



**RULES AND
REGULATIONS
GOVERNING THE
OPERATION OF
NATIONAL LABOUR
COURTS OF LIBERIA**

APPROVED BY THE SUPREME COURT OF LIBERIA

**Rules and Regulations Governing the Operation of National Labour Courts
Republic of Liberia**

- Rule 1.** Jurisdiction: The jurisdiction of the National Courts in the Republic of Liberia extend to matters affecting relationship between employees in which administrative remedy has been exhausted and a verified petition is duly filed by a party to a dispute for judicial review, only on the question of law, of the administrative decision of the Ministry of Labour charged with the duties to administer the law of Liberia.
- Rule 2.** Petition: The facts in a Labour matter shall be gathered on records before the Ministry of Labour. In that process the applicable Labour Law as administered by the Ministry of Labour are applied to those facts by the designated Hearing Officer at the Ministry, lending to rendition of an administrative decision which is conclusive as to the question of facts in evidence presented by the Parties at the Hearing but inconclusive as to the question of law so applied. A Party who is dissatisfied with the administrative decision of the Ministry may announce appeal to the National Labour Court established in the jurisdiction where the matter is heard at the rendition of decision or immediately upon receipt of copy of the decision, within ten (10) days after the announcement of the appeal or after the actual receipt of the administrative decision, a party desiring to appeal shall file a Petition before the National Labour Court, containing the points of law desiring to be reviewed by said court. Copies of the Petition for Judicial Review shall be served on the opposing parties and the Hearing Officer of the Ministry of Labour by the appropriate officer of the National Labour Court. The appeal shall be perfected without the filling of appeal bond.
- Rule 3.** Contents of Petition: The Petition shall recite the facts of the case presented at the hearing and concluded by the Hearing Officer and his decision on the law, the inapplicability or the erroneous application of which the petitioner is contesting. He shall cite the relevant applicable law to the fact in evidence which, in his opinion, when applied would make a difference.

Rule 4. Procedure on receipt of Petition: Upon receipt of a Petition, the Judge of the National Labour Court shall order the Clerk in writing to receive and docket the Petition for hearing and to issue a writ of summons directed to the Sheriff for the National Labour Court for service on the Ministry of Labour with the copy of the Petition, inserting a clause therein for the Sheriff to notify the Ministry to send up to his office the certified records of the Case on the day to be fixed in the writ, not to exceed 15 days of receipt of the summons. The order shall also direct the clerk to insert a clause in the writ directing the Sheriff to also summon the co-respondent who is the real party-litigant to appear before the National Labour Court for the hearing of the Petition on a date to be fixed by the Court; to notify the co-respondent to file his Returns to the Petition in the office of the Clerk of the National Labour Court within ten (10) days of the receipt of the writ of summons accompanied by copy of the Petition for Judicial Review otherwise judgment by default shall be rendered against him.

Rule 5. Scope of Review: Judicial Review does not extend to reviewing administrative actions or irregularities of administrative and executive officers of other branches of government with a view in doing so to correcting irregularities in the administration of the affairs of government. Labour Courts established within the judicial branch of government therefore lacks jurisdiction to issue Writs of Summary Proceeding against any official of the Ministry of Labour in the exercise of his administrative duties in administering the Labour Practices Law of Liberia.

Except a Judicial Review of the administrative decision of the Ministry of Labour is sought by a party upon a verified Petition duly filed before the National Labour Court by reason of an alleged misapplication of the law to the facts of the case or the erroneous interpretation of the Labour Law, only in which case the National Labour Court shall exercise jurisdiction over the matter, the Court has no authority to call for Judicial Review by means of any writ.

Upon the filing in the Clerk's Office of the Sheriffs Returns that the Respondents have been duly served, the Clerk shall notify the judge,

presenting him a docket listing therein all cases ready for trial for the quarter. The Clerk shall also prepare and present to the judge a motion calendar, and at the call of each case if it is shown that the statutory period within which to invoke the jurisdiction of the Court has expired, the Court shall dismiss the proceeding. A negligent lawyer by whose negligence his client's case has been dismissed, shall stand answerable to his client and bear the consequence and may also be investigated by the Grievance & Ethics Committee.

The Court shall review the case upon the records certified to it by the Ministry of Labour and is not authorized to take further evidence. If the argument and the records show that some relevant fact was not presented and passed upon by the Hearing Officer, the Court should remand the case with instructions in respect thereto. The Court in its final judgment, shall separately itemize the issues presented in the petition and argued by the parties and apply the applicable law thereto to reach a decision.

Rule 6. Appeal as of Rights: Appeal from the judgment of the National Labour Court to the Honorable Supreme Court is a matter of right and the appeal statute as provided by the Civil Procedure Law shall be applicable in the National Labour Court.

Rule 7. The National Labour Court may impose a fine for contempt in accordance with Section 44.73, of the Civil Procedure Law, not to exceed \$100.00 or commit to jail for period not to exceed 30 days in liquidation of the fine.

Rule 8. The National Labour Court shall submit a quarterly Report to the Chief Justice thru the office of the Court Administrator showing the following:

1. The number of cases on the docket during the quarters;
2. The number of cases heard and disposed of;
3. The number of cases appealed to the Supreme Court;
4. The number of cases filed and pending; and

5. Any additional judicial information as to the administration of the Court