

Regulations of the Employment Tribunal

				Chapter 1
				General
Introduction and Title	1	(a)		This regulation is constituted under Act number 2/2008 (Employment Act) and sets out the manner in which the work of the Employment Tribunal will be carried out, the manner in which matters submitted to it shall be reviewed and deliberated, and which sets out all other matters related to the Tribunal.
		(b)		These guidelines shall be cited as “Regulations of the Employment Tribunal”.
Objectives of the Tribunal	2			The objective of the Employment Tribunal is to examine and adjudicate legal matters arising in the work environment between the employer and employee and any matters ascribed to the Employment Tribunal pursuant to the Employment Act or any other Act or regulation or under any agreement, in an expeditious and simple manner.
Jurisdiction of the Tribunal	3	(a)		To examine any matter determined by the Employment Act or any other Act or regulation to be reviewed by the Tribunal without contravention to the Employment Act, to possess full authority to adjudicate on such matters as the Tribunal deems fit. The Tribunal has powers to review the following types of matters including:
			(1)	Complaints submitted alleging breach of the fundamental principles laid out in Chapter 2 of the Employment Act;
			(2)	Complaints submitted by employee alleging dismissal without showing appropriate cause;
			(3)	Complaints submitted alleging denial of minimum wage entitlements to the employee;
			(4)	Complaints submitted alleging contravention of employment agreement;
			(5)	Appeals to review the decision of the Minister on complaints submitted to the Minister against employment agencies;
			(6)	Complaints submitted against the employment agency which provided employment service;
			(7)	Complaints submitted due contravention of agreements made to retain an employee for the purpose of giving training or any agreements for training;
			(8)	Complaints submitted due to dissatisfaction arising from an

			order made by an employment official to make changes, within a specified time, to the machinery or the manner in which work equipment is set up to ensure health and safety standards of employees stipulated to be maintained by law are adhered to;
		(9)	Complaints submitted due to dissatisfaction arising from an order to take certain urgent steps to eliminate danger to health and lives of employees where grounds for certainty of such danger exist;
		(10)	Complaints submitted by employee claiming that disciplinary measures imposed on him for failure to conform to work ethics are unreasonable.
		(11)	Any matter specified as a matter to be reviewed by the Tribunal as per Law;
Not to adjudicate on matters adjudicated by <i>shar' ee</i> Courts	4	(a)	The Tribunal shall not review any matter where a judgment has been reached or which is being adjudicated by the <i>shar' ee</i> courts;
		(b)	Subsection (a) does not preclude the Tribunal from reviewing matters where the court rules that the matter shall be referred to the Tribunal upon submission to the court;
Employment issues prior to the enactment of Employment Act	5		Excluding any clause stating otherwise, the Tribunal shall adjudicate on employment matters arising after the enactment of the Employment Act on 9 July 2008.
			Chapter 2
			Submitting complaints and responding to complaints
Submitting complaints	6	(a)	Complaints to the Tribunal shall be submitted through a form devised by the Tribunal for the purpose.
		(b)	When submitting a complaint, 3 copies of the complaints submission form'; 3 copies of all documents submitted in support of case and evidence that the person wants to present shall be submitted.
Limitation period	7	(a)	Unless otherwise stated in the Employment Act, any employment issue or dispute shall be submitted to the Tribunal 3 months from the date on which such issue or

			dispute arose. The Tribunal shall not accept matters submitted after lapse of this timeframe.
		(b)	The Tribunal may at its discretion accept cases after lapse of the timeframe referred to in subsection (a), where the reason submitted for lapse is an acceptable reason which is beyond control of the party.
Joint application	8		In matters submitted to the Tribunal, where the facts on which the matter is based remains the same, the matter maybe jointly submitted using one application form.
Participation of stakeholders	9		Any stakeholder to a matter submitted to the Tribunal may present his interests to the review panel and with the permission of the residing member of the panel participate in the proceedings and express himself with regard to the matter.
Incomplete submission form	10		Where information is incomplete in the submission form, the Tribunal may upon receipt of the form to it, instruct to resubmit after completion of information.
Ultra vires matters	11		Where it is beyond the authority of the Tribunal to review a matter submitted to it, the Tribunal shall inform of this in writing to the person who submitted the matter. Such document shall state the reason why review of the matter would be ultra vires of its powers and shall be signed by the President of the Tribunal or a member tasked to do so by the President.
Numbering complaint submission forms	12		Upon receipt of any complaint submission form to the Tribunal, based on the date of submission a special numbering process shall be applied which shall follow the order of receipt of complaint submission forms and provide a specific number for each complaint.
Case register	13		A register of all complaints filed with the Tribunal shall be maintained. This register shall maintain on record, details of the person who filed the complaint, details of the defendant, the nature of the complaint, the case number given, date of submission and date of conclusion and action taken on the matter.

Informing the defendant of submission of complaint	14			Following acceptance of a matter for review by the Tribunal, the Tribunal shall inform the defendant in writing that a complaint had been filed, and send a copy of the complaint form together with all documents attached to it to the defendant.
Responding to complaint	15			The defendant shall respond to a complaint filed through a form made for the purpose. The Tribunal shall inform the defendant to respond to matters filed by the applicant within a period not exceeding 5 days.
Clarifying information	16			The Tribunal may request that clarifications with regard to the response submitted be made orally or in writing.
Failure to respond	17			Where the defendant fails to provide a response within the period specified without plausible cause, or failed to attend 2 (two) consecutive hearings, the matter may be adjudicated in his absence.
Burden of proof	18			Unless the Law states otherwise, the burden of proof lays with the person who submits the case to the tribunal.
Summoning persons, gathering evidence, eliciting witness statements	19	(a)		The Tribunal has the power to summon persons, elicit witness statements, obtain proof and evidence or do anything necessary to verify and elicit the truth of a matter submitted to it.
		(b)		The person who submits the case and the defendant may request to present a witness to the review panel of the case following submission of the particulars of such witnesses to the Tribunal.
		(c)		Where a witness is presented as per subsection (b), the applicant, the defendant and any member of the review panel shall be afforded the opportunity to question the witness pertaining to the case
Compliance with orders	20			Any order issued by the Tribunal to be present in front of it, to offer information, or to submit documents or an order or directive issued inline with the authority of the Tribunal to comply or desist shall be complied with by the party given such directive.

Opportunity to present	21			In matters reviewed by the Tribunal, opportunity shall be afforded to the applicant to present the case, and the defendant to speak in defense, through a person or a lawyer appointed by them or to engage a workers association or a labour union to which they belong or a representative of such to represent the persons perspective on the matter or explain action taken by the person with regard to the matter.
				Chapter 3
				Adjudication
Encourage amicable resolution	22	(a)		Where the parties to a dispute proposes to settle the dispute amicably after submission of a case, the Tribunal shall temporarily suspend review of case.
		(b)		As per subsection (a) a period not exceeding 14 days shall be afforded for the settlement of the matter amicably. Where the dispute remains to be resolved following lapse of the said period, the Tribunal reserves the right to adjudicate on the matter without affording further opportunities to the parties concerned.
Employment of an arbitrator	23			Where the employment agreement obligates the use of an arbitrator to resolve disputes whether through mediation or reconciliation, the Tribunal shall direct the parties to conform to such.
Issues to take into account in concluding a matter	24			When concluding a matter the Tribunal shall observe fairness and that the rights and interests of the employer and employee are protected
Matters to be reviewed expeditiously	25			Issues submitted to the Tribunal pertaining to rights conferred under Chapter 2, fundamental principles of the Employment Act shall be looked into expeditiously by the Tribunal.
Elicit witness statements	26			The chair of the review panel shall keep record, in writing, of witness statements made by persons summoned by the review panel. Such statements shall have comprehensive

				information about the witness and witnesses signature.
Concluding a matter as per majority	27			The Tribunal shall conclude matters as per the opinion of the majority of the review panel.
Ways in which issues can be concluded	28	(a)		If the Tribunal is of the opinion that the issue being submitted to the Tribunal is based on sound facts, the Tribunal has the discretion to issue an order or orders, that may include the following:
			(1)	An order for specific performance
			(2)	An order requiring reinstatement of an employee dismissed from job.
			(3)	An order requiring return to an employee of an advantage or benefit
			(4)	An order to compensate
			(5)	In addition to the orders stated above, any order that the Tribunal deems necessary to maintain justice in an issue
		(b)		Following review of a matter submitted to the Tribunal, where the review panel finds that the matter cannot be substantiated, the Tribunal may make such declaration and at its discretion order that the defendant in the matter be compensated.
Injunction	29	(a)		In consideration of the circumstances of a matter being reviewed by the Tribunal, the Tribunal has discretion to grant an injunction pending a decision on the matter or pending a decision otherwise, where failure to grant an injunctive order could prove detrimental to a stakeholder in the matter.
		(b)		Any injunction granted as per sub clause (a) shall be in writing and shall state the reasons for granting such, the details of such, the time frame to which it extends and the name and signature of the residing member of the review panel which granted such.
Preparation of case report	30	(a)		From the date of conclusion of any matter submitted to the Tribunal, the Tribunal shall as soon as practicable prepare a case report of the matter.
		(b)		Case reports prepared as per subsection (a) above shall have the date of submission and date of conclusion, the opinions of all the members of the review panel, and all documents of the case, and the signatures of all the members of the panel which reviewed the case.
disclosure of case reports	31	(a)		Case reports of a matter adjudicated by the Tribunal shall be released to a stakeholder upon payment of a fee set by the

				Tribunal. Such reports shall be publicly disclosed.
		(b)		With exclusion to sub clause (a), it is within the Tribunals discretion to secrete parts of the report or the report in whole prior to disclosure to the public or release to a stake holder, in consideration of the interests of the stakeholders or as permissible under Law.
Appeal	32	(a)		Where stakeholders to a matter submitted to the Tribunal is of the opinion that the Tribunal had contravened with a legal principle or contravened with laws and regulations in reaching a verdict, such persons may submit the matter for appeal to the High Court within 90 (ninety) days from issuance of the verdict.
		(b)		Where a matter is submitted for appeal as per subsection (a), the verdict of the Tribunal shall prevail pending revocation of the said verdict by the court.
Nullification of a matter submitted	33			Upon submission of a matter to the Tribunal, where the applicant fails to appear to 2 (two) consecutive hearings without cause, the Tribunal may nullify the matter submitted administratively. A matter thus nullified shall only be accepted after payment of a 500 (five hundred) rufiyaa fee.
Withdrawal of case	34			A person who submits a matter to the Tribunal may withdraw the matter after requesting to do so in writing to the Tribunal.
				Chapter 4
				Review panel
Composition of the review panel	35			Matters submitted to the Tribunal shall be reviewed by a panel consisting of an odd number of Tribunal members appointed by the President of the Tribunal. The President of the Tribunal shall assign the task of residing over the penal to a member of each penal thus formulated.
Appointment of members to the review panel	36			Members to the review panel shall be appointed by the President of the Tribunal. In deciding on such appointment to review each case; the deciding factor shall be the enormity of the matter, the time likely to be expended on the matter, and whether members to be placed serve the Tribunal full time or part time.

Date and time to hold review panel	37			The date and time on which a hearing on a matter is to be held by the review panel shall be decided by the residing member of each panel assigned the matter.
Open hearings	38			Proceedings of the review panel shall be conducted in a public manner.
Closed hearings	39			The Tribunal may at its discretion hold closed hearings where the review panel feels that the matter to be reviewed or part of it should be held as closed hearings in consideration of the risk to stakeholders or a situation arises under law which compels such.
Opinions of members of review panel	40			In every matter adjudicated by the Tribunal, the opinion of every member of the review panel which reviewed the matter shall be stated. In this regard, the findings of the case, the opinion formulated subject to law on witness statements and evidential documents, the manner in which the verdict was reached, the manner in which compensation was set where order to compensate is issued, and any other important findings of the members shall be stated.
Summons to appear before the Tribunal	41	(a)		If a person is to be summoned to the Tribunal regarding a matter submitted against him, a “summons to appear before the tribunal”, shall be served upon him at least 3 (three) days before the date of the hearing. A summons to the Tribunal is an authoritative demand requiring a person or legal entity or a member of an establishment to appear before the Tribunal. The summons shall include the following information.
			(1)	Name of the person being summoned
			(2)	The permanent and temporary address of the person being summoned
			(3)	The venue
			(4)	Date of appearance
			(5)	Time of appearance
			(6)	Reason for appearance
		(b)		Depending on the nature of the matter at hand and the interests of the stakeholders, the Tribunal may at its discretion grant a time frame in excess of the duration mentioned in subsection (a) above.
		(c)		The following information shall be included as a cautionary notice on the reverse side of the summons being served.
			(1)	Upon arrival at the Tribunal to require that the summons be

			handed over to a staff of the Tribunal.
		(2)	Upon appearance at the Tribunal, a person may not leave without permission of the Tribunal.
		(3)	Section 44 and 45 of this regulation shall be applied upon failure to appear on the date and time stated in the summons
		(4)	A person who fails to appear at the Tribunal on the date and time stated in the summons shall be penalized as per the regulation.
		(5)	Where a person on whom a summon is served refuses to accept or take the summons or upon it being served on him fails to appear at the Tribunal on the date and time stated in the summons Section 44 and 45 of this regulation shall be applied.
		(6)	When appearing at the Tribunal, the person summoned shall possess the national identification card or any other official authenticated identification document with a photo, provided by the government.
Appearance at the tribunal	42	(a)	Any person on whom a summons is served shall appear before the Tribunal on the date and time stated in the summons.
		(b)	Where a person on whom a summon is served as per subsection (a) fails to appear at the Tribunal at the time stated in the summons without plausible cause action shall be taken as stated in this chapter.
Refusal to accept summons and refusal to appear after summons is served without plausible cause	43	(a)	Where a person on whom a summon is served refuses to accept the summons or upon it being served on him fails to appear without plausible cause the Tribunal reserves discretion to adjudicate on the matter concerning him in absentia.
		(b)	Where a person on whom a summon is served refuses to accept the summons or upon it being served on him fails to appear without plausible cause the Tribunal reserves discretion to take action as per this regulation.
Informing cause for failure to appear	44	(a)	Where a person on whom a summon is served is unable to appear due to acceptable cause he shall inform the Tribunal of the reason for inability to attend 1 (one) hour ahead of the time stated in the summons.

		(b)	Acceptable cause under the regulation shall be:
		(1)	contracting a sickness which prevents appearance at the Tribunal.
		(2)	weather conditions which disallows travel by sea, air or land
		(3)	Any other reason considered as acceptable cause by the Tribunal.
Providing a medical certificate	45		Where the reason for inability to attend falls under subsection 44 (b)(1), a medical certificate signed and attested by a medical practitioner registered at the relevant Government agency shall be provided to the Tribunal. Such a certificate shall state the nature of sickness and the timeframe for restraint of movement.
Serving of summons to appear before tribunal	46	(a)	When a summons is delivered to the person who has to appear before the Tribunal, it shall be considered that the summons has been served upon the person.
		(b)	It shall not be a contravention of subsection (a) where the summons is handed over to an adult living at the house of the person for whom the summons is intended or his lawyer or his representative, where he is not under confinement and where the Tribunal is unable to locate him after substantial effort to do so.
		(c)	A person to whom a summons is handed over to and the person who hands over the summons to that person shall sign on both the copy and original of the summons.
Delivery of summons to a person under confinement	47	(a)	Summons to appear before the Tribunal, when served upon a person under confinement or in prison shall be sent to the establishment tasked with confinement or imprisonment.
		(b)	The establishment tasked with confinement or imprisonment, when sent a summon to be served upon a person under its authority shall inform such persons of it and arrange to have such persons to appear before the Tribunal on the date and time specified in the summons.
		(c)	Where it cannot be arranged to have such persons appear before the Tribunal due to some cause, section 44 and 45 of this regulation shall be applied and , the establishment tasked with confinement or imprisonment shall inform the Tribunal of this 1 (one) hour ahead of the time stated in the summons.

Person who delivers the summons	48			In general, summons shall be served by an employee of the Tribunal. However, in situations specified by the Tribunal, the Tribunal may have the summons served upon a person through a person or establishment assigned the task by the Tribunal at that point of time.
Summoning a person in an other island from where the case is filed	49			Where a person is in a different island from the island where the case is filed with, the Tribunal may have the summons served upon a person through a person or establishment assigned the task by the Tribunal at that point of time.
Change of address	50	(a)		Where the address of the applicant or the defendant in a matter submitted to the Tribunal changes, the Tribunal shall be informed of such change within 3 (three) working days of such change.
		(b)		Where the Tribunal is not informed of address change as per subsection (a), the Tribunal may at its discretion take action as per these guidelines.
Taking leave after filing of case	51			Where a person who filed a matter with the Tribunal or the defendant needs to take leave due to an acceptable reason, the Tribunal shall be informed of this in writing and it shall also be informed of the person who will represent such persons in their absence.
Serving summons on companies or legal persons or other establishments	52	(a)		When serving summons on companies or legal persons or other establishments, the summons shall be deemed served upon such when delivered to the workplace of such.
		(b)		Where it is not possible to serve the summons on companies or legal persons or other establishments as per subsection (a), the summons shall be deemed served upon such when delivered to the registered address of such.
Failure of the defendant to appear before the Tribunal	53			Following a case filed at the Tribunal, where a person on whom a summons is served fails to appear at the Tribunal at the time stated in the summons without plausible cause; or where the person is not found at the address supplied, or is not to be found, and announcements are made over radio or

				TV or any other news media informing that the matter will be adjudicated in absentia, and yet the person fails to appear at the Tribunal on the date and time specified in such announcement, it shall than be deemed that a summons to appear before the Tribunal was served upon such persons, and based on the proof and evidence presented, the Tribunal at its discretion may reach a verdict in the absence of such persons.
Failiure of the applicant to appear before the Tribunal	54			Upon filing a case at the Tribunal, where a person on whom a summons is served fails to appear at the Tribunal at the time stated in the summons without plausible cause; or had failed to act as per section 50 of this regulation following a change in address, the Tribunal at its discretion may act as follows:
			(1)	Dismiss case where the defendant had not requested the Tribunal to take a particular action
			(2)	Where the applicant had requested the Tribunal to take a particular action, to conclude the matter based on proof and evidence presented.
				Chapter 4
				Miscellaneous matters
Maintenance of documentation	55			In all matters submitted for review at the Tribunal, all documents presented and all information provided by the stakeholders in the matter shall be recorded and maintained by the Tribunal.
Not to attempt to exert influence	56			Subject to dealings in an official capacity, no stakeholder to a matter submitted to the Tribunal may attempt to access information or talk to a member of the review panel or a member or an employee of the Tribunal either directly or indirectly to extract information about a matter submitted to the Tribunal and such persons shall not attempt to exert influence in any manner.
matters that cannot be adjudicated due to relationship with stakeholder	57	(a)		Tribunal members shall not adjudicate on matters submitted by the following persons due to familial relationship:
			(1)	Father, stepfather

		(2)	Mother, stepmother
		(3)	Children, step children
		(4)	Grandfathers, grandmothers
		(5)	Wives, husband
		(6)	Brothers and sisters and half brothers and sisters and their children
		(7)	cousins
		(8)	Son in law, daughter in law
		(9)	Father in law, Mother in law
		(10)	Brother in law, sister in law
		(b)	Subject to familial relationship, Tribunal members shall not adjudicate on matters in which the following are stakeholders.
		(1)	A person with whom there is a personal or business interest
		(2)	A Tribunal member shall inform the president of the Tribunal and abstain from review of any matter relating to a case, where a person presented before the member is a close associate or a friend of the member of the Tribunal.
		(c)	Where the President of the Tribunal faces the situation stated in subsection (b), the matter shall be referred to the Vice President.
Language to be used by the Tribunal in adjudication	58		In review of matters, and in communication, the language of the Tribunal shall be Dhivehi. However an applicant or defendant who speaks an other language may arrange for a translator at their own cost. Such a translator shall be acceptable to the Tribunal.
Not included in regulation	59		If any matter arises that is not addressed in this regulations, such matter shall be settled by the President of the Tribunal in consultation with the members of the Tribunal.
Review of guidelines	60		The Tribunal reserves the right to amend these regulations as required.
Commencement of regulation	61		These regulations shall come into force from 15 April 2009 onwards.