

**97E. Application for a pre-strike ballot**

- (1) If a strike is contemplated, or believed to be contemplated, by members of an organization of employees, or by any section or class of its members, application may be made to the Commission for a pre-strike ballot to find out whether a majority of those members endorse, or do not endorse, participation in a strike.
- (2) Application for a pre-strike ballot may be made by —
  - (a) the organization of employees whose members contemplate participation in the strike;
  - (b) a member of that organization;
  - (c) an employer who has reason to believe that —
    - (i) employees of that employer contemplate participation in a strike; and
    - (ii) the strike is likely to occur;
  - (d) an employer who has reason to believe that —
    - (i) a strike is likely to occur; and
    - (ii) he or she is likely to be directly affected by the strike;or
  - (e) an organization of employers, a member of which is an employer referred to in paragraph (c) or (d).
- (3) An application made under subsection (2) shall be —
  - (a) in writing stating the reasons for the application and the facts relevant to the contemplated strike, including a description of the form of the contemplated strike; and
  - (b) accompanied by —
    - (i) a list of all of the employers of the persons contemplating, or believed to be contemplating, the strike; and
    - (ii) such other particulars as are prescribed.
- (4) The Commission shall deal with an application under this section as quickly as practicable, and, in any event shall endeavour to make a decision on the application, and give directions and reasons, within 3 days of the making of the application.

*[Section 97E inserted by No. 3 of 1997 s.10.]*