

Employment Court: COVID-19 Protocol

Chief Judge Christina Inglis

Updated 14 April 2020

Under Alert Level 4

1. The Court is contacting representatives in each case currently set down for hearing in the Employment Court to discuss the impacts of Alert Level 4 on the Court.
2. Although the Courts remain open for essential services, a number of matters may be appropriately dealt with without a hearing taking place in person. Judges will assess all cases currently before the Court and convene telephone conferences with the representatives to discuss next steps, including dealing with matters on the papers, by telephone or audio-visual link, or by adjournment. **Recent amendments to the High Court Rules ([High Court \(COVID-19 Preparedness\) Amendment Rules 2020](#)), providing for the conduct of hearings by remote participation, should be noted. These Rules, applied with any necessary modification, will likely guide directions and orders made by the Court (by virtue of reg 6(2) of the Employment Court Regulations 2000).**
3. Matters set down for hearing in the Employment Court will be publicly notified on the Court's website and via the Court's Twitter account to enable those with an interest to contact the Registry, so that appropriate access arrangements can be put in place.
4. All new matters will continue to be referred to a Judge and will be 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.
5. Updates will be sent out via the Court's Twitter account @EmploymentCourt. The Court's webpage is being updated regularly.
6. During the continuation of Alert Level 4, all filing of court documents is to be by email. 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.
7. Difficulties in service may be drawn to the attention of the Court to enable appropriate directions and orders to be made facilitating electronic service.
8. 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

9. For documents filed during the continuation of that alert (whether electronically or by mail), pursuant to the provisions of s 24 of the Epidemic Preparedness Act 2006, the payment of filing fees is hereby waived.
10. Participants should also feel free to contact the Registrar of the Employment Court directly for further guidance or clarification. The contact details are below.

Contact details

Registrar Auckland: Mima Bobot

Phone: 09 916 6359

mima.bobot@justice.govt.nz

Emergency phone: 027 295 6673

Registrar Wellington: Joseph Buckton

Phone: 04 918 8313

joseph.buckton@justice.govt.nz

Emergency phone: 021 946 790

All electronic filing is to be sent to:

Auckland: mima.bobot@justice.govt.nz

Wellington and Christchurch: joseph.buckton@justice.govt.nz

All mail should be sent to the Employment Court at:

DX CX 10086, Auckland

or

DX SX 10009 Wellington.