

Employment Court: COVID-19 Protocol

Chief Judge Christina Inglis

Updated 27 April 2020

Under Alert Level 3

1. The Employment Court continues to process all new and existing proceedings. It remains open to hear matters, as appropriate.
2. All new matters continue to be referred to a Judge and are prioritised in the usual way. Parties are reminded of the ability to apply for urgency under cl 21 of sch 3 to the Employment Relations Act 2000. Any application should be supported by a full explanation as to why urgency is sought.
3. The Judges are assessing proceedings and convening telephone conferences to discuss next steps, including whether a particular matter should be dealt with on the papers, by remote participation, or by hearing in person. The [High Court \(COVID-19 Preparedness\) Amendment Rules 2020](#), which provide for the conduct of hearings by remote participation, will likely guide directions and orders made by the Employment Court (by virtue of reg 6(2) of the Employment Court Regulations 2000).
4. Each of the three Employment Court centres – Auckland, Wellington and Christchurch – remain able to accommodate any in-person hearing directed by a Judge. The Judges will set hearings in person down where (1) alternative modes of hearing (for example, on the papers or via remote participation) cannot reasonably be accommodated; (2) a hearing in person can be conducted safely; (3) the Judge considers it appropriate to do so.
5. Where a hearing in person takes place, safe distancing will be observed for the representatives, witnesses, any member of the public, media, court staff and the presiding Judicial Officer. All work surfaces will be wiped down at regular intervals during the course of the hearing. Face masks and gloves may be worn. Hand sanitiser will be readily available within the courtroom. Documents will need to be transmitted electronically between participants during the course of any in-person hearing. Appropriate signage will be placed outside and within the courtroom prior to the hearing, and the Court taker will take steps to ensure that safety protocols are being observed throughout the hearing.
6. Matters set down for hearing in the Employment Court, and to which the public would otherwise have access, will be publicly notified on the Court's website (<https://employmentcourt.govt.nz/>) and via the Court's Twitter account (<https://twitter.com/EmploymentCourt>) to enable those with an interest to contact the Registry, so that appropriate access arrangements can be put in place.
7. The Court's Twitter feed and web page continue to be updated regularly.

8. During the continuation of Alert Level 3, all filing of court documents should be by email, if possible. If a party does not have the ability to file electronically, mail will still be checked periodically. However, because of hygiene requirements there will be a delay in processing documents received by post. No documents will be received for filing in person at Court Registries.
9. Difficulties in service may be drawn to the attention of the Court to enable appropriate directions and orders to be made facilitating electronic service.
10. The Court will not generally accept unsworn affidavits, but may, in appropriate circumstances, direct that an affidavit that does not comply be accepted for filing and be read and used in a proceeding (refer HCR 9.73, as recently amended). Practitioners may find it helpful to refer to guidance issued by the New Zealand Law Society: <https://www.lawsociety.org.nz/practice-resources/the-business-of-law/legal-practice/opinion-administration-of-oaths-and-declarations-in-circumstances-of-mandatory-self-isolation>.
11. The payment of filing fees continues to be waived for documents filed (whether electronically or by mail) pursuant to s 24 of the Epidemic Preparedness Act 2006.
12. Participants should feel free to contact the Registrar of the Employment Court directly for further guidance or clarification. The contact details are below.

Contact details

Auckland

Registrar: Mima Bobot
Phone: 09 916 6359
Email: mima.bobot@justice.govt.nz
Emergency phone: 027 295 6673

Electronic filing to be sent to: mima.bobot@justice.govt.nz

Postal: Employment Court, DX CX 10086, Auckland

Wellington and Christchurch

Registrar: Joseph Buckton
Phone: 04 918 8313
Email: joseph.buckton@justice.govt.nz
Emergency phone: 021 946 790

Electronic filing to be sent to: joseph.buckton@justice.govt.nz

Postal: Employment Court, DX SX 10009, Wellington