

Dismissal Representation under Section 20 (1) of the Industrial Relations Act 1967

A workman who is dismissed or who considers his / her dismissal to be without just cause or excuse may file a written representation to the Director General of Industrial Relations. This representation must be filed in writing to the Department of Industrial Relations nearest to the place of employment from which the workman was dismissed within sixty (60) days of the dismissal. It may also be filed during the period of notice of such dismissal.

Process in dealing with cases of representation under Section 20 of the Industrial Relations Act 1967

The processes involved in handling cases of representation for reinstatement are as follows:

1. CONCILIATION

The department may determine the date for the conciliation whereby both the employer and workman may be invited for the purpose of seeking a resolution. Where the claimant fails to attend any of the meetings without any reasonable excuse, the representation is deemed withdrawn and the case is closed.

2. REFERENCE BY THE DIRECTOR GENERAL OF INDUSTRIAL RELATIONS TO THE MINISTER OF HUMAN RESOURCES

If the case cannot be resolved through conciliation, the Director General of Industrial relations shall notify the Minister of Human Resources accordingly.

3. REFERENCE BY THE MINISTER OF HUMAN RESOURCES TO THE INDUSTRIAL COURT

After considering all the facts of the representation, the Minister of Human Resources may, if he thinks fit refer the matter to the Industrial Court for an award.

4. ARBITRATION BY THE INDUSTRIAL COURT

The Industrial Court shall adjudicate the matter referred to it by the Minister. The award made by the Industrial Court is binding on all parties to the reference to the Court.

Flow Chart On Process In Handling Representation For Reinstatement Under Section 20 Of The Industrial Relations Act 1967

