mamahi Fakangaue**

3. 'UHINGA'I LEA
4. Fakaha 'o e loto mamahi fakangaue
5. Fakapulipuli
6. FOUNGA NGAUE KI HE LOTO MAMAHI – fakafaingofua (informal)
7. FOUNGA NGAUE KI HE LOTO MAMAHI – fakalao (formal)
8. Tali ki he fakamatala 'a e taha ngaue
9. Ngaahi fakalelei – loto mamahi fakangaue
10. Totonu ke Tangi
11. Fakamaau'i 'o e Tangi

**Konga III Fakalelei ki he Va Tamaki Fakangaue.**

12. Tohi fakaha 'o e va tamaki fakangaue
13. 'Aho kamata'anga 'o e va tamaki fakangaue
14. FOUNGA NGAUE KI HE VA TAMAKI – fakafaingofua (informal)
15. FOUNGA NGAUE KI HE VA TAMAKI – fakalao (formal)
16. Fakatotolo
17. Fakatonutonu 'o e va tamaki
18. Tu'utu'uni kuo tufa atu ki he kautaha
19. Totonu ke tangi
20. Fakamaau'i 'o e Tangi

**Konga IV Me'a Kehe**

21. Tohi fakaha 'o e kau atu ki he fakahaloto fakakautaha ngaue (industrial action)
22. Ngaahi fakalelei – ngaahi va tamaki fakangaue
23. Ngaahi tautea

**LAO KI HE NGAUE FAKAPULE'ANGA 2002**  
**(Kupu 21 & 22)**

**NGAAHI TU'UTU'UNI KI HE (FOUNGA NGAUE KI HE LOTO MAMAHI MO E VA TAMAKI) NGAUE FAKAPULE'ANGA 2006**

T hono ngaue'aki 'a e ngaahi mafai kuo foaki 'e he kupu 21 mo e 22 'o e Lao ki he Ngaue Fakapule'anga 2002, kuo fa'u 'e he Palemia 'i he loto ki ai 'a e Kapineti 'a e ngaahi Tu'utu'uni ni:

**KONGA I TALATEU**

- Hingoa nounou** 1. 'E ui 'a e ngaahi Tu'utu'uni ni ko e Ngaahi Tu'utu'uni ki he (Founga Ngaue ki he Loto Mamahi mo e Va Tamaki) Ngaue Fakapule'anga 2006.
- 'UHINGA'I LEA** 2. 'I he ngaahi Tu'utu'uni ni, tukukehe 'oka fiema'u ha 'uhinga kehe hono tu'unga –
- “kautaha” 'oku 'uhinga ki ha kautaha fakakaungae kuo lesisita 'o fakataau ki he lao;
- “Komisoni” 'oku 'uhinga ki he Komisoni Ngaue Fakapule'anga kuo fokotu'u 'i he malumalu 'o e Lao ki he Ngaue Fakapule'anga 2002.
- “'ofisa kuo vahe'i” 'oku 'uhinga ki ha fa'ahinga taha pe kuo vahe'i 'e he Komisoni 'i he malumalu 'o e ngaahi Tu'utu'uni ni;
- “va tamaki fakangaue” 'oku 'uhinga ki ha va tamaki 'i he va 'o e pule ngaue pea mo ha kautaha, felave'i mo ha ngaahi tu'unga 'o e ngaue;
- “taha ngaue” 'oku 'uhinga ki he taha kotoa pe 'oku ngaue ki he Ngaue Fakapule'anga;
- “pule ngaue” 'oku 'uhinga ki he Komisoni ko e fakafounga 'o e Pule'anga;
- “loto mamahi fakangaue” 'oku 'uhinga ki ha loto mamahi 'a e taha ngaue 'i he pule ngaue pe taha ngaue kehe 'aia 'oku lau 'e ia ko –
- (a) 'ene ngaue, pe ko e tu'unga 'e taha pe lahi hake 'o 'ene ngaue, 'oku pe kuo uesia 'o kau kovi kiai 'i ha ngaue ta'efaitotonu 'a e pule ngaue; pe
- (b) ko e ngaahi tu'unga 'o 'ene ngaue 'oku kau kovi pe fakakehekehe'i hala ia.
- “Pule Potungae” 'oku 'uhinga ki ha fa'ahinga taha pe 'oku ne pule'i 'a hono fakalele 'o ha Potungae, 'a ia 'oku fakangaue'i 'i he alepau ngaue tu'unga pau 'i he Lao ki he Ngaue Fakapule'anga 2002;
- “fakahaloto fakakautaha ngaue” (industrial action) 'oku 'uhinga ia ki ha fa'ahinga fakahaloto fakatahataha 'o ha kautaha 'o e kau ngaue 'oku taumu'a ki hono fakalelei'i 'a e ngaahi vahenga, vahe pe ngaahi tu'unga fakangaue; mo e
- “Sekelitali” 'oku 'uhinga ki he Sekelitali 'o e Komisoni Ngaue Fakapule'anga kuo fakanofu 'i he malumalu 'o e Lao ki he Ngaue Fakapule'anga 2002.

## KONGA II FAKALELEI KI HE LOTO MAMAHI FAKANGAUE

- ‘UHINGA’I LEA** 3. Ki he ngaahi taumu’a ‘o e konga ko ‘eni ‘o e ngaahi Tu’utu’uni ni –  
“pule ngaue” ‘oku ‘uhinga ia ki he Pule Potungaue pe Komisoni.
- Fakaha ‘o e loto mamahi fakangaue** 4. (1) Kuo pau ki ha taha ngaue ‘oku ‘iai ha’ane loto mamahi fakangaue ke ne ‘oatu ha tohi fakaha ki he –  
(a) Pule Potungaue, ‘a ia ko ‘ene loto mamahi ‘oku fekau’aki mo ha taha ngaue kehe ‘i he Ngaue Fakapule’anga; pe  
(b) Komisoni ‘a ia ko ‘ene loto mamahi ‘oku fekau’aki mo e Pule Potungaue  
‘i loto ‘i he vaha’a taimi ko e ‘aho ngaue ‘e 10 mei he ‘aho na’e hoko ai ‘a e ngaue ‘oku fai ki ai ‘a e tukuaki’i pe na’e fakahaa ai ki he taha ngaue pe na’e ‘i ai ha’ane ‘ilo kiai.
- Fakapulipuli** 5. Kuo pau ki he loto mamahi fakangaue ke tauhi ke fakapulipuli ‘i he va ‘o e ongo fa’ahi.
- Founga ngaue ki he loto mamahi : fakafaingofua (informal)** 6. (1) Kuo pau ki he pulu ngaue ke ne ui ha fakataha mo e taha ngaue ‘i loto ‘i he ‘aho ngaue ‘e 5 hili hono ma’u ‘o e tohi fakaha.  
(2) Kuo pau ki he pulu ngaue ‘i he fakataha kuo ui ‘i he tu’utu’uni ni ke na fealea’aki ‘i he ngaahi loto mamahi fakangaue ‘oku ‘i he tohi fakaha.  
(3) Ko e taumu’a ‘o e fealea’aki ko ‘eni ‘i he tu’utu’uni si’i (2) ki hono fakalelei’i ‘a e ngaahi loto mamahi fakangaue.  
(4) Kuo pau koe ola ‘o e ngaahi fealea’aki pea mo e fakataha ke hiki tohi ‘e he pulu ngaue.  
(5) ‘Oku ‘i ai ‘a e totonu ‘a e fa’ahi takitaha ke kau atu mo ha taha kehe ke pou pou fakamolale ki ai, ka kuo pau ke ‘oua na’a kau ‘a e taha kehe ko ia ‘i he fealea’aki ‘i he fa’ahinga fakataha ni.
- Founga ngaue ki he loto mamahi : fakalao (formal)** 7. Kuo pau ki he taha ngaue, ‘i hano ‘ikai fakalelei’i ‘a e loto mamahi fakangaue ‘i he fakataha na’e ui ‘i he tu’utu’uni si’i 5, ‘i loto ‘i he vaha’a taimi ko e ‘aho ngaue ‘e 14 mei he ‘aho ngata’anga, ke ne ‘oatu ki he pulu ngaue ha fakamatala fakafaitohi ‘o fakaha ai –  
(a) ‘a e natula ‘o e loto mamahi;  
(b) ngaahi mo’oni’i me’a na’e tupunga ai ‘a e loto mamahi; mo e  
(c) fakalelei kuo fakahoko.
- Tali ki he fakamatala ‘a e taha ngaue** 8. Kuo pau ki he pulu ngaue, ‘i loto ‘i he ‘aho ngaue ‘e 10 hili hono ma’u ‘a e fakamatala ‘a e taha ngaue ki he loto mamahi fakangaue ke ne ‘oatu ki he taha

ngaue ha tali 'i ha tohi 'o fakaha ai 'a 'ene –

- (a) mahino'i 'o e ngaahi mo'oni'i me'a; mo e
- (b) tu'utu'uni pea mo e ngaahi 'uhinga.

**Ngaahi fakalelei –  
loto mamahi  
fakangaue**

9. 'E ngofua ki he pule ngaue 'i hono fakalelei'i 'o e ngaahi loto mamahi fakangaue 'i he malumalu 'o e ngaahi Tu'utu'uni ni ke –

- (a) to e fakafoki 'a e taha ngaue loto mamahi;
- (b) to e fakafoki 'a e taha ngaue ki ha lakanga 'oku tatau mo hono lakanga ngaue kimu'a;
- (c) totongi fakafoki 'o e ngaahi vahenga pe vahe na'e mole;
- (d) fakahoko ha ngaahi fokotu'u fe'unga fekau'aki mo e ngaahi 'ulungaanga pe ngaahi to'onga 'o e ngaahi paati 'oku kau kiai;
- (e) tauhi 'a e tu'unga lolotonga; pe
- (f) 'oatu ha toe fa'ahinga fakalelei 'e taha 'oku taau.

**Totonu ke tangi**

10. (1) Kuo pau ke 'i ai 'a e totonu ke tangi 'a e taha ngaue ki he Kapineti 'i ha –

- (a) fa'ahinga tu'utu'uni 'a e pule ngaue; pe
- (b) 'ikai faipau 'a e pule ngaue ki he ngaahi tu'utu'uni founa fakahoko ngaue 'o e Konga ko 'eni 'o e Tu'utu'uni ni.

(2) Kuo pau ki he taha ngaue, 'i loto 'i he 'aho ngaue 'e 14 hili hono ma'u 'a e tu'utu'uni ki he loto mamahi fakangaue ke ne faile 'a e 'ene tangi ki he Sekelitali 'aia te ne toki tukuatu ki he Kapineti.

**Fakamaau'i 'o e  
Tangi**

11. Kuo pau ke fakamaau'i 'a e tangi 'i loto 'i he 'aho ngaue 'e 20 mei he 'aho na'e faile ai 'a e tangi ki he Sekelitali.

### **KONGA III FAKALELEI KI HE VA TAMAKI FAKANGAUE**

**Fakaha 'o e va  
tamaki fakangaue**

12. 'I ha va tamaki fakangaue kuo pau ki ha kautaha 'oku paati ki he va tamaki ke ne 'oatu ki he Sekelitali ha tohi fakaha 'o fakaha ai 'a e –

- (a) ngaahi mo'oni'i me'a;
- (b) ngaahi makatu'unga pe tupunga; mo e
- (c) fakalelei kuo fakahoko.

**'Aho kamata'anga  
'o e va tamaki  
fakangaue**

13. 'Oku kamata 'a e va tamaki fakangaue 'i he 'aho na'e 'oatu ai 'e he kautaha 'a e tohi fakaha 'o e va tamaki fakangaue ki he Sekelitali.

- Founga ngaue ki he va tamaki – fakafaingofua (informal)
14. (1) Kuo pau ki he Sekelitali, ke ne ui ha fakataha mo e kautaha ‘i loto ‘i he vaha’a taimi ko e ‘aho ngaue ‘e 10 hili hono ma’u ‘a e tohi fakaha, alea’i ‘a e va tamaki fakangaue pea mo ha fakafofonga ‘o e kautaha ‘i ha feinga ke fakalelei’i ‘a e va tamaki fakangaue.
- (2) ‘I hano ‘ikai ke fakalelei’i ‘a e va tamaki fakangaue ‘i ha fealea’aki ‘i he va ‘o e fakafofonga ‘o e kautaha pea mo e Sekelitali, kuo pau ki he Sekelitali, ‘i loto ‘i he vaha’a taimi ko e ‘aho ngaue ‘e 14 mei he ‘aho ‘o e ‘ikai felotoi, ke ne tukuatu ‘a e fakaha ‘i ha tohi ‘o e va tamaki fakangaue mo e ngaahi fakaiiki ki he Komisoni.
- Founga ngaue ki he va tamaki – fakalao (formal)
15. Kuo pau ki he Komisoni, ‘i loto ‘i he ‘aho ngaue ‘e 15 hili hono ma’u ‘o e tohi fakaha ‘o e va tamaki fakangaue, ke ne vahe’i ha ‘ofisa ke fakatotolo’i ‘a e va tamaki.
- Fakatotolo
16. Kuo pau ki he ‘ofisa kuo vahe’i ke ne –
- (a) kamata ‘a e fakatotolo’i ‘o e va tamaki fakangaue, ‘i loto ‘i he ‘aho ngaue ‘e 7 hili hono vahe’i pea fakataha mo e kautaha pe ko hanau fakafofonga pea mo e Pule Potungae; pea
- (b) ‘i loto ‘i he ‘aho ngaue ‘e 15 ‘o ‘ene fakatotolo, fakatahataha’i mo tukuatu ha lipooti ‘i ha tohi ki he Komisoni pea mo e kautaha.
- Fakatonutonu ‘o e va tamaki
17. Kuo pau ki he Komisoni, ‘i loto ‘i he ‘aho ngaue ‘e 20 hili hono ma’u ‘o e lipooti mei he ‘ofisa kuo vahe’i, ke ne –
- (a) fakatonutonu ‘a e va tamaki fakangaue; pea
- (b) ‘oatu ha tu’utu’uni ‘i ha tohi mo e ngaahi ‘uhinga.
- Tu’utu’uni kuo tufa atu ki he kautaha
18. Kuo pau ki he Sekelitali, ‘i loto ‘i he ‘aho ngaue ‘e 3 hili hono ma’u ‘a e tu’utu’uni mei he Komisoni ke ne ‘oatu ki he kautaha ha tatau.
- Totonu ke tangi
19. (1) Kuo pau ke ‘i ai ‘a e totonu ke tangi ‘a e Kautaha ki he Kapineti ‘i ha –
- (a) fa’ahinga tu’utu’uni ‘a e Komisoni; pe
- (b) ‘ikai ke faipau ‘a e pule ngaue ki he ngaahi tu’utu’uni founga fakahoko ngaue ‘o e Konga ko ‘eni ‘o e Ngaahi Tu’utu’uni.
- (2) Kuo pau ki he Kautaha ke faile ‘a ‘enau tohi tangi ki he Sekelitali ‘i loto ‘i he ‘aho ngaue ‘e 14 hili hono ma’u ‘o e tu’utu’uni.
- Fakamaau’i ‘o e Tangi
20. Kuo pau ke fakamaau’i ‘a e tangi ‘i loto ‘i he ‘aho ngaue ‘e 20 hili ‘a e ‘aho na’e faile ai ‘a e tohi tangi ki he Sekelitali.

#### **KONGA IV ME’A KEHE**

- Tohi Fakaha ‘o e kau atu ki he fakahaloto fakakautaha ngaue (industrial action)
21. Kuo pau ki ha taha ngaue ‘oku ne taumu’a ke kau ki ha fakahaloto fakakautaha ngaue ke ne ‘oatu ha fakaha ‘i ha tohi ki he Pule Potungae, ‘o ‘ikai toe si’i hifo ‘i he ‘aho ngaue ‘e 15 kimu’a pea ne kau atu ki he fakahaloto fakakautaha ngaue.
- Ngaahi fakalelei –
22. ‘E ngofua ki he Komisoni ‘i hono fakalelei’i ‘o e ngaahi va tamaki fakangaue ‘i he

va tamaki  
fakangaue

malumalu 'o e ngaahi Tu'utu'uni ni ke ne –

- (a) tauhi 'a e tu'unga lolotonga;
- (b) fakahoko ha ngaahi fokotu'u 'oku taau felave'i pea mo e ngaahi 'ulungaanga mo e to'onga 'i he kaha'u 'a e ongo kaunga va; pe
- (c) 'oatu ha toe fa'ahinga fakalelei 'e taha 'oku taau.

Ngaahi tautea

23. (1) Ko hono maumau'i 'e ha taha ngaue ha fa'ahinga kupu 'o e Tu'utu'uni ni kuo pau ke lau ko ha maumau 'o ha tu'utu'uni mamafa pea kuo pau ki he tokotaha ngaue ko ia ke fakahoko ha ngaue ki ai 'i he malumalu 'o e Tu'utu'uni (Ngaahi Founa Tautea) ki he Ngaue Fakapule'anga.
- (2) Ko ha fa'ahinga kautaha pe pule ngaue 'oku ne maumau'i 'a e ngaahi Tu'utu'uni ni 'oku ne fakahoko ha hia pea 'e ala mo'ua ki ha totongi 'o 'ikai laka hake 'i he \$5000 ki he maumau lao taki taha.
- (3) Ko ha fa'ahinga totongi 'i he malumalu 'o e Tu'utu'uni ni kuo pau ke totongi ki he Pa'anga Hu Mai Fakalukufua.

Fakahoko 'i Nuku'alofa 'i he 'aho ni

'o

2006.

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**Hon. Dr. Feleti Sevele**  
Palemia Le'ole'o